

## THE KUTCH AFFAIR

by  
J. H. M. J. J.

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2. A History of the Sikhs, 1769-1799 (Cis-Satluj)  
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10. India-Pakistan War 1965, Vol. I
11. India-Pakistan War 1965, Vol. II
12. The Kachchathivu Dispute

# THE KUTCH AFFAIR

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*by*

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**U.C. KAPUR & SONS**

Kashmere Gate

Delhi-6

*Published by :*  
U.C. Kapur & Sons  
Kashmere Gate  
Delhi-6

First Published June 1969

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To  
The revered memory  
of  
My Mother  
who was to me a constant  
source of inspiration

I proclaim that might is right,  
justice the interest of the stronger.  
—Plato, *The Republic*

## P R E F A C E

As one casts a cursory glance at the changing political map of India during the last twenty-two years of independence, one is apt to think that there has been a continuous erosion of its territories acquired in 1947. Pakistan and China have been most successfully challenging us on many fronts. Due to Chinese wily aggression we were forced to part with 14,500 square miles of our inheritance in Ladakh. Pakistan seized 35,500 square miles in Jammu and Kashmir in 1947-48. In 1965 Pakistan laid claim to 3,500 square miles of area in the Rann of Kutch, backed it with force and made India agree to unconditional arbitration.

Of the three members of the Kutch Tribunal, Ales Bebler of Yugoslavia alone examined the case purely in the light of *International Law*. Nasrollah Entezam of Iran judged the issue entirely as a diplomat. This he publicly admits in the *Award* on page 98: "Since I am not a lawyer by training, the technicalities of the law of estoppel, as discussed by the Parties, are mostly beyond my depth. ...In the diplomatic field, with which I am familiar, that would seem obvious". He upheld Pakistan's claim in toto and awarded her 3,500 square miles of the Rann of Kutch. The Chairman, Gunnar Lagergren of Sweden touched the *International Law* only on the fringe, and assumed the role of a peacemaker to pacify Pakistan. "The paramount consideration of promoting peace and stability in this region compels the recognition and confirmation that this territory, which is wholly surrounded by Pakistan territory, also be regarded as such". [*Award*, p. 153] He awarded Pakistan 317 square miles consisting of the best part of the entire Great Rann. Nasrollah Entezam unscrupulously discarded his earlier judgment and fell in line with the Chairman.

The two recent decisions—one of the International Court of Justice in the South-West Africa Cases, and the other of the International Tribunal on the Indo-Pakistan Western Boundary Case—have considerably lowered the prestige of international judicial bodies. *The Indian Journal of International Law*, January

1968, in the Editorial Comment on page 52 observes that due to these two international judgments "the stock of international adjudication is at its lowest ebb".

This award is not likely to satisfy Pakistan's hunger for Indian territories. Pakistan's theory presumably is that India is breaking up, and this affords her an excellent opportunity to fish in troubled waters. Pakistan's then foreign minister, Z.A. Bhutto, said that Kutch was important to Pakistan for "the honour and territorial integrity of the country as Kashmir has been for the fulfilment of historical mission of Pakistan". [*Mainstream*, 8-5-1965, p. 8]. Bhutto has recently claimed the whole of Assam and parts of Bengal. President Ayub in his *Friends Not Masters* frequently refers to India as 'Hindu India' conveying an impression of contempt and hatred. He feels pinched and pained at its existence in the otherwise solid Muslim belt extending from Morocco to Indonesia. This block is called by him "the Third World of Asia and Africa" resounding with "the shouts of 'Uhuru', 'Allah-o-Akbar' and 'Merdeka'." In this world, he says, "numerically the most populous is Pakistan with 110 million people; but it is closely followed by Indonesia with 107 million, Thailand with 28 million, Turkey, the United Arab Republic and the Philippines with 27 million each". [Pp. 177-78]. "A bloc of countries like this would be a very powerful combination and would have an effective voice in the world. Today, the small nations of the world are taken for granted. If we were to speak with one voice, the world would sit up and take notice". [Pp. 181-82].

To wipe out "Hindu India" [P. 183] Pakistan argues: "It is no longer true that India's army is superior to ours; we have shorter lines of supply, a stable and united population dedicated to the greater glory of Pakistan; our armed forces, thanks to U.S. aid, are better equipped". [*The Economic Weekly*, 17-4-1965, p. 661]. Since India-Pakistan War of 1965, Pakistan's military preparations and anti-India diplomatic moves have exceeded all bounds.

It will be pertinent to refer here to Pakistan's new theory of the "current of history" flowing from the north-west to south-east. *The Indo-Pakistan Western Boundary Case Tribunal Award on page 12 of Introduction* says: "Pakistan argues that from about the sixth century onwards a 'current of history' had con-

sisted of invasions by the Rulers of Sind of the Kutch mainland". Further on page 8 of the Conclusions it is stated: "The Rann was crossed more often by the Sindis than by the Kutchis; Kutch was more often invaded by Sindis than was Sind by Kutchis. This last point was the foundation for the thesis of Pakistan, that there was a 'current of history' in the direction from Sind to Kutch which could be construed as an element for a historic title in favour of Pakistan."

All this should be an eye-opener to India. Twenty-two years is not a short period in the history of a nation in the fast-changing modern world. We have tried our level best to appease and win over an implacable foe and have failed. The time has now come when tit for tat should be our motto and ideal. The people of India in general and political parties in particular can play a yeoman's role in exerting pressure on the Government to change its policy of submission and surrender. We must change Pakistani 'current of history'. We did it in ancient times. Remains of several Indian colonies have been discovered in Central Asia. In modern times the Sikhs turned it to the north-west. Why should it not be done now? The opportunity seems to be at hand. Pakistan may launch its fresh invasion of India at any time. It is this consideration that prompted the author to undertake this work.

The function of a historian, wrote Polybius in the second century B.C., is "to record with fidelity what was exactly said or done, no matter how common place it may be". Donald M. Dozer says a historian "must tell the whole truth with complete frankness, must adhere to the rules of evidence, and must draw only justifiable conclusions from the facts. He must study all the actors in the historical play. He must show neither friendship nor enmity. He is neither a prosecutor nor a counsel for the defendant. (He) must scrupulously guard against subservience to the partisanship and personalities of the moment". [*Pacific Historical Review*, vol. xxxiv, 1965, p 385]. Max Muller wrote on August 5, 1883: "It is the privilege as well as the duty of the scholar to stand aloof, to choose his own point of observation, always to look at both sides of the question, and never to forget the old principle of *audiatur et altera pars*".

The presen writer has tried his best to stick to these

principles. The narrative presents a full picture of the case. It equally embodies the points of view of both India and Pakistan. The speeches and writings of Pakistani authorities and views expressed in the Press have been profusely drawn upon.

The author takes this opportunity to thank most sincerely the Librarians of the School of International Studies, Diwan Chand Institute for National Affairs, The Indian Society of International Law and National Archives of India, all at New Delhi, for their uniform courtesy and help extended to him in the collection of material. He is also deeply indebted to editors, correspondents and commentators of various newspapers, journals and magazines, both Indian and foreign, for making full use of their writings.

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June, 1969

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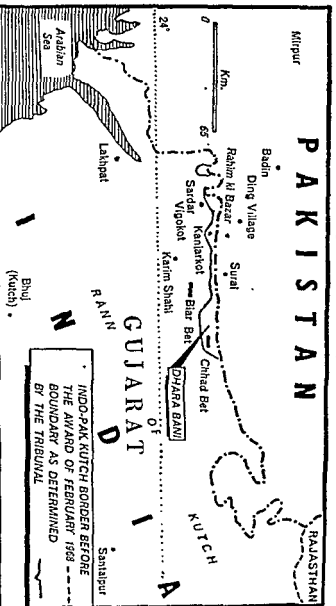
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Map

Award map of the Indo-Pakistan Kutch Tribunal constituted pursuant to the agreement of June 30, 1965



The demarcation of the 270-mile-long Gujarat-West Pakistan border began in March, 1968 and was completed in April, 1969. The last meeting of the two countries on Kutch took place on July 4, 1969, at Islamabad, when India and Pakistan signed on "authentication" of 51 maps and other documents. The area in the Rann of Kutch granted by the Tribunal to Pakistan, about 320 square miles, was handed over by India to Pakistani rangers on July 5, 1969.

## Rann of Kutch

### Its peculiar nature

Kutch is from Kaccha, the Sanskrit form of 'Kaksho' meaning a marshy ground. It is surrounded by the Great Rann in the north, by the Little Rann in the east, on the south by the Gulf of Kutch and on the west by the Arabian Sea.

The word Rann is derived from the Sanskrit 'irana' meaning desert. It presents a spectacle of a vast saline stretch, treeless and trackless, slushy soil and scraggy spaces, scorching sun and swirling storms, desolate, uninhabited and waterless wasteland, naked, tidal mudflats, a silent world broken by an occasional sight of a wild ass or a deer or a bird or a smuggler or a spy or a cattle breeder.

The Rann comprises nearly one-half of Kutch and one-eighth of Gujarat. The Great Rann is about 160 miles long from west to east and varies in width from 25 to 60 miles. Its total area is over 7,000 square miles. In the south-east it narrows into a neck, then turns inward and spreads out. It is known as the Little Rann, nearly 2,000 square miles in area and about 70 miles from east to west. The Tropic of Cancer passes just between the Great and the Little Ranns. The general character and appearance of both the Ranns are almost the same. The soil is of dark colour. It is not soft as it is baked by the sun. With the exception of a few islands on which grow grass and stunted bushes, there is no sign of vegetable life. There is neither grass nor weeds in the bed of the Rann.

The Great Rann is flooded from the middle of May<sup>1</sup> to the end of October every year. First source is seepage. It begins

in April and water spouts up in places. The gales and high tides in the Arabian Sea hurl huge waves of sea water inland over the Rann. It also receives fresh water from swollen rivers in the rainy season. Being without mountains and trees, it does not get much advantage of the monsoons laden with water. It secures only 12 to 15 inches of rainfall in the year. Temperature varies from 80° to 85°F in winter and from 90° to 95°F in summer.

Thus the Rann is a shallow sea, 4 to 5 feet deep from May to October, and a salty and sandy desert for the rest of the year. The Little Rann begins to fill in March with the southwest winds. It is also affected by tides. It attains its usual height just when the rains begin. No man can cross the Rann on foot, as the water is constantly in motion, advancing or receding, rising or falling. The Rann becomes passable only towards the end of October at the earliest. There are no perennial rivers in Kutch. During the rains from July to October a number of streams of considerable size flow from the central hills northwards to the Great Rann and southwards to the Gulf of Kutch. During the remaining part of the year their courses are marked by a few detached pools. Water cannot be stored in ponds owing to the porous nature of the soil.<sup>2</sup>

"There is a strong belief that the Rann of Kutch is rich in oil, and although none has been found, it has been discovered in two bordering regions."<sup>3</sup> In 1959 Indian geologists wanted to make an attempt to prospect for oil and gas in the bed of the Rann. As the process involved enormous expenditure and difficulty to procure drinking water for the survey and drilling parties, the idea was given up.<sup>4</sup>



hues and shapes glisten in the brilliant rays of hot sun of March, April and May.

This gives the Rann a unique enchanting beauty. The scene creates a fantastic phenomenon called mirage or *surab* or *janjaus* in local dialect. The snowy whiteness against the backdrop of a clear blue sky develops a peculiar sight, giving false and fake appearances of lakes, trees, houses, ships and fairies mirrored on its surface. Pools of seeping, saline water appear as big lakes. Small shrubs and stunted scrubs on the edges of puddles of water assume the fake images of big trees or rows and rows of stately buildings. A patch of dry mud in the pool takes the shape of a boat sailing on the surface of a big tree-lined lake. The wheel marks left by a passing cart or jeep bewitch a mirage-stricken person as they look like a complex railway track running parallel to a great distance, now clashing and then running away from each other, then crossing gates and approaching a big junction. Patches of bright yellow grass give the impression of being large fields of saffron, poppy or mustard. The broken surface of soil is changed into carefully ploughed and harrowed fields. These sights suddenly appearing and then disappearing leave a man dazed. Figures of dancing fairies come and go. One is delighted and horrified in quick turns. The cactus thickets lining up the passage heavily powdered with flying dust look "like a row of bushes, alight with myriad coloured bulbs, fit for a wedding reception."<sup>5</sup>

Alexander Burnes who travelled on camel across the Rann nearly 150 years ago wrote:

"Nowhere is that singular phenomenon, the mirage or *surab* of the desert, seen with greater advantage than in the Run. The natives aptly term it smoke (*Dhooan*); the smallest shrubs at a distance assume the appearance of forests; and on a nearer approach, sometimes that of ships in full sail, at others that of breakers on a rock. In one instance I observed a cluster of bushes, which looked like a pier, with tall-masted vessels lying close to it; and on approaching, not a bank was near the shrubs to account for the deception. From the Run, the hills of Cutch appear more lofty, and to have merged into the clouds, their bases being obscured by vapour. The wild ass [called "*Khur-gudha*" by the natives]...they roam about,

in flocks. ...Their size does not much exceed that of the common ass, but at a short distance, they sometimes appear as large as elephants. While the sun shines, the whole surrounding space of Run resembles a vast expanse of water. ...When the sun is not shining, the Run appears higher at a distance; ...in the deception of the vision."<sup>6</sup>

It is therefore suggested that the movement of troops should take place at night to avoid the glare and mirage, and working parties should go ahead to clear wells.

### Earthquakes

Another noticeable feature of Kutch is the frequency of earthquakes. The Rann and Kutch both lie in the earthquake belt of India. During the past two hundred years the severest shock was felt on June 16, 1819. In the capital of Kutch at Bhuj, 7,000 houses including the palace of the Rao were pulled down, and 1,150 persons perished. Every other town was considerably injured. The strongest fort of Tera in Kutch was levelled with the ground. Every house, however fortified, was shaken to its foundations. Sinking of soil took place over large areas. Fresh water wells and streams changed into salt water.

But the heaviest damage occurred in the Great Rann. Alexander Burnes who visited this area only eight years afterwards stated:

"... these were trifling alterations, compared with those which took place in the eastern branch of the Indus, and the adjacent country. At sunset, the shock was felt at Sindree, the station at which the Cutch Government levied their customs, situated on the high road from Cutch to Sind, and on the banks of what had been once the eastern branch of the Indus. The little brick fort of 150 feet square, which had been built there for the protection of merchandise, was overwhelmed by an inundating torrent of water from the ocean, which spread on every side, and, in the course of a few hours, converted the tract, which had before been hard and dry, into an inland lake, which extended for sixteen miles on either side of Sindree. The houses within the walls were filled with water, and eight years afterwards I found fish in the pools among them. The only dry spot was the place on which the bricks had fallen upon one another. One of four towers only remained,

and the custom-house officers had saved their lives by ascending it, and were eventually transported to dry land by boats on the following day...at a distance of five miles northward, a mound of earth or sand, in a place where the soil was previously low and level. It extended east and west for a considerable distance, and passed immediately across the channel of the Indus, separating as it were for ever the Phurraun river from the sea. The natives called this mound by the name of 'Ullah bund', or the mound of God, in allusion to its not being, like the other dams of the Indus, a work of man, but a dam thrown up by nature....

"Ullah bund—east and west—total length of fifty miles—not a narrow strip like an artificial dam, as it extends inland to Raomaka-bazar, perhaps to a breadth of sixteen miles. ...Its surface was covered with saline soil—consisted of clay, shells and sand.

"The inland lake which had been thus formed, extended for about 2,000 square miles...in a depression of the country round Sindree?;..."

### A glimpse into its history

The earliest reference to Kutch is found in the Greek writings of the time of Alexander the Great. Alexander's Admiral Nearchus passed through the Rann in 325 B.C. It was then a fresh water lake fed by the Indus. The Greek Emperor Menander, 142 to 124 B.C. is believed to have exercised his authority over Kutch. Afterwards it fell into the hands of Scythians. In 56 B.C. Vikramaditya, the founder of the Vikram Era, drove out the Scythians. On his death, they regained their possession. Parthians succeeded them, and used Broach as a seaport. Kutch was included in the Gupta Empire for a time. It was ruled later by Vallabhi kings. Hiuen Tsang refers to it as K'ic-ch'a. The Arabs settled on the Kutch coast in the ninth century A.D. It was in the Rann that Mahmud of Ghazni on his return journey from Somnath in 1026 A.D. suffered great hardships from want of water, fodder and food.

The modern history of Kutch begins with the advent of Samma Rajputs of Sind in the fourteenth century. They fled to Kutch to escape the oppression and tyranny of another tribe, called the Sumras. The Chavada Rajputs who were ruling

in Kutch granted Sammas a tract of land. In course of time the Sammas overthrew the rule of Chavadas and themselves began to reign. The section of Sammas forming the ruling family in Kutch was called Jadejas.

In the time of Humayun, Khengar, son of Jam Hamir, became head of the Jadejas with the help of Bahadur Shah of Gujarat, and became master of the whole province of Kutch. He obtained from Bahadur Shah the title of Rao. Khengar's uncle Jam Rawal was ruling over a part of Kutch. Jam Rawal fled to Kathiawar and founded the house of the Jams of Navanagar. Later on Kutch became a part of the Mughal Empire.

Kutch experienced invasions from Gujarat on the east and Sind on the west. The people and rulers of Kutch offered tough resistance, and did not allow the invaders to have their way. "After 1718 the Viceroy of Gujarat sent numerous expeditions against Cutch, which were defeated, and the fort of Bhuj was built to repel their attacks". Subsequently, a rebellion broke out in the State, and struggle for power by rival factions began. Ghulam Shah Kalhora, the ruler of Sind, tried to exploit this confused state of affairs in Kutch. He invaded Kutch twice with little success. The Sind army, estimated at 80,000 men, commanded by the ruler of Sind, Ghulam Shah Kalhora, in person, met there the greater part of the armed forces of Kutch. The account of the battle, as reproduced in the most often quoted book on Kutch history (Rushbrooke Williams' *The Black Hills*), is like a passage from Homer. It reads:

"The great expedition made the perilous passage of the Rann successfully but their water only just held out and their commissariat broke down. They were in acute distress when they reached Kutch territory. They made a forced march to Nara, where they hoped to find supplies. But the place was deserted; all food had been carried away and the wells had been blocked with stones. The plight of the invaders was desperate; the army was thirsting almost to death; a single glass of water sold for a rupee. ...The local population was stubbornly hostile, and Ghulam Shah Kalora could find neither guides nor information....

"The King of Sind, having completed his preparations

for the attack, advanced to the foot of Jhara hill. He caused a number of cows to be collected and had them driven ahead of his troops in the expectation that the instinct of the animals would lead them to choose practicable tracks which the soldiers could follow. It was in the small hours of the morning, on the tenth day of the bright of the moon of Magsar, Samvat 1819 (A.D. 1762) that the second battle of Jhara began. There was a heavy mist: friend could hardly be distinguished from foe. The cows which the Sindhis drove in front of them took the brunt of the first volleys of the defenders and before the Kutchis could reload, the Sindhis were among them. A specially heavy cannon commanded the main path into the camp: the Kutchi troops had great faith in its deadliness. But when it was fired, a great misfortune overtook the defenders. According to one version, the cannon burst, spreading confusion among the warriors who had clustered round it in great numbers to watch the execution which it would do among the attackers.

"The Kutchis fought heroically; there were even women battling side by side with the men in a passion of patriotism. But there had been no large-scale warfare in Kutch for more than a century and the bhayyad nobility had had little practice in combining their individual bands of clansmen into an efficient army. The Sindhis, on the other hand, after centuries of perpetual warfare and constant invasion, were well skilled in all tactical combinations and accustomed to fight according to a previously concerted plan. In the confusion caused by the disaster to the cannon all order forsook the Kutchi ranks. Small groups fought heroically but they lost touch with one another in the fog and were overwhelmed one by one, by the superior discipline of the Sindhis. The slaughter was terrible. Diwan Jivan Seth, the heroic Lakha of Vinjan, the Thakor of Nara, with his three sons, and scores of other leaders, fell on that fatal morning. But they had sold their lives dearly; the losses on the Sind side were heavy. Kutchi historians claim that 100,000 perished on the hill of Jhara in the most frightful disaster of which the records of their country take notice."

The massacre failed to bend the spirit of Kutchis. Small bands of them harassed the invading army by cutting off all

supplies of water, food and fodder. Ghulam Shah Kalhora found safety in making a hasty retreat. He was a bitter man. "For the Sindian chief", says Alexander Burnes, "irritated at the unsuccessful result of his expedition, returned to his country full of vengeance, and inflicted the deepest injury on the country which he had failed to humble...."

"Previous to the battle of Jarra, in the year 1762, the eastern branch of the Indus, commonly called the Phurraun, emptied itself into the sea by passing the western shores of Cutch; and the country on its banks participated in the advantages which this river bestows throughout its course. Its annual inundations watered the soil, and afforded a plentiful supply of rice; the country on its banks being then known by the name of 'Sayra'."

"At the village of Mora he threw up a mound of earth, or, as it is called, a 'bund', across that branch of the Indus which fertilised Cutch, and by thus turning the stream which so much benefited its inhabitants, to flow into other branches of the river, and by leading it through canals to desert portions of his own dominions, he at once destroyed a large and rich tract of irrigated land, and converted a productive rice country, which had belonged to Cutch, into a sandy desert.

"The mound which had been raised, did not entirely exclude the water of the Indus from Cutch; but so impeded the progress of the main stream, that all agriculture depending on irrigation ceased. In process of time this trivial remnant of prosperity disappeared, and the Talpoors, who succeeded the Kaloras in the government of Sind, threw up other mounds; and about the year 1802, the erection of one at Ali Bunder excluded the waters of the Indus, even at the period of inundation, from the channel which had once conveyed them past Cutch to the sea. Since then, the stripe of land which once formed the fertile district of Sayra ceased to yield a blade of vegetation, and became a part of the Run of Cutch, on which it had formerly bordered. The channel of the river at the town of Lucput shallowed; and, above Sindree, filled with mud and dried up. Lower down it changed into an arm of the sea, and was flooded at every tide."

In 1816 Kutch passed under the suzerainty of the British Government. It undertook to maintain order in the State and

to protect it from external danger. The Jadeja chiefs were guaranteed security in their possessions. In 1825, Khoras of Sind made a raid into Kutch. The British Government sent a small force against them. James Burnes, brother of the more famous Alexander Burnes, accompanied this expedition.<sup>10</sup>

### *From Bhuj to Kanjarkot*

Bhuj is the capital of Kutch. It is the rail terminus. Trees, bushes and grass form a green belt around it. In the town the important places are the palaces of the Maharao and his mother walled off from the rest of the buildings. The people in their old-fashioned frock-like shirts and Gujarati turbans attend to their business. There is a park where some of them spend their evenings.

Take the road to Khavda, a big village, 45 miles distant, on the edge of the Great Rann, and then across a desert of 60 miles from Khavda to Kanjarkot. A couple of miles away from Bhuj stony landscape exists. A few abruptly rising barren hills separated by long distances are seen here and there. The scene is then changed into a vast expanse of sand. Its monotony is broken by defiant desert weeds in green clusters. The bus cuts its way through thickets of a variety of cactus and bramble over a sandy bed kicking up a dust storm that can be seen from a long distance. On the way one may come across a leisurely moving camel train. A shrub-clad 200 to 300 feet high hill with a straight, sharp backbone is the only relieving feature in the surrounding emptiness.

A little ahead of this hill the spectacle is changed into a wide area of bright, white, saline land. Advancing towards the Sind borders the hills grow fewer and fewer and ultimately disappear altogether. Mounds of sand serrate the horizon. A few sandstone cliffs very much different from the seaside cliffs are seen at some places.

Small stretches of high ground in the midst of flat, sandy waste are called bets. They are from one foot to five feet above the surrounding region, and only a few hundred yards in length, a few square miles in area. When the Rann is submerged in sea water, these bets are the only dry islands. In dry weather they are surrounded by beds of sand and marsh.

Along the northern limit in the Rann there are four

islands—Chorad, Bela, Khadir and Pachham. The Pachham island has two hills. Kala Dongar or black hill lies to the north and Gora Dongar or white hill to the south. The black hill peak is called Pachham Pir. It is 1,450 feet high. It commands a full view of the neighbouring area. In armed clashes they are strategically important. At the border, the Rann of Kutch is overlooked by a rim-like formation 100 to 150 feet high. The slope is irregular. The attacking forces at the height are in an immeasurably superior position.

The borders of the Rann are sparsely populated. The prominent among the hundred or so villages along the Kutch border are Khavda, Khadir, Bela, Banni, Lakhpat, Narayan Sarovar and Koteswar. A feeling of aloofness from Kutch and other parts of Gujarat prevails among these people, who are all Muslims, converted from Hindus. While visiting the neighbouring parts of Kutch or Saurashtra, they say they are going to Vilayat, local term for a foreign country. Bhuj, the district headquarters, is about 50 miles from Banni, but majority of the people have not seen Bhuj at all. Mail is carried from Bhuj to Khavda, 45 miles away, in a bus. From Khavda to other places such as Loria village, 29 miles distant by the harkara, postal runner.

No irrigation facilities exist. Water is scarce. Drinking water is obtained from long distances, 5 miles or more, when a tanker calls on the main road. People go on horseback to fetch water for tea to entertain guests, and return in a couple of hours at the earliest. Water is actually sold in the streets of Bhuj and Mandavi.

Main crops are bajra, mung and til (sesame seed). Cattle breeding is the major profession of the border people. The total number of livestock in Khavda is about 20,000. In good season Khavda exports *ghi* to the value of Rs. 7.5 lakhs to Bhuj.

Close to Khavda is Banni area on the border. Agriculture is not possible here due to salinity. People have therefore taken to cattle rearing. Banni has rich greenery of grass. It is 840 square miles in area. Its inhabitants are known as *Maldharis*, and number about 3,750. They possess 45,000 heads of cattle in addition to 10,000 sheep and goats, and produce *ghi* worth Rs. 15 lakhs annually. Half of Banni land is saline and slushy. The remaining is covered with many



varieties of grass. Rainfall does not exceed about 11 inches in the year. Its buffaloes command a good market. Usually the buyers go to Banni and make their own choice of animals. Sometimes, the people cross the Little Rann with their cattle to sell them in the market of Surendranagar and other parts of Saurashtra. Banni villages are called *Jhils* and houses *Bhungas*. A *Bhunga* is covered with a thatched roof of bamboo and straw. It is rectangular in shape. Men wear *lungis* and *kurtas*, and generally lead a nomadic life. Their women enjoy great reputation for intricate knitting work. Handicraft articles from Banni were exhibited at the Indian fair in New York.

Smuggling is another lucrative profession for some people. It is believed that about 100 men are engaged in regular traffic between Khavda in Kutch and Tharparkar in Sind. They carry tobacco leaves in bags on camels. Generally three to four bags are loaded. A bag in Khavda costs about Rs. 100 and fetches at Tharparkar Rs. 500 to 600 in the form of gold, silver and watches. After paying due share to the police and custom officials, a smuggler has a net profit of over 1,000 rupees in one trip. Money for the purchase of tobacco is provided by local shopkeepers and traders who receive bullion in exchange. Some of the smugglers perform additional duty of espionage. Village Salaya near Mandavi coast in Kutch is infested with smugglers and spies. They are all Muslims, and have contacts with influential people in Karachi and Bombay.

Land is there in plenty, but no water is available. Bhuj area is barren, heat is oppressive and dust forbidding. Of 943 villages in Bhuj district, 117 villages do not have even a drop of water, 237 have some water, but not enough, while the remaining villages are self-sufficient. In spite of this hardship landless labourers, mostly from West Pakistan refugees, prefer to make for themselves a home in this district. The Government gives them land, and Land Development Bank lends them money for digging wells and installing pumps. In 1965 after Pakistani aggression, 25 families were granted a total of 400 acres in Loria, the most distant village on the shores of the Rann. One hundred and seventy-five Sikh families were settled at Nara in Lakhpat. They were allotted in all 7,350 acres, at an occupancy price equalling 12 times the assessment rate. In March 1968, thirteen families were allotted land in

the same area. Twelve more families are on the waiting list. Each of these families will be given 20 acres of land. Nearly 300 applications are awaiting clearance by the district authorities. Fifty families of repatriates from Ceylon are to be settled. Each of them will be given a business loan of Rs. 5,000 and building loan of Rs. 4,600 for the construction of a house and business premises. Agriculture land is given on priority basis.<sup>11</sup>

### Flora and Fauna

Rann of Kutch has all the flora and fauna of a marshland and of a semi-desert type. The marsh-grown grass is found in plenty. Prickly shrubs and small thorny trees of the *babul* class grow there.

There are several species of life peculiar to this region. "In normal times the only animal inhabitant of the bets is the little Jerboa rat which hops on its hind legs."<sup>12</sup> Birds of prey feed on them. Another creature which provides them delicious meal is a lizard (*Uromastix hardwickii*). The saw-scaled viper, one of the most poisonous snakes exists here in abundance. Besides "occasional hopping, chirping birds might lessen the lifeless isolation of the sandy waste."<sup>13</sup> The wild ass (*Equus hemionus*) is found along the borders of the Rann. In olden days caravans passed through the Rann from Gujarat to Sind. The wild ass seems to be a relic of those days. It thrives on desert grass and bushes.

Three factors have placed the Rann of Kutch on world map. One is the Pakistani invasion which forms the main theme of this book. The second is the flamingo, and the third the mighty stream of migratory birds from as far as the northern parts of Russia about 3,000 miles away. The Rann is known as the *only breeding ground of flamingo in Asia*. The total number of flamingoes in the world is estimated at six millions, of which more than half a million belong to the Rann. Enormous beves of these extraordinary birds flock to the Rann during the monsoons from July to October. They also breed in March and April if water and weather are favourable. A huge colony of flamingoes suddenly springs up into existence. So large and so densely populated is the colony

that you see these birds everywhere as far as the eye can reach.

This bird is of two kinds, the greater flamingo (*Phoenicopterus roseus*) and the lesser flamingo (*Phoeniconaias minor*). The lesser feeds near the surface and the greater at the bottom of water level. On account of this habit both the species live in harmony without any quarrel or competition for food. Living very close in lakhs they never mistake their young ones. They are fed for nearly 70 days when they can fly. The flamingoes are 3 to 6 feet long, but the Indian specie is on an average 4 feet high. A flamingo has a long sinuous neck, a huge curved bill and long legs with webbed feet which are helpful for wading through shallow water. The wings are of red-pink colour. The bill is so made as easily to enable it to dig through mud and catch molluscs, fish and crabs. It retains tiny marine insects and vegetable matter in the sieves of its bill to eat at leisure. It sleeps while standing on one leg and the head tucked in its wings. The flamingo builds a nest, absolutely unique not practised by any other bird specie. It is a mound of clay cut short at the top forming a small depression for the eggs to be placed in it. Usually two eggs are laid. This clay mound is well-shaped and plastered. It varies in size from a few inches for a small bird to about two feet high for the big bird. The eggs are hatched by the bird sitting on them. The birds go back to their original homes in December and January.

