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INDIA'S RELATIONS WITH PAKISTAN

1954-57

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1954-57

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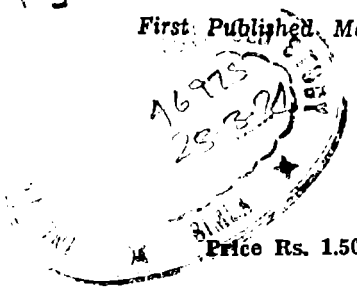

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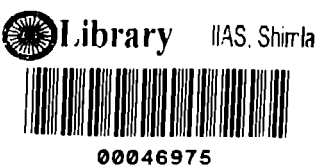

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FOREWORD

This paper was prepared by Shri Sisir Gupta at the instance of the Indian Council as a data-paper for the Thirteenth International Conference of the Institute of Pacific Relations, which met at Lahore (Pakistan) from 3 to 13 February 1958.

This paper seeks briefly to survey developments in Indo-Pakistani relations between 1954 and 1957. Shri Gupta has attempted a straightforward narration of developments and in my view has successfully resisted a temptation to remain stuck in the morass of sentiment and frustration.

This paper is being published by the Indian Council of World Affairs in the hope that its wider circulation will dispel some misunderstandings that are current regarding Indo-Pakistani relations and clarify the main issues that have bedevilled relations between these two countries in the last ten years.

S. L. POPLAI
Secretary-General

Indian Council of World Affairs
New Delhi
1 May 1958

INDIA'S RELATIONS WITH PAKISTAN
1954—1957

INTRODUCTION

There are perhaps no two countries in the world with as much in common as India and Pakistan. Several factors—historical, geographical, linguistic, cultural and economic—have contributed to this. What are today two countries developed for ages as integral parts of a single political and economic entity; Mohenjo Daro in Pakistan is as much a chapter of India's history as Delhi, Agra, Lucknow and Aligarh are of Pakistan's. Even their more recent political aspirations grew under the common impact of the West. The political leaders who conceived Pakistan and the leaders of India's struggle for freedom were close associates and colleagues, believing in a common set of values. Economically, the two countries have been traditionally inter-dependent. The fibre from East Bengal fed the jute mills in Calcutta and the cotton textile mills in Bombay would assure a minimum price to the cotton growers of West Punjab. The problem which has now arisen over the distribution of canal waters is, in a way, symbolic of this community of interests and inter-dependence. There are other factors, too, which keep India and Pakistan near each other. The two main languages of Pakistan are also the languages of India, the same literary figures are held in esteem by Indians and Pakistanis; the two main religious groups of India are also the two main religious groups of Pakistan; members of the same family often reside in both countries; and, above all, the people of the two countries have a day-to-day interest in the welfare of each other. Symbolic of the two peoples' mutual affection is the warmth with which sports teams from one country have been received in the

other. It is, therefore, not surprising that even though political differences have continued to mar Indo-Pakistani relations, the inevitability of peaceful mutual relations has been recognized in both countries in official statements of policy. In spite of the continuation of a few major disputes, substantial, though unspectacular, advances have been made in various spheres. Water continues to flow into the Pakistani canals from Indian headworks; *ad hoc* agreements have been regularly signed, joint flood control measures discussed, ways of averting border incidents found, border enclaves exchanged and joint tours undertaken by the Ministers of the two countries. Agreed conclusions were reached regarding movable evacuee properties and many financial matters, the rail traffic was resumed, the passport and visa system liberalized, considerable progress made in recovery of abducted persons, and on protection of shrines and holy places. Trade agreements have been negotiated periodically and just before the Kashmir issue was debated early in 1957 in the Security Council, the two Governments entered into a comprehensive trade agreement (January 1957). The commonness of interests and outlook often asserts itself in various spheres.

THE BACKGROUND

In this background it is all the more unfortunate that major disputes have marred the friendliness between the two countries and cordial political relations continue to elude India and Pakistan even in the eleventh year of their freedom.

Although there have been brief spells in which mutual expressions and gestures of goodwill have been exchanged, the period under review has been, in the main, one of stress and strain. Not only have the major disputes between the two countries remained unresolved, but with the distinct and divergent approaches of the two countries to the general problems of world politics, a new, formidable factor has been introduced into the situation. In this period, Pakistan's policy of non-alignment began to yield to a policy of progressive alignment with the

West. Since 1954, Pakistan has been receiving military aid and equipment from the biggest of the Western Powers and is also aligned with this bloc through two military pacts. Moreover, Pakistan not only claims that her new policy in this regard is correct, but also calls any other policy impracticable, alleging in particular that a policy of non-alignment is 'a species of blackmail.'[1] On the other hand, India's policy of non-alignment underwent a perceptible shift in emphasis and acquired greater dynamism. Western ideas of collective security through regional defence arrangements were sharply questioned and branded by Prime Minister Nehru as attempts to reverse the current of history.[2] Dissatisfaction with Western policies was followed by the development of contacts with countries which appeared to welcome more readily the general approach of non-alignment. An elaboration of this was the *Pancha Shil*—the five principles, first enunciated in the India-China agreement regarding Tibet (1954), providing for non-interference in internal affairs, mutual friendship and co-existence. To India, the alignment of an Asian country with any of the Power blocs appeared as detrimental to world peace and to the security of the region—just as 'neutralism' appeared harmful to Pakistan. This difference in outlook adversely affected their mutual relations and raised serious difficulties in Indo-Pakistani relations. It is in this context that the lack of progress towards the satisfactory solution of the disputes between the two countries should be viewed.

With regard to Kashmir, the period witnessed the initiation and failure of direct negotiations. For the first time in the history of the dispute, an opportunity came in

1 'As I said, generally speaking, neutrality is considered a species of blackmail'—Prime Minister Suhrawardy's address at a students' meeting in Dacca, 9 December 1956. (In Pakistan, as generally in the West, 'neutralism' is used—wrongly, in the opinion of this writer—synonymously with 'non-alignment').

2 Mr. Nehru's address at the Kalyani Session of the Indian National Congress, 23 January 1954.

1953 for the two states to negotiate solutions to their problems which would meet the major contentions of the two countries, without creating greater problems for the sub-continent than the ones they were seeking to solve. Public opinion in both countries was enthusiastic about these negotiations and in mid-1953 when the Prime Minister of India visited Karachi he received an unprecedented welcome from the people of Pakistan. A similar spontaneous public ovation greeted the Prime Minister of Pakistan later in Delhi. By the end of 1956, however, this goodwill had been dissipated and effigies of the Indian and Pakistani Prime Ministers were being burnt in public demonstrations in Karachi and Delhi. How this happened is explained later in this paper, but what is important is that not only did the Kashmir negotiations fail but that this failure and subsequent developments led to a further worsening of relations and estrangement between the two peoples. As a result of them, a number of incidents took place which by themselves were of minor character but when considered together indicated the changed mood. Border incidents increased in number and a serious clash took place at Nekowal on the borders of Jammu. An Indian Minister carrying good wishes from India was hooted down at a public meeting in Karachi held to celebrate the inauguration of the Islamic Republic of Pakistan; two Indian diplomats were detained by the Lahore police; a strong agitation started in Pakistan against the unfortunate re-publication in India of an American book—*Religious Leaders;* Indian public opinion was greatly agitated about the increased influx of refugees from East Pakistan. The worsening atmosphere saw an attempt to score as many debator's points as possible on the international forum. An instance is the gradual conversion of the problem of distributing waters of the Punjab irrigation system from one of engineering and technology to one of politics.

In short, there has been a general deterioration in the relations between the two countries in the last five

years and the little 'cold war' that has been raging in the region has continued unabated.

THE KASHMIR DISPUTE

Kashmir was the major problem in this period. The Security Council failed to secure the vacation of Pakistani aggression, despite two resolutions of the U.N. Commission and the mediatory efforts of Sir Owen Dixon and Dr. Frank Graham. In January 1953, Mr. Nehru, speaking at the annual session of the Indian National Congress at Hyderabad, complained of denial of justice to India by the Security Council. He said : 'During all these years we have patiently waited for a proper consideration of the problem and yet it is most strange that the Security Council has never given thought to the basic issues underlying the Kashmir problem. Because the Security Council has ignored basic facts and tried to by-pass fundamental issues, it has often gone wrong.'[1]

Hence in 1953 an attempt was made to start direct negotiations between the two countries for a settlement of the Kashmir dispute. Contacts between leaders of India and Pakistan might help in bringing about a better understanding of each other's policies and points of view. Since there was so much inter-dependence and community of interests between the two, direct negotiations offered considerable prospects of success. Secondly, the fact that the two Governments would be negotiating across a table could itself favourably influence the general climate of opinion and augment the sentiment of good neighbourliness which was the pre-condition for the settlement of this dispute. Lastly, only if the two Governments' representatives sat across a table would the problem of Kashmir be discussed in the light of the larger context of the history and politics of the Indo-Pakistani sub-continent and of the general state of Indo-Pakistani relations as affected by canal waters, evacuee property, minorities, etc. Joint discussion of all problems could have brought

1 *The Hindu*, Madras, 16 January 1958.

about an entirely new and friendly approach to the problems that divided them.

However, Pakistan's enthusiasm for such negotiations was in the beginning dampened by a grave suspicion of India's intentions. Even after the Prime Minister of India had welcomed the suggestion of Khwaja Nazimuddin, the Pakistani Prime Minister, for a conference between them, the Foreign Minister of Pakistan in a statement issued on 7 April 1953 still pleaded for definite U.N. recommendations to the parties regarding demilitarization and speedy implementation of a plebiscite. Pakistan's reliance was still on the United Nations—direct negotiations being entered into with the feeling that agreement at the United Nations was impossible.

The atmosphere, however, improved following a Cabinet change in Pakistan (17 April), when Mr. Mohammad Ali, the new Prime Minister, sent a message of goodwill to the Indian Prime Minister and told a Press correspondent that he looked upon Mr. Nehru as 'an elder brother' and expressed the hope that the Indian and Pakistani Premiers might not only solve all outstanding problems but also discuss the 'possibilities of joint defence of India and Pakistan.' In India, Mr. Mohammad Ali's statements were welcomed as indicating a definite change for the better and the new approach was believed to be related to the governmental change in that country, which had increased the authority of the then Governor-General, Mr. Ghulam Mohammad, who was generally believed to have a more friendly attitude to India than some of his colleagues.

That the Pakistani Prime Minister was not speaking for his entire Cabinet when he expressed these warm sentiments about India was shown a little later when it appeared that there were strong forces inside his Cabinet which detested a friendly approach to India. In fact, in the entire story of direct negotiations between India and Pakistan from 1953 to 1955, what marred progress was the existence in the two countries of suspicions

and doubts, forces and interests which persistently obstructed any reasonable settlement, and on all available accounts it seemed that these forces were stronger in Pakistan and had a much greater pull with the policy-formulating agencies of that Government than in India.

It might be worth while to give an account of the course of direct negotiations here. On 23 May 1953, both Governments announced that their Prime Ministers would meet in London in June and that there would be subsequent meetings between them 'for settlement of all Indo-Pakistani differences.' A steering committee of two officials nominated by each Government was set up to keep track of the progress. At London the two Prime Ministers discussed Indo-Pakistani relations in a preliminary way and the Prime Minister of Pakistan declared on 8 June that the chances of settlement were bright. The negotiations were resumed in Karachi in late July and the entire field of Indo-Pakistani relations was covered. Agreement could, however, be reached only on minor issues—like exchange of Cooch Behar enclaves, removal or minimization of restrictions on travel and trade, etc. With regard to Kashmir, all that could be said was that there was 'a clear understanding of each other's point of view, of the issues involved and the difficulties that stand in the way of settlement.' Obviously, issues in the Kashmir dispute were proving less tractable than it was originally hoped. The Pakistani Prime Minister said in a Press *communique* shortly after the Karachi talks that he was disappointed with the progress made on Kashmir; and Mr. Nehru said in Delhi on 28 July that there was no point in his saying that a solution was nearer. What was encouraging, however, was that an atmosphere was created which was markedly different from the one prevailing up to then.

By the time the Prime Ministers met in Delhi in the third week of August 1953, the favourable atmosphere so patiently nurtured by the two Prime Ministers was

marred by an outburst in the Pakistani Press and by that country's politicians following internal changes in the Government of Jammu and Kashmir leading to the dismissal and arrest of Sheikh Abdullah. The Government of India stated that these developments in Kashmir were an internal matter with which 'we should interfere as little as possible,' and gave an assurance that 'on the larger issues our policy remains what it was and we shall stand by the assurances we have given.' The Pakistani Press, however, branded the change as 'a challenge to Pakistan' and published exaggerated reports of the minor disturbance that took place in Srinagar after the changes. A complete *hartal* was observed in Karachi; prominent politicians asked demonstrators in the streets to get ready for the 'liberation of Kashmir' and the Pakistani Government itself cancelled all festivals arranged for Independence Day. Obviously, anti-Indian elements were at work and feelings were roused against India to a high pitch.

It must be noted to the credit of the two Prime Ministers that even in this background they met in Delhi and issued an agreed *communique*. The conference started, as desired by the Pakistani Prime Minister, on the 17th. By the time the Prime Minister of Pakistan left Delhi on 21 August, hopes of friendlier Indo-Pakistani relations were revived. The joint *communique* issued on 21 August said *inter alia :* 'The Kashmir dispute was especially discussed at some length. It was their firm opinion that this should be settled in accordance with the wishes of the people of that State with a view to promoting their well-being and *causing the least disturbance to the people of the State*. The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite. Such a plebiscite had been proposed and agreed to some years ago. Progress, however, could not be made because of lack of agreement in regard to certain preliminary issues. The Prime Ministers agreed that these preliminary issues should be considered by them directly in order to arrive at agreements in regard to them. These agreements would have to be given effect

to and the next step would be the appointment of a Plebiscite Administrator.'

The Prime Ministers agreed that the Administrator would be appointed by the end of April 1954 and before that the preliminary steps would be taken. 'On the Plebiscite Administrator's formal appointment and induction into office *by the Jammu and Kashmir* Government, he will examine such proposals as he thinks proper for preparations to be made for the holding of a fair and impartial plebiscite in the entire State, and take such other steps as may be considered necessary thereof.' The two Prime Ministers also recorded their agreement on progress in some other matters, e.g. evacuee property and travel facilities. In the concluding paragraph, the joint *communique* stated : 'The Prime Ministers are happy to record this large measure of agreement on vital matters affecting their two countries and they trust and believe that further success will attend their efforts so that all the problems which have unfortunately come in the way of good relations between the two countries should be solved satisfactorily. *But progress can only be made in this direction if there is an atmosphere of peace and co-operation between the two countries.*[1] This has therefore to be actively encouraged.' They particularly appealed in this connexion to the Press and the politicians of the two countries and reiterated : 'The Prime Ministers attach the greatest importance to this friendly approach and *to the avoidance of words and actions which promote discord between the two countries.*' The joint *communique* not only helped the restoration of normalcy in Indo-Pakistani relations but also aroused tremendous hopes in the two countries. In India, the new Premier of Kashmir gave his unequivocal support to the *communique* and the Prime Minister of Pakistan said that a solution of the Kashmir problem was 'in sight.'

The *communique* was welcomed in Pakistan primarily because it reiterated that a plebiscite would be

1 Italics added.

held and fixed a provisional time-table. In India, attention was drawn to the fact that the issue was being negotiated outside the United Nations, that the Government of Jammu and Kashmir was formally recognized by Pakistan (the Plebiscite Administrator was to be appointed by it), that a plebiscite was to be held in the entire State but not an overall plebiscite for it, and finally that it was recognized that the plebiscite would be held in such a way as to cause the least disturbance in the people's lives. It was also noted with satisfaction that the relationship between the general atmosphere of concord and the solution of the Kashmir dispute was emphasized.

It is clear that in their approach the two countries had completely different standards to apply. While to Pakistan the most important problem seemed to be one of immediately securing for the people of Kashmir the opportunity to decide whether they should join India or Pakistan, to India the problem was one of ensuring a settlement of the dispute in such a way as not to disturb the overall life of the sub-continent and not to bring in its train new and greater problems of far-reaching consequence. The Indian view in this regard was later stated by Mr. Nehru in his communication of 3 September to the Pakistani Prime Minister. This letter highlights an important aspect of the Indian attitude.

Said Mr. Nehru : 'We should not allow ourselves to accept a position which might offer some temporary relief today but which might result in sowing the seeds of future trouble and conflict ... If we aim, as we trust, at closer and co-operative relationship between India and Pakistan, we must find a solution of the Kashmir problem which is not only satisfactory to the people as a whole there but is also achieved without bitterness and a sense of continuing wrong to India and Pakistan. *While the interests of the people of Kashmir are paramount, there are also certain national interests of India and Pakistan which come into conflict over this Kashmir affair. It also happens that a very great deal depends not only on the*

solution of the problem but perhaps even more so on the manner of doing it, because that manner will have far-reaching consequences both in India and Pakistan in the present and the future.' More specifically, he said : 'The large minorities in India and Pakistan will be affected by that solution. If it is wrongly done, then the position of these minorities might well suffer and new problems might be created, even bigger than the one of Kashmir. We must at all costs avoid this. To ignore it in our extreme desire to show some quick result in Kashmir, is bankruptcy of statesmanship. To submit to the momentary passion of an excited populace and take a wrong course is not leadership.'

Hardly had the ink on the joint *communique* dried when a section of the Pakistan Press started an unfortunate campaign against a statement by Mr. Nehru to two Pakistani newspaper correspondents that Admiral Nimitz should not continue as the Plebiscite Administrator. Mr. Nehru had told the correspondent of the Karachi daily *Evening Star* : 'I have put it to the Pakistan Prime Minister that the Plebiscite Administrator for Kashmir may be chosen from one of the small countries.' Asked about it at the Press conference of 20 August, Mohammad Ali said : 'The Prime Minister of India will answer the question so far it relates to him. So far as I am concerned this matter is under my consideration.' Mr. Nehru's argument about Admiral Nimitz, as he reiterated later, was that 'the Great Powers are too entangled in their difficulties and often pull against each other. Hence it has become the normal practice to avoid having representatives of these Powers in any matter requiring some kind of neutral and impartial approach. That is no reflection on any Power, much less on an eminent person like Admiral Nimitz. It is merely an appreciation of the facts of the present-day situation.' According to the Indian Prime Minister, he gathered 'the clearest impression' at the Delhi talks that the two Pakistani representatives, Prime Minister Mohammad Ali and the Foreign Minister, Zafrullah Khan, had agreed with his viewpoint in regard to

this matter, but did not like the idea of its mention being made in the statement. India was, therefore, surprised and pained when on 27 August 1953, the Karachi daily, *Dawn*, carried a lengthy despatch on the subject by its Political Correspondent. The despatch discovered in Mr. Nehru's views on Admiral Nimitz an attempt : (1) 'to drive a wedge between the U.S.A. and Pakistan,' and (2) 'to create a situation in which the Kashmir dispute may for all practical purposes cease to be a live issue before the United Nations.' He also reported : 'It is firmly pointed out in Karachi that Pakistan will in no circumstances walk into any such trap. The Security Council remains seized of the dispute and is in no way bypassed by the current talks which are in conformity with, and fall within the framework of, the Security Council's resolutions and recommendations adopted from time to time.' The Pakistani Prime Minister in his letter to the Indian Prime Minister written on the same day did not refer to Mr. Nehru's statement at all; it only said that there were advantages in continuing with Admiral Nimitz and suggested that both give this matter further thought. Mr. Nehru, however, in his reply of the 28th referred to the unkind attacks on him in the Pakistani Press and stated that the there was obvious official backing to these attacks and asked : 'Can we pursue any policy of conciliation in this context and with these continuous attacks and insinuations which have no foundations whatsoever?' In his letter of 5 September, the Pakistani Prime Minister completely denied having made any commitment in regard to Admiral Nimitz and also said that there was complete unanimity in his Cabinet on Indo-Pakistani affairs. He accused the Indian Press of giving out the gist of the Delhi talks with their own interpretations thus creating difficulties for him in Pakistan where he 'was accused in the Press for having weakened Pakistan's stand on Kashmir.' He had, therefore, to safeguard his own position and hence the Press campaign in Karachi ! In fact, before writing this letter, Mr. Mohammad Ali in a broadcast to the nation attacked India's Kashmir policy and assured

the people of Pakistan 'clearly and unequivocally' that besides the fixation of the maximum time limit for the appointment of the Plebiscite Administrator and the setting up of committees to help the two Prime Ministers to settle the preliminary issues before the time limit expired, he had not agreed to anything else whatsoever. He specifically mentioned that there was no question of the case of Kashmir being taken out of the jurisdiction of the Security Council. He also referred in his broadcast to the previous Government's decision to cut down the size of the Pakistani Army as an economy measure and announced his Government's reversal of this decision. In India, this was viewed with concern as it indicated that the Prime Minister of Pakistan 'does not yet feel strong enough to stand up to the clamant pressure of the extremist section even while trying to carry on the negotiations'.[1]

Yet the two Prime Ministers continued their efforts. Differences of opinion arose between the two in regard to the exact implication of having a regional plebiscite and also as to the voting rights of refugees from Kashmir. While these and other differences remained, the two Governments could nominate representatives to a committee set up to decide preliminary issues. The committee met only once—in Delhi on 21 December 1953.

U.S. Military Aid To Pakistan

Even before the committee had met, certain developments in Pakistan's foreign and defence policies created grave apprehensions in India and widened the area of disagreement. An altogether new and serious element, it was felt, was introduced into the situation by Pakistan, an element which damaged irreparably the spirit in which direct negotiations could ever be fruitful. The new element was American military assistance to Pakistan.

1 *The Hindu*, 4 September 1953.

When unconfirmed reports appeared in the Press towards the end of 1952 of a possible military alliance in West Asia, with Pakistan as one of the participants, India immediately expressed her concern at this development. At the annual session of the Indian National Congress at Hyderabad early in 1953, Mr. Nehru in a short statement said that what took place in regard to the proposed defence pact and Pakistan was a matter of grave concern to India. He said : 'We have been following this with close attention and we shall naturally have to adapt ourselves to the changing conditions and developments'. Later elaborating his views in the course of the same session he said : 'Obviously if any such development takes place it means the region of "cold war" comes right up to our borders. We have to be concerned with any matter which directly or indirectly affects our country'. When in November 1953, definite reports came from Washington, following the talks between the Pakistani Governor-General, Ghulam Mohammad, and President Eisenhower that a U.S.-Pakistan Military Pact was in the offing, Mr. Nehru stated at a Press conference on 15 November : 'This is a matter on which constitutionally or otherwise it is none of our concern what Pakistan and the U.S.A. are doing. But practically it is a matter of the most intense concern to us and something which will have very far-reaching consequences on the whole structure of things in South Asia and especially on India and Pakistan'. Before making his criticism public, the Prime Minister of India had in a personal letter to Mr. Mohammad Ali referred to the proposed military aid pact, pointing out that 'when something is done in Pakistan which is likely to create powerful repercussions in India, then it is only right that I should draw your attention to it, just as if anything happened in India which would produce that result in Pakistan, you will be perfectly entitled to draw my attention to it'. It was on 9 December 1953 that Prime Minister Nehru formally wrote about this problem. He not only stated his general objection to such alignment on the ground that they increased the chances of war, adversely affected the

re-awakening of Asia, and professedly limited the independence of the country so entangled, but also elaborated the specific implications of Indo-Pakistani relations. He stated : 'Pakistan's foreign and defence policies will become diametrically opposed to the policies we have so consistently and earnestly pursued. The area of disagreement between India and Pakistan would be extended over a wider field now. Whatever the motive may be, the mere fact that large-scale rearmament and military expansion takes place in Pakistan must necessarily have repercussions in India. The whole psychological atmosphere between the two countries will change for the worse and every question that is pending between us will be affected by it. It is obvious that such an expansion of Pakistan's war resources with the help of the United States of America can only be looked upon as an unfriendly act in India and one that is fraught with danger'. Referring specially to Kashmir, Mr. Nehru said : 'Inevitably it will affect the major questions that we are considering and more especially the Kashmir issue. We have been discussing for a long time past the question of demilitarization in the Kashmir State. The whole issue will change its face completely if heavy and rapid militarization of Pakistan itself is to take place... it becomes rather absurd to talk of demilitarization, if Pakistan proceeds in the reverse direction with the help of the United States ... the question before us becomes one of militarization and not demilitarization. It is in this context that we have to consider this issue of Kashmir'. Pakistan's view about the matter was that there was no reason for India to express disquiet at any attempt to strengthen Pakistan's defences or look upon it as an unfriendly act. India's military potential was, in any case, much greater and, above all, there was no sensible person in either country who thought of war. The Prime Minister of Pakistan wondered if it was India's view that friendly relations could be established only on the basis that the 'present great disparity in the military potential of India and Pakistan shall never be altered to

India's disadvantage'. Lastly, he failed to understand how any proposal for the strengthening of the defences in any of the two countries generally could have any bearing on the question of Kashmir. The differences between the two Prime Ministers now obviously were of a fundamental nature. The Indian Prime Minister refused to accept the Pakistani contention and reiterated that a qualitative change in the existing situation had been brought about by U.S. aid to Pakistan and the new situation had to be 'considered afresh and from different premises'. To Pakistan, India appeared to be linking an extraneous issue with the settlement of the Kashmir dispute, while India felt that Pakistan was taking the Kashmir dispute out 'from the region of a peaceful approach for a friendly settlement by bringing in the pressure of arms'.