But the most remarkable phenomenon of bird life in the Rann is the migratory bird. As winter begins in the northern wastes of Sovietland, large flocks of birds migrate over thousands of miles to the Rann of Kutch attracted by its *deep silence and peacefulness, and its sandy tracts, bogs and pools*. Fascinated by this feature, the eminent lovers of birdlore have taken risks in going into the Rann to study the movements of these regularly annual visitors from the cold regions of the north. They return to their Russian homes at the first sign of Indian summer. Under the BNHS/WHO scheme a number of birds were ringed in the Rann. On the ring were engraved the name of place, date and the legend "Inform Bombay, Nat. Hist Soc." A black-headed bunting (*Emberiza melanocephala*) ringed in Bhuj was recovered in

Crasnador in Russia, 3,700 kilometers away. Two white wagtails (*Motacilla alba*) ringed in Bhuj and Mandavi were recovered 3,575 and 4,375 kilometers away respectively, also in the Soviet Union. A little brown dove (*Streptopelia senegalensis*) ringed in Chadu in Kutch was recovered in Sind; West Pakistan. The bird was caught by a peasant. On seeing the ring, he reported the matter to a nearby newspaper. A press cutting was sent to the Natural History Society, Bombay. Previously this delicate bird was not considered as being migratory. It was indeed an extraordinary feat of endurance and courage for this little bird to have flown over the hostile waters of the Great Rann.<sup>14</sup>

Gujarat's Deputy Minister for forests, Parmanaddas Oza, in a broadcast in connection with the 13th Wild Life Week said in India there were 500 types of animals and 3,000 types of birds. Gujarat had about 40 types of animals and 425 types of birds<sup>15</sup>.

### Political significance

"Politically the Rann of Kutch is a border area of India with Pakistan. Border lands are always of strategic significance. They provide the basis for boundary alignments. Violations of boundaries for whatsoever reasons, may lead to wars as have repeatedly occurred in the history of international relations."<sup>16</sup> "A country's boundaries are political in character. They mark the terminus of territorial jurisdiction of two or more sovereign states. From this view they have international status."<sup>17</sup>

### Sources and Notes

1. The correspondent of *The Times of India* reported from Bhuj on April 26, 1968:  
"Water has entered the Rann of Kutch from the Arabian Sea.... The water has come upto Kunvar Bet, about 15 miles from Khavda."
2. *The Imperial Gazetteer of India*, IV, 1885, p. 58; XI, 75.
3. *Cape Times*, April 29, 1965.
4. *The New York Times*, 27-4-1965; *The Hindu*, 29-4-1965; *Link*, 18-4-1965, pp. 10, 11; 9-5-1965, p. 12.
5. *Samik Samachar*, May 9, 1965, pp. 6-7.
6. *Travels into Bokhara*, iii 320-21.

7. *Ibid*, 313, 314, 317. At Sindri the land sank from 8 to 12 feet, converting the area into an "inland lake or lagoon." W.W. Hunter, *The Imperial Gazetteer of India*, IV, 1885, p. 60.
8. *The Imperial Gazetteer of India*, Vol. XI, Oxford, 1908, p. 78.
9. *Travels into Bokhara*, iii, 310, 311, 312.
10. *The Cambridge History of India* V (1929 edition), p. 523.
11. *The Sunday Times*, London, May 2, 1965, p. 11; *The Times of India*, New Delhi, May 3, 1965.
12. *The Sunday Times*, London, 2-5-1965, p. 11.
13. *Sainik Samachar*, May 9, 1965, p. 6.
14. Salim Ali, *Birds of Kutch*, 1945 edition; Salim Ali and Laeeq Fatehally, *Common Birds*, National Book Trust; Zafar Fatehally, in *The Times of India*, Delhi, 16 May 1965; M. Lalitha Rao, in *The Hindu Weekly Magazine*, 21 April, 1968, p. 1.
15. UNI, Ahmedabad, October 7, 1968; *The Hindustan Times*, 8-10-1968, p. 8, col. 6.
16. Norman Hill, *Claims to Territory*, 1945, London, p. 28.
17. C.J. Chacko, The Rann of Kutch and International Law, *The Indian Journal of International Law*, Vol. V, 1965, p. 147.

## Nothing but Parity

### The idea of Pakistan

Wherever the British have ruled, they have created division. Sudan was separated from Egypt. Palestine was divided into Israel and Arab Palestine later merged partly into Egypt and partly in Jordan. They planted Israel as a check on Arabs to safeguard their imperialist interests. India was divided into India and Pakistan. Malaysia was divided into Malaysia, Singapore and Brunei. In Cyprus acute differences were created and developed between Turkish and Greek population. Everywhere their policy of divide and rule has been uniformly successful.

The Indian National Congress at its Lahore session in December 1929 decided to achieve complete independence. This resolution seriously disturbed the minds of British diplomats and statesmen. They had safeguarded their imperialist interests in West Asia, South Asia, South-East Asia and Central Asia from their base in India. After 1929, they were in search of another equally important base. The Muslim League run by the feudal lords appealed to the British mind as the safest means to attain this goal. In consequence they made up their mind to give the Muslim League an independent homeland in the north-west of India. They thought the region occupied great strategic importance, and the Muslim League would follow the British direction in its foreign policy. From here they would be able to retain their influence in Muslim countries of West Asia. Their oil interests in the Persian Gulf would be secure. Their domination over sheikhdoms and emirates along the Persian Gulf and Arabian coasts would be assured from Karachi. The strategic port of Aden would be

easily controlled. Russian influence from Sinkiang would be checked. Besides India would be kept in a perpetual state of awe and despair.

The British formed the plan of Pakistan in the beginning of thirties. The scheme was issued in the name of a young Muslim student at Emmanuel College, Cambridge, Rahmat Ali. The British Government took it up as a measure of Indian Constitutional Reforms in 1933 and sought support in favour of it from eminent leaders of the Muslim League, who did not favour it at that stage. Sir Reginald Craddock, Chairman of the Joint Select Committee tried his best to persuade the Muslim League leaders to approve of the plan. The following questions and answers will illustrate the point:

Question 9598.—Sir Reginald Craddock: I will pass on. If any of the Delegates or the witnesses would like to answer, will they tell me whether there is a scheme for Federation of Provinces under the name of Pakistan?

Answer 9598.—Abdullah Yusuf Ali, C.B.E.: As far as I know it is only a student's scheme; no responsible people put it forward.

Sir Reginald Craddock: They have not so far, but, as you say, you advance very quickly in India, and it may be, when those students grow up it will be put forward; that scheme must be in the minds of the people, anyhow.

Mr. Zafrullah Khan: What is the question?

Sir Reginald Craddock: I wanted to know whether the witnesses had acquaintance with a scheme which was drawn up for what is called Pakistan.

Mr. Zafrullah Khan: We have already had the reply that it was a student's scheme and there is nothing in it. What is the further question?

Question 9599.—Mr. Isaac Foot: What is Pakistan?

Answer 9599.—Mr. Zafrullah Khan: So far as we have considered it, we have considered it chimerical and impracticable. It means the Federation of certain Provinces.

Question 9600.—Sir Reginald Craddock: I have received communications about the proposal of forming certain Muslim States under the name of Pakistan.

Answer 9600.—Dr. Khalifa Shujauddin: Perhaps it will

be enough to say that no such scheme has been considered by any responsible gentleman or association so far.<sup>2</sup>

Mohammad Ali Jinnah criticized Rahmat Ali as an irresponsible young man and condemned Pakistan plan as "a crazy scheme".<sup>3</sup>

As a result of British persistence the Muslim League accepted the Pakistan plan in March 1940 at its session in Lahore, where eleven years earlier the Indian National Congress had declared complete independence for India as its goal. President Mohammed Ayub Khan states: "It is well known to students of the sub-continent's history that the Hindus of India were against the creation of a separate homeland for Muslims in the form of Pakistan and after opposing it tooth and nail for years, gave it because they could not otherwise get rid of British."<sup>4</sup>

#### Division of Jammu & Kashmir and Panjab lannedp

Simultaneously with the idea of Pakistan, the British diplomats planned the division of the State of Jammu and Kashmir. In 1906 the British Government had conceived the idea of Muslim League as a counterpoise against Indian National Congress. A deputation was organised under the leadership of Aga Khan. It was warmly received by Viceroy Minto at Simla. As a consequence the Muslim League was founded later in the year. In 1933 the British diplomats in London wanted to reward Aga Khan on the one hand and to separate the Muslim majority Kashmir from the Hindu majority province of Jammu. They wanted Maharaja Hari Singh, father of the Union Minister Karan Singh, to part with Kashmir in exchange for the district of Kangra. Aga Khan was to be made the ruler of Kashmir. This scheme was presented to the joint Select Committee in London in 1933. Aga Khan personally waited on the Secretary of State for India and discussed the plan. The Secretary of State recommended the proposal to Viceroy Irwin. The scheme fell through owing to the Maharaja's refusal.<sup>5</sup>

On the eve of independence the British diplomats tried to tempt the Sikhs to have a homeland in East Panjab with special privileges for their Gurdwaras in Pakistan on the condition that East Panjab State should join Pakistan.<sup>6</sup>



### Territorial parity

India had accepted partition in the belief that after August 15, 1947, the Muslim League, whom Pakistan had been gifted away by the British Government, would live in peace with her. Such an idea was not at all in the minds of Pakistan leaders. The British rulers of India had already planted the idea of parity in the minds of Muslim Leaguers. The Muslims in India, Muslim Leaguers and nationalists, formed less than one-fourth of the total population of India. The Muslim League commanded allegiance of about half of the total Muslim population, yet through British instigation and support it claimed as being the sole representative of all the Muslims. Besides they demanded parity with Hindus from their foreign rulers in political representation in various legislative bodies, central, provincial and local as well as in all the services. The same idea of parity in territorial and financial division of the country worked in the minds of the future Pakistani rulers. The Muslim League chief, M.A. Jinnah had hoped that at partition India and Pakistan would comprise almost equal area.

Before [partition he had demanded the whole of Bengal, entire Panjab, a spacious corridor from West Pakistan to East Pakistan right across Uttar Pradesh, the heart of Islamic culture in India, and *Bihar* as well as the Muslim States including Hyderabad. This did not happen. Bengal and Panjab were partitioned. No corridor was given. Thus while dividing India, Pakistan itself was divided into two halves from each other by more than a thousand miles of Indian territory. This fact has frustrated Pakistan. It wishes to annul the partition of 1947 by cutting down the size and status of India and thereby achieve a parity with her. To begin with, it started its campaign with princely states. There were 565 States in India. They were given the choice to join India or Pakistan or remain independent. The scheme of partition provided that those States geographically falling within the Indian territory should join the Indian Union and those situated within the Pakistan territory should join Pakistan, so that no pocket of one would remain in the other. Yet Jinnah made unsuccessful and undesirable efforts to win.

over many States falling within the orbit of the Indian Dominion. The object was to balkanise India. India did nothing of the kind with respect to any State within the limits of Pakistan. Jinnah assured the Indian States of his full support in case any one of them either wished to join Pakistan or remain independent irrespective of its location or the composition of its population.

On June 19, 1947, *Dawn* of Delhi wrote in its editorial comments: "As far as Pakistan is concerned, the Qaid-e-Azam's statement gives ample guarantee to the States that their independence and integrity will be respected. The contrast between the attitude of the Muslim League and the Congress in this matter is so striking and the promise of non-intervention so reassuring that we would not be surprised if a number of even non-Muslim States decide eventually either to join the Pakistan Constituent Assembly or enter into closer treaty relations with Pakistan than with Hindustan. As autonomous members of the Union of Pakistan or as allies of Pakistan, the Indian States whether Muslim or Hindu, will have a more honourable position than otherwise. As for the Congress threat we have no doubt that Hyderabad and Travancore will firmly stand up to it and refuse to be bullied and their example should hearten others who have not yet made up their minds." Jinnah offered a blank cheque to the ruler of Jodhpur to dissuade him from joining India. The open support and encouragement given to Hyderabad to remain independent and develop collaboration with Pakistan is well-known. Efforts were made to bring Bhopal under the influence of Pakistan. The Nawab of Junagarh was won over to the side of Pakistan.

Towards the end of June 1947, Jinnah carried on negotiations with C.P. Ramaswami Aiyar, the then Diwan of Travancore State. It was announced that the two States of Pakistan and Travancore would exchange ambassadors. Travancore declined to join the Indian Constituent Assembly and established diplomatic relations with the Soviet Republic. After the announcement of exchange of representatives between Pakistan and Travancore, the Muslim League daily, *Dawn* of Delhi, wrote an editorial under the title "Happy Augury" on June 23, 1947: "It is the decision of

a Hindu State...to be the first to establish friendly relationship with the Dominion of Pakistan. Similarly, there is a more earnest desire to befriend in the decision of the Qaid-e-Azam to receive a Travancore envoy than would ordinarily be indicated by the mere acceptance by one State of another's representative. ...It may be hoped that when the picture of a sovereign Pakistan and an independent Travancore emerges more fully and completely as a result of the completion of the constitutional process that has been set in motion for the implementation of H.M.G.'s June 3 Plan, the present relationship established between the two would find consummation in the establishment of closer diplomatic and commercial bonds to the advantage of both."

### **Junagarh and Hyderabad**

Junagarh was wholly in the Gujarat region. According to the principles of partition laid down by the British Government, Junagarh fell entirely within the orbit of India. But Pakistan accepted Junagarh Nawab's accession. About this a British author, Andrew Mellor, wrote:

"When the Nawab made his intention known, it naturally caused concern at the Indian States Ministry and this was increased when Pakistan, which could have advised the ruler to act sensibly and join India, calmly accepted the accession. On any analysis, Pakistan's acceptance of *Junagadh's* accession, after a month's consideration, would appear to have been made with one object alone in view: embarrassment of India. *Junagadh* itself could be of little use to Pakistan except to give her a foothold inside Indian territory."

Hyderabad was wholly in the heart of the Deccan, surrounded like Junagarh by Indian territory. Pakistan aided the Razakars who tried to prevent the Nizam from acceding to the Indian Union.

### **Jammu and Kashmir**

With the transfer of power on August 15, 1947, British paramountcy ended. While Pakistan was the seceding part, the Government of India was the successor to the British Government in India. The princely states were given the

freedom to accede to either country. The ruler of Kashmir asked for a standstill agreement both with India and Pakistan, pending his decision of accession. Pakistan immediately concluded an agreement in regard to communications, supplies and posts and telegraph arrangements. In order to pressurize the Maharaja to accede to Pakistan, its rulers, despite this agreement, cut off communications and supplies to the State of Jammu and Kashmir. The Maharaja appealed to Pakistan to end the restrictions. Pakistan's reply was invasion of the State. The State forces were no match for the invaders. A large part of the State [was quickly overrun. The capital, Srinagar, was in imminent danger. The raiders were committing large-scale killings, loot, arson and rape. The ruler made an urgent request to the Government of India to accept accession and provide help against the invaders. A similar appeal was made to the Government of India by Kashmir's premier popular organisation, the National Conference. This organisation [had been closely allied with the Indian National Congress since 1938 in the fight for national freedom and democracy.

On October 26, 1947, the Instrument of Accession was signed by the ruler Maharaja Hari Singh who was the only competent authority to do so. It was supported by all the political parties in the State, including the National Conference and its leader Sheikh Abdullah. "On 27 October it was officially announced that Kashmir had acceded to India whose Government sent troops to reinforce the state forces and installed a government under Sheikh Mohammad Abdullah, a Moslem who believed in co-operation with India."<sup>8</sup> Srinagar, the capital, was saved just in time. Operations against the invaders continued. On December 22, 1947, Jawaharlal Nehru, the Prime Minister of India, requested Pakistan's Prime Minister not to give aid or assistance to the raiders. He replied on December 30, 1947: "As regards the charges of aid and assistance to the invaders by the Pakistan Government, we emphatically repudiate them." This assertion was contrary to facts. The raiders were armed and equipped by Pakistan. Besides, the regular Pakistan army was itself participating in this invasion.

Gilgit was acquired by the British Government of India from the Maharaja of Jammu and Kashmir in 1935 on lease for sixty years. On the eve of India's independence it was returned to the Maharaja. Brigadier Ghansara Singh was appointed Governor of Gilgit. In October 1947 when Pakistan invaded the State of Jammu and Kashmir, he was taken prisoner by British troops called the Gilgit Scouts. On November 4, 1947, "Major Brown, the British Commandant of the Gilgit Scouts, ceremoniously hoisted the Pakistan flag in the Scouts' Lines and in the third week of November a Political Agent from Pakistan established himself at Gilgit."<sup>9</sup>

India failed to exercise its own independent judgment and sought British advice. A complaint was lodged with the United Nations Security Council on January 1, 1948, against Pakistan's invasion of India in Kashmir. The Security Council appointed a Commission to look into the matter. After studying the situation on the spot, the UN Commission concluded that the presence of Pakistan troops in Jammu and Kashmir was illegal and that it must withdraw its troops and nationals and vacate the aggression against India. The UN resolution recognised not only that Jammu and Kashmir was in law and in fact a part of India, but also that the Indian troops were in the state by right. It urged reduction in the number of these troops after Pakistan had first withdrawn its forces.

Meanwhile grim fighting had been going on in Jammu and Kashmir. The invaders' advance had not only been checked but they were forced to draw back. When the invaders were on the run and the State was about to be cleared of them, the British were seriously perturbed at the Pakistanis losing the game. They again advised Nehru to accept ceasefire proposal which came through the UN Commission's resolution of August 13, 1948. Nehru, who had always a soft corner for the British and their protege Pakistan, agreed to it. The ceasefire came into effect on January 1, 1949. Thereby Nehru threw away all the advantages won after hard battles and considerable loss of Indian blood. Thus he faithfully acted on the old tradition of this country: *Bharat jita to bhi hara; jo hara to mara*. [When India wins, it really loses; when it loses, it is ruined.]

The ceasefire line was marked on July 26, 1949. A month later on August 30, 1949, the UN Commission suggested that "the dispute be referred to arbitration", and that Admiral Nimitz, the US war-time naval commander in the Pacific, should act as arbitrator, and that his decision should be considered as binding and final.<sup>10</sup> On August 31, 1949, President Truman and Prime Minister Attlee sent messages to the Prime Ministers of India and Pakistan urging them to accept the UN Commission's latest proposals for the settlement of the truce.<sup>11</sup> On September 4, 1949, "Nehru, speaking at Allahabad said he was surprised at the intervention of Mr. Truman and Mr. Attlee in the Kashmir dispute."<sup>12</sup> On September 17, 1949, speaking at Ferozepur, Nehru declared that the Government had rejected the UN Commission's proposal for arbitration because "it appeared to conceal Pakistan's act of aggression."<sup>13</sup>

The ceasefire agreement rescued Pakistan from a very difficult situation, and enabled it to retain 35,500 square miles of Indian territory, 42 per cent of the whole Jammu and Kashmir. This territory has been used by Pakistan as a base for continued aggression against India ever since. After the truce, Pakistan began demanding a plebiscite in the remaining part of Jammu and Kashmir to determine whether the people wanted to remain with India or go to Pakistan. Pakistan has no *locus standi* with regard to Jammu and Kashmir which had properly and legally acceded to the Indian Union. There have been four general elections in Jammu and Kashmir as in the rest of India. These elections were held on the basis of universal adult franchise. They have clearly indicated that the people of the State are with India and that Jammu and Kashmir has integrated with India. Yet Pakistan has kept up the cry for a plebiscite undeterred.

#### **Further partition of India**

Pakistani leaders demand further partition of India on population basis. "Let there be another partition of India on the basis of population and Pakistan will not hesitate to rehabilitate all the Muslim refugees from India."<sup>14</sup> If further partition of India was not possible, they demand "one or two Muslim autonomous protectorates within the Indian Union to save Indian Muslims from genocide."<sup>15</sup>

Pakistan is anxious to see that Mizos, Nagas, Sikhs and Tamilians break off from the Indian Union. "The Mizo rebellion is only the latest of a long series of critical problems which have resulted from the colonial concepts, the intolerance and stubborn insensitivity which has characterized the attitude of the dominant Indian community to the other people of the area. ...It has caused the valiant Nagas to rise in rebellion. It has led to uprisings by the Tamils and the Sikhs."<sup>16</sup> *Dawn* of Karachi writes: "The Mizo insurrection proceeds directly from New Delhi's policy of sucking into the orbit of Indian culture and polity those peoples who owing to their different historical background and cultural personality regard themselves as non-Indians ...Indian expansionism has often involved India in a conflict with the Himalayan kingdoms. It has created the explosive problem of Kashmir. It has necessitated the employment of a large part of India's Army and a section of its Air Force against the ill-equipped freedom fighters of Nagaland. Internally, the chauvinism of the Hindu ruling classes has created discontent among the Muslims, the Sikhs, and the people of Tamilnad. ...The only obvious solution lies in allowing non-Indians to go their own way."<sup>17</sup> "So far as the secession threat was concerned it was happening anyhow. The Nagas, Mizos, Sikhs and the South Indians were already engaged in such a struggle."<sup>18</sup>

The celebrated American journalist, Selig S. Harrison, writes: "Indian control of the Moslem-majority vale of Kashmir stands as a denial of the two-nation theory on which Pakistan was founded and nurtures a persistent sense of national insecurity."<sup>19</sup>

A Nigerian paper the *Daily Express* in an article captioned "Dangers of the Kashmir Row" in July 1965 totally rejected the Pakistani philosophy. "To put the hands of the clock back and to reverse this process by promoting separatism," the paper wrote, "is to invite fragmentation, not only of India, but of many other countries of the world. India obviously cannot accept this philosophy, as it would mean the end of India. There are other countries similarly placed. Canada cannot accept such complacency without the certainty of breaking up. Belgium or Switzerland cannot accept this narrow and retrograde philosophy without the danger of

dissolution. Nigeria cannot accept this philosophy without disintegrating herself into Ibo land, Hausa land and Voruha land. Lebanon cannot accept such a divisive philosophy and survive.

"The multi-racial conglomeration of Kenya or Tanganyika cannot avoid blood-baths, if such philosophy gains ground."<sup>19</sup>

### Military parity

Pakistan is one-fourth of India in size and economic resources; and one-fifth in population; yet it is determined to seize Kashmir from India by force. In consequence it has decided to increase its military strength far in excess of its size and resources, but equal to its aspirations. Pakistan is determined to have an edge over India by achieving superiority in armed strength. In national affairs Pakistan asserts the supreme role of the Army. Immediately after partition Pakistan obtained British arms, but they did not meet its requirements. After the death of Prime Minister Liaquat Ali Khan in October 1951, army officers got control over Pakistan's policy. Mohammad Ayub Khan, as Commander-in-Chief, turned towards the United States for military and diplomatic help against India.<sup>21</sup>

On May 19, 1954, Pakistan entered into a military pact with the United States. Pakistan gave military bases to the United States in Gilgit, Peshawar and other places. In return the United States committed herself to arm and train Pakistan Army to place it on equal footing with India. She also offered it diplomatic support against India.

By arming Pakistan the United States had a number of objectives. Firstly, she wanted to use American bases for spying on Russia, China, India, Afghanistan and Nepal. Secondly, non-aligned, non-co-operative, Russian-inclined and then China-minded India must be punished and kept in awe and terror-stricken. Thirdly, India should be coerced to join military alliance with her. Fourthly, India should be checked from becoming too powerful on account of its large size, resources and population. Fifthly, by making Asian powers fight among themselves American leadership in this part of the world would not be challenged.



In 1962 China invaded India. Only then the United States began giving some military aid to India. While Pakistan was permitted to use American arms and equipment in attacking India under a secret pact, India was bound not to use any American weapon against Pakistan even in defence. With this object in view, India was supplied not a single Patton tank or Starfighter even on payment. Later on during India-Pakistan War 1965, India captured a large number of Patton tanks in the battlefield. India was forbidden by the United States to use them against Pakistan. Even the exhibition of one Patton tank in Delhi had to be stopped after a day under American pressure.

On May 28, 1966, the United States Defence Secretary, Robert McNamara, while pleading for Pakistan before the Pentagon, argued: "We have given to Pakistan tanks, planes, and other equipment to the tune of \$1.15 billion. Are we going to see that these are washed down the drain?" Against these massive supplies of arms to Pakistan the "USA had given India a total of 79.5 million dollars in grants and two million dollars worth in sales. Of this lethal equipment amounted to only 20 million."<sup>21</sup> It is thus clear that Pakistan was supplied armour 75 times more than India. This large-scale furnishment is neither aimed at Pakistan's good friend and ally, Communist China nor at Soviet Russia with whom relations of both Washington and Rawalpindi have mellowed. The American and Pakistani target is definitely India. Through its direct membership of SEATO and CENTO and indirect relations with NATO, and as an ally of China, and now of Russia, Pakistan has procured vast supplies of arms, ammunition, oil and other equipment from China, Indonesia, Saudi Arabia, Jordan, Iran, Turkey, Italy, Portugal, Britain, Belgium, France, West Germany and Sweden, and lately from Russia also. In consequence its military strength has almost reached parity with India.

Pakistan is trying its best that India does not get arms and other military equipment from anywhere in the world even on payment. Russia was the only source left for India. As India acquitted itself very poorly in Russian expectations, the Soviet Union has started supplying arms to India and Pakistan on equal basis. Pakistan's military Junta, depending itself on

US equipment and training, has for long been confident that an armed collision between India and Pakistan would yield dividends. This confidence was further strengthened by India's poor performance in NEFA in 1962.

The Pakistani argument runs: It is no longer true that India's army is superior to ours; we have shorter lines of supply, a stable and united population dedicated to the greater glory of Pakistan; our armed forces, thanks to US aid, are better equipped, and we have had some ten years of training with equipment which India's forces are only beginning to get used to; we have then strung out thinly behind the longest and most difficult border in the world, which does not provide much scope for the quick and rapid deployment of forces.<sup>23</sup>

Selig S. Harrison writes: "Pakistan has been able to acquire a disproportionately strong power position relative to that of India through alignment with the United States. As an ally permitting the use of its territory for strategic intelligence purposes, Pakistan has commanded from the United States an economic and military aid subsidy much larger than her size would otherwise warrant. Rawalpindi has been emboldened by this to think big and to press for Indian concessions from a position of artificially induced strength." He added: "Although our military aid program is nominally addressed to the threat of Communist aggression, Pakistan has frankly pressed for a recasting of the alliance to imply the objective of a military balance of power with India and Afghanistan." He further says: "What Pakistan now seeks to establish is a self-perpetuating aid relationship implicitly dedicated to bolstering its power position vis-a-vis India and a veto power over the nature and scope of Indian military expansion."<sup>24</sup>

### Diplomatic parity

In manoeuvring ability in the diplomatic field, Pakistan is far stronger than India. It is still a pet child of the Western bloc. At the same time it is a great favourite of both the biggest Communist powers. Pakistan's capacity of bargaining to its best advantage in the international sphere is probably the highest in the world. Pakistan is the only country which has fully succeeded in hunting with the hound and

running with the hare. It is in alliance with Turkey and Iran, and on the friendliest terms with Jordan and some other Islamic powers. Nepal, the only single Hindu power in the world also supports it. Most of the non-aligned countries of Asia and Africa are its friends. Though Pakistan attacked India thrice, in 1947-48 in Kashmir and twice in 1965 in Kutch and Kashmir, India most miserably failed in getting Pakistan declared as the aggressor by any big power or in the United Nations during all these twenty-years. On the other hand in 1965 after the India-Pakistan war out of eleven members in the Security Council only tiny Malaysia came to India's rescue. In the UN Assembly out of 115 members India could get the support of only a couple of them.

Pakistan's foreign policy falls into three phases. From 1947 to 1952, Pakistan tried to play the dominant role based on the two-nation theory created by the British that Hindus and Musalmans were two different peoples having nothing in common. Pakistan therefore depended to a large extent on British guidance and support, and succeeded in grabbing one-half of Jammu and Kashmir. Simultaneously it declared itself as the greatest Islamic power, and in that capacity sought to create a solid Muslim block against India. Its attempt to unite them through conferences and organisations failed to achieve this object. The reasons were plain. The religious unity could not establish political and economic affinity. The countries of West Asia most of which were Muslim, and the Islamic States of South-East Asia could not accept the leadership of a country which had come into existence only in 1947, without having any history or traditions behind it. Besides, all of them were not prepared to accept the hatred of India as the basis of their friendship with Pakistan. Further, some of them did not approve of Pakistan's role as a tool of British imperialism against India's anti-imperialist foreign policy.

The succeeding decade from 1953 to 1962 saw Pakistan forming a military alliance with the United States solely to establish parity with India and entering SEATO and CENTO to enhance its diplomatic potentiality.<sup>15</sup> Its main object was to seize Kashmir and other Indian territories as far as possible. The United States lent its full support to Pakistan,

but due to Russian help to India in the United Nations the rest of Kashmir could not be acquired by Pakistan.

Having obtained what it could from the Western bloc, militarily, politically, diplomatically and economically, Pakistan blamed the West for having failed to secure Kashmir for her from India. Towards the end of 1962, due to India's folly China attacked India. Pakistan immediately realized that this was the one country which could help her in achieving the object of its wishes. China would weaken India by constantly pounding on her northern and eastern frontiers, and would militarily support her in capturing Kashmir. Pakistan therefore began to draw closer and closer to China. At the same time, it retained its membership of the Western bloc telling them that its interests with China were tied only to acquire Kashmir by force. As soon as that purpose was served, Pakistan would break off with China and would revert to its original position in the Western alliances. Simultaneously it began winning over Russia and secured a soft corner for itself in Soviet policy.

On the death of Jawaharlal Nehru on May 27, 1964, Pakistan decided to assert its role as a free and great Asian nation (a) to establish warm and friendly relations with not only China but also the Soviet Union, (b) to retain Western friendship while shaking off Western tutelage, (c) to live down the membership of Western military alliances and gain the respect and friendship of non-aligned Afro-Asian nations, and (d) to get to a position where Pakistan could be the only country with direct lines of communications with the three major Power centres—Washington, Moscow and Peking, and therefore the only possible mediator and peace-maker.

In June 1964 Pakistan vigorously opposed at a SEATO meeting a proposal that the Asian members of SEATO might make token contributions to the fighting in Vietnam. The Americans did not even talk about the embarrassing episode. Similarly not a word of protest was heard from London against Bhutto's speech about this time declaring that Britain's entire policy east of Suez "is unacceptable to Pakistan as to all Asians." At the Commonwealth Prime Ministers Conference in July 1964, President Ayub Khan seized the opportunity to project himself as the spokesman of emergent Asia and

Africa. He attacked Western economic domination of the Afro-Asian countries in terms so vehement that made even President Nkrumah's pronouncements appear moderate. An official Pakistani Press release at that time declared: "President Ayub's full stature as a statesman can be measured by the cordiality which marks Pakistan's relations with Communist China as well as non-aligned nations of Asia and Africa. He has also improved relations with the Soviet Union. Ayub Khan is a key figure in international diplomacy—a bridge between Asia and Africa destined to play a strategic role in East-West relations."

Neither Pakistan's declaration of independence of the West nor its friendship with China has brought it any opprobrium from either the United States or any other Western country. On the contrary the United States has shown remarkable tolerance of variegated Pakistani tactics, particularly of Rawalpindi's petulant complaints against its aid to India. One reason for this Western attitude to Pakistan is the Western confidence that in the ultimate analysis, President Ayub would be on the Western side whatever his present tactics and whatever intentions of the men around him. The Western attitude is also influenced by the Pakistani argument that a Pakistan friendly to both Moscow and Peking might be useful to the West.

Ayub is also exploiting Moscow's anxiety that Pakistan should not be driven too far and too irrevocably into the Chinese arms. Soviet support to India over Kashmir is changing in favour of Pakistan. It is slowing down the substantial Russian contribution to this country's economic development. Soviet Government is now supplying equal quantities of arms to Pakistan. Surely, this improvement in the relations between the Soviet Union and Pakistan is at India's expense. Pakistan now has almost the entire world on its side, and India stands isolated. She can survive by adopting a stiff policy like that of China both at home and abroad.

### **Animus against India**

So great is Pakistan's animus against India that it has habitually opposed whatever India stands for. Whether it is Indian nationalism or secularism, anti-colonialism or non-

alignment, Pakistan has always gone out of her way to oppose it, in both word and deed. In her international relations too, Pakistan has allowed her pathological anti-Indianism to push her into the most reactionary and inconsistent attitudes.

Afro-Asian countries including India boycotted South Africa, but Pakistan remained friendly to it, and maintained trade relations with it. In the Suez Canal dispute, Pakistan did not support Egypt, because India had strongly backed the Egyptian cause. As India was opposed to colonialism, Pakistan gave every help to Portugal to retain its hold on Goa, Daman and Diu. When Goa was liberated, President Ayub accused India of adopting imperialist policy. In 1949 India's Prime Minister, Jawaharlal Nehru, was invited to visit the United States. Pakistan immediately entered into friendly relations with Soviet Russia, and its Prime Minister secured an invitation to visit Moscow. The visit did not take place. It was just to damp Nehru's reception. Next year Pakistan's Prime Minister visited the United States. There he offered full support to the Western bloc against Russia and Communism. Pakistan vehemently supported John Foster Dulles' campaign against India's policy of non-alignment. Pakistan entered into military alliances with Western Powers in SEATO, CENTO, etc. just to attain parity with India in military and diplomatic strength. India supported Communist China's representation in the United Nations, but Pakistan opposed it. When China attacked India in 1962 and showed complete hostility towards this country, Pakistan became China's best ally.

In Pakistan's foreign policy there have been many shifts—anti-Soviet, pro-Soviet; pro-West, anti-West; anti-Chinese, Chinese friendship; anti-Egypt, pro-South Africa, pro-Portuguese colonialism. The only consistency throughout these twenty-one years has been anti-Indianism. There is hardly any other country in the world than Pakistan which has built up its entire military power on 'aid'. Professor John E. Owens in an article published in *The New Leader* of New York on March 2, 1964, commented: "All Pakistani political behaviour has to be evaluated in the context of the country's relations with India. For Pakistan regards neither

Russia nor China as an enemy. The enemy is India, and Pakistan's new-found friendship with China reveals in effect just how seriously it regards its SEATO commitments."

The British had created the Muslim League to frustrate India's long struggle for freedom from foreign rule. They aroused its religious fanaticism and extended imperial patronage to it in an effort to contain the forces of freedom. Hostility to the Indian national movement gave birth to Pakistan. When Pakistan came into being, the religious bigotry of the Muslim League manifested itself in hatred and hostility towards India. The leaders of Pakistan make full use of religious slogan. The hostile voice of Pakistan sparks off from time to time into military threats and cries of jihad, the Muslim holy war against infidels. Ever since its birth Pakistan has sustained itself on this impulse of hatred and hostility.

Right from the day of partition, the rulers of Pakistan have defined its national objectives and ambitions in such a way that their realisation is possible only at India's cost. Its Presidents, Prime Ministers and foreign ministers have frequently declared India as Pakistan's "Enemy No. 1", and that Pakistan can prosper only by curbing or destroying India. To illustrate a few quotations from the speeches of Pakistani leaders and from the articles in Pakistani Press are given below:

"The day for an open fight (against Hindus) which is the greatest desire of the Muslim nations has arrived."

From *Mugur*, a Muslim League publication in Bengali, Calcutta, August 1946.

Allama Mashriqui, the leader of the Khaksar Party, had publicly declined to be content with a separate Muslim state. For him Pakistan was only to be a spring-board from which the whole of India was to be eventually conquered.

Prime Minister Liaquat Ali Khan, from the window of the Press Room in his house, addressing a cheering crowd of lakhs of people, grew purple with passion, stamping and fuming, shook his clenched fist in the air pointing it towards India, declared: "From today onwards, our symbol is this."

*Dawn*, Karachi, July 28, 1951.

"He (the Hindu) does not know that the Muslims have made the oceans red with blood. ...When we warriors come out

to give a message of peace and blessing to the world which is out to consume peace, every Mujahid (crusader) should have the following couplet of Iqbal on his lips : China and Arabia are ours, India is ours. We are Muslims and the whole world is our motherland."

Mohammad Yusuf in *Nawa-e-Waqt*, Lahore, May 30, 1952.

"It is often pointed out by critics of Pakistan that in Bharat some Muslims have always held important office in that country's Government, while in Pakistan the Hindus had no representation in the Central or Provincial Governments for a number of years. The comparison is most fallacious. Muslims like Maulana Abul Kalam Azad, the late Mr. Rafi Ahmad Kidwai and others who are holding or have held ministerial office in Bharat were always politically associated with the Hindus and were strongly opposed to the very concept of Pakistan. In this country, hardly any Hindu is to be found who has been politically associated with the Muslims and who had supported the Pakistan movement."

*Dawn*, Karachi, December 12, 1955.

"If we want to live according to the dictates of Islam and mould ourselves in the true Islamic pattern, we will have to test our enemies with the might of our sword."

A.M. Quraishi, Member of the Legislative (Assembly of West Pakistan, reported in *Mussalman*, Karachi, March 8, 1956.

"The year 57 has always been the year of great importance. It is drawing near and Pakistan should be ready to face it. The Hindus ruled India for 9,000 years, the Muslims ruled India for 900 years, and the Britishers for 90 years. Now we should see to it that Nehru's Government should not exceed the 9 years mark."

Khan Jafaluddin Khan, M.P. in *Mujahid*, Karachi, March 22, 1956.

"They can only be answered by conquering Kashmir with the help of the U.S., U.K., and the SEATO and Baghdad Pacts."

*Nai Roshni*, Karachi, April 1, 1956.

"We should stop negotiations with India and prepare for the final settlement. The final settlement can only come through war. God is with us."

Pir Elahi Baksh, former Chief Minister of Sind, *Nai Roshni*, Karachi, April 6, 1956.



"There will be ready agreement with former Prime Minister Choudhri Muhammad Ali's view that an open clash between Pakistan and Bharat, sooner or later, was inevitable."

Editorial in *Morning News*, Dacca, May 5, 1958.

"In the event of war between India and Pakistan, Muslims will inflict a humiliating defeat on Hindus as they had done at the time of the establishment of Pakistan."

Mian Mumtaz Daultana, July 14, 1958.

"Hindus are narrow-minded, mean and coward, also mischievous, cunning and treacherous by nature. They devour the weak, but respect the strong, and understand the language of force."

Editorials in the *Zamindar*, Lahore, January 6 and February 8, 1962; the *Tamir*, Rawalpindi, February 24, 1963; the *Anjam*, Karachi, June 28 and 29, 1963.

"The people did not even think that the Muslim faith had nothing in common with that of the Hindus and it was well-nigh impossible to create one nation. These have been our basic differences, although we are all brethren, having one God. We are far from the Hindu mythology. We should practise Islamic socialism. And these two philosophies can never become one under any circumstances."

President Ayub Khan addressing a public meeting at Dacca on August 26, 1964.

"We have not heard such a frank statement for a long time. Although it is unpleasant and unrealistic and against the interests of Pakistan, we welcome it because it is not ambiguous. If 80 per cent people of any country tell the remaining 20 per cent that they are a separate nation and they have no ideological or philosophical affinity between them, what is left for the minority but to accept it and organise itself separately."

"After living together for 17 years, today it is being discovered anew that Hindus and Muslims are separate and under no circumstances can they be identified with each other. ...After the establishment of Pakistan, the minority community had demanded to be known simply as Pakistani citizens and not as a minority, and had wanted only citizenship, constitutional rights and national integration. It had supported joint electorates even at its own cost. But today it has become clear that it is impossible to build up a united nation in

Pakistan. The ideal placed before us is of a separate Islamic nationalism and a separate Hindu nationalism."

Comment on President Ayub Khan's statement, in *Amar Desh*, a Bengali-language bi-weekly minority journal of Dacca, September 3, 1964.

"After capturing power in 1958 Ayub Khan proposed to India a joint defence pact against 'the danger from the North.' Later, that danger vanished, as if by magic, and overnight the North became friendly and side by side a relentless jihad of anti-Indian utterances was launched. As usual a hue and cry was raised about Kashmir. It looks as though the rulers of Pakistan have made up their mind to stir up some trouble against India."

Bhimrool in the daily *Ittefaq*, Dacca, December 13, 1964.

"Surely the Indian army has not forgotten the testament of blood it has seen in Walong. Do the Brahmin imperialist Indians now know that the Muslim is not afraid of fight?"

*Paigham*, Dacca, March 16, 1965.

"The time has come to say that words and mere words, or protests lodged in Delhi or with the U.N., are not going to deter the Indian chauvinists who have grown too big for their sandals because of the aid and support they are receiving from their big patrons around whose feet they now cavort like fawning spaniels."

*Dawn*, Karachi, March 19, 1965.

### **Hate-India, the only bond in Pakistan**

The solidarity of Pakistan as a political entity depends only on one factor, hate-India campaign. The Hindus in East Pakistan are considered and treated as ryots, the subject or governed people. They are condemned as disloyal people. Throughout the entire autobiography of President Ayub Khan, *Friends Not Masters*, not a word occurs about the Hindu minority in Pakistan. They are totally ignored as if they do not exist at all. The Bengali Muslims are not treated as equal members of the *Millat*, the Muslim brotherhood. They are declared as descendants of Hindu converts only, unworthy of trust and confidence. Hence the entire military service and almost the whole of civil service in East Pakistan is manned by Panjabi Muslims.

Ataur Rahman Khan, said in the Constituent Assembly of Pakistan on September 7, 1955: "Sir, I actually started yesterday and said that the attitude of the Muslim League coterie here was of contempt towards East Bengal, towards its culture, its language, its literature and everything concerning East Bengal. ...In fact, Sir, I tell you that far from considering East Bengal as an equal partner, the leaders of the Muslim League thought that we were a subject race and they belonged to the race of conquerors."<sup>26</sup>

To suppress the movement for autonomy, Ayub Khan made a most determined appeal to the Muslims of East Pakistan to "hold fast to Islamic values", declaring that Islam could keep ten crore people of Pakistan united. Quick came the reply from the daily *Ittefaq* of Dacca in its issue of March 13, 1966: "The inhabitants of the Middle East countries are not only Muslim by faith but they also have the same language—Arabic. Why despite all that they are not united and why eleven independent states should be there? ...If religion was the bridge of unity then why do not all those who profess Christianity in Europe form one country and one social order?"

Ayub admits this fact: "The East Pakistanis found themselves lagging behind in respect of positions of authority in jobs generally and in commercial fields in particular."<sup>27</sup> Then he says: "An average East Pakistani in Dacca thought that the West Pakistani officials were a manifestation of colonialism."<sup>28</sup> In consequence the entire Bengali population of East Pakistan, both Hindus and Muslims, are discontented.

The Baluchis live on both sides of the Pakistan-Iran border. They also clamour for autonomy. Pakistan has formed a close alliance with Iran. One of its objectives is to deprive the Pakistani Baluchis of the support from their brethren across the border. Pakistan surrendered to Iran 390 square miles of its territory in exchange for 95 square miles of Iranian territory, in July 1963. A reign of terror is let loose on this province from time to time. *The Manchester Guardian* on April 21, 1962, described Pakistan's rule in Baluchistan as "typical of good colonial rule in which there is a wide gulf between it and the people". Sardar Ataullah Khan Mongal told the budget session of the Pakistan National Assembly on June 19, 1962: "One can hardly find anywhere in the world similar instances

of such inhuman torture as were perpetrated in Baluchistan during the martial law regime except perhaps in Algeria."

"For six months 15,000 jawans of the Pakistan Army were using bullets, shells, cannons, bombs and aircraft without any hesitation or second thoughts." "But this was not all. After this military operation wholesale arrests were made. Hundreds of innocent people were taken into military custody and were kept in a concentration camp for over a year. That camp had a number of rooms which were used for torturing the prisoners. The prisoners were hung upside down and their heads were immersed in a bucket of water till they lost all consciousness. They were hung by their hair and a fire was burnt under them. For 20 days and nights at a stretch they were kept standing until their legs were swollen to such an extent that their shalwars had to be torn off them. Many of them due to blood pressure and other causes had their flesh burst open around their loins. One prisoner's testicles were crushed completely and after his release he committed suicide."<sup>29</sup>

Another troubled factor in Pakistan's political life is the demand for Pakhtunistan. The Pathans or the Pakhtuns live on both sides of the British-created artificial Durand Line. It forms the boundary between Pakistan and Afghanistan. The Pakhtuns claim autonomy for the whole North-West Frontier Province across the river Indus. They are kept down by sheer force. The famous Pakhtun leader, 78-year-old Khan Abdul Ghaffar Khan, known as Frontier Gandhi, founder of the Khudai Khidmatgar movement, remained in Pakistani jail for seventeen years. He is now an exile in Afghanistan.

The [people in Pakistan-occupied Kashmir have no civil liberties, no independent legislature, and no independent judiciary. It is governed by Pakistan's Kashmir Affairs Ministry. The *Khyber Mail* in an editorial entitled "Azad Kashmir Prospect" on August 27, 1964, said: "But what has come to be witnessed in Azad Kashmir in recent days looks like a complete swing of the pendulum to the other extreme. From the available reports, it seems that the future presidents of Azad Kashmir would be put in place not by the people but by officials sitting in Rawalpindi."

To maintain national unity in the face of internal dangers, the Pakistani leaders found an easy remedy in arousing country-wide enmity and hatred against India. Keith Callard, Professor in McGill University, Canada, clearly supports this view: "The idea that a country has a foreign 'enemy' is easy for the mass of the people to understand, and it also provides a powerful stimulus to national unity. For Pakistan, India has filled this role."<sup>30</sup> He further writes: "It would be quite wrong to suggest that the feeling of Pakistanis towards India is one of simple hatred. Their attitude is rather one of intense rivalry to the point of bitter jealousy."

John E. Owen, an American Professor, who taught in Dacca University for several years, remarked: "Many Pakistanis would like to see India weakened or even destroyed by the Communist China. Indeed, the attitude of many Pakistanis towards India is almost pathological, for it involves persistent refusal to face political realities. Even if the Kashmir issue were settled in favour of Pakistan, it is likely that the basic hostility towards India would remain. For what is involved is a clash of cultures, a hatred of the inferior for the superior, and a vindictiveness, that makes a virtue of revenge."<sup>31</sup>

Selig S. Harrison, a well-known American journalist, recorded: "Frustrated and at loose ends Pakistan searches restlessly and endlessly for a degree of recognition and respect out of all proportion to its size. It huffs and puffs and still finds to its understandable despair that India is bigger."<sup>32</sup>

M.B. Naqvi, a Pakistani intellectual, in an article, said: "The basic underlying motive of all our foreign policy orientations has been rivalry with India. There is pre-independence history behind. The Muslims of the sub-continent always thought and almost all Hindu-Muslim negotiations tacitly assumed it that there is some kind of parity between the two leading communities. The outlook has been carried into the Pakistani foreign policies. Our innermost desire is to gain as much influence, prestige and strength as India does and to make as much progress as the sister dominion makes. ...Our diplomatic effort has from the start sought primarily to undo what India does."<sup>33</sup>

Pakistan will not be satisfied with the conquest of Kashmir alone if it was possible. Pakistan wants to destroy "Hindu

India"<sup>24</sup> root and branch in order to build a solid Muslim bloc "extending from Casablanca to Djakarta."<sup>25</sup> "A bloc of countries like this would be a very powerful combination and would have an effective voice in the world. ...If we were to speak with one voice, the world would sit up and take notice."<sup>26</sup> In Pakistani view, conquest of India is not difficult. According to Ayub "a great power is a power with an ideology." Islamic ideology of *millat* or Muslim brotherhood would be able successfully to compete and crush Hinduism.<sup>27</sup>

Under these circumstances Pakistan's hostility against us is bound to continue for long, perhaps for half a century or more, at least until the close of the current century, because its very existence depends on this factor alone. President Ayub Khan publicly admits: "I am engaged in building up the army. We have an enemy, an implacable enemy in India."<sup>28</sup>

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## Peace at any Price

On August 15, 1947, when India and Pakistan began their separate existence, Jawaharlal Nehru, India's leader and first Prime Minister, said in a broadcast to the nation: "All of us to whatever religion we may belong, are equally the children of India. We cannot encourage communalism or narrow-mindedness, for no nation can be great whose people are narrow in thought or action." A few months later, he again said: "So far as India is concerned, we have clearly stated both as a Government and otherwise that we cannot think of any state which might be called a community or a religious state. We can only think of a secular, non-communal, democratic state in which every individual to whatever religion he may belong, has equal rights and opportunities. ...That has been the ideal of the Indian National Congress ever since it was started 62 years ago, and we have consistently adhered to it."

With the division of the country, Indian leaders hoped that inter-communal peace and amity would be restored. They expected that both India and Pakistan would settle down as friendly neighbours in an atmosphere of peace, goodwill and co-operation. India considered Pakistan as a sister nation having in common geography, history, culture, ethnology, economics, language and old fellowship. We had lived together for centuries. No two countries in the world could live so much like brothers as India and Pakistan. With this end in view, the Indian Government put down communal disorders with an iron hand.

Pakistan, however, continued to display the Muslim League's traditional, pathological animosity towards the Congress which was now in power in free India. Two months after partition came the Pakistani invasion of Kashmir.



Jawaharlal Nehru, in order to please Pakistan, called for a ceasefire at a time when the Indian Army was in a position to march into Pakistan. Thereby nearly half of Jammu and Kashmir was left in Pakistan's possession.

### Gandhiji's martyrdom

Pakistan was waging an undeclared war against India, and West Pakistan was being cleared of its non-Muslim inhabitants. Lakhs of them had been murdered in cold blood. At this time Mahatma Gandhi was exerting himself to the utmost to protect the Muslim community in India from the retaliatory violence of the communalist section of society. Mahatma Gandhi undertook a fast as a forceful protest against the communal madness of certain people. At one of his prayer meetings in January 1948, he said in agony: "Hindus and Sikhs and Muslims must live as brothers here. Unless we examine the whole situation and search our hearts and stop those things that have been happening, there is no hope for us. Hindus and Sikhs must see that there is no retaliation, whatever Muslims elsewhere may do. Some say I am fasting only for the Muslims. That is true only in part. I fast to purify myself. How long will I fast? Until I am satisfied that the people of all religions in India mix like brothers and move without fear. Otherwise my fast can never end." He broke his fast only when leaders of both the Hindu and Muslim communities assured him that they would restore communal harmony and implored him to end the fast.

### Gestures of goodwill

According to the treaty of partition in 1947, India had to receive three hundred crores of rupees from Pakistan against fifty-five crores which came to the share of Pakistan as division of the cash balances of undivided India. Gandhiji persuaded the Government of India to write off its own share of three hundred crores and pay up Pakistan's share of fifty-five crores. This action took place at a time when Indo-Pakistan relations were strained to the breaking point, when lakhs of Hindus and Sikhs were being slaughtered and enslaved in Pakistan, and when the bitterest fighting was going on between India and Pakistan in Kashmir. Commenting on this decision Prime

Minister Jawaharlal Nehru said: "We have come to this decision in the hope that this generous gesture, in accord with India's high ideals and Gandhiji's noble standards, will convince the world of our earnest desire for peace and goodwill."<sup>1</sup> The measure cost Gandhiji his own life as a desperado from Poona, Nathuram Vinayak Godse, shot him dead on the evening of January 30, 1948.

The Government of India restored communal peace in this country within three months. The immigration of Muslims from India to Pakistan completely ceased. Besides the Government permitted two million Muslims to return to India and re-occupy their lands and property. On the other hand no Hindu or Sikh could live in West Pakistan. There were Hindus in East Pakistan, but they were being squeezed out steadily, and their life, honour and property were always insecure.

### Indus Water Treaty

Sharing the Panjab river waters was another problem between India and Pakistan. Out of 25 canals 22 were in Pakistan, two in India and one was in both countries. West Panjab was widely irrigated, while East Panjab was almost dry and barren. Millions of destitute refugees stayed in East Panjab. They were to be supplied food, clothing and shelter. Even then peace-loving India sacrificed its own vital interests and went on supplying water to Pakistan from its Madhopur and Hussainiwala headworks, as before partition. India approached Pakistan for an agreement with regard to the distribution of water. On May 4, 1948, the two Governments agreed to progressive diminution of supplies to Pakistan by India. This agreement worked for a little over two years. On August 23, 1950, Pakistan suddenly repudiated it unilaterally. India did not reduce its water supply for fear of displeasing Pakistan, and pressed for negotiations. The matter dragged on for eight years, and during this period the quantity of water was not reduced. Eventually the Indus Water Treaty was signed in September 1960.

India accepted some of the provisions of the Indus Water Treaty even when these were unfavourable to her. The Indus system comprises six rivers—Indus, Jhelum, Chenab, Ravi, Beas and Sutlej. Except for the Indus which rises in the

Mansarover Lake in Tibet, all other rivers originate in India. After a long course in this country they enter Pakistan. Even Indus flows through Ladakh and Gilgit before entering Pakistan.

Pakistan was given exclusive control over Indus, Jhelum and Chenab rivers. The treaty bound India to supply waters of the Ravi, Beas and Sutlej to Pakistan up to 1973. This means large parts of Panjab and Rajasthan will remain parched till then. India also agreed to pay 83 crores of rupees to help Pakistan for building its own irrigation system. The worst part of the treaty relates to the settling of disputes, which can arise under twenty-four different heads pertaining mostly to India and Indian rivers. These are to be decided in several graduated ways: (1) by a commission consisting of a representative of each country; (2) if the commission fails to reach an agreement, the dispute will be referred to a 'neutral expert'; (3) *in case of his failure, the case will go to the 'Court of Arbitration'*, consisting of two representatives of both the countries and three umpires chosen from a panel of five persons. They are the UN Secretary General, the President of the Massachusetts Institute of Technology, Chief Justice of the United States, Director of the Imperial College of Science, London, and the Lord Chief Justice of England. All the umpires belong to the United States and Britain, both confirmed allies of Pakistan and by treaties committed to support her.

When Pakistan was at war with us, in the face of loud and long protests from the people, India paid the annual instalment of eight crores. A week after the war, on October 1, 1965, India let out water into Pakistani canals in the teeth of opposition from Panjab, and thereby caused drought in the irrigated area. During the ceasefire period, Pakistani sabres made frequent attempts to destroy the Sutlej barrage at Sulemanki and the Sutlej bridge to cut off our supply line. In spite of this canal water continued to be supplied to Pakistan.

### No-War offers by India

India earnestly desired to reduce tensions. She was willing to resolve differences with Pakistan by making reasonable sacrifices. It was in this spirit that Jawaharlal opened his campaign of no-war offers to Pakistan on December 22, 1949.

On this day a suggestion to this effect was made to the Pakistan High Commissioner in New Delhi. A few days later, Nehru wrote to the Prime Minister of Pakistan: "Owing to geography and for many other reasons it is inevitable that many issues arise between the two countries which require settlement. A firm declaration that we will in any event settle them by peaceful methods will itself be a great service to our two countries and the world, because it will remove fear of war from the minds of our peoples."

Pakistan did not accept the offer, but Jawaharlal did not lose hope. In 1956, he repeated his appeal for a no-war pact in the following words: "I do not think that if both Pakistan and we are agreed that on no account should we go to war with each other but should settle our problems peacefully, they may not be settled for some time, but it is better to have a problem pending than to go to war for it. Therefore, it would be very desirable and helpful to have a no-war declaration."

The suggestion was abruptly turned down, as owing to the military pact with the United States, Pakistan was riding a high horse. Nehru pursued his plan. At the end of the Chinese invasion, he again wrote to President Ayub Khan in November 1962: "Both our countries are engaged in tremendous tasks of development and of modernisation so as to raise the standard of living of our people. To this we are firmly dedicated. You can rest assured, Mr. President, that this policy will be applied even more especially in our relations with Pakistan. The idea of any conflict with Pakistan is one which is repugnant to us, and we on our part will never initiate it. I am convinced that the future of India and Pakistan lies in their friendship and co-operation for the benefit of both." India had suffered defeat at the hands of China. Ayub was drawing closer to China to subdue India. While Nehru was keen on raising the standard of living, Ayub was busy in raising the standard of dying on the battlefield. The President considered it below his dignity even to acknowledge this letter.

After a year and a half Nehru left for his heavenly abode. Lal Bahadur Shastri succeeded him. He also embarked upon the same mission, little knowing that in a year's time war

would be actually thrust upon him. Soon after assuming his high office, he declared in a public speech: "For too long have India and Pakistan been at odds with one another. The unfortunate relations between the two countries have somehow had their repercussions on the relations between communities in the two great countries, giving rise to tragic human problems. This will require determination and good sense on the part of the Government and people of India and Pakistan."

Only 19 days after becoming Prime Minister, in a letter dated June 15, 1964, he wrote to President Ayub Khan: "We must strive with patience and perseverance to resolve our differences." In two months he renewed India's offer of a no-war pact to Pakistan on August 15, 1964. Shastri said: "We desire amity between the two countries. Border incidents are not good either for Pakistan or for India. It also does not redound to our credit that we are not able to stop the migration of people across the border. Therefore, we want to find a way out, consistent with our honour."

Lal Bahadur Shastri, though he had sufficient experience in administration was little known abroad. Owing to his short size, simple style of living, unostentatious manners, and shunning popularity had created an impression in most foreign countries, particularly in China, Britain, the United States and Pakistan that a pigmy had succeeded a giant. These powers understood that Shastri regime offered the golden chance to Pakistan to seize as much Indian territory, as possible. The three offers made by Shastri within three months of his rule led Pakistan and its supporters believe that Lal Bahadur could easily be coerced both in peace and war. In consequence Pakistan began its surreptitious advances into Kutch, Kashmir, Assam, Bengal, and in the lands of Mizos and Nagas.

The latest no-war offer made by Prime Minister Mrs. Indira Gandhi on August 15, 1968, was rejected by President Ayub Khan on September 1, 1968. He urged settlement of the Kashmir dispute as a way to ensure peace. "To talk of a no-war pact without settling the Kashmir dispute is only an attempt to hoodwink the world," the President said in his regular monthly broadcast to the nation, "there could not be a better 'no-war' pact than a just settlement of this basic dispute."<sup>2</sup>

### Evacuee property

The Hindus and Sikhs who came out from West Pakistan left behind forty-eight lakh standard acres of agricultural land and housing property worth 500 crores of rupees. The Muslims who migrated from India left 31 lakhs acres of land and houses worth Rs. 100 crores.<sup>3</sup> The negotiations with Pakistan on the repatriation of property and other assets left behind by the non-Muslim refugees in Pakistan proved of no avail. Absolutely nothing was paid by Pakistan to compensate for this difference in the value of land and property. Besides, in India every evacuee girl was handed over to Pakistan, while the Pakistanis converted lakhs of young Hindu girls and boys to Islam and returned only old folk who were of no use to them.

### The minorities

One of the main causes of friction between India and Pakistan is the problem of minorities. Before partition of the country the minorities in Pakistan were our own people. They fought and suffered with us alike in the struggle for freedom. They wished to remain with us, but stayed behind in Pakistan as advised by our own political leaders. They were assured of the safety of their rights. The fruits of freedom proved bitter for them, because they were left at the mercy of a party which cherished different ideals and values of life. They are living in terror worse than death. The Government of Pakistan has failed to be the guardian of minorities. India has a great responsibility for them. Rawalpindi's tactics have been to whip up communal passions in the eastern wing with three objectives. Firstly, people's attention is diverted from domestic problems. Secondly, it squeezes out as many non-Muslims from the country as possible. Thirdly, it increases India's difficulties.

According to the census of 1961 the Muslim population of India increased since 1947 from 35 millions to 50 millions showing a rise of 43 per cent which was higher than the average increase of population in this country. The increase in population of Muslims in Kashmir is also in the same proportion. On the other hand the non-Muslim population in Pakistan,

including Hindus, Christians, Buddhists and Anglo-Indians in 1947 was over 15 millions. In normal circumstances it should have risen in 1961 to about 20 millions. But as given in Pakistan's census report the number of minorities stood at 9 millions. About a million were destroyed or converted to Islam. Nearly ten million refugees have come to India from East Pakistan. They are still continuing. This is the largest migration in world history. This number exceeds the total number of American, White Russian, Jewish, Korean, Arab and Hungarian refugees all taken together. This exceeds even the entire population of Australia.

The exodus of Christians received notice even in the West. The *New York Times* of February 22, 1964, published a report under the head: "Christian Persecution—Thousands flee East Pakistan into Garo Hills of India." The *London Observer* on February 23, 1964, carried a heading: "Christians flee East Pakistan to Escape Persecution: More than 50,000 Enter India." The British newspaper *Scotsman* of February 29, 1964, published a report under the headline: "Terrors Must Stop—Persecution of Christians in East Pakistan." German and French newspapers also prominently published news of the persecution of Christians in East Pakistan. But nothing came out of these protests.

The Government of India appointed a two-member commission to enquire into the state of minorities from East Pakistan. It recorded that the minorities received very brutal treatment from "non-Bengali Muslims". They unhesitatingly committed "innumerable murders, rapes and abductions". Arson and looting was a common occurrence. "Appeals to authorities for help were totally ignored." "Most witnesses blamed the East Pakistan Rifles, comprising mostly Punjabis, for the atrocities inflicted on them." The Commission emphasized that communal ill-will was created largely by the West Pakistanis who dominated the civil services in the eastern wing and also controlled the East Pakistan Rifles. In order to enhance the communal trouble, the Pakistan Government decided to clear a six mile-deep belt along the 1,349 mile-long India-Pakistan border in East Pakistan of all the non-Muslims. To achieve this object, in addition to the Rifles, Ansars and Mujahids were let loose upon them.

On the other hand India is a secular democracy. It is a land where the rights of minorities are respected. Her constitution and ideology allow for co-existence of divergent faiths. India's tolerance is reflected in the high positions to which Muslims have risen in administration, education and industry. In the Government services, including the armed forces, and police and diplomatic field and, they are fully represented. The Indian Parliament has a large number of Muslim members. The highest position in the Indian Republic, that of the President, is today held by a Muslim. Among India's most prominent leaders have been such great Muslims as Maulana Abul Kalam Azad, Rafi Ahmad Kidwai, Asaf Ali, and Hafiz Mohammed Ibrahim. There are Muslims in the Cabinets of the Indian Union and several States. The Ministry of Jammu and Kashmir is headed by a Muslim. The Chief Justice of the Supreme Court is a Muslim, and there are Muslim judges in State High Courts. Muslims are prominent in the field of art, music, literature, sport, theatre and films. In Pakistan recruitment of Hindus to civil and military services is forbidden by Constitution and Government orders.

### *Infiltration*

Since 1947, Muslims from East Pakistan have been constantly entering Assam and the neighbouring areas in lakhs. More than three lakhs East Pakistan Muslims entered Assam after 1961. As previously, they were not objected because the Government of India was slow to recognise the danger of continued illicit immigration from East Pakistan. When the Government became alive to the threat, it was handicapped in its efforts to drive back the infiltrators by divided 'counsels within the ministry and the irrational opposition of some Muslim organisations in the country'. Encouraged by this, infiltration took place on a larger scale. This time it was carefully organised. Chinese military officers trained Pakistanis in infiltration and subversion techniques. Rawalpindi's aim, besides getting rid of its surplus population in the eastern wing, is to subvert the economy of India's border state, endanger the country's security, to convert Assam into a Muslim majority state, and then claim it for East Pakistan. The moral and material aid



given by Pakistan to the Naga and Mizo rebels made it clear that Pakistan was bent on creating more complications for India in this region. Several batches of infiltrators sent into the Garo Hills and Goalpara district were intercepted. More batches kept on coming. Pakistan is running a number of camps in Mymensingh district bordering the Garo Hills. The infiltrators clandestinely find their way into Indian territory.