In India the feeling grew that it was not merely that the Kashmir question had been made complex but a serious threat had arisen to the entire country. It is significant that not only the Government of India and the ruling party but all the other political parties in India—the Communists, the Praja Socialists, the Jana Sangh, the Hindu Mahasabha and the various minor parties—strongly criticized the American step. While some of them, including the Indian National Congress, appealed to the United States to abandon the idea, many political leaders even went to the extent of pleading a military alliance with U.S.A.'s adversaries. Although the latter argument did not carry much weight with most people in the country, Indian unity and firmness in the face of what appeared to be a serious military threat to her was never in doubt. Even the most enthusiastic friends of the U.S.A. in India and the strongest critics of Mr. Nehru's policy of non-alignment were distressed at this development. That this country, which was the greatest democracy of the East, 'had every right to expect better understanding and treatment'[1] from the United States was the

1 Article by A. D. Gorwala in the *Indian Daily Mail* (Malaya), 26 December 1953.

view expressed even by those whose militant anti-communism could not be doubted.

When on 25 February 1954 the American President formally announced his decision to give military assistance to Pakistan, it became clear that a settlement in Kashmir on the basis of the Delhi agreement of 1953 was impossible.

The seriousness and concern with which India viewed military aid to Pakistan is clear from the fact that even at the risk of offending the United States—friendly relations with whom were an imperative necessity for India—Indian criticisms were stated categorically. In his announcement of aid to Pakistan, the American President had assured India that in case arms given to Pakistan were used for aggression against any country, he would immediately undertake appropriate action both within and without the U.N. to thwart such aggressiin. To India, the President's assurance did not appear to be sufficient. In an important statement in the House of the People on 1 March 1954, Mr. Nehru stated that while he did not challenge the motives of any country, the issue was the inevitable consequences that would follow such aid. Referring to aggression, the Prime Minister said : 'I have no doubt that the President is opposed to aggression. But we know from past experience that aggression takes place and nothing is done to thwart it. Aggression took place in Kashmir six and a half years ago with dire consequences. Nevertheless, the United States has not thus far condemned it and we are asked not to press this point in the interest of peace'. India also refused to accept the President's offer of similar military aid to India. Mr. Nehru added : 'If we object to military aid being given to Pakistan, we would be hypocrites and unprincipled opportunists to accept such aid ourselves'. Mr. Nehru also demanded the withdrawal of American observers attached to the United Nations team on either side of the cease-fire line in the Jammu and Kashmir State because they could no longer be treated as neutral.

Negotiations between India and Pakistan had by now

definitely broken down. The responsibility for this failure was squarely on Pakistan, so far as India was concerned. As Prime Minister Nehru stated in his letter of 13 April 1954 : 'It is Pakistan and not India that has taken a new step which has changed the situation entirely and brought new factors which add to the complexity of the problem'. The last two letters of the two Prime Ministers (of 21 September from Pakistan and 29 September from India) merely summed up their respective positions on Kashmir, each expressing his regret that the efforts for a settlement should have failed. While the Prime Minister of Pakistan stated that this case must be referred to the Security Council, the Prime Minister of India held that they could only settle their dispute between themselves and by peaceful methods of negotiations, however long they might take, and in this spirit he repeated his earlier offer of a 'no war' declaration by India and Pakistan.

The essential basis for the hopes of success of direct negotiations was that free from the formal atmosphere of a debate in the U.N., free from the interference of others and conscious of the need for friendliness and co-operation between the two countries, the two leaders might evolve an overall approach to their problems. The basis for such hopes in India was removed when it was discovered soon after the Delhi agreement that powerful interests in Pakistan would resist any new approach. The controversy regarding Admiral Nimitz was symptomatic of the influence that they exterted on the Government of Pakistan. It may be noted that the Government of Pakistan towards the end had accepted that a new Administrator should be appointed. But by that time all hope was finally shattered, because the most important precondition for the success of such negotiations, viz., the absence of foreign interference and of military solutions had been removed by the decision of the Government of Pakistan to secure military supplies from the United States. Any new attempt at finding a solution of

Indo-Pakistani problems must necessarily base itself on the recognition of the changed context.[1]

Hopes were temporarily revived soon after a political change in Pakistan took place, resulting for the time being in a victory for the Governor-General. Hopeful forecasts were now again made by the leaders of the two countries; the Governor-General of Pakistan visited India during the Republic Day celebrations of 1955, and the prospects of another attempt at solution of Indo-Pakistani problems brightened. In Delhi, Mr. Ghulam Mohammad, accompanied by three Cabinet Ministers, Dr. Khan Sahib, Mr. Iskandar Mirza, and Ch. Mohd. Ali, created an atmosphere of good neighbourliness by friendly references to India and her leaders which was a refreshing change from the usual statements. Even *Dawn* of Karachi commented : 'Our people do not want Pakistan and Bharat (India) to remain enemies always nor do they deny or grudge the success which their neighbour has made of her country, where democracy seems to be in much better shape than here and the common man's lot less unenviable'. Mr. Ghulam Mohammad said in Delhi : 'I have more faith in Jawaharlal than you have'; and again : 'I am convinced that Jawaharlal desires happy relations between our two countries'. Broadcasting to the Indian people on Republic Day eve, President Rajendra Prasad said : 'As the year closes, we find a pleasant change in our relations with our nearest neighbour, Pakistan, for whom we have nothing but the best wishes'. But whether the Governor-General would find it possible to carry his entire Government with him in his approach new to India remained to be seen. For, even as he was preparing to visit Delhi and the Pakistani High Commissioner in India was making frantic efforts for the revival of direct discussions, the Pakistani Prime Minister told Pressmen in London on 20 January that the Common-

1 The position worsened further with the decision of Pakistan to join the two Western military alliances in this region — SEATO and the Baghdad Pact.

wealth should take the initiative in solving the Kashmir dispute and if this was not taken, Pakistan would press for a decision by the United Nations.

Direct negotiations, however, started again and the Prime Minister of Pakistan accompanied by his Cabinet colleagues Mr. Iskardar Mirza and Mr. Abid Hussain arrived in New Delhi on 14 May for discussions on various problems. While the two Ministers for Home Affairs discussed border incidents and the two Education Ministers discussed the issue of the India Office Library, the two Prime Ministers mainly talked about Kashmir. The joint *communique* issued only stated that talks would be continued at a later stage, after full consideration had been given to the various points that had been discussed in the course of these meetings. While negotiations were taking place, the Indian, British and American Press reported that a number of new ideas were suggested by the two parties which were radically different from that of the plebiscite. A correspondent of the *The Times*, London, reported that Pakistan had decided not to persist 'in this obviously unprofitable approach (holding of a plebiscite in Kashmir) for the time being'. The *Dawn's* London correspondent reported on 23 May that the propaganda in the British Press tended to indicate that Pakistan would accept the '38th Parallel' solution in Kashmir, i.e., partition on the basis of the existing cease-fire line. *The New York Times* correspondent, wrote from New Delhi : 'Both sides made new suggestions gingerly and without publicity. Both Pakistan and India were talking about plans that would be variations on the *status quo* of a divided Kashmir, would not involve a plebiscite in the entire State'. The Indian Press also widely discussed solutions other than plebiscite. These reports were partially confirmed by the statements of the two Prime Ministers after the conference. Mr. Nehru told a Press conference in Delhi on 23 May : The approach on both sides had not only been friendly but constructive and not the old dead-wall approach'. Earlier, on 18 May, the Prime Minister of Pakistan had said : 'The methods we have now

discussed may be new. It is a less rigid approach than before. There are some new ideas'. Although it was not divulged what the new ideas were, he stated that he was 'not disappointed'. The Indian Press confidently felt that the talks had not failed and the vagueness of the joint *communique* was not an indicator of the progress made.

When the Pakistani Ministers returned to Karachi, however, they were faced with a barrage of attacks both from the Press and by politicians; they were accused of having betrayed the people of Kashmir and of having 'surrendered' to India. *Dawn* in three successive editorials demanded a clear statement of what took place at Delhi and when the Prime Minister told a Karachi newspaper that there could be other forms of ascertaining the will of the people of Kashmir than a plebiscite, it wrote in obvious irony: 'We must repeat the earnest appeal to our present rulers made by us in a recent editorial that if the task of settling the Kashmir dispute is proving too big for them they should spare themselves the unequal effort'. Maulana Asadul Qadri, President, All-Pakistan Dastoor Party and *Nazim-i-Ala, Jamiat-i-Ulema* in a statement to the Press said: 'What our Foreign Minister said about Kashmir has shocked, rather rocked, the entire nation. It smacks nothing short of betrayal of the cause of the millions of our Kashmir brethren...Let Mr. Mohammad Ali make a clarification, the sooner the better, or let him wash his hands entirely of the talks'. And on 25 May, the Prime Minister assured *Dawn* in a special interview to its correspondent: 'It is absolutely untrue that I have agreed to any other method of ascertaining the wishes of the people of Kashmir on the question of accession to Pakistan or Bharat (India) except the method of plebiscite as already agreed upon by both sides which is to be conducted under the auspices of the United Nations and which must be free and impartial'. The paper, however, was not satisfied. It carried an article on the subject the same day which stated *inter alia*: '...It is quite clear that Mr. Nehru will never

be able to bring himself to that reasonable, fair and honest frame of mind in which his international commitment to abide by the agreed procedure for the settlement of the dispute will outweigh his overmastering greed to hold on to his loot by hook or by crook .. Our Government ... should here and now decide to have no more bilateral talks with the Bharati (Indian) aggressor, and instead take the issue back to the United Nations...Let the Kashmir issue go to the the Security Council where it belongs and let those who profess to be our friends be put on their test'.

The Prime Minister obliged this section of Pakistani opinion by declaring on 8 June that if in the next meeting between the two Prime Ministers no settlement was reached negotiations would be definitely and finally closed and the issue would revert to the Security Council. He also stated that there was 'no question of giving up our stand for a plebiscite' and that no satisfactory progress had been made at the Delhi talks. That the Prime Minister had 'resiled' from his earlier position was recognized by the Pakistani Press also. The *Pakistan Times* wrote editorially on 3 June 1955 : 'Faced with criticism and asked to explain his utterances Mr. Mohammad Ali began gradually to resile from his new position until in his recent broadcast he has returned to the Pakistani Government's original stand that an impartial plebiscite offers the only just solution of the Kashmir problem. Not only has Mr. Mohammad Ali sought to explain away his enigmatic remarks but he also seems to have changed his assessment of the Delhi talks'.

The *volte face* by Mr. Mohammad Ali was interpreted in India as an indication of the continuing rigidity in Pakistan's views and the strength of the influence of the anti-Indian opinion on the ruling circles of that country. Soon after the Delhi negotiations of 20 May 1953, the Governor-General of Pakistan, who in one sense could be called the originator of the new approach to India, had

to proceed to Europe on account of ill health and finally retired in the first week of August. Thus came about the exit from the Pakistani scene of one in whom the leaders of the Government of India had considerable faith. The essence of his approach was recognition of the fact that a plebiscite in the sense in which it was agreed upon in January 1949 had become impracticable and might lead to grave difficulties. Various new factors had emerged in the course of the six years that had elapsed which had to be taken into account in deciding upon a course for a mutually acceptable solution in Kashmir.

When it became clear to the Indian Government that there were powerful forces in Pakistan which would not accept any other approach but the impracticable solution of a plebiscite for the entire State under the auspices of the United Nations, a forthright statement was made by India on her Kashmir policy. In the first week of July 1955, the Indian Home Minister said in Srinagar that the decision of the Constituent Assembly of Kashmir to unite with India 'was the verdict of the people which cannot be disregarded'. Other developments like U.S. military aid to Pakistan had taken place and whatever statement India might have made after Kashmir's accession, 'the tide cannot be turned now'. Addressing a public meeting on 16 July 1955, Mr. Nehru declared that it had to be considered whether there was any use 'going round and round with eyes blindfolded'. Later, upholding the statement of the Home Minister in Srinagar, Mr. Nehru stated in the Indian Parliament that while the international commitments stood, India must also take into consideration all that had happened during the last six or seven years.

Pakistan, on the other hand, continued to insist on a plebiscite. The political change in Pakistan in August 1955 brought no change in her Kashmir policy. The first step that the new Government announced in regard to Kashmir was that it would convene an all-parties conference to discuss and work out a national plan to

solve the Kashmir problem. The conference met at Karachi on 26 November 1955 and in a resolution accused India of violating from time to time her international commitments and called upon the Government of Pakistan to take the necessary steps urgently to give effect to Pakistan's national determination and to secure the right of self-determination for Kashmir. Throughout 1956, the difference in approach between India and Pakistan was reitrated. India felt that Pakistan's membership of SEATO from its very beginning in 1954 and of the Baghdad Pact in 1955 made her not only the recipient of Western military assistance but also an active participant in Western defence plans. The formation of one unit in West Pakistan and constitutional developments in India and Kashmir, had all changed the context in which the Kashmir issue must be viewed. Mr. Nehru stated in the Indian Parliament on 29 March that the alternatives now were either to have a continued deadlock or to 'not talk in terms of eight or nine years ago'.

On 2 April, at a Press conference in Delhi, Mr. Nehru categorically stated that he no longer wanted a plebiscite in Kashmir because it seemed to lead them 'into a blind alley'. What was needed was a practical approach, although India could very well accept a legal approach because then the question of aggression would have to be discussed. Mr. Nehru clarified on 13 April at a public meeting in New Delhi what he thought was a practical solution for Kashmir. He revealed that he had suggested to the Pakistani leaders a year before that India would agree to the partition of Kashmir on the basis of the cease-fire line and renounce her legal claim to the whole State.

The Pakistani Prime Minister, however, called this a 'preposterous proposal' on 14 April and reiterated the demand for a free and impartial plebiscite in Kashmir. The legal approach was now inevitable, and India naturally began to re-emphasize the facts of Pakistan's aggression and Kashmir's accession and questioned the validity of the accession of Chitral to Pakistan (Chitral

had been an autonomous unit under the overlordship of the Maharaja of Kashmir). Preparations were started for the coming battle of words in the Security Council, for it was evident that Pakistan would insist on it.

An internal political change in Pakistan in the middle of September 1956 brought into power a coalition headed by Mr. H. S. Suhrawardy, once regarded in India as one of the Pakistani statesmen who did not view India as an enemy. Much to India's surprise it was since the coming into power of this Government that the campaign against India reached unprecedented proportions and tension mounted. It was announced by Pakistan on 6 October that the Kashmir issue be referred back to the Security Council in January 1957. Before the issue was actually discussed, both sides sharply expressed their views. In the Indian Parliament, Prime Minister Nehru referred to Pakistani aggression and Pakistan's failure to withdraw from Kashmir, repudiated the idea that any section in India was thinking in terms of annulment of partition and upheld the right of the Constituent Assembly of Kashmir to function and frame a constitution. The sudden increase in the number of anti-Indian statements in Pakistan was attributed by him to the fact that 'the complete failure of Pakistan's policies, international and national, has led them to find some excuses for the public'. Equally strong views were expressed by Pakistan.

It was in this background that Pakistan urged the Security Council on 2 January 1957 to again take up the Kashmir question. According to Pakistan, there was an explosive situation in Kashmir which constituted a serious threat to the peace of the region, because the Indian Prime Minister had declared himself opposed to a plebiscite and because the Government of India had taken steps to integrate Kashmir (the Kashmir Constituent Assembly was to dissolve itself on 26 January). It appeared to a section of Indian opinion that the timing was not so much dictated by the dissolution of the Kashmir Constituent Assembly—because, in any case, it had no vital implication

for the Kashmir dispute—but was an attempt to bring India into the dock on some pretext or other soon after she had played a prominent role in opposing attempts by France and Britain to impose a solution of the Suez question on Egypt. Pakistan felt that she was bound to attract more sympathy and support at that time than she could normally expect. This view was later upheld by the *Times of Karachi* when in an editorial of 22 July 1957 entitled 'Admission of Failure', the newspaper commented that the favourable situation for Pakistan which prevailed in the Security Council in January and February 'was wholly due to the Suez dispute which had turned the West against India to support us on Kashmir'.

When the debate opened on 16 January, the Pakistani Foreign Minister charged India with violating her international commitments and asked the Security Council to (1) call upon India to refrain from accepting the verdict of the 'Constituent Assembly of Srinagar' and (2) spell out the obligation of the parties under the terms of international agreements. Pakistan also suggested that a United Nations force be introduced into the area at once. Replying at length to this on 24 January, India's Minister without Portfolio, Mr. V. K. Krishna Menon, re-stated India's position regarding Kashmir, explained various new factors that had emerged and drew attention to the wider context of peace and stability in the Indian subcontinent in which the issue of plebiscite had to be viewed. The fundamental argument of India before the Security Council was two-fold : legal and political. The main elements in the argument may be summarized as follows. (1) Pakistan had committed aggression in Kashmir and this was conceded by the U.N. Mediator, Sir Owen Dixon It was about this aggression that India had complained to the Security Council. (2) Kashmir's accession to India was legally and constitutionally complete; it was not a territorial dispute that the Council was called upon to settle. (3) The Government of India was committed to the cease-fire and would under no circumstances violate

this agreement. (4) The promise of a reference to the people of the issue of accession was made to the people of Kashmir and not to any other party. (5) Plebiscite was agreed upon on certain conditions and it was to be held only when proper circumstances had been created for it. It was Pakistan, not India, which had stood in the way by perpetuating her aggression and by her failure to create the necessary atmosphere of cordiality between the two countries. (6) Conditions had changed in many ways in the sub-continent of India during the last eight years, since India had agreed to a plebiscite : (a) the military situation had been changed following Pakistan's building up her armed forces with assistance from the United States; (b) the Constituent Assembly of Kashmir had framed a Constitution; (c) a democratically elected legislature had been functioning in the State and had brought about political and economic stability in the area; (7) plebiscite now would by reopening the issue, not only reverse this process of normalization in Kashmir but retard the advancement of the entire sub-continent. An offer made eight years ago could not remain indefinitely valid when conditions have changed; (8) India would never accept the 'two nation' theory. While Pakistan had declared herself an Islamic Republic, India was determined to build up a strong, secular state. Any method of changing the political disposition of Kashmir, which might provide an opening for communal elements in the sub-continent would gravely undermine the modern, democratic political and social structure that India was trying to build up; (9) India would always be ready to discuss and explore possibilities of an agreement for the peaceful solution of all Indo-Pakistan problems.

In addition to these basic arguments, the Indian delegate clarified the position of the much-discussed Constituent Assembly of Kashmir. This Assembly was not convened to discuss or decide the issue of accession; it was a sub-sovereign body. Its resolution that Kashmir would be an integral part of India was a *declaratory*, and not a creative, act. Even if it decided that Kashmir should

secede from India, the decision would not have any legal, as distinct from political, significance. Mr. Menon's argument apparently fell on deaf ears and a draft resolution sponsored by the U.S.A., U.K., Australia, Colombia and Cuba *(even before Mr. Menon had completed his speech)* which reminded the two governments of their earlier commitments for a plebiscite and reaffirmed that any step taken by the Constituent Assembly of Kashmir would not constitute a disposition of the State in accordance with that principle was passed by 10 votes in favour and one abstention—that of the Soviet Union. The Indian representative made it clear that this resolution did not bind India, and India had not participated in it. He also pointed out that the resolution reopened the question and was thereby contrary to one of the purposes of the U.N. Charter, whereby the Organization was supposed to have a harmonizing influence.

The discussion continued in the Security Council, because Pakistan now asked for some concrete steps towards holding a plebiscite; in particular, the demand for a United Nations force was reiterated. To Pakistan, Mr. Menon's reference to the possible repercussions of any unsettlement in Kashmir appeared as a thinly veiled threat. On 15 February, four members of the Council—U.S.A., U.K., Cuba and Australia—proposed that the then President of the Council (the Swedish representative, Mr. Gunnar Jarring) be sent to the sub-continent to examine proposals for demilitarization or for the establishment of other conditions for progress towards the settlement of the dispute, bearing in mind the proposal for the use of the temporary U.N. force. A time limit was also fixed for Mr. Jarring to report. The preamble to the resolution mentioned *inter alia,* that the use of a U.N. force deserved consideration. The Soviet Union opposed the idea of the U.N. force and Colombia wanted the proposal to be examined only if the two parties accepted it. When the resolution was finally put to the vote, it was vetoed by the U.S.S.R. Speaking on behalf of India

on the same day Mr. Menon said : 'The Government of India will in no circumstances permit foreign troops on its soil. That is the categorical statement I am asked by my Government to make before this Council...For 300 years, from Clive to Wellesley, from Wellesley to Dalhousie, Canning to Minto, to Linlithgow, India has tried to liberate its soil from the presence of foreign feet. This Security Council dare not ask us to accept the introduction of foreign troops on our sacred soil'. In fact, the idea of U.N. troops evoked very strong reactions in India. Mr. Nehru called it 'collective aggression' or collective approval of aggression. On 1 February, a second resolution was brought forward which did not refer to the U.N. force and only asked Mr. Jarring to examine with the two Governments 'any proposals which are likely to contribute towards the settlement of the dispute and to report not later than 15 April'. The resolution was passed by 10 votes with one abstention. After the resolution was passed, Mr. Menon stated in clarification of his Government's views that India could no longer be considered bound by whatever sympathy the Indian Government had given to discussion of the subject in the past given years adding 'of all the people around this table and the members of the U.N., our people are far more concerned with the stability of the people of our land. In no circumstances can we throw to the winds that consideration in the precarious circumstances in which we live today'.

Mr. Jarring was in the Indian sub-continent for about a month, from 14 March to 11 April, and held discussions with the two Governments. The approach in Mr. Jarring's report, submitted on 30 April, was a significant departure from the attitude displayed by the majority of the Security Council's members in January and February. He stated explicitly : (1) 'On exploring this question of a plebiscite, I was aware of the grave problems that might arise in connexion with, and as a result of, plebiscite'; (2) 'In dealing with the problem under discussion ... I could not fail to take note of the concern

expressed in connexion with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia'; and (c) 'the Council will furthermore be aware of the fact that the implementation of international agreements of an *ad hoc* character which has not been achieved fairly speedily may become progressively more difficult because the situation with which they were to cope has tended to change'. He also felt that 'despite the present deadlock, both parties are still desirous of finding a solution to the problem'.