### Policy of peace

Certain political leaders in this country are of the view that peace with Pakistan at any price would be beneficial. It would ease tension and would arrest the diversion of productive resources from economic development and social welfare to military preparedness. It means that we should be guided by Pakistan's wishes in all matters and should go on surrendering territory, making our army a third rate force and playing a subservient role in international affairs. No self-respecting Indian would be prepared to buy Pakistan's forbearance on these terms. This waywardness must serve as a warning to us against drifting away from the firm guidelines of national security, integrity and solidarity. There should be no doubt in the mind of anybody that the Government of India, whatever its affiliation to a party or parties, will have to stand firmly by the country and its cause, otherwise it will go to rack and ruin.

On April 12, 1965, Lok Sabha members felt that there was need for a firmer attitude towards Pakistan whose bellicosity had increased in the recent months. In a brief speech the Prime Minister Lal Bahadur Shastri, in spite of his personal feelings of reconciliation, assured the members that the Government would deal with Pakistan "very firmly".<sup>4</sup> At the meeting of the Congress Parliamentary Party on the evening of April 12, several members advocated a tough attitude towards Pakistan. They asked the Government to take necessary steps to push out the Pakistani aggressors from the Kanjarkot area in Kutch. The consensus of opinion was that there should be no talks with Pakistan until the status quo in this area was restored. A demand was made that the Government should lodge a strong protest with the American Government against the use of US arms in Kutch.<sup>5</sup>

In Lok Sabha on April 28, 1965, several members pleaded for a strong line of attitude against Pakistani aggression. Bhagwat Jha Azad (Congress) said India should not harp on peace and friendship when its territory was being usurped by enemies. India had always extended its hand of friendship to Pakistan and Pakistan had always bitten it. On every count, whether it be debts, waters or Kashmir, India had shown an attitude of tolerance. But Pakistan had all the time behaved aggressively. Mrs. Vijay Lakshmi Pandit (Congress) said: "Even though we are pledged to policies other than violence, there comes a time in the history of every nation when policies have to be reversed." Frank Anthony (nominated) pleaded that Government must formulate a "firm policy" to meet the obvious Sino-Pakistan strategy of keeping India pre-occupied with border invasion. Pakistan's only philosophy was "Hate India". This policy had not only affected its foreign policy but also the average people, officials and non-officials. Anthony said that the Shastri Government was reaping the whirlwind of mistakes of the past 17 years. What are the dividends of the past policy?—Shame, indecision and demoralisation. N.C. Chatterjee (Independent) said the "futile" and "senseless" policy of appeasement of Pakistan should be given up. The "boundary" in regard to Kashmir by ordering a ceasefire while the jawans were clearing the whole of Kashmir of the enemy had resulted in danger to the State continuing and nearly one-half of it being in hostile hands.

On May 1, 1965, after a two-hour meeting of the Congress Parliamentary Party, it was unmistakably clear that India would not be a party to any appeasement of Pakistan over Kutch. Over 350 members attended the meeting. Several ministers were present.<sup>6</sup> The correspondent of *London Times* reported from Karachi on May 6, 1965: "His (Shastri's) own instincts are deeply pacific and, indeed, there are no warmogers in the Indian Government, though there are plenty in Parliament on both sides."<sup>7</sup> India had an opportunity in the India-Pakistan War of September 1965 to scrap the Kutch agreement. There was no question of an agreement on Kutch when a general war had broken out. But the Government firmly clung to its policy of peace.

### After Tashkent Declaration

India showed keen anxiety to fulfil the promise of Tashkent. India's observation of the declaration included (1) the withdrawal of troops to their positions as before the September 1965 conflict, (2) return of the Indian High Commissioner to his post at Karachi, (3) return of Pakistani prisoners of war, (4) unilateral return of Pakistani ships and cargo impounded during the hostilities, (5) opening one border check-post on the western border and another in eastern border, (6) unilateral removal of the ban on trade with Pakistan, (7) offer to improve postal and telecommunication facilities, (8) invitation to Pakistani poets to attend the annual *mushaira*, (9) proposal to set up an Indo-Pakistan friendship society, (10) friendly references to Pakistan through various official media, (11) stopping all propaganda against Pakistan both on the Radio and in the press, (12) destruction of all the books and pamphlets criticising Pakistan issued by the Publications Division of the Ministry of Information and Broadcasting during the war, and (13) offer of talks at ministerial level to discuss further measures to implement the remaining provisions of the Tashkent Agreement. These were by no means minor gestures. They were in fact a serious effort to bring about normalisation of relations in the spirit of Tashkent declaration. New Delhi continued this effort despite the absence of reciprocal action by Rawalpindi.

On the other hand Pakistan signed the Tashkent Declaration because this suited Rawalpindi's interests. It badly needed breathing time after it had received a serious jolting from India. It lost no time in disowning the agreement at the first opportunity. Not only did it stall the re-opening of road, telegraphic and postal communications with this country, but it did not respond to India's proposal, repeated time and again, except an abortive effort, for a ministerial level meeting to initiate discussions on means to normalise relations. It started hate-India campaign, creating a more intense war psychosis among its people and was itching for a showdown with India.

This fact was testified when to effectuate the Tashkent proposals and to resolve mutual differences a ministerial meeting was held at Rawalpindi on March 1 and 2 1966. Pakistan's

attitude from the beginning was non-co-operative. Indian proposal for 15 journalists to accompany the ministerial delegation to Rawalpindi was turned down. The Pakistan authorities expressed inability to provide visas to all on the ground of lack of accommodation. Yet the fashionable hotel at Islamabad where the Indian delegation was lodged lay half empty. On the very day the talks started at Rawalpindi, President Ayub Khan made it clear in his first of the month broadcast that there could be no progress in negotiations and that the efforts for normalization of relations amounted to crying for the moon. He said that the Kashmir dispute could neither be ignored nor pushed into the background by saying that it was too old or too complicated. He added that "the basic dispute between India and Pakistan concerns the right of self-determination of the people of Jammu and Kashmir." Pakistan proposed talks on Kashmir as the top item of the agenda for ministerial level parleys for normalizing relationship between the two countries. The outcome of the two-day Indo-Pakistan ministerial conference was nothing. The joint communique stated that no agreement could be reached on any of the subjects that came up for discussion. *The Indian delegation returned home most disappointed.*

Pakistan went against the Tashkent bindings. Her troops continued feverish military activities. In the month of April 1966 they were seen digging anti-tank defences all along the international border. On May 16, 1966, some Pakistani agents threw a handgrenade to kill Chief Minister G.M. Sadiq when he was heading a procession at Baramula, 32 miles from Srinagar. On the same day a group of Pakistanis raided the Kagan police station, 38 miles from Srinagar, and ran away with rifles, ammunition and official papers. The Pakistani

for Education and Information, told the State Legislature at Srinagar on October 6, 1966 that 1399 Pakistanis had been hauled up since the Tashkent Declaration.

On the Panjab and Rajasthan borders the Tashkent agreement was violated many times. J.L. Hathi, Minister of State for Home Affairs, told the Rajya Sabha on August 26, 1966 that seven men were arrested in Jullundur in March 1966 on charges of spying for Pakistan. Heavy concentration of Pakistan troops was noticed in the Dagar area on the dry bed of the Chenab, about 18 miles west of Jammu.<sup>9</sup> An increase in the cases of cattle lifting by Pakistanis from border villages of the Bikaner division since the withdrawal of the Indian security forces from there after the Tashkent agreement, took place. Several Pakistani criminals crossed into the three villages of the Pugal area during the last week of March 1966 and drove away at least 35 camels, 42 cows, and 11 bullocks. Similar reports of intrusion and cattle-lifting were received from Gangangar after the Tashkent agreement. Some Pakistanis aided by mujahids entered the district territory in the first week of April and drove away some cattle. The Pir Pagaro's followers actively campaigned against India in the border villages of Rajasthan. No material change in Pakistan's attitude towards India took place in the border areas of Jaisalmer and Barmer. Skirmishes in these areas became a daily feature. On April 9 about 60 Pakistanis armed with *lathis* intruded into the Indian territory, assaulted three constables of an outpost and took away a Pakistani national who had been arrested for crossing the border. They also removed some rifles and ammunition belonging to the Indian outpost.<sup>10</sup>

"The most serious infraction of the Tashkent agreement" by systematically interfering in the affairs of India, was committed by Pakistan by encouraging the Mizo hostilities. They also trained and armed the Nagas to carry on their struggle against India. The Pakistani "Ghost Radio" operating from East Pakistan fomented trouble in the Mizo hills with anti-Indian propaganda and inciting the Mizo hostiles to intensify their lawless activities.<sup>11</sup> The Government of India lodged two protests, on March 12 and 17, with the Pakistan High Commissioner in New Delhi against the provisions of facilities in Pakistan to rebel bands of Mizos for acquisition of arms and

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ground that there was a dispute. It also occupied certain other territories about which there was no dispute. Pakistan admitted India's claims to those territories. It contended that those areas would be returned only when India would settle the Kashmir dispute on Pakistan's terms.<sup>16</sup> A couple of examples will illustrate this point.

1. Pakistan occupied Lathitilla village in November 1962, and Dumabari in July 1963. About the same time 748 bighas of land was seized by Pakistan. Besides another group of three villages—Karkhana, Putnigaon and Borputnigaon in the Cachar-Sylhet sector was captured by it. The Government of India made no effort to recover this area. This was admitted by the External Affairs Minister, M.C. Chagla in the Lok Sabha on July 13, 1967.

2. Pakistan occupied five square miles of Indian territory on the headwaters of the Fenny river on the east and the Ranga Fenny on the west.

3. In the first week of August 1966 Pakistani troops seized about 100 acres of Indian land near Hamirpur across the international border in the southern part of Chhamb-Jaurian sector, and set up a military post there.

4. A village named Teesta Payasti is located on the West Bengal border between the Pakistani enclave of Dahagram and the West Bengal—East Pakistan border. Pakistan wants forcibly to occupy this village and link up Dahagram with East Pakistan mainland. On 26 July 1967 a Pakistani armed mob of 800 strong from Dahagram publicly harvested the paddy and jute crops of Teesta Payasti village. Later on August 1, 1967 an armed Pakistani mob trespassed into this village and attacked Indian border police and people with spears, *lathis* and sticks.

The ill-treatment and oppression of minorities continued as before. M.C. Chagla, External Affairs Minister, told the Lok Sabha on July 10, 1967: "I am painfully aware of the fact that in Pakistan minorities are not well treated and there is discrimination against them."<sup>17</sup> C K. Bhattacharaya, M.P. asked for confirmation of the news report that in a communal attack on the Buddhist community in Cox Bazar in Chittagong in East Pakistan "the entire Buddhist locality was looted and burnt, 25 of its inhabitants killed and all but a few women raped." Chagla said that according to Government's infor-

ammunition and for the use of Pakistan territory as a base from which acts of rebellion and subversion could be carried out. No reply was received from Pakistan Government.<sup>12</sup> Pakistan intensified its programme of training and encouraging the Mizos. The Pakistani army started a training camp at Ruma in Chittagong hills for the Mizos. Over 1,000 Mizos were trained in the use of arms and guerilla warfare. The Mizos set up their centres of activities in various parts of East Pakistan. The main centre of their subversive activities was at Rangmati in Chittagong hill tracts.<sup>13</sup> Mizos took prisoners some 60 to 70 State Government officials including those of Border Security Police and led them to East Pakistan where they were confined to a detention camp under the guard of East Pakistan Rifles. Pakistan set up a cantonment at Noabari in the eastern hilly area of Chittagong district to impart training to Naga and Mizo rebels in the use of Chinese tanks. The location of this cantonment was of special significance to India. It was situated quite close by the Mizo hills district of Assam and Tripura. A large number of Chinese tanks were kept in hill areas round Noabari cantonment. Another training camp for operation of Chinese MIG planes was set up on an air base near Cox Bazar in East Pakistan.<sup>14</sup>

The Deputy Minister for Home Affairs told the Lok Sabha on August 16, 1966, that Pakistan was recruiting in its army Garos, Khasis and Mizos living inside India's borders. It posed a threat to the security of Assam. He also stated that the arms hauls in Nagaland and Mizo hills showed new trends. Previously some of the arms and ammunition bore Pakistani markings. Those captured recently had either no markings at all or had Indian markings. This led to two interpretations. Either the markings were deliberately put in Pakistan or the weapons were those captured by the rebel tribesmen from Indian security forces. He confirmed that the rebels were receiving training in camps in East Pakistan and the Chinese personnel were present in those camps. The Pakistani Press and Radio always termed the rebel Nagas and Mizos as "patriots and nationalists".<sup>15</sup>

#### Indian territory seized

Pakistan frequently occupied certain Indian lands on the



India's policy of peace and conciliation was clear from the following:

- (i) Permitting Pakistani air flights across India soon after the Tashkent Agreement ;
- (ii) Lifting the trade embargo;
- (iii) Agreeing to resumption of tele-communications without insisting on the payment of past dues by Pakistan;
- (iv) Offering to liberalise travel by opening the air, road and sea links; and
- (v) Agreeing to discuss the return of seized cargoes.

#### Pakistan hostility

Pakistan's policy of hostility could also be judged from:

- (i) Pakistan continuing to make demands against Indian territory;
- (ii) Pakistan refusing to abjure the use of force;
- (iii) Pakistan refusing to restore relations to normal, i.e. to the status quo ante 1965 as agreed to at Tashkent;
- (iv) Pakistan refusing to discuss arms control;
- (v) Pakistan increasing its military preparations as explained above;
- (vi) Pakistan increasing its interference in our internal affairs (assistance to the Mizo and the Naga hostiles); and
- (vii) Pakistan carrying on anti-Indian propaganda in the various capitals of the world<sup>20</sup>.

#### The outlook

Pakistan's hostility and hatred against India knows no bounds. One prime minister of Pakistan declared the cleaved fist as the national emblem to deal with India. Another prime minister of Pakistan declared that every Pakistani would become Halaku and Chingez Khan for India. Still another Government threatened India to drown its soil in a sea of blood. Ayub and Bhutto proclaimed a thousand years war against India far transcending the Hundred-Years War between Britain and France.

Pakistan has been attacking India on all fronts—religious, diplomatic, military, psychological and political. It tries to win over all the Muslim countries against India on religious considerations, and thereby destroy its secularism. It seeks to

mation the report was "substantially correct".<sup>18</sup> Even all the Indians put in concentration camps during the war were not set free. Chagla stated in Lok Sabha on July 11, 1967 that 44 of the 3,886 Indians detained in September 1965 were yet to be released. Some of those detained were minors. The number of internees was given 102 by Pakistan Foreign Office on July 26, 1967. Chagla said the living conditions in the camps were bad according to reports from Indian High Commission officials who had been allowed to visit the detenus<sup>19</sup>. Thus the Tashkent declaration from which so much was expected became another useless political document.

### India sticks to paths of peace

A Tashkent Week was observed by India on the first anniversary of Tashkent Declaration from January 4 to 10, 1967. The Vice-President, Prime Minister, Defence Minister and Home Minister broadcast to the nation and the world. Four Secretaries of the Government of India, who were present at Tashkent in January 1966, held a radio discussion on January 10, 1967, giving their reminiscences of the developments that had led to the signing of the declaration. The Minister for External Affairs in a message called for an all out effort to revive the spirit in which the declaration was conceived and executed. He said: "The Tashkent declaration constitutes not only an act of statesmanship but also an act of faith." The annual report of the Information and Broadcasting Ministry circulated in the Lok Sabha on July 11, 1967 stated that All India Radio took special care during 1966-67 to design its programmes in such a way as to reflect India's eagerness to solve outstanding issues with Pakistan through negotiations. It said AIR kept in mind the terms of the Tashkent declaration and laid constant stress in all its programmes on the need to maintain cordial relations between India and Pakistan.

A Defence Ministry spokesman said in New Delhi on August 12, 1968 that Pakistan in recent months had redoubled her efforts to build up her war potential and "it is indeed conceivable that she is preparing for an excuse to commit aggression on India." He added: "Radio Pakistan and Pakistan's government controlled press, led by top Pakistani leaders have in recent days stepped up their propaganda against India.

India looks forward to the day when the people of Pakistan may come to enjoy the same democratic rights as Indians do, and a friendly climate of India-Pakistan relations begins to develop. Meanwhile, the Government and people of India cannot afford to neglect the threat posed to India's territorial integrity by the irresponsible action of the communal military clique which rules Pakistan today.

### Sources and Notes

1. *The Paradox of India-Pakistan Relations*, p. 19.
2. Reuter, Karachi, September 1; *National Herald*, September 2, 1968, p. 1, col. 8.
3. *Ibid*, 33.
4. *The Times of India News Service*, New Delhi, April 12, 1965.
5. *Ibid*.
6. *The Hindustan Times*, 2-5-1965.
7. *The Times*, London, 7-5-1965.
8. *The Hindustan Times*, June 20, 1967, p. 4, col. 4.
9. PTI, Jammu, May 22, 1967.
10. PTI, Calcutta, April 12, 1966.
11. This was confirmed by the Union Home Minister, G.L. Nanda, in Rajya Sabha on July 29, 1966, and by Y.B. Chavan, Defence Minister in Lok Sabha on August 3, 1966.
12. Statement of Swaran Singh in the Indian Parliament on April 5, 1966.
13. *The Indian Express*, Calcutta, April 6-7, 1966.
14. UNI, Calcutta, August 15, 1966.
15. UNI, New Delhi, July 16, 1967.
16. PTI, New Delhi, August 12, 1967.
17. *The Hindustan Times*, August 9, 1967, p. 1, c. 2-4.
18. PTI, New Delhi, July 10, 1967.
19. *The Hindustan Times*, July 12, 1965, p. 1, c. 1.
20. PTI, New Delhi, August 12; *National Herald*, New Delhi, August 13, 1968, p. 1, cols. 5 & 6, p. 9, cols 2-3.

isolate India from Western powers and their satellites on grounds of treaties and regional alliances. It supports China in its plan of world domination by knocking down Indian democracy and its unity. Militarily, it is always prepared to attack India. Psychologically, it maintains a continuous reign of terror against its Hindu minority. It expects that the Hindus in India would rise against Indian Muslims, and secular claims of India would be done for. Politically, it enjoys open friendship of China, subdued full support of Britain, merciful complete protection of the United States and decisive support of Soviet Russia.

*It is erroneous to think that Pakistan's dispute with India is derived from Kutch or Kashmir. The Pakistani conflict is much wider and deeper. It arises from Pakistan's hatred, detestation, malevolence and enmity towards India. Tension is not going to lessen. It may increase, and at any rate it is bound to continue unabated until the close of this century, if not longer.*

The people of Pakistan are a long way off from attaining the basic citizenship rights and the democratic liberties of a free people. During the past twenty-one years since the creation of Pakistan, no Government came into power as a result of national election based on adult suffrage. Initially, Pakistan was governed by a Government answerable to a Legislature elected on limited franchise of pre-partition days. Some enlightened element, though in a small minority, was conscious of the historical and cultural ties which linked the people of India and Pakistan. They asked for fuller democracy within Pakistan and for good neighbourly relations with India. Even this limited representative government was thrown out as the result of a military coup in 1958. The people of Pakistan were brought under Martial Law. The might of naked force was now added to the communalism of the ruling clique. The voices of dissent were silenced. Leaders of East Pakistan who stood for provincial autonomy, for a rightful place of Bengali language, and for fair treatment of non-Muslim minorities were either intimidated into silence or thrown behind bars. The Press was placed under rigorous censorship, and liberal opinion in Pakistan, though little, was suppressed. Basic democracy differs little from dictatorship.

4. That the Rann of Kutch is neither a land-locked sea nor a boundary lake, but only a marshy desert.

### British treaties with Kutch

The princely state of Kutch came into contact with the British Government for the first time in the beginning of the nineteenth century, culminating into the treaties in 1809, 1810, 1816 and 1819. Aitchison, the author of the official compilation of Treaties between the British and their vassals says:

"In October 1809, Treaties (No. I) were concluded with Fateh Muhammad on behalf of the Rao, and with Hansraj, by which they renounced all claim to interfere in the countries to the East of the Gulf of Kutch and the Ran, and engaged to suppress piracy and to exclude Europeans and Americans from their possessions. ...Notwithstanding repeated remonstrances, those engagements were not kept; piracies were not suppressed. Retaliation was more than once threatened, and in 1813 a British officer was deputed to insist on immediate compliance with the demands of the British Government. ...No restraint was put on the lawless inhabitants of Wagher, who made constant inroads into Gujarat and Kathiawar, and after repeated remonstrances on the part of the British Government, it became necessary to move a force into Cutch. In 1816 a Treaty (No. II) was concluded, by which the Rao agreed to pay indemnity for the losses caused by inroads from Wagher.<sup>1</sup>..." The most important was the Treaty of Alliance of October 13, 1819 between the East India Company and His Highness Maharao Mirza Rao Shree Dessuljee, his heirs and successors. Under clause 5 of this treaty the East India Company guaranteed to the Maharao, his heirs and successors "the integrity of his dominions, from foreign or domestic enemies." Article 10 assured that the Company would "exercise no authority over the domestic concerns of the Rao or of those of any of the Jhareja Chieftains of the country; that the Rao, his heirs and successors, shall be absolute masters of their territory, and that the civil and criminal jurisdiction of the British Government shall not be introduced therein." Thus no change in the territory of the Kutch State could be brought about without the express consent of its rulers.

## The Problem

Pakistan claimed the northern half of the Rann of Kutch extending to the 24th parallel north latitude and covering an area of 3,500 square miles on two grounds:

1. That the Rann of Kutch is either a land-locked sea or a boundary lake separating Sind from Kutch, and the boundary line must run through its middle.

2. That the northern half of the Rann has been under the jurisdiction of Sind administration since its annexation by the British in 1843 as is clear from several pre-partition and post-partition documents.

### India contended

1. That all relevant evidence available from historical records, Imperial Gazetteers, Gazetteers of Sind and Bombay, Administration Reports of Kutch, Bombay and Sind, all encyclopaedias, political maps of India published by the Survey of India after approval of the Foreign and Political Department of the Government of India prior to 1947, and other maps, contemporary books and other documents, and above all the actual rule of Kutch State over the Rann for more than two hundred years, all fully and firmly established that the entire Rann of Kutch, never called the Rann of Sind, was included in the State of Kutch, and the international boundary between the two dominions ran along the northern edge of the Rann of Kutch.

2. That this boundary was acknowledged, recognised, admitted and acquiesced in by the Paramount Power.

3. That at the time of the creation of Sind as a Governor's Province in 1936, the Rann was not included in the territory of Sind and the southern boundary of Sind lay along the northern edge of the Rann.

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map for comments to the Commissioner in Sind and to the Government of Bombay who gave their consent. "Thus the agreement between Kutch and the British became an international bilateral agreement similar to international bilateral agreements on all other boundaries which are not settled by a treaty. In theory such an agreement cannot be altered except by a new agreement between the neighbours concerned. It cannot be altered unilaterally".<sup>4</sup>

**The entire Rann was a part of Kutch State**

### **Gazetteers**

1. Walter Hamilton's Gazetteer of 1820 stated that Kutch was in two parts, the mainland of Kutch and the Rann of Kutch.<sup>5</sup> In its 1828 edition Hamilton stated that the whole of the Rann belonged to Kutch.<sup>6</sup>

2. **Cutch**—A native state under the political superintendence of the Government of Bombay. It is bounded on the north-west and north by the Province of Sind; on the east by the dominions of Guicowar; on the south by the peninsula of Kattywar and the Gulf of Cutch, and on the south-west by the Indian Ocean. Its limits, inclusive of the great salt marsh termed the Rann, extend from lat.  $22^{\circ}47'$  to  $24^{\circ}40'$  and from long.  $68^{\circ}26'$  to  $71^{\circ}45'$ . Its greatest length from east to west is 205 miles, and its breadth from north to south (which is nearly equal throughout its whole extent) 110 miles. The area, exclusive of the Rann, is 6,764 square miles....

[*Gazetteer of India*, compiled by the authority of the Honourable Court of Directors of the East India Company by Edward Thornton, Vol. II, 1854 edition]

3. **Cutch**—Cutch, 'or [the sea coast land, lying between the Peninsula of Kathiawar on the south and the Province of Sind on the north, extends from  $20^{\circ}47'$  to  $24^{\circ}$  north latitude and  $68^{\circ}26'$  to  $71^{\circ}10'$  east longitude. Exclusive of the Rann, it contains an estimated area of 6,500 square miles...(The map appended to this Gazetteer clearly includes the entire Rann in the Kutch State.)

[*Gazetteer of the Bombay Presidency*, Vol. V, 1880 edition, published under the authority of the Bombay Government]

4. **Cutch**—Its limits, inclusive of the great salt marsh termed the Rann, extended from lat.  $22^{\circ}47'$  to  $24^{\circ}40'$ , and

After independence Kutch acceded to India on August 16, 1947. The Instrument of Accession stipulated: "His Highness the Maharao of Kutch hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of June 1948 (hereinafter referred to as 'the said day')."

"As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit."

On June 1, 1948, the Kutch State was taken over by the Government of India and placed under a Chief Commissioner. It was merged with Bombay State in 1956. Kutch became a part of Gujarat in 1960, when that State came into existence as a result of reorganisation.<sup>2</sup>

## Sind

Mirs of the Baluchi Talpura tribe ruled over Sind from 1783 to 1843. In that year it was annexed by the British. It was attached to Bombay Presidency and was administered by a Commissioner from Karachi. Under the Government of India Act, 1935, Sind was created a separate province ruled over by a Governor on April 1, 1936. By the Indian Independence Act 1947, Sind became a part of Pakistan.<sup>3</sup>

The Government of India Act, 1935 defined the boundaries of Sind. The draft schedule setting out the boundaries of the new province of Sind and an Index map showing those boundaries was prepared by the Surveyor General of India. Its relevant portion reads as follows:

"Thence southward it follows the western boundary of this State (Jodhpur) to its junction with the States of the Western India Agency on the northern limit of the Rann of Kutch. Thence the Province boundary follows the northern boundary of the States of the Western India Agency westward until it again meets the Arabian Sea." This description and depiction of the conterminous Kutch-Sind boundary places it roughly along the northern edge of the Great Rann.

The Government of India sent the draft description and the

Rann of Cutch an immense salt water waste, with an area of about 9,000 sq. miles....”

[*Imperial Gazetteer of India*, Vol. XXII, 1908, published under the authority of the Secretary of State for India.]

The Imperial Gazetteer of India (provincial series of Bombay Presidency, Vol. II, 1909), published by the then British Administration also states that the Province of Sind was “bounded on the South by the Rann of Kutch and the Arabian Sea.”

### Administration Reports

The Kutch Administration Reports were published annually with great regularity from 1872-73 to 1944-45. They were forwarded to the Government of India. They mention the Rann as a part of Kutch State. They indicate the area of Kutch as being 6,500, later corrected to 7,616, square miles “exclusive of” or “besides” the Rann. They clearly stated that the Rann was “included” in Kutch or that it “belonged to the Rao”. The Kutch Administration Reports after 1910—11 used the formula that the area of Kutch was “7,616 square miles, besides the Rann, which belongs to the Rao”. They did so till 1931. Then they introduced with a correction of the figure to give effect to the 1914 Resolution, the formula that the area of Kutch was “8,249·5 square miles exclusive of the Rann of Kutch, which forms part of the Kutch State territory”. This formula was repeated till the reports ceased to be published in 1945.

The Bombay Administration Reports indicated the area of Kutch as 6,500 or, later 7,616 square miles and after 1931 as 8,249·5 square miles “exclusive of”, “besides” or “independent of” the Rann. The *Statistical Abstracts*, annually prepared by the Secretary of State’s Office in London, to be “Presented to both Houses of Parliament by Command of Her Majesty” indicated the same thing. The Bombay Administration Reports and the Statistical Abstracts when describing Sind and giving data on Sind never mention the Rann. It is always called the Rann of Kutch and is mentioned along with Kutch only.<sup>7</sup>

from long.  $68^{\circ}26'$  to  $71^{\circ}45'$ .

[*Imperial Gazetteer of India*, Vol. III, 1881 edition, published by authority.]

5. Cutch—inclusive of the great salt marsh termed the Rann.

[*Imperial Gazetteer of India*, Vol. IV, 1885 edition, published by authority.]

6. It has an area of 7,616 square miles (exclusive of the Rann, 9,000 square miles belonging to the State.)

[Notes for Revision of Vol. V, published as *Gazetteer of Bombay Presidency*, Vol. V-B, 1905 edition, under the authority of the Government of Bombay.]

7. Cutch—Native state under the political superintendence of the Government of Bombay, bounded on the north and north-west by the Province of Sind. Its limits, exclusive of a portion of the great salt marsh termed the Rann, extend from  $22^{\circ}47'$  to  $24^{\circ}$  N and, from  $68^{\circ}25'$  to  $71^{\circ}11'$  E....The area of the State (exclusive of the Rann) is about 7,616 square miles.

[*Imperial Gazetteer of India*, Vol. XI, 1908 edition, published under the authority of the Secretary of State for India.]

## Sind

The official *Gazetteer of the Province of Sind* published in Karachi, 1907 describes the boundary of Sind as follows :—

“Bounded on the east by the native states of Marwar, Jaisalmer and Bahawalpur, on the north by a small corner of the Punjab and by the level and sandy position of the territories of the Khan of Kalat known as Karchi, on the west by the mountainous part of the same territories, the boundary line running along the ridge of Khirthari range and the Habb river and on the south by the Arabian Sea and the Rann of Kutch.”

It is thus unmistakably clear that the Rann of Kutch was regarded even in 1907 as completely outside the province of Sind.

“Sind is bounded on the North by Baluchistan, the Punjab and the State of Bahawalpur, on the east by the Rajputana States of Jaisalmer and Jodhpur; on the south by the Rann of Cutch and the Arabian Sea....

“The extreme south-eastern border of Sind is formed by the

Deputy Adjutant Quarter Master General in Kutch from actual measurement and personal observation during 1825-28, shows the possessions of the Kutch Darbar extending right up to the northern end of the Rann of Kutch.

3. J.G. Lumsden, Political Agent in Kutch in 1844 prepared a map. The map is coloured with 35 different washes and colour ribands. It shows the distribution of lands between the Rao and the feudal lords, the Bhayad. On the map a wide tract of land, with Sindri still marked as a fort, and including approximately what must have been the Sayra and a tract on the western bank of Khorī Creek, roughly what Pakistan calls the Lower Delta Lands, has the colour of the Rao's possessions. The northern limit of the Rao's possessions in the Sayra District is approximately the northern edge of the Rann. Besides the mainland of Kutch, the Banni (spelt Bunnee) and the three large bets of Pachham, Khurir and Beyla as well as a group of four more bets are shown as belonging to the Kutch Bhayyad. The group of four bets is situated to the north of Pachham. The first is called Koosree, the second Gainda, the third Horonto. The fourth has no name but has the notice. It is nothing else but Dhara Banni. This is the most valuable pre-survey map. It showed the Rann was so well protected that feudal ownership over bets on its extreme northern edge was considered worth while recording and depicting.<sup>9</sup>

4. Political maps of India showing the external frontiers and the internal divisions were published by the Survey of India only after approval by the Foreign and Political Department of the Government of India. The British Government conducted a complete survey of Sind from 1855 to 1870. At the end of it, an authoritative map of Sind was published by the Surveyor General of India. The map has the title: "The Province of Sind, 1855-1870, Scale 16 miles=1 inch...compiled in the Office of the Surveyor General of India from the latest Revenue Surveys based on the Gt. Triangulation, Calcutta 1876." In this map the southern boundary of Sind touches the northern edge of the Rann. This line was admitted and recognised as the boundary between British India and Kutch.<sup>10</sup>

5. Sind Revenue Survey Sheets Nos. 93, 94, 95, District Omerkot (Thurparkur), 1"=1 mile surveyed in 1868-69, and

### Encyclopaedias:

1. *Cutch*. (Kutch, Kachh), a chief commissioner's state of India until 1956, when it became a district of Bombay State, with an area of 17,022 sq. miles including 8,424 sq. miles of the Runns of Cutch....