Mr. Jarring had proposed arbitration of the question whether or not Part I of the resolution of August 1948 had been implemented by both the parties. India had held that Pakistan had failed to implement Part I of the UNCIP resolution of 13 August 1948 and, secondly, that Pakistan had not vacated the aggression in Kashmir Pakistan, for its part, maintained that it had implemented Part I of the resolution 'in good faith and in full'. India's reference was in regard to Section E of Part I of the UNCIP resolution which asked for 'an atmosphere favourable to promotion of further negotiations' and Section B which envisaged the maintenance of the military *status quo*. The Government of Pakistan accepted Mr. Jarring's proposal, but the Government of India explained that 'while they were not against the principle of arbitration ... the issues in dispute were not suitable for arbitration, because such procedure would be inconsistent with the sovereignty of Jammu and Kashmir and the rights and obligations of the Union of India in respect of this territory ... Arbitration even on an isolated part of the resolution might be interpreted as indicating that Pakistan had a *locus standi* in the question'. While the Prime Minister of Pakistan found in the Jarring report yet another instance of India's 'intransigence', Indian opinion generally welcomed it for its recognition of 'the changed context' and the difficulties of holding a plebiscite. The gravamen of the Indian argument was thus, it appeared

to India, accepted.[1] The Special Correspondent of the *Hindustan Times* wrote about the Jarring report : ' . . . it presented in clearer perspective certain issues which earlier resolutions of the Security Council tended to slur over'.

The U.N. Security Council took up on 24 September 1957 consideration of the Jarring Mission report The Pakistani delegate attributed the failure of Mr. Gunnar Jarring to Indian 'intransigence' and demanded speedy U.N. action for a plebiscite. According to the Foreign Minister of Pakistan, the reference to the 'changed context' in the Jarring report was a reference to the changed attitude of India; nothing had happened to render the holding of a plebiscite impracticable. Mr. Menon characterized this statement as a 'whole tissue of mis-statements of fact which attributes *mala fides* to the Government of India'. On 9 October, the Indian representative reiterated the charge of aggression and rejected the Pakistani interpretation of the Jarring report. Mr. Menon made particular reference to the sabotage activities in Jammu and Kashmir and charged Pakistan with complicity in them. He said : 'The war that has now been unleashed again of sabotage, infiltration and murder, should cease'. Mr. Menon in a subsequent speech in the Security Council on 5 November referred particularly to the Turkish and Iraqi *aide memoires* to the Government of India expressing their concern at the unrest which the Kashmir problem was creating in West Asia and the concern it was causing to a fellow member of the Baghdad Pact. He said that this clearly brought out the way in which the Baghdad Pact Powers had sought to change the context of the dispute. On 11 November, Mr. Menon held that self-determination had already been arranged for, because in the context of Kashmir it could only mean domestic election. He said : 'In no circumstances whatsoever are we prepared to countenance a proposition which means the Balkanization of India for an abstract principle which

1 Bakshi Ghulam Mohammad told *The Times*. London, Correspondent that the report was 'very favourable and realistic.'

does not exist'. India was not a confederation where the right of secession could be granted to the constituent units and no Government could sacrifice the unity of our country. The gist of Mr. Menon's speeches in the U.N. Council was that the U.N. must first arrange to vacate Pakistani aggression from Kashmir, that India wanted friendly and cordial relations with Pakistan, but she was not prepared to reopen the issue of accession of Kashmir to India. As regards demilitarization, Mr. Menon held that this could apply only to Pakistan, since it is she who had militarily consolidated her occupation of parts of Kashmir.

On 15 November the draft of an Anglo-U.S. resolution on Kashmir was circulated. The resolution totally disregarded India's views. It referred to the need for demilitarization as a step towards plebiscite which they thought was a democratic method to determine the future status of the state and proposed that the former U.N. representative, Dr. Frank Graham, should proceed to the subcontinent to devise a scheme of demilitarization 'which should be implemented within three months of such agreements being reached'. The next day, Australia, Colombia and the Philippines joined the U.K. and the U.S.A. to sponsor the resolution in the Council; the Pakistani Foreign Minister hailed the move. On 18 November, Mr. Menon expressed India's 'total opposition' to the resolution; it appeared to India to be a refutation of the Jarring report. On 21 November, the Soviet delegate stated that he would veto the resolution since it 'merely repeats the proposals which experience has proved to be fruitless'. The Council adjourned without further discussion and again met on 28 November to hear the amendments moved by Gunnar Jarring of Sweden to the five-Power resolution. The amendments deleted entirely all references to demilitarization and Dr. Graham's earlier reports as well as the operative paragraph requesting Dr. Graham to formulate an early agreement on demilitarization procedures to be implemented within three months of such an agreement. The amended resolution also 'requests the U.N. representative to make any recom-

mendations to the parties for further appropriate action with a view to making progress towards the implementation of the resolutions of the UNCIP of 15 August 1948 and 5 January 1949 and toward a peaceful settlement'. This resolution was adopted on 2 December 1957, with 10 votes in favour and one abstention—that of the U.S.S.R. The Indian delegate expressed his inability to accept the resolution. Mr. Menon added that he had 'no wish to go into the amended resolution ... [as] it would really be in the nature of an inquest. The Council has passed it and made its decision ... we do not want the traditional hospitality of our country to Dr. Graham to be mixed up with any question of discussing this matter'.

Earlier, several important developments had taken place in Kashmir itself. General Elections in April 1957 had resulted in an overwhelming majority for the National Conference (which won 69 seats out of 75, 5 were won by the Praja Parishad, 1 by the Harijan Mandal and another by an Independent). In the new Cabinet, a leftist group led by Mr. G. M. Sadiq was left out, and formed itself into a separate party. Both groups, however, are emphatically against any reversal of the decision to accede to India. Again, following the arrests and trial of foreign agents and saboteurs in Kashmir, it is generally believed in India that Pakistan has been actively encouraging sabotage activities in the State and two approvers have stated that the Foreign Minister of Pakistan was himself directly involved. Thirdly, Pakistan protested to the U.N. against India's alleged attempts to settle non-Kashmiris in the State—an allegation which was unequivocally and emphatically refuted in India. Likewise, the Pakistani charge of Russian planes having landed in Kashmir is totally baseless. Lastly, India protested against the construction of the Mangala Dam by Pakistan in the occupied areas of Kashmir and cited this as a further violation of the U.N. resolutions.

Any solution to the Kashmir dispute which does not take into consideration the present realities of the situation and the interests of both countries, or which appears as an

imposition on either of them, cannot really be welcome in the larger context of the sub-continent as a whole. It can be said without fear of contradiction that the cause of peace and stability in the region will not be served by bringing about a solution in Kashmir through methods which would create in its wake greater and more formidable problems in the region. Any unsettlement in Kashmir by a precipitate plebiscite which adds to the tension, which retards the growth of sound democratic principles and practices in the two countries, which once again sets in motion the obscurantist forces and which might permanently create a division between peoples in the two countries cannot be acceptable at any time. This is particularly so at the present moment when values which democratic countries all over the world are ready to protect are being challenged in Asia by a philosophy which has an appeal to all those which are economically and socially backward. These values are being nourished by India and it is a general conviction that India has achieved considerable success in this regard. Democratic institutions have grown and have been zealously built up where they did not exist; a bold attempt is being made at economic development through planning without in any way compromising these institutions. If any unsettlement in Kashmir is allowed to deal a serious blow to this process, its effect could be disastrous to India, to Pakistan and to the rest of Asia, south of China.

CANAL WATERS DISPUTE

A dispute between India and Pakistan that has assumed greater urgency and intractability in the last few years is that over the use of the waters of the Indus river system. The north-western region of the Indian subcontinent is made fertile by a large irrigation system. The area is watered by six rivers : (i) the Indus, which rises in Tibet and flows through Kashmir; (ii) the Chenab, which rises in the Punjab (India) and flows through Kashmir; (iii) the Jhelum, a tributary of the Chenab, rising in Kashmir; (iv) the Ravi, rising in the

Punjab (India); (v) the Sutlej, which rises in the Punjab (India) and (vi) the Beas, a tributary rising in the Punjab (India). The canals draw water from headworks at suitable spots. They are also connected by link canals. In developing the irrigation system, the erstwhile Government of India laid emphasis on the development of waste land belonging to the state, thus increasing revenue as well as income from sales of land. As most of this irrigated land lay in the western part of the Punjab, as a result of partition the major part of the irrigated land went to West Pakistan. Of the cultivable area of the Indus basin, 26 million acres was in India and 39 million in Pakistan. But while 51 per cent of the Pakistan areas received irrigation, only 18 per cent of the Indian areas was so benefited. And while Pakistan is using 39 per cent of the total inflow and 88 to 89 per cent of the existing supplies of canal water, India's share comes to only 5 per cent and 11-12 per cent, respectively.[1] Thus, it is argued in India, that developments in the past were lopsided in relation to population and natural resources and the Indian people could not be expected to agree that mistakes of the past must be perpetuated indefinitely.

The crucial difficulty in regard to this dispute arises from the fact that both India and Pakistan have today inadequate food production and much of their hopes in tackling the problem depend on the development and irrigation of the areas around these rivers in both countries. Although at present there is enough scope for further development with the existing supply of waters—the major portion of the Indus water still flows into the seas—these waters are insufficient to meet the growing requirements of the two countries.[2] It is, therefore, natural when a political division of the country is made with little regard to physical and economic considerations and

1 The figures are taken from a background note circulated by the Research & Reference Division of the Ministry of Information and Broadcasting, Government of India.

2 This is the World Bank's view.

when flood and drought cannot be expected to respect political frontiers, two distinct political entities which do not see eye to eye on many questions would find in this yet another disagreement.

In 1947, the Partition Committee for the Punjab agreed on a 'standstill agreement', to maintain the *status quo* till March 1948, as a more permanent solution was expected to be evolved by that time. This agreement was signed on 18 December 1947. When by April 1948 no new agreement was signed and no approach made by Pakistan, the Indian authorities discontinued the delivery of water to Pakistan through *two canals*.[1] This led to immediate meetings between the two Governments and the signing of the Delhi agreement of May 1948 which the Government of India considers to be the fundamental document in this matter. The document was signed by the then Finance Minister, Mr. Ghulam Mohammad, on behalf of Pakistan and by Prime Minister Nehru for India. The key clauses of the document are as follows : 'The East and West Punjab Governments are anxious that this question should be settled in a spirit of goodwill and friendship. Without prejudice to its legal rights in the matter the East Punjab Government has assured the West Punjab Government that it has no intention suddenly to withhold water from the West Punjab without giving it time to tap alternative sources. The West Punjab Government on its part recognizes the natural anxiety of the East Punjab Government to discharge the obligation to develop areas where water is scarce and which were underdeveloped in relation to West Punjab. Apart, therefore, from the question of law involved, the Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources'.

1 And not supplies in the rivers, as is often alleged by Pakistani sources.

The agreement worked smoothly till July 1950, when Pakistan refused to honour its obligations in respect of seigniorage charges. Then followed years of abortive argumentation—India pleading for a comprehensive plan for the development of the entire region and Pakistan insisting on reference of the subject to the International Court of Justice.

In November 1951 the World Bank proposed a joint technical survey of the region following a suggestion by Mr. David Lilienthal (former head of the U.S. Tennessee Valley Authority) to that effect. Writing in an American magazine, Mr. Lilienthal stated : 'This is not a religious or a political problem but a feasible engineering and business problem for which there is plenty of precedent and relevant experience. This objective, however, cannot be achieved by the countries working separately; the river pays no attention to partition—the Indus, she just keeps on rolling. *The whole Indus system must be developed as a unit—designed, built and operated as a unit'.*[1] The World Bank President, Mr. Eugene Black, attracted by this proposal wrote a letter to the Indian Prime Minister : 'The problems of development and use of the Indus basin water resources should be solved on a functional plan and not in a political climate, without relation to past negotiations and past claims and independently of political issues'. Mr. Black subsequently suggested that while the co-operative work continued, neither side would take any action to diminish the supplies available to the other for existing uses. India and Pakistan accepted the Bank's suggestion and the Working Party set up by the Bank consisting of designers of the two countries and the Bank's engineers met in Washington in May-June 1952. They agreed on the outline of a programme of technical studies and the survey continued till the middle of 1953. In September that year, the Working Party reassembled in Washington to work out a comprehensive plan of development.

1 Italics added.

Following the failure of the Indian and Pakistani representatives to agree on a common approach, in February 1954 the World Bank communicated to the two governments its own proposals for a settlement. The World Bank's proposals were formulated after the Indian and Pakistani representatives had presented their own plans for the solution of the problem.[1] According to the World Bank, these were : (1) 'That water supplies and storage potentialities are inadequate for the needs of the basin'. Thus 'any plan must involve a large element of compromise under which each country will have to forego some of the irrigation uses that it would wish to develop if adequate supplies and storage were available'. (2) 'That two sovereign states are involved'—a fact which 'greatly limits the practical potentialities of planning'. (3) That the two approaches differed fundamentally. The Pakistani concept was that existing uses must be met from existing sources and 'existing uses' were defined as to include uses sanctioned before partition but not put into use. India defined 'existing uses' to mean the actual historic withdrawals and agreed that they should be continued but not necessarily from existing sources. The essence of the Indian approach was that Pakistan must build up alternative sources for her supplies.

The Bank's plan was produced on the basis of its own appraisal. A fundamental factor in this was the recognition of the validity of the Indian point that 'historic withdrawals of water must be continued but not necessarily from existing sources'. The requirement that existing uses must be supplied from existing sources would unduly limit the flexibility of operation needed for the effective use of waters. Secondly, the Bank assumed the impracticability of joint management of the Indus in the current political context and concluded that 'allocation of supplies to the two countries should be such as to afford

1 While the Indian plan took full cognizance of the irrigation requirements of Pakistan, the Pakistani plan concerned itself only with Pakistan's requirements.

the greatest possible freedom of action by each country in the operation, maintenance and future development of its irrigation facilities'.

The Bank proposals were as follows :

(i) The entire flow of the three western rivers (the Indus, the Jhelum and the Chenab) would be available for the exclusive use of West Pakistan, except for a small volume of water for Kashmir.

(ii) The entire flow of the three eastern rivers would be available for the exclusive use of India, except that for a transitional period India would supply to Pakistan the latter's historic withdrawals from these rivers. This period, estimated at five years, would be worked out on the basis of the time required to complete link canals in Pakistan.

(iii) Each country would construct and pay for the works located in its territory, but India would also bear the cost of link canals in Pakistan needed to replace supplies from India 'to the extent of the benefit derived by her thereform'. This was expected to amount to between Rs. 40 and 60 crores.

The Bank's proposals on distribution of waters compare as follows with the Indian and Pakistani plans (in millions of acre-feet) :

Plan	*For India*	*For Pakistan*	*Total usables*
Indian	29	90	119
Pakistan	15.5	102.5	118
Bank	22	97	119

The chief merit of the Bank plan was its simplicity and practicability. It would avoid complexities that would inevitably follow the setting up of any joint commission or the sharing of rivers. It would bring about greater efficiency and reduce the chances of disputes between the two countries. Under the peculiar circumstances that prevailed, the Bank considered that only such an unusual plan could deliver the goods. 'It is unusual', the Bank noted, 'to say the least, to find an elaborate irrigation system, originally planned and operated under a single

political regime, suddenly cut in two by a political boundary'.

The Bank plan involved heavy sacrifice for India because it had to relinquish the hope of using the Chenab waters for irrigating the desert areas of Rajāsthan and had to incur heavy financial responsibilities. Yet, in the interest of a speedy and constructive settlement of the dispute, India announced on 22 March 1954. her acceptance of the Bank's proposals. Pakistan neither accepted nor rejected the proposals and asked for time to study them, which it did with the help of a private U.S. engineering firm. It seems Pakistan was advised against acceptance of the Bank's plan, and when in May the Bank appealed to Pakistan to accept or reject the proposals within a week, Pakistan asked for certain clarifications and proposed that the Working Party undertake a detailed technical study. In fact, Pakistan's attitude to the proposal was never clear. On 15 May 1954, Pakistani newspapers said that the proposals were unacceptable to Pakistan.[1] On 7 June, the *U.P.A.* reported from Washington that Pakistan would 'protest to the World Bank that its plan for dividing the Indus river basin between Bharat (India) and Pakistan is grossly unfair to Pakistan'.[2] On 10 June the same news agency again reported that 'Pakistan would not accept the World Bank plan'.[3]

It was in this context that the Indian Government informed the Bank on 21 June 1954 that it regarded Pakistan's reply as tantamount to a rejection and that it therefore regarded the earlier agreements void. An official *communique* issued in Delhi on 26 June stated that the position was now restored to what it was according to the Agreement of May 1948. But on 23 June, Foreign Minister Zafrullah Khan of Pakistan said : 'We are not accepting or rejecting the Bank plan. What we are saying is that we will make up our minds when we know

1 *Pakistan Times*, Lahore, 16 May 1954.
2 *Dawn*, Karachi, 8 June 1954.
3 Ibid, 11 June 1954.

exactly what the plan would produce',[1] and on 5 August the Prime Minister of Pakistan disclosed that Pakistan had conditionally accepted the World Bank proposals on the canal waters dispute. Pakistan, according to him, would try the World Bank formula and accept it if 'it is workable and guarantees proper usage of water'.

Pakistan's action followed a serious argument between India and Pakistan on the propriety of the opening of the Bhakra Canals in India (8 July 1954). Prior to the opening of the canal system, supplies to Pakistan had dropped—because of natural factors, according to India, and withdrawal of water for storage at Bhakra according to Pakistan. The Pakistani Press called it 'naked aggression',[2] and reported that 'some individuals and organizations even suggested waging of a *jehad* and called for a "do or die" stand on the issue'.[3] India upheld her right to open the Bhakra Canals, at the same time stating that she had no intention of developing herself at the cost of 'the common man of West Pakistan'.[4] The controversy was carried to the level of correspondence between the two Prime Ministers, who were already in touch with each other on the Kashmir issue.

In spite of the outcry in Pakistan, however, the Government of India told the World Bank on 5 August that its plan would be considered. The same day, the World Bank told the Government of India that Pakistan was ready to accept the Bank Plan as a basis for resuming the negotiations. The Indian Government agreed to the World Bank's suggestion. The Indian Minister for Irrigation and Power announced on 27 August that the Bank had made proposals to India and Pakistan for the opening of fresh negotiations on the basis of its recommendations and had proposed new terms of reference. Preliminary

1 *The Hindu*, 24 June, 1954.

2 *Dawn* Editorial, 10 July 1957.

3 Ibid.

4. Mr. Nehru's speech while opening the Bhakra Canals, 8 July 1957.

talks between the two Governments started at New Delhi on 31 August. The 'co-operative work' thus continued and talks started on 6 December 1954 at Washington. Pending the formulation of a comprehensive scheme for canal waters distribution, the two Governments negotiated from time to time *ad hoc* transitional agreements for the distribution of canal waters. The first such agreement was signed in June 1955 and was to remain in force from April to September of that year—the obvious hope at that time being that by that time a comprehensive scheme would be evolved. The specified date for termination of the agreement was extended to 31 March 1956 by a joint *communique* issued on 15 October 1955.

In June 1956, the World Bank submitted slightly modified proposals, suggesting that India, besides bearing the cost of construction of the link canals, should share the cost of providing storage facilities as well, proportionately with the water that would supplement the amount drawn from India. In spite of the additional burden involved in the revised proposals, but with a view to settling the dispute once and for all, India agreed to these proposals. But Pakistan was still hesitant. It was reported[1] that Pakistan had rejected the proposals and decided to ask for an extension up to 31 March 1957 of the period of negotiations under the Bank's auspices. Although it was later reported that Pakistan had not made any outright rejection of the proposals, it was clear that they were not ready to accept it. India once again agreed to negotiate up to 31 March 1957 and signed on 26 September 1956 an *ad hoc* agreement for the supply of canal waters to Pakistan. It was expected, however, that by this date a final solution would emerge. In fact, it was reported from Washington in December 1956 that during Mr. Nehru's visit to the U.S.A. he had talk with the Bank's Vice-President, Mr. W. A. B. Iliff, and impressed on him that India could not be expected to wait indefinitely for a solution.[1]

1. *Times of India*, Delhi, 22 June 1956.

Even as late as 9 March 1957 *P.T.I.* reported from Karachi that the World Bank was 'firm in its view that a solution of the problem must be found by 31 March."[2]

No solution, however, was found—because of Pakistan's refusal to say 'yes' or 'no'—and the Bank again got into touch with the two Governments early in April 1957 in an effort to get the talks continued for 'a further short period'. On 4 May India agreed to continue the negotiations till 1 September 1957 and Mr. Iliff, the Bank's Vice-President, visited New Delhi on 7 June 1957 and discussed the issue with the Indian Government. He also visited Karachi and Lahore for talks with Pakistani officials. Before leaving for Washington by the end of June 1957, Mr. Iliff handed over to both sides a letter in which he asked for the views of the two Governments *in writing*, on certain heads of agreement which should form the basis for an international water treaty.[3] These heads of agreement followed broadly the Bank proposal of 1954 'but seek to provide some machinery for resolving points on which the Bank might be unable to secure an agreement'.[4]

India has already amply demonstrated her eagerness for an amicable solution of this dispute. In spite of the May 1948 Agreement, India accepted the World Bank's offer of mediation in 1952 and agreed to supply water to Pakistan so long as the negotiations continued. India expected a solution earlier than February 1954, but even the 1954 proposals, which meant serious disadvantages for India, were not accepted by Pakistan. Since then, India has concluded three *ad hoc* agreements with Pakistan and even when no solution was in sight on 31 May 1957,

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1. *The Hindu*, 21 December 1956.
2. *The Hindu*, 10 March 1957.
3. In a written statement to the Press issued before leaving New Delhi, Mr. Iliff disclosed that he had made 'certain suggestions' to the two Governments in order to move forward towards a settlement.
4. The Indian Irrigation Minister, Mr. S. K. Patil's statement in the Lok Sabha on 25 July 1957.

India did not give up the co-operative approach. All this was in a spirit of good neighbourliness and in an 'anxiety to see that the Pakistani cultivators were not penalized for the faults of their Government.'[1]

Yet, an attempt has been persistently made in Pakistan to propagate the view that India had cut off, or was threatening to cut off, water supplies to Pakistan, that India was constructing a dam on the Sutlej which would convert the whole of West Pakistan into a 'dusty bowl' and that Pakistan's economy is in danger unless she continues to receive supplies from the three eastern rivers. There is no truth whatsoever in any of these statements. As the Indian Prime Minister stated: 'Ever since the agreement of May 1948 there has not been a single occasion when supplies were cut off from Pakistan.' It is perhaps worthwhile in this connexion to quote a noted British expert on the subject, Mr. F. J. Fowler, who wrote in the *Geographical Review* (October 1950): 'Even under a unified control designed to ensure equitable distribution of water in years of low river flow, cultivators on tail distributaries always tended to accuse those on the upper reaches of taking an undue amount of water, and after partition any temporary shortage whatever the cause, could easily be attributed to political motives.'

As regards the Bhakra dam, it may be pointed out that this will not have any effect on Pakistan since the dam will store supplies only during the flood season. On the other hand, such storage will reduce flood hazards in Pakistan. Secondly, Pakistan depends on the eastern rivers for only 10 per cent of her needs and the western rivers have such a large irrigation potential that Pakistan is able to undertake, in addition to replacing supplies hitherto received from the eastern rivers, extensive new development for many years to come.

Pakistan's propaganda in this context appears in India to be largely motivated by political considerations. While speaking in the Pakistani Parliament in February

1. Ibid.

1958 on foreign affairs, Prime Minister Suhrawardy stated: 'Pakistan cannot dream of this (attacking India) *vis-a-vis* India, and I want to maintain as our firm policy that we want to have peace with the world; our country will not attack; but situations can develop in which a country may think it necessary that, rather than be annihilated systematically, rather than be throttled inch by inch, a country may give up its own life at one sweep, rather than wait for progressive annihilation'. This appears in India as an attempt to make India a factor in the day-to-day life of the ordinary Pakistani, an attempt to keep up a tension in their minds—a purpose which a territorial dispute may not serve. It is worth noting that in the course of the same speech while referring to the disputes with India Mr. Suhrawardy mentioned not only the canal waters question, which according to him vitally concerns the economic prosperity of West Pakistan, but also what he called 'the new dispute which is arising in East Pakistan regarding the stoppage of waters of the Ganges or the flooding of Assam'. India, it would thus appear, not only threatens West Pakistan's economic security but also that of East Pakistan!