[*Encyclopaedia Britannica*, Vol. VI, 1962, pp. 904-5.]

2. *Sind*. An autonomous province of Pakistan lying between lat. 25°35' and 28°29' N and long. 65°30' and 71°10' E. Area 48,140 square miles.

[*Encyclopaedia Britannica*, Vol XX, p. 706.]

**Note:** These latitudes and longitudes exclude the Rann from Sind.

3. *Sind*. It was bounded on the west by the Arabian Sea and the federal capital area of Karachi, on the west by Baluchistan, the Kirthar Range, and the Hab River, on the north-east by Bahawalpur, on the east by Khairpur and the Indian State of Rajasthan, and on the south by the Rann of Kutch.

[*The Encyclopaedia Americana*, 1962, Vol. 25, p. 32.]

**Note:** This extract was prepared by Mohamed Hamid, a member of the Pakistan Mission to the United Nations.

4. *Sind*. Former province (C. 50,000 sq. miles) West Pakistan, on the Arabian Sea...the region of Sind, now largely in the Hyderabad and Khairpur Divisions, is bordered by India on the east and south.

[*The Columbia Encyclopaedia*, 1963, p. 1965.]

**Note:** The entire Rann of Kutch formed a part of the Western India States Agency, and not of Sind. This is clearly specified in the political documents of the British Government pertaining to the years, 1937, 1939 and 1942. The whole of the Western India States Agency merged with India after independence.

### Maps

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boundary between Kutch and Sind as "disputed." But on closer careful examination, this entry was found to be wrong. In the following year (1939), the Director of Map Publications of the British Government of India passed official orders to the effect that the word "disputed" should be deleted from the maps.

14. The Government of India released on June 16, 1965, a set of three maps showing the boundary alignment of Kutch and Sind. One of the maps was prepared in 1946 showing the Kutch-Sind border corresponding to the international boundary as it then existed. This map was certified on March 30, 1946 by G.H. Khan, an officer of the Survey of India at that time. In 1965 Khan was a cartographic authority in Pakistan holding the post of Director of Map Publications.

15. The second map was a copy of the map attached to the resolution No. 1192 of the Bombay Government of February 24, 1914 settling the only dispute which had ever existed between Kutch and Sind. The third map showing the alignment of Kutch-Sind boundary at the time of partition was in accordance with the maps and records before independence.<sup>14</sup>

#### Documents and books

1. In all the documents of the political department of the British Government of India of 1937, 1939 and 1942, when the political charges of various officers were defined, the Rann of Kutch was invariably shown as falling within the Western India States Agency and not as falling within Sind. The entire Western India States Agency became part of India as a result of accession.<sup>15</sup>

2. In 1944-46, Hawes, Secretary to the Government of Sind in the Public Works Department and Chief Engineer of Sind, prepared schemes at the instance of the Rao of Kutch for irrigation projects in Kutch and treated the southern tip of the western loop as the border between Sind and Kutch.

The "Post-War Development Schemes" 1945, published by the Government of Sind, indicates that the northern edge of the Rann was the southern border of Sind. In an inter-departmental meeting of the Government of India held in 1946 for opening a railway link to Sind, the Resident of Baroda and

published in 1871 under the direction of Col. H.L. Thuillier, R.A., F.R.R., Surveyor General of India, show the boundary between Kutch and Sind lying along the northern borders of the Rann of Kutch.

6. The Survey of India issued a number of maps such as the Indian Atlas Series and quarter-inch sheets on a 4 mile to 1 inch scale, published from 1872 to 1943. Besides, 32-mile maps of India were published in 1889, 1898, 1901, 1908, 1915, 1922 and 1928. Further, there were maps of parts of Sind. They all depicted the northern edge of the Rann as forming the boundary between Sind and Kutch.<sup>11</sup>

7. Sheet No. 40 H/SE and parts of sheet Nos. 40 L/SW and 40 H/SW, 1"=2 miles, 1886 edition, published by Col. G.C. Depree, S.C., Surveyor General of India, indicates the same boundary.

8. In 1910 the British Commissioner in Sind acknowledged there was a mass of evidence that since 1837, the boundary between Sind and Kutch had been recognised and shown on all maps prepared from that date to the present day to be a straight line due south from the trijunction of Badin Taluqa of the Hyderabad district, the Jati Taluqa of the Karachi district and the Rann of Kutch.<sup>12</sup>

9. Map attached to Bombay Government Resolution No. 1192 of February 24, 1914, showed the same boundary.

10. The 32-mile map of India published by the British Administration of India in 1915 and the 50-mile map of India published in 1928, 1936, 1945, show that the boundaries between Kutch and Sind were firm and undisputed.

11. Sheet No. 40 H, 1"=4 miles, issued in 1921, 1925, 1936 and in March 1943, published by Col. C.H.D. Ryder, C.I.E., D.S.O., R.E., Surveyor General of India indicates the northern edge of Rann as the Sind boundary.

12. Plate No. 21 showing the "Political Divisions of the Indian Empire" and plate No. 38 showing "Bombay, Sind, Baroda and States of Western India" in the final volume of the Imperial Gazetteer—New (Revised) Edition, Vol. XXVI, published in 1931 by the Government of India, indicate the entire Rann of Kutch right up to its northern limit as forming a part of the Kutch State.<sup>13</sup>

13. In 1938, a Survey of India official showed the northern

## Encyclopaedias

1. The Rann of Cutch. ...It is a low-lying, salt impregnated alluvial tract. ...During the south-west monsoon, however, it is flooded by the waters of the Luni, Puran, West Banas and other rivers assisted by rain remaining on the hard surface, but the view that at this season, the sea invades it (the sea level is raised 4 to 5 feet) has been disproved and abandoned.

[*Encyclopaedia Britannica*, Vol. XII, 1962, p. 233, under the heading 'Indian Desert'.]

2. The Rann of Kutch, a great salt marsh...

[*The Encyclopaedia Americana*, Vol. XVI, 1962, p. 561.]

3. The Rann of Kutch is a salt waste...

[*The Columbia Encyclopaedia*, 1950, p. 1076.]

## Maps

1. It does not appear to be correct to show the Rann of Kutch as though it were all water. The symbol for a swamp might be used.

[Letter No. 3434-F, dated November 2, 1906, Foreign Department, Government of India, while approving the proof of the 32-mile map of India, Political, 4th edition.]

2. The Foreign and Political Department while considering the proofs of the 5th edition of the 32-mile map of India in a note dated March 31, 1914, approved the indication of the Rann as a marsh. The Surveyor General was instructed to show in this edition the corrected Kutch-Sind western boundary as agreed to both by the Kutch Durbar and the Bombay Government in 1913 and as sanctioned by the Government of India. This edition of the 32-mile map of India was finally approved by the Foreign and Political Department in its note dated September 18, 1914.

3. The 1915 edition of this 32-mile map of India clearly indicated the corrected Kutch-Sind western boundary. It extended up to the northern limits of the Rann of Kutch. The subsequent edition of this map included the entire Rann in the Kutch State. In all these maps the border line between the Hyderabad and Tharparkar districts on the one hand and the Kutch State on the other was explicitly indicated along the northern limits of the Rann of Kutch.<sup>18</sup>

Western India States observed: "The Radhanpur-Nugger Parker-Badin alignment would bring this along the northern border of Kutch," indicating that he considered that the Rann of Kutch lying below this alignment was within the territory of Kutch.<sup>16</sup>

4. A Memoir on Kutch State along with a Sketch of the Rann and adjacent countries, was presented by Lt. Raikes, Assistant Political Agent in Kutch, to the Government of Bombay in November 1854. He states that the Kutch Province "contains about 6,500 square miles, independent of the Grand Rann, which, however, may be considered as a part of the province, and which, including the islands with the portion bounded by the Guzerat Coast (east and south-east), occupies an area of 9,000 square miles."

5. "The area of the State is 8,249.5 sq. miles exclusive of the Rann of Kutch which forms part of the Kutch State territory and which comprises an area of about 9,000 sq. miles."<sup>17</sup>

Rann is a marsh, neither a boundary lake nor a land-locked sea

#### Gazetteers

1. Cutch—Its limits, inclusive of the great salt marsh termed the Rann...

[*Gazetteer of India*, Vol II, 1854, compiled by the authority of the Honourable Court of Directors of the East India Company.]

2. Cutch—Enclosing Cutch on the north and east is the Rann 'irene' or 'the waste' a salt desert supposed to cover about 9,000 square miles...

[*Gazetteer of the Bombay Presidency*, Vol V, 1880, published under the Government orders by James M Campbell.]

3. Cutch—Its limits, inclusive of the great salt marsh termed the Rann...

[*Imperial Gazetteer of India*, Vol. III, 1881, published by authority.]

4. Inclusive of the great salt marsh termed the Rann.

[*Imperial Gazetteer of India*, Vol. IV, 1885, published by authority.]

5. The Rann of Cutch...is now a salt waste.

[*Gazetteer of the Province of Sind*, 1907, compiled by E.H. Aitken, Bombay Salt Department.]

Superintendent of Tharparkar and the Political Agent in Kutch were to meet. Just at this juncture the Rao of Kutch died. The whole matter was postponed and the Government of Bombay in a resolution said: "Government regret that for reasons stated the demarcation in question must be postponed till next season." After this postponement the matter was not revived again.<sup>23</sup>

2. Under standing orders of the Government it was a part of the duty of every Magistrate whose jurisdiction touched the boundary of another state to inspect the demarcated boundary line annually. In 1884 the Assistant Collector of Tando Sub-Division of the Hyderabad District found no marks of boundary line between his sub-division and Kutch. He reported: "All I can find out is that it is somewhere in the Rann." The Collector forwarded the report to the Commissioner who made the following endorsement: "The Collector of Hyderabad is requested to explain more fully what the doubt is. From the map of the Hyderabad District it appears that the Rann of Kutch is the southern boundary of the Hyderabad District."

The Collector made a reference to the Superintendent of Trigonometrical Survey asking him about the exact position of the boundary line between the Hyderabad District and the State of Kutch. The Deputy Superintendent replied that the Hyderabad District touched on the Rann of Kutch. He sent tracings to the Collector. The Collector wrote to the Commissioner that from the tracings it was observed that there were no boundary marks but that the Rann itself was the boundary. The Commissioner asked for information regarding the lands lying between the "defined dehs" which were British territory and the Rann. The Collector replied that "the lands lying between the defined dehs and the Rann are entirely waste and uninhabited and have never been cultivated and no one lives there for want of water." Major Pullan was at that time surveying the area. The Commissioner asked him to take care that "the actual boundary namely the Rann itself is shown as the boundary as no portion of Cutch Territory is on the Northern side of the Rann."

In 1885, the survey of Kutch under Pullan was nearly completed. He made an inquiry whether the Sind-Kutch boundary

4. "We have been accused of 'naked aggression'. If we had wanted to commit aggression, we would have chosen a better area than the mud flats of the Rann of Kutch," said Ayub.<sup>19</sup>

### Origin of the problem and its settlement

1. In 1875, the Mukhtiarkar (modern Tahsildar) of Diplo, apparently a local man, seems to have been offended with Kutch authorities, perhaps over the grazing of his cattle or camels or supply of *ghè* or probably due to religious differences.<sup>20</sup> He reported to the Political Superintendent of Tharparkar that "in the days of the Mir Sahibs (Amirs of Sind), on this side of Gaimda in the Rann whatever theft of duties was committed was settled by the Government of Mir Sahibs; beyond Gaimda in the State of Darbar of Kutch Bhuj.<sup>21</sup> He meant that the authority of Sind at the time of the Amirs in matters of theft of duties extended to Gaimda Bet. The case was forwarded to the Commissioner in Sind, who reported it to the Government of Bombay. It referred the matter to the Political Agent in Kutch, who in turn sought clarification from the Kutch Darbar. The local Kutch officer on that side, the Vahivatdar of Bhuj, stated that the Kutch authority extended over the whole Great Rann. He enumerated several acts which he called Vahivat.

Guide stones had been fixed at Kutch expense, the resting place at Gaimda had been constructed by Kutch, Kutch collected taxes on the sale of cattle from Sind and other places in the Rann, hides of stray animals dying at any place in the Rann were taken over by the lessee of Drobana in Kutch, the inhabitants of Kutch grazed their herds of cattle in the various bets in the Rann and collected grass, "while foreigners had no right to bring their cattle on these bets," in former times (before the earthquake of 1819) transit duty had been levied at Sindri by the Kutch State and a Thana (police post)

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the Darbar through the Political Agent that the boundary between Jati and Kutch was the vertical line from the western trijunction and thereafter the Khori Creek. He desired the Political Agent to obtain confirmation of this boundary line from the Kutch Darbar. The Political Agent, without consulting the Kutch Darbar, replied that he knew "the Darbar claim that not only does the northern bank of the Khori Creek including Kotri belong to them, but also the land, to the south and west of this Creek." He added the Darbar asserted its right to the whole of the Rann and were prepared to prove it. He suggested that the question should not be opened as it would raise the whole issue of the boundaries of Sind and Kutch. The Commissioner nevertheless sought the advice of the Government of Bombay, stating that "the boundary between Sind and Cutch and the question of rights in the Rann of Cutch will have to be settled one day or other" and "the sooner the matter is taken up the better." The reply of the Political Department of the Government of Bombay, dated 23 November 1905, was that "the question might well be left alone till we are forced to take it up." The reason is plain. The Government of Bombay had no doubt that the Sind-Kutch boundary was well established. They were worried that the Darbar would claim the northern bank of the Khori Creek and also some land to the south and west of the Creek. It was because of this the Government of Bombay felt that the question might be left alone. It is therefore obvious that the Macdonald alignment of the boundary was confirmed by all competent authorities.<sup>25</sup>

4. In 1907-8 the Commissioner in Sind complained against incidents which he considered encroachments by Kutch on Sind territory. Both the States were asked to explain their cases by the Bombay Government.

*The Kutch Case:* At some period subsequent to 1809, Kutch exercised jurisdiction over or enjoyed revenue of some kind from some portions of the disputed area. In 1862 the Sind authorities did not question the Kutch ownership of a portion of the area in dispute in which salt deposits were situated and Kutch was extracting salt. Kutch erected a beacon in 1906 near the mouth of the Sir Creek without any objection from Sind authorities. The creek near the beacon

really lay along the northern edge of the Rann as Macdonald had shown it and as he himself had indicated in the maps pro-half till this date. The inquiry provoked a correspondence ofduced a dozen letters between Pullan, the Deputy collector of Tharparkar, the Political Agent in Kutch, the Commissioner in Sind and the two Departments of the Government of Bombay, the Political Department and the Revenue Department. The correspondence showed that:

(i) The Deputy Collector of Tharparkar and the Commissioner in Sind thought that the "northern half" of the Great Rann belonged to Sind and the "southern portion" to Kutch.

(ii) The Political Agent in Kutch was definitely of the view that "the Rann is a part of Kutch."

(iii) The Government of Bombay disliked the issue and was desirous to discontinue discussion through letters.

(iv) Pullan discontinued putting State-boundary symbols in his maps, and "a few maps came to be issued by Pullan without any boundary symbol."

Sind, Kutch and the Government of Bombay did not pursue the matter any further. Kutch and Bombay Administration Reports continued to mention the Rann as a part of Kutch and the Survey of India put boundary symbols in subsequent reprints of Pullan's maps.<sup>23</sup>

3. In 1901, the Chief Secretary to the Government of Bombay had, in response to the request of the Government of India, submitted to them a brief history of Kutch. In it he gave the area of Kutch as 6,500 square miles exclusive of the Rann, the area of which was about 9,000 square miles. In February 1905, the Government of India asked the Political Department of the Government of Bombay to submit revised up-to-date information regarding Kutch. The Political Department of the Government of Bombay replied that the history sent in 1901 was up-to-date. There is also a reference to an unofficial note of the Government of Bombay, dated April 26, 1905, which included the Rann of Kutch in the State of Kutch.<sup>24</sup>

About this time Erskine was surveying the Jati Taluqa of the Karachi District. According to usual procedure, he inquired of the Commissioner in Sind regarding the boundary between Jati Taluqa and Kutch. The Commissioner wrote to

The Government of India acknowledged receipt of this letter and observed "with satisfaction that the dispute between the Sind authorities and the Cutch Darbar has been settled by a compromise agreeable to both parties, and are pleased to accord their sanction to the rectification of the boundary line proposed in paragraphs 9 and 10 of your letter"<sup>17</sup>.

This was confirmed by Resolution No. 1192 of February 24, 1914, of the Political Department of the Government of Bombay.

Pakistan demanded that as in 1914, the principle of a half and half division of the Rann should be adopted. The suggestion was meaningless. The resolution of 1914 had clearly confirmed the Macdonald alignment of the boundary along the northern edge of the Rann. Pakistan further contended that the vertical line was called in the Resolution, the Sind boundary and not the Sind-Kutch boundary. According to Pakistan the line meant the boundary between Sind and the Rann. This reasoning was groundless. The part of the Rann to the west of the vertical line had been clearly recognised as Kutch territory since 1870. In their correspondence the Sind side called the whole portion of the boundary to be demarcated "the rectified boundary between the Kutch State and British territory." Besides, there was no dispute between Sind and Kutch about the Great Rann<sup>18</sup>

#### Fixation of pillars

The Superintendent of Land Records in Sind to execute the Resolution No. 1192 of February 24, 1914, started the work of demarcation of the Kutch—Sind boundary on November 28, 1923. Twenty-two miles in the southern line and 23 miles in the eastern line, a total of 45 miles upto the trijunction of Jati and Badin taluqas and Kutch territory on the northern side was surveyed.<sup>19</sup>

The Diwan of Kutch in his letter No. 53 dated January 31, 1924, informed the Political Agent for Kutch that the demarcation of boundary between Kutch and Sind was going on satisfactorily. He wrote:

I have the honour to state that from a report received from the Cutch Officer at Lakhpat it appears that in all 133 pillars were to be fixed as under:

was widened and deepened under the orders of Kutch.

*The case of Sind:* Guneg in the disputed area was the frontier station of Sind for collection of taxes. A road, a postal runner's foot track as far as Kotri rest house was maintained by the Sind authorities. The station of the Great Trigonometrical Survey in the disputed area was maintained at the cost of Sind.

*The Bombay Government's Report:* Regarding the last two points of Sind, it was pointed out that Kutch also appeared to have spent money on the maintenance of the same postal track and that Kutch maintained another survey station in the same area. The report of the Government of Bombay said:

"9. On a full review of the evidence, the Bombay Government arrived at the conclusion that the boundary between Kutch and Sind should be the green line in the accompanying map from the mouth of the Sir Creek to the top of the Sir Creek at the point where it joins the blue dotted line, from there it should follow the blue dotted line due east until it joins the Sind boundary as marked in purple on the map, and His Highness the Rao has now expressed his willingness to agree to this compromise.

"10. On this proposed settlement being referred to the Commissioner in Sind that officer agreed to the adoption, as the frontier line, of the blue dotted line running due east from the top of the Sir Creek. He observed, however, that the Sir Creek changes its course from time to time and the western boundary of the area, which it is proposed to surrender to the Rao, should therefore be described as 'the centre of the navigable channel of the Sir Creek'. A similar method had been adopted in determining the boundary between the Khairpur State and British territory where the river Indus was the boundary, and the position of the navigable channel varied from year to year.

"I am to explain that the term 'navigable' is really inappropriate in the larger sense. The Creek is, of course, tidal, and it is only at certain conditions of the tide that the channel is navigable and then only to country craft as far as the point from which the proposed boundary turns due east from the Creek."<sup>28</sup>

The Government of India acknowledged receipt of this letter and observed "with satisfaction that the dispute between the Sind authorities and the Cutch Darbar has been settled by a compromise agreeable to both parties, and are pleased to accord their sanction to the rectification of the boundary line proposed in paragraphs 9 and 10 of your letter"<sup>27</sup>.

This was confirmed by Resolution No. 1192 of February 24, 1914, of the Political Department of the Government of Bombay.

Pakistan demanded that as in 1914, the principle of a half and half division of the Rann should be adopted. The suggestion was meaningless. The resolution of 1914 had clearly confirmed the Macdonald alignment of the boundary along the northern edge of the Rann. Pakistan further contended that the vertical line was called in the Resolution, the Sind boundary and not the Sind-Kutch boundary. According to Pakistan the line meant the boundary between Sind and the Rann. This reasoning was groundless. The part of the Rann to the west of the vertical line had been clearly recognised as Kutch territory since 1870. In their correspondence the Sind side called the whole portion of the boundary to be demarcated "the rectified boundary between the Kutch State and British territory." Besides, there was no dispute between Sind and Kutch about the Great Rann.<sup>28</sup>

### Fixation of pillars

The Superintendent of Land Records in Sind to execute the Resolution No. 1192 of February 24, 1914, started the work of demarcation of the Kutch—Sind boundary on November 28, 1923. Twenty-two miles in the southern line and 23 miles in the eastern line, a total of 45 miles upto the trijunction of Jati and Badin taluqas and Kutch territory on the northern side was surveyed.<sup>29</sup>

The Diwan of Kutch in his letter No. 53 dated January 31, 1924, informed the Political Agent for Kutch that the demarcation of boundary between Kutch and Sind was going on satisfactorily. He wrote:

I have the honour to state that from a report received from the Cutch Officer at Lakhpat it appears that in all 133 pillars were to be fixed as under:

67 pillars on the line from East to West on the Muio Creek, and 66 pillars on the Kiriawali line from North to South.

2. Of the above number all the pillars (67) on the Muio line and 14 on the Kiriawali line have been already fixed, i.e. in all 81 pillars are fixed. The work is now being proceeded with on the Kiriawali line, and the party expects to complete the whole work by the 20th February 1924.

For supplying stones and fixing them along the boundary the Kutch Darbar was paid a sum of Rs 2,940 by the Commissioner in Sind.<sup>30</sup>

The rest of the boundary between Sind and Kutch ran along the northern border of the Rann of Kutch, and it was considered unnecessary to affix pillars over it.<sup>31</sup>

### **Collector's arbitrary act**

In 1926, the Kutch Darbar decided to levy a tax on the grazing of cattle in Chhad Bet. Some villages of the neighbouring area of Sind petitioned the Commissioner in Sind against the levy, contending that they had not paid any tax before. The Commissioner forwarded the petition to the Collector of Tharparkar for action. The petitioners submitted that Chhad Bet was within Sind territory. The Collector called for information from the Deputy Collector, Superintendent of Land Records in Sind and District Superintendent of Police.

The Superintendent of Land Records stated that the maps sent by him showed the boundary between the British territory and the Kutch State. According to them Dhara Banni and Chhad Bet lay outside British territory. The Deputy Collector replied that the people at Chhad Bet and Dhara Banni did not reside there permanently but lived there only for a part of the year to graze cattle, and that the births, deaths and epidemics there were recorded in the Diplo Taluqa office. The District Superintendent of Police reported that no offences committed in Chhad Bet and Dhara Banni had been reported to the Diplo Police Station. The Collector who appears to be highly prejudicial to Kutch State directed the Sub-Inspector of Police of the area "to submit a proper report" to him directly. No such additional report was received. The Collector's office unjustifiably wrote that "the maps practically show no boundary." The Collector did not refer the case to the Commis-

sioner, and haughtily recorded:

"In default of any information we will continue to regard half the Rann as belonging to British and half to Kutch.

"In this case petitioners can be informed that they should not pay any fees but tell the Kutch Jamadar to go to blazes."

The Collector's order was dated December 31, 1927. His order was an arbitrary act.<sup>32</sup>

#### Differences over topographical map

In accordance with the Government of India Act, 1935, new ministries, under the scheme of provincial autonomy, came into existence in all the provinces of British India on April 1, 1937. The Indian National Congress captured the Government in most of the provinces. The Muslim League came into power in Bengal, North-West Frontier Province and Sind. The idea for creating the new State of Pakistan had already originated. Tension between Hindus and Muslim Leaguers was at its height. The Muslim League Government in Sind could not live in peace with its neighbouring Hindu State of Kutch. Strong communal feelings prevailed everywhere between Government officials belonging to the two major communities—Hindus and Muslims. The British officers on the whole favoured Muslim League.

During the last British survey of the area, the survey of Osmaston in 1937-39, the Mukhtiarkar of Nagarparkar contended that half of the Rann was a part of Sind. He admittedly based his contention on the orders of the Collector of Tharparkar dated December 31, 1927, as in his report to the Deputy Collector, the Mukhtiarkar clearly stated that there was nothing else to support the Sind case to half the Rann. The Mukhtiarkar of Diplo reported that the Collector's orders were the only guide to trace half the Rann as belonging to the British. The Mukhtiarkar of Mithi stated that the village staff and authorities were under the impression that half the Rann belonged to Sind because of the Collector's orders of 1927 and that there was no record to support those orders. The Deputy Collector frankly informed the Collector that it was

parkar district and that there was no documentary evidence in support of the contention. The Collector confessed that there were no Government orders under which half the Rann was to be regarded as belonging to the British Government. Thus, all the authorities of Tharparkar district entertained grave doubts regarding the validity of the Collector's orders of 1927. They were treating half the Rann as belonging to Sind only on the basis of these orders which were not only unauthorised but also contrary to evidence before the Collector. The Government of Sind was not consulted either before or after the Mukhtiarkar had made the claim to half the Rann. Osmaston himself, after a detailed and thorough inquiry, came to the conclusion that the claim was frivolous. Sometime after Osmaston went on leave. Strong officiated in his absence.<sup>33</sup>

As the boundaries of Sind touched those of Kutch and Wav States, a meeting of the representatives of the three Governments was held with the Officer-in-Charge, No. 1 Party, Survey of India. At this meeting the Sind representative put forward a claim that the northern half of the Rann of Kutch belonged to Sind. The Kutch State protested against this claim to the Resident for States in Western India. The Diwan of Kutch in his letter No. 156 dated March 5, 1938 addressed to the Resident stated:

"The Survey Superintendent has returned from Nagaraprkar and reports that as the representatives of Kutch, Sind and Wav did not agree to the alignment, the Officer of the Survey party did not proceed with the survey work. The Sind representative is also reported to have claimed that half the Rann belonged to Sind. This has caused no small surprise to the Darbar as the boundary between Sind and Kutch has already been determined and shown on the Topographical Survey Sheets. Again the boundary dispute between the Bombay Government and Kutch Darbar was settled long ago, and boundary pillars were erected in 1924 where the boundary was disputed.

"The Darbar, therefore, consider that the present claim of the Sind authorities has no validity and there was never any doubt that the entire Rann belongs to Kutch."<sup>34</sup>

The case was referred to the Superintendent of Survey and Land Records in Sind. In his letter No. T. 372 dated



12.11.1938 to the Collector of Tharparkar he said that "the boundaries as originally taken from the Survey of India maps stand unaltered so far the taluka maps in question are concerned." A copy of this letter was forwarded to the Officer-in-Charge No. 1 Party, Survey of India under his letter No. T. 373 dated 12.11.1938. The Collector of Tharparkar in his letter No. 6777 dated 6.12.1938, informed the Officer-in-Charge, No. 1 Party, Survey of India that "the external boundaries of the Thar Parkar District stand unaltered as originally taken from the Survey of India maps." In his letter No. 1575/44-B-4, dated the 23rd August 1939, the Officer-in-Charge wrote to the Collector, Tharparkar District, Mirpurkhas:

"Reference your No. I.S./3684 dated 18.8.1939.

"I have the honour to inform you that as the provincial boundary in the Rann of Cutch is undemarcated and the authorities of Sind, Cutch State and Wav State still differ as to its correct alignment no decision can be arrived at by me. I propose to omit this boundary from the modern survey maps." The word "disputed" was added in a footnote in the map.<sup>35</sup>

The Officer-in-Charge No. 1 Party, Survey of India referred the matter to the Director of Map Publications. Meanwhile the printing of maps continued. In the 70-miles map of India, showing Provinces, States and Districts, first edition, printed in 1938 the word "disputed" appeared. The Director gave his decision under letter No. 67/5-D dated 25.11.1939 saying that the word "disputed" should be deleted from the map and the footnote should read "the boundary between Sind and States of Western India is taken from previous maps." The correction was made by hand in all the office copies and the stock copies. "This correction was, however, not carried out on the standing negatives due to an oversight." As a result the subsequent reprints of 1938 edition of this map in 1940 and 1946 repeated the error of adding the word "disputed" along the Cutch-Sind boundary.<sup>36</sup> Even in this map the boundary symbol "dash-dot-dash" was used along the northern limit of the Rann. It indicated the accepted boundary. Hence the insertion of the word "disputed" was meaningless.

#### **Kutch Government awakes after nine years**

After March 1938 the State Government took up the matter

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**Kutch Government awakes after nine years**

After March 1938 the State Government took up the matter

nine years later. Early in 1947, it had become certain that the British India would be divided into India and Pakistan. The communal feelings were at their worst. The Muslim Leaguers believed in the massacre of Hindus and Sikhs. By March incidents of stray attacks on the minority community had begun in the western zone later called West Pakistan. This aroused the sleepy and lethargic Government of the Kutch State whose boundary touched the Muslim majority British Province of Sind. About two and half months before the actual partition of the country, the Diwan of Kutch, on May 26, 1947, wrote to the Chief Secretary to the Government of Sind, Karachi, for the fixation of boundary pillars in collaboration with the State administration. In this letter the Diwan said:

1. "That boundary pillars were erected in 1924 on the boundary line between Kutch and Sind from the mouth of the Sir Creek to the Trijunction of Karachi and Hyderabad Districts and Cutch State.

2. "The trigonometrical survey of the rest of the boundary between Sind and Cutch was completed during the seasons of 1881-1882 and 1883-1884, as shown in the trigonometrical sheets Nos....

3. "A topographical survey of the Thar Parkar District was made in 1937-38 and the same boundary as mentioned above has been marked on the topographical survey sheets Nos....

4. "The Government of Cutch now propose that pillars on the boundary line already determined beginning from the Trijunction up to the end of Sind-Cutch boundary in the east should be erected during the next cold season. The Government of Cutch are prepared to supply the required pillars and to erect them in conjunction with the Sind Government on the basis of the expenses being shared equally by the parties concerned."

#### **Pakistan claims territory in the Rann**

Unfortunately, the Diwan awoke rather too late. The British Government was then too busy in winding up, and nothing came out of this request. Pakistan came into existence on August 15, 1947. Being intent on territorial parity with

India, its leaders had already been intriguing with several princely states falling into the orbit of India with a view to secure their accession to Pakistan. On October 22, 1947, Pakistan attacked the State of Jammu and Kashmir in order to annex it. By July, 1948, negotiations for a ceasefire were in full swing outwardly at the initiation of the U.N. Commission, but in reality at the instigation of British Government who wanted Pakistan to retain as much of Kashmir as it was at the time in occupation of Pakistan Army. Having their mind at ease on that side, Pakistan Government took up the Diwan's letter for disposal.<sup>38</sup>

On July 14, 1948, the Pakistan High Commissioner in New Delhi, wrote to the Secretary to the Government of India in the Ministry of External Affairs, saying that the Sind-Cutch boundary "is still in dispute and must be settled before the question of fixation of boundary pillars can be considered or taken in hand."

He further stated that "non-demarcation of the boundary on the ground is causing considerable hardship to the cattle owners of the area claimed by Sind. It has been represented to the Collector of Thar Parker that the Cutch authorities have leased out the entire Rann of Cutch to one Shadikhan who is harassing and charging exorbitant grazing fees from the maldars of Thar who can legitimately claim to have free grazing as the northern part of the Rann is claimed by Sind as part of Sind territory. The Collector wrote to the Cutch authorities requesting them to stop Shadikhan from harassing the maldars but received no response."