While disputes with India might thus be made to serve a perverse political function in Pakistan, exaggerated propaganda on canal waters might also serve, it is felt in India, two other purposes of Pakistan; 'first, to buttress its case for Kashmir and, secondly, to force India to finance not only the link canals but also some gigantic irrigation projects by threatening to thwart India's progress by indefinitely prolonging the dispute'.[1]

What pains India all the more is that such propaganda is carried on by the highest leaders of Pakistan, in foreign countries friendly to India and whose friendship India values. As the Prime Minister of India told the Lok Sabha on 23 July 1957 : 'For the Pakistan's Prime Minister to go about saying in the U.S.A. that we are bent on reducing Pakistan into a desert or cutting off waters or

1. *The Eastern Economist*, New Delhi, 21 June 1957.

making the population suffer untold misery, it seems to me, is going very, very far from the truth. It is a realm of fancy which should not be normally brought into play ... There are certain standards which normally should be kept by people who occupy responsible positions. I regret those standards are being repeatedly ignored'.

The importance of an early and final solution of the problem of canal waters can hardly be over-emphasized. This is a problem which can be tackled without bringing in extraneous considerations and, as such, a solution would not be difficult to find. The World Bank has in fact suggested a practicable scheme. If on this basis the two countries would agree, not only would one important dispute have been solved, but an atmosphere would be produced for solving the others. Again, on the solution of this dispute depends the hope of economic development of areas adjoining the border and a normal state of mind can be brought about among the two peoples in relation to one another only when hopes about their economic future are not thwarted.

While India is pressing for a speedy settlement of the problem Pakistan, it appears, is interested only in delaying its solution. It is worth pointing out that when the two Governments were discussing the World Bank proposal, Mr. Suhrawardy stated in London in June 1957 that division of rivers would be no solution—a proposition wholly contrary to the World Bank's.[1] Although Pakistan is now reported to have accepted the plan, this acceptance is said to be so heavily conditioned that 'it is difficult to say how far Pakistan's acceptance of the World Bank proposals on the canal waters issue did go in the way of acceptance'.[2]

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1. Mr. Nehru's reply to a question in the Lok Sabha, on 9 August 1957.

2. Mr. S. K. Patil's statement in the Lok Sabha, on 25 July 1957. He later told the Parliament on 1 August that India could not wait for more than five years from then.

Migration of Minority Community

Besides these serious issues that divide India and Pakistan, a number of other issues have caused difficulties. One of these problems, which Mr. Nehru once called even more important than Kashmir,[1] is that of migration of Hindus from East Pakistan to India. While such migration has continued since partition, the monthly average number of migrants fluctuated from time to time. In late 1955 and early 1956, the influx into India increased considerably. In the first half of 1954 an average of 6,600 persons migrated to India per month. This average increased to 12,500 in the second half of 1954. In 1955 the increase continued, the monthly average being over 20,000. In January 1956, 19,206 persons migrated and in February the number increased to 45,534. A total of 3.2 lakhs migrated to India during 1956 alone.

This migration is caused mainly by 'the feeling of insecurity and economic discrimination under which the minority community lives. Economic distress is certainly a factor, but the primary reason which is making these persons leave their hearths and homes, where they have manfully coped with all difficulties for over eight years, is the insecurity and discrimination in their daily lives'.[2] Although the problem has since then been partially tackled and the migration is at the moment less than it once was, the strain on the economy of the border state of West Bengal,[3] and on India in general is serious. This causes India great concern and it is felt that, essentially, it is for Pakistan to take steps to create conditions in which this migration would cease.

1. Mr. Nehru said in the Rajya Sabha on 3 December 1956: 'A fact more important than Kashmir is the continuous exodus from East Pakistan into India. Let Pakistan explain this.'
2. Indian Refugee Rehabilitation Minister, Mr. Mehar Chand Khanna's statement, on 29 March 1956.
3. In fact, no further rehabilitation, it is said, is possible in West Bengal.

One of the factors which create uncertainty in the minds of the non-Moslem population of Pakistan is the state of her relations with India. This, to an extent, is true also of the Moslem population of India. It is unfortunate that notwithstanding the various constitutional and other guarantees given in this country, communal riots have taken place occasionally. In Pakistan, not only have such riots taken place frequently, but also the minorities have been reduced to the position of second class citizens by various official and unofficial measures. In short, treatment of minorities is still a dispute between the two countries in spite of some steps taken on both sides to ensure to them freedom and security. This is an additional argument for caution and restraint. The passions so brutally displayed in the entire sub-continent in 1947 still, apparently, continue to lie beneath the surface of reason and till such time as they dissolve themselves, they have to be kept down with care. But in the present context, the treatment of minorities has become so inextricably mixed up with the problem of relations with the neighbouring country, that any attempt to safeguard the position of the minorities in one country, without a general policy of friendship towards the other, is bound to fail. Minorities in both countries are conscious of the fact that their safety and welfare in the country of their residence depends to a large extent on the safety and welfare of the minorities in the other. When the influx from East Pakistan increased in the beginning of 1956, 28 Moslem members of the Indian Parliament belonging to all parties issued a joint appeal to Pakistan on 23 April 1956 to take immediate steps to stop the large-scale exodus of Hindus from East Bengal and to create in Pakistan conditions in which the minorities would be able to live in security and honour. The situation, according to them, was 'fraught with anxious consequences both in human and political terms'. The signatories concluded: 'It is always primarily the duty and the function of the majority to win over the goodwill, the affection and the loyalty of the minority communities, and this applies equally to

India and Pakistan. In India, some of our greatest leaders have laboured valiantly and ceaselessly towards this end and we venture to hope that the best in the leadership of Pakistan will not fail to do the same'. Any news of ill-treatment of Indian Moslems would cause equal concern in the minds of the Pakistani Hindus and Moslems. Also the overwhelming majority of each of the two countries feel vitally concerned with the welfare of the minorities in the other.

In this connexion it might be instructive to recall the episode of the book, *Religious Leaders*. An important Indian publishing agency brought out in 1956 an Indian edition of this American book. The book contained some objectionable passages about the Prophet of Islam and a section of Indian Moslems demanded a ban on it. The publishers—the Bharatiya Vidya Bhavan—immediately on hearing of the complaint, withdrew the book from circulation. The Government also agreed that the reference to the Prophet was objectionable and some of the State Governments banned the publication. None the less, violent demonstrations took place in various parts of Northern India leading to counter-demonstrations by the majority community. By the time law and order was restored to nomalcy in the cities of U.P., anti-Indian demonstrations had started in Karachi on this issue. On 21 September 1956 a 'Protest Day' was observed throughout Pakistan. There was a complete *hartal* in Karachi; clenched fists were raised at public meetings; an audience of nearly 15,000 at a public meeting shouted 'War with India'; a portrait of Mr. Nehru garlanded with shoes was taken round the city Thus, an agitation started by a section of the Indian Moslems against an Indian publication became an issue in Indo-Pakistani relations.

Border Incidents

Border incidents have often caused serious misgivings on both sides. Because of the, as yet, undemarcated border between the two countries, clashes often took place

throughout these years, sometimes leading to official protests and the use of strong words. One such incident took place near the cease-fire line at Nekowal on the Jammu border in 1955. On 7 May of that year an Indian party of the Central Tractor Organization was fired upon by Pakistani troops at Nekowal. The firing lasted eight hours and as a result 12 Indians, including a Major of the Indian Army, were killed. The Press of the two countries carried completely different versions of the story, but a U.N. observer's report found that the firing was pre-planned and held the Pakistanis responsible for it. The Pakistani Prime Minister expressed his 'profound regret' at the incident a week later when he met the Indian President at New Delhi. Although Pakistan refused to pay compensation on this account but while the Government declined to accept responsibility for the incident, it made an *ex gratia* payment of Rs. 1,00,000 for relief to the families of those killed.

In May 1955, the Home Ministers of the two countries met in New Delhi and agreed to finalize the demarcation of the boundary between the two countries as early as possible (it was to be completed in three months), to reduce the number of border forces and the arms to be carried by them. In spite of the agreement, however, some more serious clashes occurred in the following year. From the beginning of 1956 to 20 March there were as many as 10 serious incidents along the border and serious accusations were made by both sides. While the Prime Minister of Pakistan called it an attempt on the part of India to impress on the U.S.A. the need to desist from aiding Pakistan, a voice was raised in the Indian Parliament demanding a protest to the U.S. Government in the matter. Subsequently, on 29 March the commanders of the two armies agreed to avoid bloodshed and tension on the border and to withdraw all additional forces posted along the border by both sides following the earlier incidents. Incidents have been fewer since then.

Evacuee Property

Another problem on which little progress could be made was the disposition of evacuee properties. While in regard to movable properties agreed conclusions have been arrived at (November 1955), in regard to immovable properties negotiations have failed. In December 1954, India proposed resumption of negotiations with Pakistan and the Minister for Rehabilitation volunteered to go to Pakistan if necessary. A conference, however, could be held only at secretariat level, as Pakistan wanted it to precede a ministerial conference. A ministerial conference, however, never met. Early in 1957, representatives of the two Governments met to discuss the procedure for verification of evacuees' claims by on-the-spot investigation in the two countries. As a prerequisite to starting the work of verification India proposed that a common agreed basis for valuation of properties in India and Pakistan be evolved. Such a common agreed basis was considered necessary in order to obviate future disputes about the value of evacuee properties on both sides. Pakistan found itself unable to accept the proposal and there has been no progress in the matter.

The dispute regarding evacuee properties, however, has lost much of its importance in the public mind since both Governments have decided to unilaterally acquire the rights, title and interests of evacuee owners and to utilize them to pay compensation to refugees. While it continues to be a problem between the two Governments, evacuee properties are no longer an internal political problem in either country. To that extent, its explosive character has been mitigated.

AN ASSESSMENT

The most important result of Indo-Pakistani differences in the last five years is that the two countries have fallen apart on the issues of regional security and world peace. Whether this development itself is the result of the continuation of disputes is difficult to answer. There are many reasons to suggest that even without these

problems *vis-a-vis* India, Pakistan would have chosen a course similar to the present one. Pakistan is a smaller country, militarily weaker than India, and the political and social base required internally for a foreign policy of 'dynamic neutralism' has hardly had a chance to develop in that country. Moreover, the political rivalry in pre-partition India between the Congress and the Muslim League has inevitably become international rivalry since Independence. With or without problems like Kashmir, a tendency on the part of Pakistan, the smaller country, to behave differently from its big neighbour was in the logic of the last 30 years of political history of the sub-continent. When in 1949 the Indian Prime Minister was invited to Washington, the Prime Minister of Pakistan promptly accepted an invitation from Moscow—and this was hailed in Pakistan with almost as much enthusiasm as the subsequent Pakistani decision to accept U.S. military aid, and thereby join the anti-Russian side! When India was engaged in an anti-colonial struggle against the Portuguese in Goa, Pakistan's important newspapers and individuals including Mr. Suhrawardy lent moral support to Portugal, and the Pakistani Government itself is reported to have strengthened economic links with Goa.[1] To some extent, Indo-Pakistani differences also have been responsible for these divergencies in their approach to international affairs.

Whatever the reason, there is no doubt that this completely antagonistic attitude of Pakistan towards the broad problems of foreign policy have greatly widened the gulf between the two countries and have made *rapprochement* more difficult than ever before. When the five Asian Prime Ministers met at Colombo in 1954, India and Pakistan clashed with regard to the issue of communism and colonialism. Subsequently at the Bandung Conference also, the Pakistani approach was distinctly divergent from India's. On the issue of Suez, India and Pakistan differed —the latter being one of the few Asian nations which did

1. The Pakistani President also made a goodwill visit to Portugal.

not regard British military action against Egypt as a 'return to colonialism' and called the invasion an act 'aimed at restricting the sovereignty of a certain country for the benefit of the world'.[1]

Nevertheless, while these differences between the two states are important, they are not so vital as to explain the resentment that U.S. aid to Pakistan, Pakistan's decision to join SEATO and the Baghdad Pact have created in India. Similar differences do exist between India and other countries. But the geographical contiguity of Pakistan to India, the state of Indo-Pakistani relations and the continued cry for *jehad* against India in Pakistan make India vitally concerned with Pakistani policies. Especially when this divergent policy is calculated to increase military strength with the help of the mightiest of the world Powers, it would be only a nation of supermen who could not lose their complacency—and India is not such.