The High Commissioner suggested "that a Joint Boundary Commission of the Dominions of India and Pakistan should investigate and settle the dispute."<sup>39</sup>

About this time all Pakistani maps and atlases showed in addition to the whole of Jammu and Kashmir and Junagadh, the area of the Rann of Kutch running north of the 24th parallel as Pakistan territory. Of course, the mere description or demarcation in an atlas of an area does not confer any proprietary or pre-emptive rights on a claimant. Yet it clearly showed the working of Pakistan's mind to which the Government of India remained blind till the end.

*India's reply in 1949*

The Government of India was fully occupied with the Kashmir problem. The U.N. proposal for a ceasefire in Jammu and Kashmir was made on August 13, 1948. The ceasefire came into effect on January 1, 1949, and the marking of ceasefire line was completed on August 30, 1949. The Indian Government took up the Kutch question during these days when its mind was somewhat free. The High Commissioner for India in Pakistan replied to the Pakistan letter on August 10, 1949. He concluded by saying: "The Government of India do not agree, therefore, that there is any dispute as regard the boundary between Sind and Cutch or that there is any necessity for the appointment of a Joint Boundary Commission as suggested by the Government of Pakistan."<sup>40</sup>

*Pakistan's rejoinder in 1954*

Pakistan took five years to reply to India's letter. Pakistan was obviously waiting for an opportune time, when it could dictate to India from a position of strength. On May 19, 1954, Pakistan signed the military pact with the United States. Under this treaty the United States bound herself to arm, equip and train Pakistan Army free of cost and to raise it to a first class army in Asia. The United States also seems to have formed a secret pact to render all possible diplomatic and political support to Pakistan against India in acquiring the whole of Jammu and Kashmir from India either peacefully or by force. Pakistan joined the United States sponsored South-East Asia Treaty Organisation (SEATO) on September 8, 1954. With these two plumes in its turban, it felt sure that Pakistan would easily eclipse the Indian Khadi cap. Pakistan replied to the Indian Note of August 10, 1949 on September 22, 1954. It put forward its case in detail, and in conclusion said that from these facts "it is abundantly clear that the boundary between Sind and Cutch from the top of Sir Creek onwards has always been in dispute." It suggested (a) demarcation of the boundary according to its claim, or (b) a conference between representatives of the two Governments to come to a decision, or (c) failing that arbitration.<sup>41</sup>

### Pakistan occupies Chhad Bet and vacates it, 1956

The Government of India replied to Pakistan's letter of September 22, 1954, in May 1955 repudiating Pakistan's claim. In the beginning of 1956, Pakistan surreptitiously occupied Chhad Bet situated in the northern half of the Rann. Pakistani forces took up dug-in positions. On February 19, 1956, a routine Indian patrol approaching Chhad Bet was fired upon by the Pakistan troops. Indian troops were immediately ordered to deal with the situation. They moved into the area on 25 February. To their surprise, the Pakistanis were nowhere to be seen. They had already withdrawn across the border into their own territory. Pakistan sent a protest note which was rejected by India. A permanent police post was set up there, and parties of Rajkot Rangers patrolled the border twice a month.<sup>42</sup>

Pakistani version of this incident is as follows:

"In 1956, for the first time, the Government of India established its presence in the territory by forcibly dislodging a police post maintained by Pakistan in Chhad Bet. This small post was overwhelmed by regular troops operating under air cover provided by the Indian Air Force. The Government of Pakistan protested to the Government of India against this flagrant act of aggression, called for the withdrawal of Indian forces from Chhad Bet and suggested a meeting between the officials of the two countries as provided under the 1948 Inter-Dominion Agreement relating to border incidents.

"13. In its reply, the Government of India took up the extraordinary position that the incident was a matter 'involving questions of policy' and hence was excluded from the purview of the Agreement of 1948. Conscious of the obvious absurdity of this argument, the Indian Government's note also stated that 'in any case the 1948 Agreement could not apply to the Chhad Bet incident which was a deliberate violation by Pakistani armed personnel involving an unprovoked attack on an Indian military patrol on Indian soil'.

"14. The contradiction is self-evident. If the incident was, as alleged by India, a case of border violation, then it could not be a 'question of policy' and was clearly the sort of problem which the Inter-Dominion Agreement of 1948 was

designed to deal with. The refusal of the Indian Government to submit to the procedures laid down in the Agreement plainly indicated the culpability of the Indian Government.

"15. It is important to recall these events because India has attempted to put forward the existence of its police post in Chhad Bet since 1956 as giving it a prescriptive right to maintain a presence in the disputed territory. The fact is that Indian occupation of Chhad Bet was carried out as an act of force and has been maintained as an act of force. That it has continued since 1956 confers no legitimacy on India's presence in Chhad Bet, or anywhere else in the northern half of the Rann."<sup>43</sup>

#### Nehru-Noon Accord, 1958

Pakistan raised its claim to the Rann in April 1956. This was refuted by the Government of India in June 1956. Two years later there was a thorough discussion of the border problems between the two Governments. A joint communique by the Prime Ministers of India and Pakistan, also known as Nehru-Noon accord, was issued on September 12, 1958. It made no mention of Sind-Kutch sector. Speaking on these issues in Parliament Jawaharlal Nehru said: "Then there are three other disputes. The first relates to a small area of three villages in the Lahore-Amritsar border. The second is a matter which we had not thought was in dispute at all. This concerns Chak Ladheke, a small tongue of land in the Punjab area. The third is about Chhad Bet in Kutch. Pakistan raised this question two or three years ago. We thought that there was no dispute about it, and we sent them a rather lengthy reply to which their answer came after two years, only about ten days ago."<sup>44</sup>

#### Swaran Singh commits India to arbitration, 1959

In October 1959, Swaran Singh, Indian Minister for Steel, Mines and Fuel held a series of meetings with Lt. General K.M. Sheikh, Pakistan Interior Minister, first in Dacca and then in Karachi. At the end of the talks, a joint communique was issued on October 24, 1959. It dealt mainly with the border issues of East Pakistan. In paragraph 6 of the joint communique, it was stated:



"6. Both Governments reaffirmed their determination to resolve border disputes by negotiation and agreed that all outstanding boundary disputes on the East Pakistan-India border and West Pakistan-India border, raised so far by either country, should, if not settled by negotiation, be referred to an impartial tribunal for settlement and implementation of that by demarcation on the ground and by exchange of territorial jurisdiction, if any."<sup>45</sup>

### Minister-level Conference, January 1960

In pursuance of the decision taken at the India-Pakistan Minister-level Conference in October, 1959, where a number of East Pakistan-India border questions were amicably settled, a Minister-level Conference was held at Lahore, Rawalpindi and Delhi from 4th to 11th January, 1960 to discuss West Pakistan-India border questions. The Pakistan Delegation was led by Lt. General K.M. Sheikh and the Indian Delegation by Sardar Swaran Singh.

2. There were in all five areas of dispute in this region, viz,

(1) Chak Ladheke, (2) Theh Sarja Marja, (3) Husainiwala and (4) Suleimanki Headworks, and (5) Kutch-Sind Border. Of these, the first four disputes arose out of differences between the Governments of India and Pakistan regarding interpretation of the Radcliffe Award. These were settled amicably. With regard to Kutch-Sind border, it stated:

4. Both countries agreed to collect further data in respect of the dispute regarding the Kutch-Sind boundary and discussions will be held later with a view to arriving at a settlement of this dispute.

5. Agreement was also reached in respect of the Ground Rules which would be operative on the West Pakistan-India border.

Sd/- M.J. Desai,  
January 11, 1960

Sd/- J.G. Kharas,  
January 11, 1960<sup>46</sup>

Further on January 9, 1960, the two Governments in the West Pakistan-India Border Ground Rules in para 9 stipulated that "in areas regarding which disputes of title are already pending with the respective Governments for a decision the status quo inclusive of defence and security measures will be

strictly maintained until such time as the *de jure* boundary is finalised and the return of territories in adverse possession of the two countries takes place."<sup>47</sup>

Another document signed on the same day by the same two officers, captioned:

"Agreed Decisions and Procedures to end disputes and incidents along the Indo-West Pakistan Border Areas," laid down under paragraphs 2 and 3:

"2. *West Pakistan—Bombay border.* Exploratory discussions regarding the boundary dispute in the Kutch-Sind region showed that the differences between the Governments of India and Pakistan could not be settled. Both Governments have decided to study the relevant material and hold discussions later with a view to arriving at a settlement of this dispute.

"3. Detailed Ground Rules for the guidance of the Border Security Forces along the Indo-West Pakistan frontier, prepared as a result of the deliberations of the Conference (Annexure II) will be put into force by both sides immediately. These Rules will be reviewed and brought up-to-date after the boundary has been finally demarcated and the return of area in adverse possession of either country has been effected in the West Pakistan-Punjab (India) sector. Similar action will be taken in respect of the other two sectors in due course."

Sd/- M. J. Desai,  
Commonwealth Secretary,  
Ministry of External Affairs,  
Government of India.

Sd/- J. G. Kharas,  
Joint Secretary,  
Ministry of Foreign  
Affairs and Common-  
wealth Relations,  
Government of Pakistan.

New Delhi,  
January 11, 1960.<sup>48</sup>

#### West Pakistan-India Border Ground Rules

In pursuance of the directive given to the sub-committee these ground rules were formulated by Lt. Gen. P.N. Thapar GOC-in-C, Western Command (India) and Lt. Gen. Bakhtiar Rana, SQA, MC, Corps Commander, Pakistan. In their deliberations they were assisted on the Pakistan side by Brig. Said-ud-Din, Director-General, West Pakistan Rangers, Brig. Tikka Khan and Mr. S.M. Koreishi, PFS, Under Secretary, Ministry of Foreign

Affairs and on the Indian side by Shri Bhagwan Singh Rosha, IPS, DIG, PAP, Brig. Gurbakhsh Singh, Shri Govardhan IPS, IG, Rajasthan, Shri V.G. Kanetkar, IP, DIG, Bombay and Shri M.M. Sen, ICS, Deputy Secretary, Ministry of Defence. The ground rules formulated in this paper are applicable to the West Pakistan/Punjab (India) West Pakistan/Rajasthan and West Pakistan/Bombay border.

2. On this border the security forces of both the countries are located at some places in close proximity to each other, and to avoid any untoward incident and resulting tension, it is necessary that pending the determination of the final boundary and the exchange of territories in adverse possession of the two Governments, the security forces of the two respective countries should observe the ground rules as laid down hereinafter.

3. On this frontier the de facto boundary is generally known to the security forces of both sides and the local population. In case of disputes arising in any sector, regarding the de facto boundary the status quo will be maintained by the local post commanders and a working boundary in the areas under dispute, should be decided upon by the officers mentioned in paragraph 4 below and jointly recorded in a descriptive manner and clearly identified on the ground.

4. This working boundary will be decided upon by the under-mentioned assisted by appropriate civil officers—

(i) West Pakistan/Punjab (1) Border between the Director-General, West Pakistan Rangers/rep. and the DIG, PAP, Punjab (India)/rep.

(ii) West Pakistan/Rajasthan Border between the Director-General, West Pakistan Rangers/rep. and DIG, RAC/rep.

(iii) West Pakistan/Bombay Border between the Director-General, West Pakistan Rangers/rep. and D.I.G. (HQ) rep.

5. The de facto boundary may or may not coincide with the de jure international boundary and the observance of the de facto boundary by both sides will not commit the two Governments in any manner in respect of their de jure claim.

6. Neither side will have any permanent or temporary border security forces or any other armed personnel within 150 yards on either side of this de facto boundary and no picket, forward posts or observation posts will be established

within this area.

7. Notwithstanding the provisions of paragraph 6 above, both sides may,

(a) go right up to the de facto boundary in hot pursuit of an offender;

(b) send patrols within the zone specified above upto the de facto boundary, provided:

- (i) each side will inform the other about the actual patrol beat or any changes thereto if it falls within 50 yards of the boundary;
- (ii) patrols are small in numbers, i.e., not exceeding a section of one and ten;
- (iii) patrols invariably move with flags; and
- (iv) only personal weapons are carried by the patrols (no L.M.Gs. will be carried);

(c) retain such pickets, forward posts and observation posts as are already established until the de jure boundary is finalised and return of territories under adverse possession takes place. A list of such posts on both sides will be exchanged by 1st February 1960. New posts within the 150 yards belt on either side will only be established by mutual agreement.

8. Defensive works existing within 150 yards on either side of the de facto/working boundary not included in the list mentioned in para 7 (c) above must be destroyed or filled up by 15th March 1960 and reports to this effect will be exchanged by both sides.

9. Notwithstanding the provisions of paragraphs 6 to 8 above, in areas regarding which disputes of title are already pending with the respective Governments for a decision, the status quo inclusive of defence and security measures, will be strictly maintained until such time as the de jure boundary is finalised and the return of territories in adverse possession of the two countries takes place.

10. It will be the duty of the border security forces on either side to prevent armed civilians entering the 300 yards stretch of the border (150 yards on either side of the working boundary).

11. Border security forces of both sides are charged with the responsibility of preventing smuggling in their respec-

tive areas. Therefore it is incumbent upon them to arrest smugglers of any nationality, whether armed or unarmed and to deal with them under the law of the land.

12. In the case of local population, inadvertent crossings are likely to take place along the border. The border security forces, after satisfying themselves that the crossing was done inadvertently, shall immediately return the persons concerned to the opposite commanders at officers level.

13. Whenever the personnel of the border forces of either country inadvertently stray across the border line information about it should be immediately conveyed to the nearest post of the other side and the personnel must be handed back without delay to their nearest post along with their arms and ammunition, etc., if any, through Gazetted Officers/Upper Subordinates of both sides.

14. Bona fide Governmental bodies, e.g. survey parties, etc., whilst operating in the border area shall not be interfered with. The programme of such parties will be notified to both sides by the Government concerned at least a month ahead. Such parties will report to the nearest post of their own country before starting the work.

15. Whenever, any cattle are alleged to have been lifted across the border a report will be lodged with the opposite border post commander to whom the details such as the tracks of the cattle and of the criminals involved will be handed over. The Border Post Commanders concerned will acknowledge receipt of the report and then inform the nearest Police Station in their own country who will make all efforts to recover the cattle. After recovery the cattle must be handed back immediately to the Police Officers on the opposite side.

16. Grazing of unattended cattle on the border shall be discouraged. In the case of stray cattle these will be returned immediately by the Border Post Commanders to their opposite numbers after having satisfied themselves that the cattle have in actual fact strayed from across the border.

17. The S.Ps. of the Border Districts will also attend where necessary the monthly border meetings for the purpose of exchange of cattle and discussing border crimes.

18. The duties of the Sub-centres/Wing Commanders/S.Ps. and lower Commanders in their respective areas of responsi-

bility shall be as under:—

(a) They will maintain close liaison with their opposite numbers.

(b) They will by frequent visits, make themselves known to the Border Security Forces of the opposite side.

(c) They will receive all complaints regarding border violations/tension. They will immediately hold a joint enquiry not later than 24 hours of the information report. Where this is not possible due to long distances and difficulties of communications, the joint enquiry should be held as soon as possible.

(d) Where two border posts are situated in close proximity to each other and it is possible for them to communicate by flags, any commander who wishes to meet his counterpart, will have a flag of the specifications given in paragraph 23 below and will proceed to the border unarmed without any escort to a pre-arranged place. The opposite commander or the senior officer on seeing the flag, will acknowledge the signal and proceed to the place of meeting also with a flag unarmed and without escort. The use of flags shall be introduced by 15th February 1960.

Where the posts are separated by a long distance, contact will be established in the following manner:—

A party consisting of 1 and 6 armed with their personal weapons for their own protection and carrying the appropriate flag will proceed to the post of the other side. On arrival within 300 yards of this post, they will establish a temporary base and send forward two men unarmed with the appropriate flags to make necessary contact.

(e) Nationals of both the countries, while cultivating land upto the de facto boundary of the country concerned shall not be interfered with by the Border security forces of the other side.

(f) If a national of one country lays a fresh claim to land across the de facto border and takes any step in furtherance of that claim which is objected to by the other side, the two commanders will hold a joint enquiry on the spot and restrain the person from enforcing his claim until the matter is settled.

19. Where, due to the change in the course of a river,

territory of one country is thrown on the other side, such change will NOT affect either the de jure or de facto position of the territory.

20. It is felt that the tension on the borders will be greatly minimised if there is close personal touch between commanders of the two border security forces and therefore, the following periodic meetings are recommended :—

- |                                                                                                                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| (a) Wing Commanders, Rangers (Pak.)/S.Ps. PAP/RAC (India)/ Special Reserve Police, Bombay (India).                                                                                                        | Of Monthly at the Border. |
| (b) Officers mentioned in para 4 above or their representatives shall also meet. These officers will be authorised by their respective Governments to settle the disputes on the spot as far as possible. | As required.              |

The military commanders shall also meet as and when the situation demands and whenever they consider it necessary.

21. If unfortunately, in spite of this, firing occurs, the other side shall refrain from replying. The local commanders will get in touch with each other by telephone and will meet with a view to bringing about a cease-fire forthwith. After every firing incident, it is necessary for both sides to carry out a joint investigation, fix responsibility and submit their respective reports for information of their higher authorities.

22. In order to maintain close liaison between the border forces of the two countries, it is essential that adequate telephone and other communications are provided at various levels.

23. All pickets and patrols on both sides will have flags of the following description :—

| Pickets     |            | Patrols |             |
|-------------|------------|---------|-------------|
| Pole        | Cloth      | Pole    | Cloth       |
| Size 7 feet | 4 × 3 feet | 3 feet  | 2 × 2½ feet |

Colours: India—Orange; Pakistan—Blue.

24. At night flags will be substituted by light signals (two red very lights) or signal by torches as mutually arranged between the post commanders.

bility shall be as under:—

(a) They will maintain close liaison with their opposite numbers.

(b) They will by frequent visits, make themselves known to the Border Security Forces of the opposite side.

(c) They will receive all complaints regarding border violations/tension. They will immediately hold a joint enquiry not later than 24 hours of the information report. Where this is not possible due to long distances and difficulties of communications, the joint enquiry should be held as soon as possible.

(d) Where two border posts are situated in close proximity to each other and it is possible for them to communicate by flags, any commander who wishes to meet his counterpart, will have a flag of the specifications given in paragraph 23 below and will proceed to the border unarmed without any escort to a pre-arranged place. The opposite commander or the senior officer on seeing the flag, will acknowledge the signal and proceed to the place of meeting also with a flag unarmed and without escort. The use of flags shall be introduced by 15th February 1960.

Where the posts are separated by a long distance, contact will be established in the following manner:—

A party consisting of 1 and 6 armed with their personal weapons for their own protection and carrying the appropriate flag will proceed to the post of the other side. On arrival within 300 yards of this post, they will establish a temporary base and send forward two men unarmed with the appropriate flags to make necessary contact.

(e) Nationals of both the countries, while cultivating land upto the de facto boundary of the country concerned shall not be interfered with by the Border security forces of the other side.

(f) If a national of one country lays a fresh claim to land across the de facto border and takes any step in furtherance of that claim which is objected to by the other side, the two commanders will hold a joint enquiry on the spot and restrain the person from enforcing his claim until the matter is settled.

19. Where, due to the change in the course of a river,



25. Whenever there is a joint enquiry by D.Cs. or Commissioners on the two sides, the respective commanders of security forces of the areas shall also attend the meeting and submit for the information of the respective higher commanders their assessment of the situation created by the particular incident.

26. Finally we recommend:—

(a) That the press on both sides should be persuaded to exercise restraint and not to publish exaggerated reports or material which is likely to inflame the feelings of the population on both sides. Should incorrect reports be published, contradictions at a Governmental level should be issued at the earliest opportunity.

(b) That after the de jure boundary has been finalised and the return of territories in adverse possession has been effected these ground rules should be reviewed in order to bring them up-to-date.

(Sd.) Lt. Gen.  
Bakhtiar Rana  
S.Q.A.M.C.,  
Corps Commander,  
West Pakistan.  
New Delhi,  
9th January, 1960.  
(Sd.) J.G. Kharas.

(Sd.) Lt. General  
P.N. Thapar  
G.O.C.-in-C.,  
Western Command,  
India.  
New Delhi,  
9th January, 1960  
(Sd.) M.J. Desai<sup>49</sup>

Three days prior to the signing of the joint communique, on January 8, 1960, the Indian delegation led by Swaran Singh handed over to the Pakistan delegation led by K.M. Sheikh a note. In this it was categorically stated that "there are no grounds whatever for regarding the Kutch-Sind boundary as being in dispute." However, Pakistan did not accept this categorical statement by India. Instead Pakistan submitted another note disputing India's position.<sup>50</sup>

#### Summary of evidence submitted by India before the Tribunal

1. The existence, till after 1762, of the rice-producing tract of Sayra in the Rann. It is well-known that it was Kutch territory. The tract extended to Garee Wah at the top of the Vertical line.

2. The existence, till the earthquake of 1819, of the Kutch

whole of the Great Rann extending up to its northern edge.<sup>51</sup>

### Sources and Notes

1. Aitchison C.U., *A Collection of Treaties, Engagements and Sanads*, 1892 edition, Vol. VII, part II, pp. 2-3.
2. The Indian Society of International Law, *The Kutch-Sind Border Question*, 1965, pp. 1-2.
3. Ibid, 2.
4. *The Indo-Pakistan Western Boundary Case Tribunal Award*, 35-36.
5. Ibid, 93.
6. Ibid, 94.
7. Ibid, 45.
8. Ibid, 92.
9. Ibid, 38.
10. Ibid, 40-43.
11. Ibid, 44.
12. *Foreign Affairs Record*, May 1965, p. 91.
13. Ibid.
14. *The Hindustan Times*, New Delhi, 17-6-1965; *The Statesman*, New Delhi, 17-6-1965.
15. *Foreign Affairs Record*, May 1965, p. 91.
16. *The Indo-Pakistan Western Boundary Case Tribunal Award*, 56-57.
17. *Report on the Administration of the Kutch State for the period 1st April 1944 to 31st October 1945*.
18. *The Kutch-Sind Border Question*, 51-52.
19. President Ayub Khan's broadcast on May 1, 1965.
20. About this time religious and social reform movements such as Arya Samaj, Singh Sabha, Namdhari, Wahabi, Ahmadiya and Anjuman-e-Himayat-e-Islam were rising into prominence, particularly in Panjab and Sind.
21. *The Indo-Pakistan Western Boundary Case Tribunal Award*, 46.
22. Ibid, 46-47.
23. Ibid, 47-48.
24. Ibid, 49.
25. Ibid, 48-49.
26. *The Kutch-Sind Border Question*, 177-78.
27. Ibid, 178.
28. In the words of Judge Ales Bebler: "Different opinions of officials, low or high, about where the boundary ought to be, as they appeared in 1875 and in 1885, did not constitute disputes. They were opinions and no more. In the negotiations lasting six years, from 1907-08 to 1914, there was ample possibility to clarify whatever territorial matter between the two neighbours might have been regarded as open, but no trace can be found of a claim on the Sind side which could be the claimant in the Great Rann,

Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Kutch is a settled fact, and that the only question which now remains is the demarcation of this boundary by actual fixation of pillars on the ground".<sup>5</sup>

3. Pakistan emphasized that the Rann was a dead sea. According to the international practice such seas are divided equally between the States situated on either side of it. The same principle appears to have been adopted while settling the dispute over the Little Rann between Kutch and Morvi. It asserted that the Pakistani claim to the northern part of the Rann was supported not only by possession and exercise of authority but also by international practice and precedent<sup>6</sup>.

The Government of India replied that the Rann was not a sea, dead or inland, or "of any other description." It has been a marsh since early times. "The erroneous description of it on certain maps as all water was corrected by orders of the Supreme Government in 1906 and 1914."

4. On May 19, 1958, Pakistan Ministry of Foreign Affairs stated :

In 1762 or thereabout, Ghulam Shah Kalhora built a great dam across the Puran and Mori which served two purposes, fertilising his own lands and desicating those of his enemy, the Rao of Kutch. The Kori became a mere Creek and Lakhpat the furthest point of Kutch. The terrible earthquake of 1819 completed the work of desolation. A sudden subsidence of the land caused an inrush of sea which converted the country round Sindri into a salt lake for the time and destroyed that place. Since the earthquake the frontier of Sind from Kori Creek to Nagarparkar has been unmitigated saline desert.

From this statement the following conclusions were drawn by the Government of Pakistan:

- (i) that the Rann was an inland sea,
- (ii) that the land in the northern half of the Rann was under the Kalhora Kings of Sind,
- (iii) that Sindri was a frontier outpost of the Kutch State,
- (iv) that Sindri was about 30 miles away from Lakhpat and 20 miles from Ali Bunder, and
- (v) that the Bund (shown on the map as Allah Bund) was constructed by the Kalhora Kings of Sind from Mori.<sup>8</sup>

The High Commission for India in Pakistan on February 23, 1959, in its reply stated :

Ghulam Shah Kalhora built a great dam across the Puran at Mori (not Puran and Mori as misquoted in the Ministry's Note), and that the dam was built not in the Rann of Kutch but in the Sind territory beyond the Rann of Kutch. The Government of Pakistan have tried to confuse this dam with the 'Allah Bund' which was not 'constructed by the Kalhora Kings of Sind from Mori, but was a natural feature which had arisen as a result of the earthquake of 1819. An account of the earthquake of 1819 as given in *Imperial Gazetteer of India*, Vol. XI, 1908 edition at page 77 is as follows:

"North of Sinddi, after the earthquake was over, a bank about 50 miles long and from 10 to 18 feet high stood out from the plains which had before stretched as level as the sea. On account of its sudden appearance across the old bed of the Indus, the natives gave to this bank the name of Allah Bund, or 'God's embankment.' Early observers speak of it as an upheaval of the surface."<sup>9</sup>

The reply further clarified that there was nothing to show that this King maintained jurisdiction amounting to domain over the Rann of Kutch. The garrison established by him was shortly afterwards withdrawn by his son.

## Maps

1. Pakistan Ministry of Foreign Affairs on May 19, 1958, stated that the map prepared in 1825 by Alexander Burnes, Deputy Adjutant Quarter Master General, "from actual measurement and personal observation," "did not show the Rann of Kutch as included in the Kutch State. On the other hand, the words 'THURR' and 'PARKUR' respectively are inserted on the space in which the Rann area is depicted on this map."<sup>10</sup>

It was stretching the imagination too far. Alexander Burnes in his *Travels into Bokhara*, Vol. iii, on p. 312 states: "The Raos, or Princes of Cutch, possessed at one time military stations in three different places of Sind,—Bodeenu, Ballyaree, and Raomaka-Bazar, ...."

Alexander's brother James Burnes in 1828 in his Memoir entitled *Narrative of a Visit to the Court of Sind* states:

"The Raos of Kutch had at no distant periods three tannas in the Dominion of Sind, viz., Ballyaree Rao-ma-ka Bazar and Badenna, their right to which was undisputed."<sup>11</sup>

2. Pakistan declared that the Rann was shown as a lake on the map of "North-West Frontier of British India including the protected Sikh States, Lahore, Cashmeer, Cabul, Herat, Candhar, Shikarpur and Bhawalpore together with Sind and Rajpootana, the Indus River and part of Beloochistan" prepared by J.B. Tassin in 1848 from "the best and most recent authorities."<sup>12</sup>

3. Pakistan further asserted that sheet No. 3 of Sketch Map of India in 6 sheets, printed in 1867 on scale 32 miles = 1 inch, published under the direction of the Surveyor-General of India showed Kutch, Sind and Great Western Rann separately. The land area of Kutch and Sind was shown by ribands. Some of the islands in the Great Western Rann were shown but they had no ribands. The Rann was shown by water symbol.<sup>13</sup>

4. It claimed that in the 1871 map there was no boundary symbol along the southern pucca portion of the Sind Administration. Subsequent insertions by the Survey of India were not only unauthorised but absolutely unjustified. Such symbol should have been inserted only if the undermarked boundary had been determined either by the competent authority or through the agreement of all the parties concerned<sup>14</sup>.

Pakistan's contentions were rejected on the following grounds:

(a) It was the established practice of the Survey of India from very early times that the provincial boundaries on their large scale topographical maps were shown with the agreement of the local British authority. Where the boundary between a British Province and an Indian State was settled by demarcation, by treaty or was acknowledged in practice, it was shown by a dash-dot-dash (—.—.—) symbol engraved on the map with appropriate colour ribands on either side of it.

(b) The Sind Topo Survey Sheets Nos 11 NW, NE, SW and SE published in Indian Atlas Series 1871-72 by the authority of the Government of India showed the Sind boundary terminating on the northern limit of the Rann of Kutch by the dash-dot-dash—.—.—symbol. This symbol clearly denotes

that this boundary was acknowledged in practice. Besides, this boundary was compared only with the settlement maps of Sind and was shown in consultation with the Sind authorities and the Kutch authorities were not consulted. These sheets are, therefore, authoritative in so far as the Sind boundary is concerned.

(c) The boundaries of all the taluqas, sub-divisions and districts of Sind were derived from the Sind Topo Survey Sheets published in the Indian Atlas Series 1871-72. The Sind Topo Survey Sheets were authoritative. Hence the omission of the boundary symbol from the original taluqa maps, if any, was unauthorised.<sup>15</sup>

5. Pakistan stated that the maps prepared by the Surveyor General of India during the years 1886-87 on 1"=1 mile scale based on the ground survey of 1885-86 showed parts of District Tharparkar and Rann of Kutch. No boundary along the Banni (pucca) land was shown on these maps nor was any mention made as to whom the area of the Rann of Kutch belonged. There was no mention of Kutch State anywhere on these maps. On the maps, just below the Tharparkar District of Sind the islands the positions of which geographically corresponded to the present Buruya Bet, Bhun Bet, and Nara Bet were shown. On the north-west corner of the maps the fact was mentioned that the maps covered some parts of District Tharparkar of Sind but there was no mention of Kutch anywhere, although some land portion in the Rann was shown on the Kutch that fell adjoining the Sind pucca (Banni) land and was under the control of the Sind Administration.<sup>16</sup>

6. Pakistan alleged that on the basis of the 1886-87 Survey of India maps and certain other maps, the islands called Bordia Bet, Bhan Bet and Parathna Bet actually fell under Sind Administration.<sup>17</sup>

India replied that in 1886-87 Survey Map, in the absence of a boundary line, "Index to adjoining sheets" was the most decisive factor. This index clearly showed all these Bets outside the Tharparkar district. Besides, the map of Sind of 1927 cited by Pakistan excluded these Bets from Sind jurisdiction.<sup>18</sup>

The Gazetteer of the Province of Sind—B, Vol. VI—Thar and Parkar District, 1919 and 1926 editions, published under the authority of the Government of Bombay, gave the limits of

the three Taluqas of Tharparkar as under :

|             |         |         |     |         |
|-------------|---------|---------|-----|---------|
| Diplo       | N Lat.  | 24° 16' | and | 24° 51' |
|             | E Long. | 69° 6'  | "   | 70° 7'  |
| Mithi       | N Lat.  | 24° 16' | "   | 24° 58' |
|             | E Long. | 69° 25' | "   | 70° 40' |
| Nagarparkar | N Lat.  | 24° 12' | "   | 25° 2'  |
|             | E Long. | 70° 29' | "   | 71° 10' |

This did not cover the Bets in question.<sup>19</sup>

The Sind authorities found some divergence between their maps and the tracings of the Survey of India. They "failed to obtain an agreement on the subject in the latter years of 1938 and 1939 between representatives of the Government of Sind, and of Kutch and Wav States respectively."<sup>20</sup> Then the original Sind maps were examined. Thereupon the Officer-in-Charge of the Survey party made the following observations:

"This agrees with the alignment shown on our previous old map of the area...

(a) Statement, dated 22nd January, 1938, of the Mukhtiar-kar Nagarparkar is nullified....(b)....

(c) Cutch agrees with the Superintendent of Surveys and Land Records in Sind.

(d) The only dispute is between Cutch and Wav States over a bit of the Rann of Cutch area.....".

He concluded : "Under these circumstances it is evident that the alignment of the provincial boundary between Sind and the States of Western India as shown by the Superintendent of Survey and Land Records in Sind, is correct and undisputed."<sup>21</sup>

7. Another contention of the Government of Pakistan was that in the 1913 map "the jurisdiction of the Kutch State is shown by a yellow riband and this riband in its extreme northern corner does not go beyond latitude 24°." This assertion was rejected by India for the following reasons :

(a) The 1913 map comprised 11SE, reprinted in 1890, 11NE and 11NW, reprinted with additions in 1895 and 11SW, reprinted in 1898. These sheets were printed again. All of them showed the Sind boundary by the dash-dot-dash—, —, —.symbol along the northern limit of the Rann of Kutch. This map was prepared from reprints between 1890 and 1900 of the 1871-72 Sind Topo Survey Sheets in the Indian Atlas Series, i.e. before

the orders of the Government of India of the 2nd November, 1906 and the 31st March, 1914."

(b) "The erroneous depiction of the jurisdiction of Kutch by a yellow riband along its land portion is due to the fact that the Rann of Kutch was wrongly shown in earlier maps as all water in spite of the fact that all textual description referred to it as a Salt Marsh. This misleading depiction was, however, removed by the orders of the Government of India in their letter of the 2nd November 1906 and their note of the 31st March 1914." The Surveyor General was directed "to show the Rann of Kutch by the symbol for a swamp." "All the maps published after 1915 invariably showed the jurisdiction of the Kutch State over the entire Rann of Kutch right up to its northern limit."<sup>22</sup>

8. The Government of Pakistan in their telegram No. 1141 dated March 7, 1956, stated that the Nara Bet in the north-eastern portion of the Rann of Kutch fell in the Nagarparkar taluqa of Sind "according to official survey maps of 1927 and 1938."

This contention was fully examined by the Government of India and was found baseless. "No survey maps containing the area of the Nara Bet were published by the Survey of India in those years." Further the records showed that the Nara Bet formed a part of the Suigam taluqa, formerly in the Wav State under the Western India States Agency. The Kutch State also claimed it. Hence the area was shown as 'disputed' in the Survey of India sheet No 40 P. Nara Bet never formed a part of the Nagarparkar taluqa of Sind, and Sind was not a party along with Kutch.<sup>23</sup>

9. "From the Revenue map of Nagarparkar Taluka prepared in 1927-1938 and duly signed by the Superintendent of Survey and Land Records in Sind and from the map of the Thar-Sub Division of the Tharparkar District, Sind, prepared in 1 29, 1934, 1942, 1943 and duly signed by the Superintendent of Survey and Land Records, Sind, it is clear that the islands of Buruya Bet, Bhun Bet, Selia Sochi Bet and Nara Bet, etc., in the Rann of Kutch were part of Nagarparkar Taluka and were administered by the Sind Administration. If the situation of these islands is examined on a small scale map it will be found that the bottom of one of the islands (Nara Bet)



goes below the centre of the Rann. These maps show that the Sind Administration exercised jurisdiction to at least half of the Rann area."<sup>24</sup>

No numbers of these maps were quoted and they could not be traced. The maps appeared to be fictitious.

10. In 1938 Officer-in-Charge, No. 1 Survey Party "pointed out that the external boundary of Tharparkar district remained 'undecided'." The map of India prepared by the Survey of India in 1938 also clearly showed this boundary as "disputed."<sup>25</sup> The Director of Map Publications was not justified in omitting the word 'disputed', especially when no agreement between the representatives of Cutch, Sind and Wav Administrations was ever arrived at.<sup>26</sup> Pakistan further stated that the "Survey maps are not conclusive so far as the territorial jurisdiction is concerned and cannot, therefore, be utilised for purposes of settlement of the actual territorial jurisdiction of Sind and Cutch State in the Rann of Cutch."<sup>27</sup>

India replied that the claim put forward by the Mukhtiarkar of Nagarparkar in the meeting held between the representatives of Sind, Kutch and Wav and the Officer-in-Charge, No. 1 Party, Survey of India, on the 22nd January 1938 was not supported by the competent authorities of Sind, who accepted the alignment of the Sind boundary as shown in the Sind Topo Survey Sheets of the Survey of India, which would be obvious from a perusal of all the relevant correspondence.<sup>28</sup>

The area covered in Sheet No. 40 D was resurveyed (blue print verification survey) during 1939-40. The boundaries were shown in this sheet after they were compared against the relevant original taluqa maps furnished by the Sind authorities. All discrepancies were corrected after verifying the position from the Sind authorities.

The area covered in Sheet No. 4 H was resurveyed (blue print verification survey on 1"=4 miles scale) during 1943-44 from the Sind side and the Kutch-Sind boundary was clearly shown along the northern limit of the Rann of Kutch in a mosaic received by the Survey of India from their Frontier Circle for the compilation of Hind 5014 Sheets Nos. 42 NE and 42 SE. The relevant records were, however, not available with the Survey of India but it is presumed that the Kutch-Sind boundary was shown with the approval of the competent Sind

authorities in accordance with the usual practice.

In conclusion the Note said that the Government of India would like to affirm in the strongest terms that the only question which remained to be settled was the demarcation of the Indo-Pakistan boundary between Kutch and Sind from the trijunction of Jati and Badin taluqas and Kutch due east along the northern limit of the Rann of Kutch to the trijunction of Jodhpur, Sind and Kutch. The Government of India showed willingness to discuss any proposal for the demarcation of that portion of the Kutch-Sind boundary by the construction of pillars in accordance with the procedure already agreed upon between the two Governments on the other sectors of the Indo-Pakistan boundary.<sup>29</sup>

11. Pakistan further asserted that in the interim edition of March, 1943, of sheet No. 40-P, the part of the Rann bounded by the Banni (pucca) land of Tharparkar District of Sind, Jodhpur, or Marwar and Sabar Kantha Agency and the chain of islands to the south-east of Nagarparkar taluqa were shown as disputed in the administrative index, although the boundaries along the Banni (pucca) land of the above districts and States were indicated by a regular symbol of dash-dot-dash dot (—.—.—). This proved clearly that the dash-dot symbol was not in all cases an authoritative symbol for showing demarcated boundaries. This also indicated that the topographical maps of the Survey of India were at variance with one another in connection with fiscal boundaries and could not be relied upon as an authority for administrative boundaries and in fact they had never been intended to be so relied upon, vide note on the Survey boundaries supplied by No. 1, Survey Party, Survey of India, as an enclosure to their letter No. 1171-44-B-4 dated the 19th May, 1938, wherein it was clearly laid down that "the Survey of India maps are not authoritative as regards the alignment of fiscal boundaries."<sup>30</sup>

From a study of the maps referred to above the following conclusions were drawn by Pakistan:

- (i) that the Rann of Kutch was a separate unit of area entirely different from Kutch State;
- (ii) that while no map showed the Rann as a part of the Kutch State, some maps clearly showed the northern portion of the Rann as included in Sind;

- (iii) that the Survey of India maps showed the boundaries only of the pucca land;
- (iv) that the Survey of India maps were at variance and were not intended to be an authority for fiscal boundaries;
- (v) that the dash-dot-dash-dot symbol was not always treated as an indication of demarcated boundaries;
- (vi) that any ribands or symbols in the 1871 publications of the Survey of India map or in the 32 mile map of India showing the Rann of Kutch as wholly comprised in the Kutch State were subsequent insertions without any authority and had no evidentiary value on subjects; and
- (vii) that the dash-dot-dash-dot symbol only indicated the taluqa boundaries and did not indicate State or provincial boundaries.<sup>31</sup>

### Memoir

Pakistan alleged that the Memoir of Kutch State which was submitted by Lt. Raikes (an Assistant Political Agent in Kutch to the Bombay Government in 1854 was not an authentic document. "Yet even therein the area of the Province of Kutch" was mentioned as 6,500 square miles (thus showing that the area of the Rann was not treated as being a part of Kutch State) while all that was expressed in reference to the Rann of Kutch was a possibility that the "Grand Rann may be considered as a part of the Province,..."<sup>32</sup>

### Jurisdiction

The fort which is about two miles to the south of Rahimki Bazar never belonged to the Maharao of Kutch. It was built by the Kalhoras and belonged to them.<sup>33</sup>

India explained that the Kutch Darbar exercised full jurisdiction right up to the northern limit of the Rann of Kutch. This fact was clearly established by the existence of the Kanjarkot fort, now in ruins, situated nearly two miles south of Rahimki Bazar, "the nearest village in Sind above the northern limit of the Rann."<sup>34</sup>

The following authorities supported this contention:

- (i) "The Raos of Kutch had at no distant periods three

tannas in the Dominion of Sind, viz., Ballyaree, Rao-ma-ka Bazar and Badenna, their right to which was undisputed."<sup>33</sup>

(ii) "The Rao having freed the country from all invaders, now reposed confidence and favour (which he never withdrew) upon Deokurn Sett; placed the Pugree of Minister on his head, and gave up the entire management of affairs to his charge. ...

"By the power which his immense wealth enabled him to exercise, he carried an army into Parkur and established a Thanna at Veeravow, to punish the Sodas who had made incursions into Kutch. ...

"In Sindh he was called in by the Rymas, who though converted Musulmans, had sprung from the same sources as the Jharejas (Samatree); and to secure his acquisition, built a fort at the town now called Rymaka Bazar, and extended the Rao's influence in that quarter."<sup>36</sup>

(iii) Not content with securing the safety of province, he spread the Rao's name and power by carrying an army into Parkar, and, leaving a post there, overawed the Sodhas and put a stop to their raids. In West Kathiawar, the Okhamandal pirates, who had been harassing the trade of Mandvi, were punished and kept in order by building in their district the fort of Cutchigad; and in the east Balamba and other Halar villages were recovered from the estate of the traitor Kanyoji. In Sind, called in by the Raimas, Musulmans of the Jadeja stock, Devkarn protected them, and, to secure the lands he had won, built a fort at Rahim-ki-bazar. All this was done without rousing the ill-will of chiefs and proprietors, who, on the slightest summons, were ready to gather round the Rao's standard."<sup>37</sup>

### The Dharamsala case

Pakistan alleged that the boundary between Sind and Kutch ran half a mile to the north of the Dharamsala in the Gainda Bet.<sup>38</sup> It also stated that there was nothing to show that the entire Gainda Bet was ever "clearly accepted by the Political Agent in Kutch or by Magistrate of Tharparkar as part of the territory of the Kutch State."<sup>39</sup>

Deputy Collector and Magistrate of Tharparkar felt the need for the construction of a dharamsala (resting place) in the Gainda Bet in the middle of the Rann. As the Bet in question

was within the boundary of Kutch State, he sought the approval of the Kutch Darbar through the Assistant Political Agent for Kutch. The British Officer in his memorandum No. 720 dated the 20th December 1854 forwarded the proposal for the opinion of the Maharao of Kutch. The Maharao in his memorandum No. 383 dated 27 December 1854 to the Assistant Political Agent replied that he would not allow the Sind authorities to build the dharamsala but would do so himself. The Assistant Political Agent in his memorandum No. 21 dated 16 January 1855 to the Maharao said: "As the Gainda Bet is lying between Dhrobana and Balihari and as such within your State territory, you will build a rest house and sink a well in the said Bet."<sup>40</sup>

The Note said: "The entire Gainda Bet was clearly accepted as part of the territory of the Kutch State not only by the Political Agent in Kutch but also by the Magistrate of Tharparkar from as early as 1854-55. The boundary between the Sind Province and the Kutch State could not, therefore, under any circumstances run through the Gainda Bet dividing it practically into two halves as alleged by the Government of Pakistan on the basis of an unsubstantiated statement made by the Mukhtiarkar of Diplo in 1875."<sup>41</sup>

#### Some other cases

1. In 1856, the Commissioner in Sind sanctioned a sum of Rs. 2,800 for a dharamsala at Nara Bet in the Rann.

2. About 40 years ago a canal was taken off from Dhoro Puran at village Rahimki Bazar. It flowed 7 or 8 miles in the Rann. The revenue due on the paddy crop cultivated with the water of this canal was collected by the Taluqa of Diplo.

3. There was a lake in the Rann known as Shakur-ji-Mian, about 6 miles away from Rahimki Bazar. The Government of Sind used to get a sum of Rs. 50,000 annually as lease for catching fish.

4. About one hundred years ago one Gul Muhammad of Vingi in Taluqa Diplo constructed a tank in Chhad Bet.

5. In 1936-37, Ramsingh, head constable of police, Rahimki Bazar, was murdered in the Rann. This case was investigated by the Diplo police.

6. The cattle of Mithi, Diplo and Nagarparkar used to

graze without paying any charges in the Rann upto 1943-44, when they were prevented from doing so by the Kutch State.

7. In 1945 an offence was committed in the Rann, and one of the eight accused was tried in Diplo.<sup>42</sup>

8. In 1945 some employees of the Kutch State stationed on duty in the Chhad Bet apprehended some cattle owners of Sind. They were grazing cattle without payment of dues. They were brought to Khavda police station. They were released when they had paid grazing charges with penalty. On return to Diplo, they lodged a complaint against Kutch State employees. Their case was registered by the Diplo police authorities. The District Magistrate of Tharparkar sought extradition of Kutch employees, through the Resident, Western India States who supported their case. The Kutch Darbar refused to surrender their employees. The Sind authorities dropped the matter in the hope that the 'Kutch officials in future would not attempt to enter Chhad Bet.'<sup>43</sup>

India replied that with regard to the case of the Sind cattle owners, who were made to pay grazing dues in 1945, the facts are that, in forwarding the request of the Sind authorities, the Resident in his letter No. A/4-3(C) of 17th September 1945 merely requested that "if the Kutch Durbar had no objection," the request might be acceded to. In actual facts, the Kutch authorities had every objection, and they refused to surrender their employees who had only done their duty within Kutch territory. If, as the Pakistan Government have stated, the Sind authorities dropped the matter in the hope that on the basis of an ex-parte order by the Collector, Tharparkar, Kutch officials would not attempt to enter Chhad Bet, all that could be observed is that it was a hope entirely lacking in substance. Any such hope would have had to overcome the presumptions raised by the fact that the British authorities had over the length of period not found it appropriate to take action in furtherance of the order of the Collector, Tharparkar.<sup>44</sup>

As regards any action taken by the Sind authorities in the Rann of Kutch without the knowledge or approval of the Kutch Darbar, it had absolutely no effect on the rights of the latter. That the Darbar exercised full authority upto the northern limits of the Rann was clearly established by the authentic records. They clearly stated that Kanjarkot situated two

miles south of Rahimki Bazar belonged to the Kutch State. The Darbar had complete jurisdiction over all the bets, and charged grazing fees from Sind graziers. This right was admitted by the Government of Sind. In 1944-45 the District Magistrate of Tharparkar delivered a person to the Resident for Western India States for committing a crime in Kunvar Bet in the Rann of Kutch.<sup>45</sup>

### Official statements

1. In 1875 the Mukhtiarkar of Diplo, a taluqa of Tharparkar district, adjoining the Great Rann, stated that the boundary of Tharparkar district extended to 24 miles from Rahimki Bazar up to a dharamsala near Gainsdiji Chan. "The Dharamsala marks the boundary between the Tharparkar district and the Kutch Bhuj State."<sup>46</sup>

The only competent authority to raise a boundary dispute with the Kutch State was the Government of British India represented by the Government of Bombay or the Political Agent in the State. The British Government never disputed the fact of the Kutch State boundary, extending up to the northern limit of the Rann of Kutch, and the Kutch Darbar exercised jurisdiction over the whole of the Rann.

2. The Government of Pakistan stated: "Records of the year 1904-05 of the Diplo Taluka office contain a number of applications from villagers (*Abadgars*) residing near the border of Rann for grant of Banni land in the Rann for cultivation purposes. But the then Deputy Collectors on the report of the then Tapedar in October, 1904, decided that there was 'bandish' (restriction) on the disposal of this land and that the land was reserved as 'charagah' (grazing ground) for the cattle. The Tapedar in his report has clearly stated that the land in the Rann is *sarkari*, i.e. British India Government property."<sup>47</sup>

3. "The existence of the two disputes as distinct entities is clearly expressed in the demi-official letter dated the 10th October, 1905, addressed by Mr. Morrison of Sind Government to the Government of Bombay in which he said, 'the boundary between Sind and Kutch' 'AND' 'the question of rights within Rann of Kutch' 'will have to be settled one day or other and my opinion is that the sooner the matter is taken up the better.' The Government of Bombay in its letter of November 23, 1905

replied: "Please see Morrison's demi-official letter dated 10th October, 1905 regarding the proposed settlement of the boundary between Sind and Kutch. His Excellency thinks the question might well be left alone till we are forced to take it up. That date is not very distant if the Railway goes through Kutch."<sup>48</sup>

4. The Superintendent of Land Records, Sind, gave "erroneous description" by asserting that the northern pillar was fixed at the "trijunction between Jati and Badin Taluqas and the Cutch State." "In fact this was a trijunction between these Taluqas and the Great Rann."<sup>49</sup>

The Government of India replied that the statement of the Superintendent of Land Records in Sind, made no difference whatsoever in describing the "trijunction of Karachi and Hyderabad districts and the Rann of Kutch," as the trijunction of Jati taluqa, Badin taluqa and Cutch State. "The Rann of Kutch up to this point and east of the line demarcated on the ground was an integral part of the Kutch State right up to its northern limit."<sup>50</sup>

5. The jurisdiction of the Maharao of Kutch extended to only 10 miles north beyond the point Long. 68° 48'E., Lat. 23° 58'N., and no further. It would be clear from the two letters given below:

(a) Letter No. 372, dated the 4th August, 1923 addressed by the Diwan of Kutch to the Political Agent, Kutch, in which it was clarified that the arrangements made by the Kutch Darbar for the survey party were availed of from the Sir Creek to the angle of the triangle and ten miles northwards, and "beyond this, the party had expected to obtain water, provisions and conveyance, etc., from the Sind side," and

(b) Letter No. 484, dated the 29th September, 1923, by the Diwan of Kutch to the Political Agent, Kutch, in which the former had clearly stated that the provisions for the Survey Party would be supplied by the Kutch Darbar "when work is being done on the line from the Sir to the angle of the triangle and 10 miles northwards, and beyond that the Sind Authorities will be expected to arrange for water, provisions, etc., for their as well as the Kutch parties."<sup>51</sup>

6. On December 31, 1927, "the Collector of Tharparkar issued an order that Chhad Bet lay within the territory and



jurisdiction of the Sind Administration and the *maldars* grazing their cattle there should not pay any grazing fee to the official representative of the Cutch. It was clearly stated in this order that half of the Rann belonged to the British (Sind) Administration."<sup>52</sup>

If these statements were a fact the Government of India authorities would have described the boundary of Sind as running along the middle of the Rann of Kutch in all official publications. The boundary should have been shown accordingly in the maps published by all the competent authorities of the then Government of India. It is clear that, in no authoritative publication, was the description of Sind Province given as including the Rann of Kutch, nor were there any authorised maps which showed the boundary of Sind as running through the middle of the Rann of Kutch.<sup>53</sup>

### Gazetteers

1. *The Gazetteer of the Bombay Presidency*, Volume V, 1880 edition describes the boundary of Kutch State as extending only as far as 24° north latitude. It specifically excludes the Rann of Kutch from the boundary of the Kutch State. It lays down that the area of the State is 6,500 square miles, while the Rann itself covers an area of 9,000 square miles.<sup>54</sup>

2. The Government of Pakistan gave a quotation from the Sind Gazetteer of 1907: "More recently the western part at least of the Rann from Ali Bunder to Kori Creek was richly fertile, according to tradition and intercourse between Sind and Kutch, was free and frequent, obstructed by no desert barrier. In fact there was probably a good water-way by the Puran from Lakhpat to Umerkot. About 30 miles from Lakhpat and 20 miles from Ali Bundar was fort of Sindhria frontier post and customs house of the Kutch Government."<sup>55</sup>

The quotation was inaccurate and incomplete. The portions immediately preceding and following this quotation were deliberately omitted. The paragraph taken as a whole only makes the sense complete and clear. The preceding lines are:

"The Rann (or Run; in Sind it is pronounced Ryn) of Cutch forms the southern, or south-eastern boundary of Sind from Rajputana to the sea and it is difficult to understand the

history of the country without bearing in mind the great changes which have come about in that tract. It is now a vast salt waste, flooded to a great extent for several months of the year by the waters of the sea driven into it by the force of the south-west monsoon, which convert it into a salt lake. At other seasons it is a desert, flat, firm and quite bare, except for a few 'islands' where there is scanty herbage. Chinkara and the wild ass roam over it, crossing the border only to feed. But reasons are not wanting for the belief that, when Alexander the Great was in Sind it was an inland sea, or lake, fed by the 'lost river' and afterwards by the Puran. More recently the western part..."

The succeeding sentences are : "...and custom house of the Cutch Government. Rahimki (more correctly Roomki) Bazar was another frontier town.<sup>56</sup>....."

When omissions are supplied and the full text is quoted accurately, the position that emerges is that the Rann of Kutch did not fall within the boundary of Sind, that it formed the southern or south-eastern boundary between Sind and Rajasthan to the east, and that 'Rahimki (more correctly Raomki Bazar) was another frontier town' of the State of Kutch besides the fort of Sindri.<sup>57</sup>

Another misquotation is : "The Kori became a mere Creek and Lakhpat the furthest point of Kutch".<sup>58</sup>

The actual quotation reads: "The Kori became a mere Creek and Lakhpat the furthest *habitable* point of Kutch."

The word 'habitable' was deliberately omitted. It shows clearly that the Kutch territory extended beyond Lakhpat.<sup>59</sup>

3. *Imperial Gazetteer of India*, 1908 edition, printed at Clarendon Press, Oxford, on p. 74, says : "Cutch ('Kachchh or the sea coast land')—Native State under the political superintendence of the Government of Bombay bounded on the north and north-west by the Province of Sind, on the east by Native States under Palanpur Agency, on the south by the peninsula of Kathiawar and the Gulf of Cutch and on the south-west by the Indian Ocean. Its limits exclusive of a portion of the great salt marsh termed the Rann extend from 22° 47' to 24° N and from 68° 25' to 71° 11' E. comprising a belt of land 160 miles from east to west and about 35 to 70 miles from north to south. The area of State

(exclusive of the Rann) is 7,616 square miles, and it contains 8 towns and 937 villages."

The Government of Pakistan emphasized that according to this Gazetteer, "the whole territory of Kutch is almost entirely cut off from the continent of India-north by the Great Rann, east by the Little Rann, south by the Gulf of Kutch and west by the Arabian Sea." "This shows that the Kutch State did not extend to beyond approximately 24 deg. N. Latitude."<sup>60</sup>

The Government of India stated that the Rann of Kutch was described as a separate geographical feature. It had nowhere been stated that the Rann of Kutch or any part of it was a part of the territory of Sind. All authorities indicated that the territory of Sind was bounded on the south by the Rann of Kutch. Only one quotation is given here to avoid repetition. It is from the same Gazetteer of 1908 as quoted by Pakistan :

"Sind is bounded on the north by Baluchistan, and Punjab, and the State of Bahawalpur; on the east by the Rajputana States of Jaisalmer and Jodhpur; on the south by the Rann of Cutch and the Arabian Sea; and on the west by the territory of the Jam of Las Bela and of the Khan of Kalat (Baluchistan)."<sup>61</sup>

4. Pakistan stated that the Gazetteers published by the Government in pre-partitioned India were continuously revised in the light of newer research in factual matters. Their contents were superseded in relevant respect by later additions. This being a fact "the position about the Rann of Kutch was fluid and unsettled."<sup>62</sup>

5. The Pakistan Government contended that in the General Index to the 1931 edition of the *Imperial Gazetteer* the "Great Rann of Kutch is specified separately and not as a part of the Kutch State."<sup>63</sup>

The Government of India replied: "If it is proposed to draw any conclusions from this, similar conclusions would also have to be drawn from the fact that Thar Desert has been shown in the General Index as within Rajputana, although a part of it in fact clearly falls in Sind. It is pointed out that the Government of India have not thought it fit to claim the whole of the Thar Desert on such grounds."<sup>64</sup>

## Notes of Working Parties

Notes prepared by the Working Parties of Pakistan and India setting out their respective stands on the dispute raised by Pakistan regarding the Kutch-Sind boundary during the Indo-Pakistan Minister—Level Conference held in January 1960 are given below:

### Pakistan's Note

#### Subject matter of the dispute

This is an area lying between 22° 55' and 24° 43' N and 68° 45' and 71° 46' E covering about 7,000 square miles. According to the *Imperial Gazetteer of India* published under the authority of the Secretary of State for India in 1908, this area "is believed to be the bed of an arm of the sea, raised by some natural convulsion above its original level and cut off from the ocean. It was a navigable lake in Alexander's time (325 BC) and a shallow lagoon at the date of the Periplus (3rd century A.D.) and there are local traditions of seaports on its border. Geologically it is of recent formation. Between March and October when the whole tract is frequently inundated, the passage across is a work of great labour and even of considerable danger. Some of this inundation is salt water, either driven by strong south winds up the Lakhpat river from the sea, or brought down by streams; the rest is fresh, the drainage of local rainfall. The flood waters as they dry leave a hard, flat surface, covered with stone, shingle and salt. On some raised plots of rocky land water is found, and only near water is there any vegetation. Except a stray bird, a herd of wild asses, antelopes, occasional caravan, no sign of life breaks the desolate loneliness. Unseasonable rain, or a violent south-west wind at any period, renders the greater part of the Rann impassable. Owing to the effects of an earthquake in 1819 the greater Rann is considerably higher in the centre than along the edges; while the centre, therefore, is dry, there are frequently water and mud at its sides."

#### International Law applicable to the subject

The subject matter of the dispute is thus either a land-locked sea or a boundary lake separating two different States

constant object of dread, at a distance, by offering the necessary support themselves. But the Maharao declined this assistance and kept the Rulers of Sind out of Kutch by the cession of the Fortress of Lakhpat Bunder. The British annexed Sind in 1843. The record of the year 1856 relating to the following expenditure amply bears out that the whole of the Rann of Kutch came under the British Administration of Sind:—

(1) Clearing road from Raoma Bazar (Rahimki Bazar) along the edge of the Rann from Parkur to Sooegaum (Suigam) in Gazerat the distance being 193 miles, Rs. 9065.

(2) Making out the road with stones across the Rann from Koura to Bullaree and from Parkur to Narabate and clearing road in Thurr from Bullaree to Verawow, Rs. 1,000.

(3) Cost of Dharamsala at Barana, Kasua, Verawow, Narabate (Between Parkur and Gazerat in the Rann), Deepla, Mittee, Islamkote, Karreea and Ghorree.

However, in 1875 the Mukhtiarkar of Diplo replying to a query from the Political Superintendent of Tharparkar, reported that "in the Rann proper there is a Chan of Gaindi and there is a Dharamsala at that place. The Dharamsala is fixed as the boundary of Tharparkar district and Kutch State. The land lying between that Dharamsala and Diplo belongs to the Tharparkar district and the land on the other side of the Dharamsala belongs to the Kutch Bhuj State. The Dharamsala marks the boundary between the Tharparkar district and Kutch Bhuj State." This Dharamsala is situated in the southern half of the Gainda Bet. If a line were drawn through the middle of the Rann of Kutch, one-half of the Gainda Bet would be to its north and the other half to its south. The boundary within the Rann was not demarcated because the British Government did not wish to have any controversy in this connection with the Kutch Darbar. The Rann of Kutch had no better value than that of a marshy tract. In 1905 Mr. Morrison (Commissioner-in-Sind) suggested to the Government of Bombay that "the question of rights within the Rann of Kutch" should be settled earlier as "further delay will only give the Darbar opportunities, now that they apparently are thinking of their claims to accumulate or even manufacture evidence in their favour." But the Governor of Bombay thought that "the question might be left alone till they were forced to take it up."

and this tank is still in existence and called after his name as Gul Muhammad Kapri tank.

(iii) Ism-Shumari record of the year 1869-70 shows that patches of area in the Rann on both sides of Dhoro Puran were granted for cultivation by the Sind authorities and the revenue collected by them.

(iv) Records of the year 1904-05 of the Diplo Taluqa Office contain a number of applications from villagers (Abadgars) residing near the border of Rann for grant of Banni land in the Rann for cultivation purposes. But the then Deputy Collector on the report of then Tapedar in October 1904, decided that there was 'Bandish' (restriction) on the disposal of this land and that the land was reserved as 'charagah' (grazing ground) for the cattle. The Tapedar in his report clearly stated that the land in the Rann was 'sarkari', i.e. Sind Government property.

(v) In 1923-24 an area measuring 20 acres 27 gunthas was brought under cultivation by Arbab Mir Khan and his son Muhammad Unis so also another piece of land measuring 20 acres 23 gunthas in 1924-25. These lands were settled on Sanhro canal. This canal, about 40 years ago, used to take off from the Dhoro Puran at village Rahimki Bazar and flowed 7 or 8 miles in the Rann. The revenue on the paddy crop cultivated with the water of this canal was collected by Taluqa of Diplo. The two old villages called Vigakot and Manjhikot (in the Rann), which are extinct now, were under the jurisdiction of the Government of Sind.

(vi) There is a remark of the Collector of Tharparkar dated the 20th December 1927 (on the application of the Raj Mahajans and patels of Diplo Taluqa) stating that half of the Rann belonged to British (Sind) Administration.

(vii) In 1945 an offence was committed at a place between Badin-Parkar Road and Bedia Bet over eight miles in the Rann and only  $1\frac{1}{2}$  miles to the north of Bedia Bet. On the 6th February 1945 the Diplo police registered a case under Section 324 and 333 I.P.C. read with Section 148 I.P.C. and rule 81 (4) of the Defence of India Rules. The Faujdar of Khavda in Kutch State was approached by the Officer-in-Charge of the Police Station Khadai, Taluqa Diplo, for assistance in arresting the accused. One accused out of 8 was

arrested by Kutch police in Kutch and was sent to Diplo where he was tried by the First Class Magistrate, Diplo.

(viii) In criminal case No. 19 of 1945 the police diaries reveal that the murder of Ramsarup of the Customs Department was committed in the Rann on the road from Rahimki Bazar to Kutch about 18 miles from Ding, the Sind Customs station. The Police Commissioner of Kutch State at Bhuj did render assistance to the Diplo Police for the apprehension of the accused.

(ix) An offence under section 394 I.P.C. was committed by Hashim and Khan Muhammad near Vigakot on the thoroughfare leading to Kutch proper in the Rann at a distance of 10 to 12 miles from Ding-Jo-Pattan (Ferry of Ding). The accused were tried and convicted by the First Class Magistrate, Diplo.

#### Pakistan's case

On the basis of the historical facts mentioned above Pakistan could lay claim to the entire Rann of Kutch. However, in view of the Mukhtiarkar of Diplo's and report of the year 1875 which is on their own record and the instances of the exercise of jurisdiction by the Sind Administration they have confined their claim only to the northern half. In the absence of any Treaty, Agreement, or Resolution of the concerned Governments to that effect, the Government of India are not entitled to claim the northern half of the Rann. On the other hand, Pakistan's claim to the northern half of the Rann is also supported by the International law applicable to this area. In this connection there exists a precedent relating to the little Rann where a similar dispute between the Kutch and Morvi states was settled by dividing that area in two halves between the contending parties.