What makes India particularly alarmed is the explanation often given officially in Pakistan about military alliances and military pacts. It has been stated by the Prime Minister of Pakistan as late as in February 1957 that it was the fear of India and the necessity to have allies to secure Pakistan's right *vis-a-vis* India[2] which impelled Pakistan to join them. The Government of Pakistan was not prepared to take any 'risk' as regards India. Speaking at Dacca earlier, the Prime Minister had said that while the present leaders of India might not commit aggression against Pakistan 'there is always danger that some party may arise which has not spoken on the floor of the House and whose aim it may be to see that Pakistan is destroyed'.[3]

Pakistan's fear is from *India*, not from China or Russia ! In fact, hopes are expressed that China and Russia would become friendly—the test of friendliness being

1. Mr. Suhrawardy's speech in Lahore on 2 December 1956.
2. Speech in Parliament on 22 February 1957.
3. Text of Speech circulated by Press Information Department, (Pakistan).

support to Pakistan, as against India. Replying to a debate on foreign affairs in the Pakistani Parliament on 25 February the Prime Minister said : 'I may tell you that most of our foreign policy depends on the Kashmir question, and if they (other nations) are with us on Kashmir they are with us in our foreign policy'.[1] A few minutes afterwards in the course of the same speech he said : 'I seek the friendship of China. I am not isolated. I feel perfectly certain that when the crucial time comes, China will come to our assistance. It has already done so. Where are those statements that were issued to the effect that India has an absolute right to Kashmir? Today, Russia has gone back on the very positive statements made by their two leaders when on India soil...When I have nothing against them, why should they be against us?' India alone is thus the 'enemy', as was plainly stated by Foreign Minister Noon at Lahore on 21 October 1956. Is it that the entire might of the West has been mustered behind Pakistan to defend her against India? And this in spite of the repeated peace gestures by India. Therefore, India finds in it, on the one hand, a Pakistani attempt to force a solution of India's dispute with her, on the basis of a position of armed strength, and on the other, an attempt to undermine her foreign policy, which is an article of faith with her. What adds to India's fears about Pakistan is the fact that inside that country there is no serious planned attempt, as yet, to raise the living standards of the people, and their political right to change their government is yet to be exercised. It is not seldom that political and economic uncertainty internally have led governments to undertake external adventures, even if their long-term usefulness is dubious. Indo-Pakistan problems consequently appear in a different light to India.

There is no doubt, as Mr. Jarring seems to have recognized. that 'the changing pattern of power relations in West and South Asia' has tended to make the solution of Indo-Pakistani problems difficult.

1. Ibid.

Relations between India and Pakistan continue to be strained, yet friendly relations are vital to both. Not only will such relations be in conformity with the basic factors which account for their commonness but they would also help the economic development of the two countries. By releasing the internal and foreign exchange resources which they now spend on the arms race that goes on in the sub-continent, good relations could help the implementation of the various plans and projects which call for immediate attention. Although Pakistan receives free arms from the United States, she spends about 60 per cent of her total revenue budget on defence. In India the Central Government spends about 40 per cent of a much larger budget on defence. Indo-Pakistani disputes, therefore, retard the economic development of the sub-continent; on this, in the ultimate analysis, depends the political stability and the future of democracy in this region. As long as the other country is a factor in the internal developments of India or Pakistan, neither can consolidate its hard-won freedom and thus lay the foundations of peaceful progress for which purpose they fought and suffered together as one for more than half a century.

APPENDIX—I

REPORT OF MR. GUNNAR JARRING ON THE KASHMIR QUESTION

—30 April 1957

(Excerpt)

1. On 21 February 1957, at its 774th meeting, the Security Council adopted a resolution (S/3793) by which it requested its President for the month of February 1957, the Representative of Sweden, to examine with the Govrnments of India and Pakistan any proposals which, in his opinion were likely to contribute towards the settlement of the India-Pakistan dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan. He was further requested to visit the sub-continent for this purpose and to report to the Security Council not later than 15 April 1957.

2. In pursuance of this resolution I proceeded to the sub-continent. I arrived in Karachi on 14 March 1957.

3. Discussions were held with the Government of Pakistan from 15 to 20 March, and again between 2 and 5 April; with the Government of India between 24 and 28 March and again between 6 and 9 April. Before departing from the sub-continent another conversation with the Government of Pakistan took place on 10 April. I departed from Karachi on 11 April ....

5. In accordance with the first operative part of the Council's resolution, conversations were held exclusively with the representatives of the Governments of India and Pakistan.

6. It is a pleasure for me to report that the co-operation of the two governments, envisaged in the second operative part of the Security Council resolution, has been complete in all respects. Our conversations took place in an atmosphere of complete frankness and cordiality ....

8. During the last debate in the Security Council, the Representative of Pakistan had stated that his country recognized "no international obligations with regard to the State of Jammu and Kashmir, except those she had voluntarily accepted both in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949." For his part, the Representative of India declared that these two UNCIP resolutions were the only ones which bound his government ....

9. In view of these declarations I felt it appropriate to explore what was impeding the full implementation of these resolutions. My efforts were, therefore, from the beginning directed toward the finding of a solution for the problems that had arisen in connexion with these two resolutions.

10. The resolution of 5 January 1949 envisages the holding of a free and impartial plebiscite to decide on the question of the accession of the State of Jammu and Kashmir to India or Pakistan. On exploring this question of a plebiscite I was aware of the grave problems that might arise in connexion with and as a result of a plebiscite.

11. Therefore I felt it incumbent on me to devise ways and means by which these difficulties could be met or at least be substantially mitigated.

12. Consequently, I made a number of suggestions to this end to both governments which, for different reasons, however, did not prove to be mutually acceptable.

13. During our conversations the Government of India laid particular emphasis on the fact that, in their view, two factors stood in the way of the implementation of the two UNCIP resolutions, the first of these was that Part I of the resolution of 13 August 1948, and in particular sections B and E, had in their view, not been implemented by the Government of Pakistan. For that reasons, it was in their submission premature to discuss the implementation of Parts II and III of that resolution, or of the resolution of 5 January 1949. The second of these impediments, which concerned rather Part II of the first

resolution, was that the Government of India, which had brought the case before the Security Council on 1 January 1948 felt aggrieved that the Council had so far not expressed itself on the question of what in their view was aggression committed by Pakistan on India.. In their view, it was incumbent on the Council to express itself on this question and equally incumbent on Pakistan "to vacate the aggression." It was argued that prior to the fulfilment of these requirements on the part of the Security Council and on the part of Pakistan the commitments of India under the resolution could not reach the operative stage.

14. I explained to the Government of India that the Security Council had properly taken cognizance of their complaint, and that it was not for me to express myself on the question whether its resolutions on the matter had been adequate or not. I pointed out that regardless of the merits of the present position taken by their government, it could not be overlooked that they had accepted the two UNCIP resolutions.

15. The Government of Pakistan, on their part, in conversations with me, maintained that Part I of the first resolution had been implemented in good faith and in full by them, and that the time had come to proceed to the implementation of Part II.

16. Under the circumstance I decided that it might be appropriate to approach first the question of the implementation of Part I of the first UNCIP resolution, as I had been given to understand that this was the primary impediment to the implementation of the resolution. It was my impression that in the presentation of their views substantial weight was given by the Government of India to the absence of "an atmosphere favourable to the promotion of further negotiations" as envisaged in section E of that part of the first resolution. Another point which was repeatedly stressed by the Government of India was that the military *status quo* envisaged in Part B of the same section did, in their view, not obtain owing to the policies pursued by the Government of Pakistan.

17. In order to break the deadlock concerning Part I, I enquired of the two governments if they would be prepared to submit the question of whether Part I had been implemented or not to arbitration. In substance my suggestion to the two governments did not envisage simple arbitration, but the arbitrator or arbitrators would also be empowered, in case they found that the implementation had been incomplete, to indicate to the parties which measures should be taken to arrive at a full implementation. It was also envisaged that in the latter case after a given time limit the arbitrator or arbitrators would determine wheher the given indications had been followed and implementation did obtain.

18. Being aware of the earlier negative attitude of the Government of India on the question of arbitration with relation to the Kashmir problem as a whole, I made it a point to explain to them that I was not suggesting anything of that nature, and that what I was proposing, while termed arbitration, in all likelihood would be more in the nature of a determination of certain facts which, in their view, were incontrovertible. (In addition, the procedure suggested might lead to an improvement in India-Pakistan relations in general, a development which I assumed could not be unwelcome to either of the two countries).

19. While the Government of Pakistan, after a certain hesitation, fell in with my suggestion in principle, the Government of India, however, did not feel that arbitration, as outlined by me, would be appropriate. They explained that, while they were not against the principle of arbitration as a method of conciliation and had, indeed, agreed to this procedure to arrive at a solution of certain other problems outstanding between their country and Pakistan, they felt that the issues in dispute were not suitable for arbitration, because such procedure would be inconsistent with the sovereignty of Jammu and Kashmir and the rights and obligations of the Union of India in respect of this territory. They were, furthermore, apprehensive that arbitration even on an isolated part of the

resolutions might be interpreted as indicating that Pakistan had a *locus standi* in the question.

20. In dealing with the problem under discussion as extensively as I have during the period just ended, I could not fail to take note of the concern expressed in connection with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of Power relations in West and South Asia.

21. The Council will, furthermore, be aware of the fact that the implementation of international agreements of an *ad hoc* character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to change.

22. While I feel unable to report to the Council any concrete proposals which in my opinion at this time are likely to contribute towards a settlement of the dispute, as I was requested to do under the terms of reference of the Council's resolution of February 21, 1957, (S/3793) my examination of the situation as it obtains at present would indicate that, despite the present deadlock, both parties are still desirous of finding a solution to the problem. In this connection the Council may wish to take note of expressions of sincere willingness to co-operate with the United Nations in the finding of a peaceful solution, which I received from both governments.

(Press Release—
U.N. Information Centre New Delhi.)

APPENDIX—II

INTER-DOMINION AGREEMENT OF 4 MAY 1948 ON THE CANAL WATER DISPUTE

1. A dispute has arisen between the East and West Punjab Governments regarding the supply by East Punjab of water to the Central Bari Doab and the Depalpur canals in West Punjab. The contention of the East Punjab Government is that under the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, and the Arbitral Award the proprietary rights in the waters of the rivers in East Punjab vest wholly in the East Punjab Government and that the West Punjab Government cannot claim any share of these waters as a right. The West Punjab Government disputes this contention, its view being that the point has conclusively been decided in its favour by implication by the Arbitral Award and that in accordance with international law and equity, West Punjab has a right to the waters of the East Punjab rivers.

2. The East Punjab Government has revived the flow of water into these canals on certain conditions of which two are disputed by West Punjab. One, which arises out of the contention in paragraph 1, is the right to the levy of seigniorage charges for water and the other is the question of the capital cost of the Madhavpur Head Works and carrier channels to be taken into account.

3. The East and West Punjab Governments are anxious that this question should be settled in a spirit of goodwill and friendship. Without prejudice to its legal rights in the matter the East Punjab Government has assured the West Punjab Government that it has no intention suddenly to withhold water from West Punjab without giving it time to tap alternative sources. The West Punjab Government on its part recognizes the natural

anxiety of the East Punjab Government to discharge the obligation to develop areas where water is scarce and which were under-developed in relation to parts of West Punjab.

4. Apart, therefore, from the question of law involved, the Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources.

5. The West Punjab Government has agreed to deposit immediately in the Reserve Bank such *ad hoc* sum as may be specified by the Prime Minister of India. Out of this sum, that Government agrees to the immediate transfer to East Punjab Government of sums over which there is no dispute.

6. After an examination by each party of the legal issues, of the method of estimating the cost of water to be supplied by the East Punjab Government and of the technical survey of water resources and the means of using them for supply to these canals, the two Governments agree that further meetings between their representatives should take place.

7. The Dominion Governments of India and Pakistan accept the above terms and express the hope that a friendly solution will be reached.