M.N.A. Hashmie  
8.1.1960<sup>55</sup>

#### India's Note

The Indian view was that the totality of the evidence available from historical records, statements and actions of the British authorities representing the paramount power, gazetteers (Imperial, Bombay and Sind), Administrative Reports of

Bombay State and of Kutch, established without doubt that there was no dispute regarding the boundary between Kutch and Sind as acted upon by the paramount power up to the time of Partition. The only dispute between Sind and Kutch that the paramount power considered as obliging them to settle was settled by the Bombay Government's Resolution No. 1192 of 24th February, 1914. The very terms of this Resolution laid down the boundary between "Kutch and Sind," and described it in terms of a line drawn on the accompanying map "until it joins the Sind boundary as marked in purple." There is no evidence that the Resolution dealt only with Pucca land, so as to exclude the Rann. Demarcation on the ground by the placement of pillars pursuant to this Resolution was undertaken with the full knowledge of the Sind Government, the Kutch Darbar and the paramount power, and extended to the trijunction of Karachi and Hyderabad districts and the northern limits of the Rann. The correspondence relating to this demarcation, and routed through the agents of the paramount power, leaves no doubt that the entire stretch covered by the demarcation was the boundary between Sind and Kutch; that the expenditure was intended to be shared equally and was so shared between the Government of Bombay and the Kutch Darbar; that the rendering of assistance by the Kutch Darbar for demarcation work up to 10 miles northwards of the point 23° 58' N Lat. was no more than an arrangement of convenience arising from the terrain.

2. There is nothing in historical records to show that the Kalhaura Kings maintained jurisdiction amounting to dominion over the Rann. The garrison established by Ghulam Shah at Lakhpat was withdrawn by his son. The evidence is to the effect that the Bund established by him was north of Rahim-ki-Bazar. In any case, such vague claims based on past history of relations between Kutch and Sind rulers in this region were settled by the 1914 Agreement.

3. There is no evidence that the Treaty of Alliance between the East India Company and the Kutch Darbar in 1819, which guaranteed the dominions of the Rao of Kutch, was modified by the paramount power so as to reduce the area of his jurisdiction. While subordinate authorities of Sind may have raised claims in the Rann, all evidence is to the effect



that the paramount power, i.e., the Government of Bombay until 1924, and the Foreign and Political Department thereafter, did not consider them deserving of their attention so as to alter the previous boundary of the State of Kutch. On the contrary, evidence from 1878 onwards is clear that the view of the representatives of the paramount power was that the Rao of Kutch's claim to the whole of the Rann was unchallenged. Moreover none other than the Commissioner in Sind had acknowledged in 1910 that there was "a mass of evidence that since 1837 the boundary between Sind and Kutch had been recognised and shown on all maps which have been prepared from that date to the present day to be a straight line due south from the trijunction of the Badin taluqa of the Hyderabad district, the Jati taluka of the Karachi district and the Rann of Kutch... ."...and the following authorities cited by him establish the boundary as following the north of the northern limit of the Rann:

(a) Memoir on Kutch State by S. N. Raikes, Assistant Political Agent, Kutch.

(b) General report on revenue survey operations in Sind for 1869-70.

(c) Official Memoranda on Native States in India, 1909 and the attached map.

### Jurisdiction

4. Certain records relating to the period from 1865 to 1872 were produced purporting to show that the lands north of the middle of the Rann had been given for cultivation by the Sind authorities. These records, however, did not indicate that the lands concerned were without question inside Sind territory. The same applies to instances cited of the grant of fishing rights. Neither these records nor the unilateral instances affecting Sind residents can establish possession or jurisdiction adverse to the Kutch Darbar as these acts were beyond the knowledge of the Darbar. The records of the Kutch Darbar have clear statements about the Darbar's jurisdiction extending well north of the middle of the Rann and of collection of Grazing Fees from cattle owners of Sind, or of digging of wells in Chhad Bet.

5. Apart from the clear evidence in the earliest maps in

Gazetteers and Memoirs, the 1937 edition and later 1938, 1939 and 1942 editions of the 70-mile map showing political charges, issued at the instance of the Political Department, depicted the Rann as falling within the Western India States Agency.

6. Exaggerated importance appears to have been given to the word "disputed" appearing in respect of the northern boundary of Kutch in the 70-mile map of 1938. This map was produced by the Surveyor General to meet public demand. It was intended to conform to the 70-mile map showing political changes. The records of the Survey of India of 1939 show clearly that the word "disputed" was entered by mistake, and contains orders by the Director of Map Publications that this should be deleted. Stock copies were corrected accordingly, but owing to inadvertance standing negatives were not corrected with the result that certain later editions continued to show the word "disputed."

7. The map of Tharparkar for the year 1927-1928 has been cited as authority to show the limits of that District. The only revenue surveys of Sind carried out in the area were in the years 1867-70. The map sheets prepared from these operations in 1871-72 show the rest of the boundary in a firm manner and the conclusion is that only these sheets are authoritative for Sind boundary.

The 32-mile map of India, 1915, published after it had been approved for boundaries by the Government of India and the subsequent edition of the map, the 50-mile map of India published in 1928, 1936 and 1945, and the map sheets on the scale  $1''=2$  miles and  $1''=4$  miles, show that the boundaries between Kutch and Sind were firm and undisputed.

8. The omission of a boundary in 40L/12 and 16 of 1887 and 40L/11 and 15 of 1887 printed in 1908 does not detract from the firmness of the established boundary nor show that the decision of the Director, Map Publications in 1939 overriding the recommendations of O.C., No. 1 Survey Party was unauthorised.

In September 1917, Government of Bombay in considering improvement of taluqa maps issued clear orders that these maps of Sind should be derived from the Sind Topo Survey sheets. In December 1938, Superintendent, Land Records,

Sind had clearly stated that the external boundaries of Tharparkar district "stand unaltered" as originally taken from the Survey of India maps.

No map of the area prepared by the Survey of India prior to 1938 showed the area covered by 40L and 40P as disputed. Sind authorities themselves had acknowledged that their taluqa maps were taken from the Survey of India maps. The decision taken by the Director, Map Publications, to insert a footnote showing that the boundary was under dispute between Wav and Kutch which was done in map sheets 40L/SE and 40L/SW was unquestionably correct.

#### **Gazetteers, etc.**

9. A thorough examination of Gazetteers (Imperial, Bombay and Sind), Administration Reports of Bombay and Kutch State how that while the area of Kutch State has been described as "exclusive of," "besides" or "inclusive" of the Rann, in no case has the area of Sind been described in these terms. On the contrary, Sind has been described as bounded by the Rann of Kutch.

The latitudes of the extremities of the province of Sind are described in terms which clearly exclude the Rann of Kutch.

#### **Dead sea**

10. There are no grounds for regarding the Rann of Kutch as a dead sea. In 1906 the Foreign Department of the Government of India clearly instructed the Surveyor General of India that it was more correct to show in maps the Rann as a 'marsh' than as a 'lake'. The international practice in regard to dead seas is not relevant.

#### **Kutch and Morvi**

11. Some confusion has been created by the consideration of the dispute between Kutch and Morvi as a boundary dispute. It was no such dispute and the settlement was a separation of interests sanctioned by the paramount power. That settlement has no relevance to the present case.

12. Apart from the overwhelming evidence already mentioned, in 1935 the Reforms Office of the Central Government, while considering the definition of the boundary

of the newly created Province of Sind, defined it as following the northern boundary of the States of the Western India Agency westwards until it met the Arabian Sea. All maps show the Rann of Kutch as within the Western India States Agency. In 1943, the Chief Secretary and the Chief Engineer in Sind in considering the project for bringing Indus water to Kutch State defined both by description and by map, Kutch territory in terms which ruled out any possibility of the northern half of Rann belonging to Sind.

13. The totality of the evidence given above clearly indicates that there are no grounds whatever for regarding the Kutch-Sind boundary as being in dispute. This boundary from the top of the Sir Creek to the trijunction of the Jati Taluqa of Karachi district, Badin Taluqa of Hyderabad district and Kutch has already been demarcated by pillars during 1923-24. The remaining portion of the boundary has been clearly defined and accepted by the representatives of the paramount power, until 1924 by the Government of Bombay and thereafter until Partition by the Foreign and Political Department. This portion of the boundary along the length of the northern limit of the Rann of Kutch up to the trijunction of Sind, Rajasthan and Karachi is shown in Survey of India sheets 40D, 40H, 40L and 40P on scale 1" to 4 miles and requires only demarcation on the ground.

K.P. Lukose,  
January 8, 1960.<sup>66</sup>

### **Bhutto on Kutch**

Zulfikar Ali Bhutto, Foreign Minister of Pakistan, issued the following statement on April 28, 1965:

Speaking in Lok Sabha yesterday (Wednesday), the Indian Prime Minister, Mr. Shastri is reported to have charged Pakistan with 'a naked act of aggression' in the Rann. Seldom truth has been so completely perverted.

This can be demonstrated by a simple chronology of the events leading to the fighting in the Rann of Kutch.

The disputed territory comprises the northern half of the Rann of Kutch. This has been in dispute since before partition. It has been the subject of discussions between India and Pakistan on a number of occasions. On the last occasion, in

1960, the Ministers of the two Governments agreed that the facts of this dispute be further examined, that they should meet again to resume negotiations and that, in the meantime, neither party should disturb the status quo. This meant that neither party would induct civil or military force in the disputed territory.

It should be recalled that for nine years, i.e., until 1956, Pakistan administered and controlled the entire disputed territory and maintained a police post in Chhad Bet. In 1956 Indian ground forces, operating under air cover, dislodged the Pakistani force from the Chhad Bet and established their own post there. This position continued until January this year. Meanwhile efforts were made from time to time to settle this dispute peacefully.

In defiance of the 1960 Agreement, in January this year, Indian forces started moving into the disputed territory. India established a number of posts at Sardar, Vigokot, Biar Bet and Karim Shahi. Pakistan watched this development patiently, repeatedly protesting against this breach of status quo, but to no effect. Pakistan's forbearance merely served to encourage India to intensify her aggressive activities in the Rann of Kutch. So much so, that on the night of 8th/9th April, Indian forces attacked our police post at Ding, which is located well within Pakistan territory. It was at this point that Pakistan Border Rangers acted for the first time to repel Indian aggression. The Indian forces were driven back into the disputed Rann. Thereafter India replaced her border forces in the Rann area with very strong contingents of the Indian Army and proceeded to establish new military strongholds while delaying her agreement to a ceasefire proposed by Pakistan.

### Indian strategy

By 18th April it became quite clear that Indian strategy was to take over the entire Rann militarily and then face Pakistan with a fait accompli. It was at this stage, after India's aggressive activities had continued in the disputed territory for more than 8½ months that Pakistan forces felt compelled to move into the Rann in order to prevent the Indians from establishing military posts in the Rann with a view to achieving

a military decision in this dispute.

At the same time, Pakistan again suggested to India that the two countries agree to a ceasefire with a view to settling this dispute peacefully. In order that the negotiations may take place in a peaceful atmosphere, Pakistan further suggested that both countries completely withdraw their forces, civil and military, from the disputed territory.

The Indian reply confirmed Pakistan's suspicions of Indian designs. The Indian Government rejected Pakistan's peace offer, stating that if they agreed to withdrawal of their forces from the disputed territory as proposed by us, it would imply that they admitted that the territory was in dispute. In other words, having discussed this dispute with Pakistan from time to time for nearly 18 years, India today denies its very existence and claims the disputed Rann territory as part of India.

### No surprise

Although, this is an extraordinary volte-face, it has caused Pakistan no particular surprise. Indian actions in regard to the Rann have closely followed a pattern with which Pakistan is now fully familiar. Following the technique she adopted in the case of Hyderabad, Junagadh, Jammu and Kashmir and very recently even in regard to the Pakistani territory of *Dahagram*, India has chosen to settle the Rann of Kutch dispute in exactly the same manner—by force of arms. Similarly, as the case of Jammu and Kashmir, which also India now claims to be Indian territory, in repudiation of her pledges to the United Nations, Pakistan and to the people of Jammu and Kashmir, India has put forward the claim that the disputed Rann territory also is Indian territory.

In the light of the foregoing facts, it would be a very bold man indeed, who would say that India had followed the path of peace in regard to the Rann of Kutch, and as Mr. Shastri alleges Pakistan has committed a naked act of aggression.<sup>67</sup>

### (B) Pakistan Institute of International Affairs

The Pakistan Institute of International Affairs, Karachi, published an article entitled "The Rann of Kutch Dispute"<sup>68</sup> in *Pakistan Horizon*, 1965. Excluding its geographical description of the Rann the article is reproduced here:

A part of the Rann was, for more than a century, the subject of a dispute between the Kutch State and the Province of Sind. This dispute was bequeathed to India and Pakistan by their predecessor, the British Indian Government. In 1948 Pakistan laid claim to this area.<sup>62</sup> The Indian Government after independence claimed that the whole of the Rann formerly belonged to the State of Kutch and hence became part of India when the State acceded to it in 1947. It refused to accept the existence of a territorial dispute and held that the only outstanding problem was the demarcation on the ground of an already existing boundary which it maintained was finally delineated in 1914. On the other hand, Pakistan had a convincing case in claiming the Rann of Kutch territory, not only along the 24th Parallel but some areas roughly south of that Parallel, [Press Conference statement of S.M. Zafar, Law Minister of Pakistan, *Dawn*, Karachi, 24 August, 1965], which were formerly under the control and administration of Sind. It also contends that the Rann is a landlocked sea or boundary lake and that under international law the boundary must run through its middle.

Pakistan's case is based on pre-partition and post-partition maps, evidence of gazetteers and records of the exercise of civil and criminal jurisdiction in this area.

The fact that the area in question lay under the Sind administration even in the eighteenth century and that the boundaries of Kutch never extended beyond the 24th Parallel is borne out by the following passage which appears in the *Sind Gazetteer* of 1907, p. 5: "But in 1762 or thereabout, Ghulam Shah Kalhora built a great dam across the Puran and Kori. ...The Kori became a mere creek and Lakhpat the farthest point of Kutch." [Cited in a draft letter of 1908 addressed to the Kutch Darbar, Records of the Commissioner in Sind, Rev. Vol. III, 1908.]

Even after the British conquest of Sind in 1843, the position of the boundary remained the same. In 1856 the Political Agent of Kutch wrote to the Commissioner in Sind: "I have the honour to transmit to you copy of a report (No. 171 of 30th Ult.) from my Assistant on the line of road between Sind and Kutch as his recommendations refer chiefly to the ground on your side of Lakhpat...." [Letter No. 341 from the Political Agent in Kutch to the Acting Commissioner

in Sind, 8 May 1856, Ibid, No. 167.]

This letter clearly indicates that Lakhpat was the central point between Sind and Kutch. In 1875, in reply to the queries of the Political Superintendent of Tharparkar, the Mukhtiarkar of Diplo confirmed that Dharamsala lying almost in the middle of the Rann, approximately on the 24th Parallel, marked the boundary between Tharparkar District of Sind and Kutch State. He stated: "In Rann proper there is a Chan of Gaindi and there<sup>70</sup> is a Dharamsala at that place. That Dharamsala is fixed as the boundary of Tharparkar District and Cutch State. The land lying between that Dharamsala and Diplo belongs to Tharparkar District and the land on the other side of Dharamsala belongs to the Cutch Bhuj State." [Letter No. 1667 from Mukhtiarkar of Diplo to the Political Superintendent, Tharparkar, 1875, Ibid, No. 2813—R of 1926, P. 115].

From time to time the Kutch State advanced its claims to this area but the issue could not be decided. The boundary remained undemarcated and the Province of Sind continued to exercise jurisdiction over this territory. Examples of exercise of civil and criminal jurisdiction in the area by the authorities of Tharparkar and Hyderabad are numerous clearly establishing the fact that the territory had always belonged to the Province of Sind. A note of the Office of the Commissioner in Sind dated 5 July 1905 reads as follows: "Again in 1903 the Collector of Hyderabad raised the question; whether Government could assert any right to the produce of a *dhand* in the Rann of Kutch five miles beyond the surveyed limits of the Badin Taluqa. (Mr Cumming considered that *prima facie* the right of the Sind authorities extended to at least the centre line of the Rann)." [Office Note of the Commissioner in Sind's Office, 5 July 1905, Ibid, Rev, Vol. III, 1907, p. 15].

Records of expenditure in respect of certain public roads and buildings in the Rann of Kutch also bear testimony to this fact. In 1855, the Commissioner in Sind sanctioned and recommended the following: Rupees 1,000 for making the road with milestones from Parkur to Narrabate and Rupees 2,800 for Dharamsalas at Narrabate and other places. [Capt. S.N. Raikes, Memoir on the Thur and Parkar Districts of Sind, 1856, p. 75].

The following case dating back to 1945 was cited by the



Collector of Tharparkar to prove that Sind exercised criminal jurisdiction in the disputed area: "The Diplo police had registered crime No. 7 on 6.2.1945 for offence U/S 324, 333/148 I.P. Code read with rule 81/4 of the Defence of India Rules. The scene of offence in this case was at a place situated between the Badin-Nagarparkar Road and Bedia Bet in the Rann of Kutch. It was over 8 miles inside the Rann and only 1½ miles from the Bedia Bet to its north. ...The Incharge Police Station, Khadai, Taluqa Diplo, approached Fojdar of Police Khwaro (Cutch State) for rendering assistance in securing the culprits. The Kutch State police did render necessary assistance in this case but the eight accused absconded. Subsequently one of the accused by name Tayab son of Bhungar Samo though arrested in the Cutch State was sent to the Court of the First Class Magistrate, Diplo, to stand his trial under Section 324, 334/148, I.P. Code and 31/4 of the Defence of India Rules<sup>71</sup>. These facts prove that the State authorities did recognise the title of Sind Administration over a substantial part of the Rann of Cutch." [Letter No. 1637 from the Collector of Tharparkar to the Secretary to the Government Revenue Department, Sind Secretariat, Karachi, 11 April 1952, op. cit., Rev. Deptt. No. 2167—1/47—11—H].

The question of the boundary arose in the course of the Topographical Survey of the area for the year 1937-1938. The Officer-in-Charge No. 1 Party wrote to the Collector of Tharparkar: "I have the honour to inform you that as the provincial boundary in the Rann of Cutch is undemarcated and the authorities of Sind, Cutch State and Wav State still differ as to its correct alignment, no decision can be arrived at by me. I propose to omit this boundary from the modern survey maps." [Letter No. 1574/44-B-4 from the Officer-in-Charge No. 1 Party to the Collector of Tharparkar District, Mirpurkhas, 23 August 1938, Ibid, Rev. Deptt. File for 1938].

As a result the area was shown as disputed in the Topographical survey map published in 1938. This practice was followed in the subsequent reprints of 1940, 1944 and 1946. The area has been shown as disputed also in many authoritative post-partition maps, for instance those contained in the *Times Atlas* of 1959 and the *Oxford Atlas* of 1951. The *Oxford Atlas* was edited by Sir Clinton Lewis, former Surveyor

General of India, and Colonel Campbell, formerly of the Survey of India.

Pakistan's claim is based also on the recognised precept of international law according to which except where barred by a treaty or an agreement, the boundary line between States runs through the middle of a boundary lake or a landlocked sea.

The Indian Government has put forward the following arguments in support of its claim:

[Based on (a) the Indian Prime Minister's speech in the Lok Sabha, 28 April 1965, *Foreign Affairs Records*, Faridabad, April 1965, pp. 79-80, (b) Report of Permanent Representative of India to the Security Council, S/6321, 3 May, 1965, pp. 1-5].

Prior to the partition of the sub-continent the Rann of Kutch was under the control and administration of the Kutch State. The boundary between Sind and Kutch was well-established and well-defined in all official maps dating from 1872 to 1943 and even later. The official Gazetteer of Sind published in Karachi in 1907, the Imperial Gazetteer of India published by the British Secretary of State for India in 1908 and Imperial Gazetteer of India of the Bombay Presidency published in 1909 are categorical about the Rann of Kutch being outside Sind. In all the documents of the Political Department relating to 1937 and 1942, when the political charges of various officers were defined<sup>72</sup>, the Rann of Kutch was invariably shown as falling within the Western India States Agency. In 1947 the entire Western India States Agency became part of India as a result of accession.

In 1908, there were claims and counter-claims between Sind and the Maharao of Kutch regarding the boundary in a small western portion of the Rann of Kutch. The issue was settled and formalized in 1914 by the Resolution of the Government of Bombay [Resolution of the Government of Bombay No. 1192, 24 February, 1914] which at that time administered Sind. "The importance of the Resolution lies in the fact that it not only defined the boundary in the western area which had been the subject of claims and counter-claims but also clearly indicated the rest of the boundary of Sind. The boundary of Sind was thus clearly delineated on a map, and no attempt was made then or afterwards to challenge it."

[Letter of the Permanent Representative of India to the President of the Security Council, S/6321, 3 May 1965, p. 3].

On that ground India asserts that considering all evidence prior to 15 August 1947, there is no basis whatsoever for any dispute regarding the border between the Sind Province and the Kutch State.

Some of the arguments advanced by India in support of its claim are not convincing. Apparently one of India's strongest arguments is that the official gazetteers show the Rann outside the Province of Sind. Pakistan has never claimed that the entire Rann lay within the Sind Province. Its claim is restricted only to a certain portion of the Rann of Kutch. In fact if the Rann was not shown as a part of Sind, it was not treated either as a part of the Kutch State. It was regarded more or less as a separate entity. The boundaries of the Kutch State were thus described by Lieut. S.N. Raikes: "It is bounded on the north, east and south-east by the Rann, on the south and south-west by the Gulf of Kutch and the Indian Ocean, and on the north-west by the eastern branch of the Indus, or the Rann which lies between that and the territory of Sind."

[Lieut. S.N. Raikes, Memoir on the Kutch State submitted to the Government in November 1854, p. 3].

According to the Imperial Gazetteer of India, 1908 the Rann is not a part of the Kutch State. It is described as a salt waste lying between 22°25' and 24°43'N and 68°45' and 71°46' E, covering an area of about 9,000 square miles and stretching along the north and east of the State of Kutch, which it separates from Sind on the north<sup>73</sup> and from Radhanpur and Kathiawar on the east and south." [Imperial Gazetteer of India Vol. XI, 1908, Oxford, pp. 84-5].

There is also enough evidence to prove that the Kutch frontiers never extended beyond the 24th Parallel: "The Province of Kutch extends between the sixty-eighth and seventy-second degrees of longitude East of Greenwich and the twenty-second and twenty-fourth degrees of North latitude." [Lieut. R. Leech, Bombay Engineers, Memoir on the Trade & C. of the Port of Mandvee in Kutch, submitted to the Government in 1935, p. 211.]

India also holds that the boundary between Sind and

Kutch was well-defined and clearly demarcated. In 1908 a dispute arose but only with respect to a small portion of the Rann in its western part and it was finally settled in 1914 by a Resolution to which reference has already been made and which clearly defined the entire Sind-Kutch frontier.

Official documents of that period belie this contention. A letter of the Secretary to the Government of Bombay to the Commissioner in Sind in 1908 confirms the fact that the boundary was undemarcated: "It will be seen from Colonel Abud's report that the facts connected with the several cases are not very clear and would not, in the opinion of the Governor-in-Council, justify any strong representation being made to the Darbar, bearing in mind specially the fact that the boundary between Cutch and Sind has not been definitely and authoritatively demarcated." [Letter No. 2205 from the Secretary to the Government of Bombay to the Commissioner in Sind, 26 March 1908, op. cit. Rev. Vol. III, p. 11, 1908, p. 19].

India has discarded Pakistan's claim that the Rann of Kutch is either a boundary lake or an inland sea on the ground that the British Government of India decided formally in 1906, that it was more correct to define it as a 'marsh' rather than a 'lake' or an 'inland sea'.

However, the maps of the Indian Empire prepared for the *Imperial Gazetteer of India*, 1908, 1909 and 1928 show the Rann as part of the sea. [J. G. Bartholomew, the map of the Indian Empire prepared for the *Imperial Gazetteer of India*, 1908, 1909, 1928 (sec. impression), published under the authority of His Majesty's Secretary of State for India in Council].

The demarcation of the western portion of the Sind-Kutch boundary in 1914 was also carried out on this basis. The delineated boundary ran through the middle of the disputed territory.

As stated earlier, after partition Pakistan laid claim to this area. But the issue remained in the background. It first came into prominence in 1956 when Pakistan complained that operating under air cover<sup>74</sup> Indian forces had overwhelmed the Pakistan post at Chhad Bet. Pakistan's action was confined to a note of protest to the Indian Government. The issue was again taken up in January 1960 when a ministerial level

meeting was held between the Indian Minister of Steel, Mines and Fuel, Sardar Swaran Singh, and the Pakistan Minister of Interior, General Sheikh, to discuss the West Pakistan-India border question. As no agreement could be reached regarding the Rann of Kutch dispute, it was declared: "Both countries agreed to collect further data in respect of the dispute regarding Kutch-Sind boundary and discussions will be held later with a view to reaching a settlement of the dispute." [Keesing's Contemporary Archives, p. 17262.]

Meanwhile, the two countries agreed in terms of Rule 9 of the Ground Rules of 1960 that in areas regarding which disputes of title were pending, the status quo, inclusive of defence and security measures, would be strictly maintained until such time as the de jure boundary was finalised and the rendition of territories in adverse possession of the two countries had taken place. Perhaps India never meant to honour this agreement. The Indian Prime Minister, the late Mr. Nehru, made the following statement in Parliament: "So far we are concerned, there is no dispute; but there was some talk some two or three years ago. The point was raised by Pakistan, but we consider that there is no valid dispute there." [*Eastern Economist*, New Delhi, 7 May 1965, p. 1113].

In April 1965, this issue brought India and Pakistan almost on the brink of a full-fledged war. Severalca uses accounted for this armed confrontation. The ruling Congress party agreed to partition in 1947 with mental reservation and in the hope that Pakistan would soon collapse. Even to this day India remains unreconciled to the creation of Pakistan. Rawle Knox of *The Daily Telegraph* wrote: "...until the generation of Hindu and Sikh Punjabis who hanker after their lost Lahore has gone, until there are politicians in power in Delhi who were never (sic) maddened by trying to deal with Mr. Jinnah and his Muslim League, there never will be peace on these frontiers." [Rawle Knox, "Pakistan Loses Her Fear of India", *The Daily Telegraph*, London, 5 May 1965, p. 18].

Too many Indians, especially the extremists, regard Pakistan as a blot on the map that must be removed. For the last seventeen years, relations between India and Pakistan have been far from cordial. Several other factors have added to the strain, the most formidable being the issue of Kashmir,

which since 1948 has remained unresolved due to India's refusal to settle it in defiance of international commitment.

<sup>16</sup>India's decision on 30 March 1965 to integrate occupied Kashmir with the Indian Union caused great resentment in Pakistan. India was changing the constitutional status of Kashmir by unilateral action. A further deterioration in Indo-Pakistan relations was the result.

The growing relationship of Pakistan with China was also a source of friction between India and Pakistan. India reacted strongly to the Sino-Pakistan border Agreement of 1963 and the Sino-Pakistan Boundary Protocol signed on 26 March 1965. The Boundary Agreement was regarded, by India as 'illegal and invalid,' a violation of international law and a collusive attempt at annexing part of the Indian territory in Kashmir. [*Asian Recorder*, New Delhi, 2-8 April 1965, p. 6378].

Pakistan was accused of trying to exploit Sino-Indian differences in pursuit of its policies hostile to India. In his letter (U.N.S/6303, 27 April 1965) the Permanent Representative of India termed the signing of the Boundary Protocol as "an act of flagrant aggression...". Moreover the violence of feelings against Pakistan, wrote *The Sunday Times*, "...derive from an earlier episode—the humiliation India suffered at the hands of China in 1962 and the absence at that time of sympathy or understanding from Pakistan." [*The Sunday Times*, London, 12 September 1965, p. 6].

The flow of massive arms aid to India from the West as well as the Soviet Union since 1962 greatly added to the strains and tensions between the two countries. Time and again Pakistan brought to the notice of the aid giving Powers that the military supplies to India against Communist aggression would pose a greater threat to Pakistan. The flow of arms also gave a new strength to Indian armed forces, which still nursed the memory of their humiliation at the hands of the Chinese. *The Sunday Times* observed: "That humiliation ever since has sat on Indian flesh like a boil that had a burst, distorting the country's thoughts and policies." [*Ibid*]. The lost prestige had to be retrieved elsewhere.

It may be that New Delhi deliberately precipitated the Rann of Kutch issue to divert attention from deepening crises at home and to suppress the growing separatist trends by conjur-

ing up the menace of external aggression. For some months the Government had been subjected to severe criticism over a number of matters. In March 1965, Mrs. Vijayalakshmi Pandit accused the Government in the Lok Sabha of having become "a prisoner of indecision" in all urgent matters "from Kerala to Kashmir and Sheikh Abdullah to Vietnam." [*Eastern Economist* New Delhi, 2 April 1965, p. 828]. She was voicing<sup>78</sup> what many Indian newspapers had been writing and what most of the political leaders felt. The Shastri Government was badly shaken when, in January 1965, the Government proclaimed Hindi as the official language of India. There was widespread agitation in Madras State against what was regarded as 'imposition of Hindi on non-Hindi-speaking people.' Terrified by unexpected tumult the Government withdrew its decision, much to the disappointment of Hindu fanatics. The Government came in for severe criticism for arresting many left-wing Communists at the close of 1964 under the Defence of India Rules. It was further accused of unconstitutional conduct when on 24 March 1965 under Article 365 of the Indian Constitution, President's rule was imposed in Kerala for the fourth time, frustrating all chances of forming a democratic Government.

The most obvious point of attack was the Government's faulty economy and its handling of food shortage which was accompanied by a serious inflation. Food prices, according to official indices, rose about twenty per cent in 1964. [*The Economist*, London, 3 April 1965, p. 22]. The main cause of inflation was large-scale expenditure for years on heavy industry and defence. President Radhakrishnan, while expressing deep anxiety over the problems of food and rising prices, said on 17 February 1965: "...the production of food did not show any appreciable increase during the three preceding years." He further said: "The increase in defence expenditure imposes an additional burden on the community and diverts our resources from development." [*Foreign Affairs Record*, Faridabad, February 1965, pp. 34 and 36.]

Sheikh Abdullah's tour abroad and his meeting with Mr. Chou En-Lai, the Chinese Premier, aroused much apprehension in India. The wisdom of Government's decision to issue him a passport began to be questioned. On 15 March 1965 a

motion of no-confidence against the Government was moved in the Lok Sabha by the Praja Socialist Party leader, Mr. S.N. Dwivedi. However, the motion failed to get sufficient support. Other troublesome problems confronting the Indian Government were the Naga struggle for independence, the Sikh demand for a Punjabi Suba and, most important of all, the unrest in Kashmir, which was aggravated by large-scale arrests under Defence of India Rules of members of the Plebiscite Front and the policy of the Government to change the constitutional status of Kashmir.

Faced with such internal problems, the Government stood in need of an external enemy or an imminent danger to the security of the country,<sup>7</sup> such as would unite discordant elements and allay criticism by them.

As for Pakistan, its over-all position had improved since 1956 when India first used force to occupy Chhad Bet. Economic progress had been satisfactory. Peace with Afghanistan had secured Pakistan's backdoor. Normalization of relations with all its neighbours and particularly China had given an added sense of security. Moreover wrote Rawle Knox: "Pakistan rightly or wrongly feels she has been pushed around by India for far too long and she has the confidence not to take it any longer." [op. cit.]

About the development in the Rann since January 1965 the two sides have a different story to tell. According to Indian official sources, the Gujarat border police discovered on 25 January 1965 that Pakistan border forces were using a new track inside Indian territory in the Rann of Kutch. Against this, the Indian Government lodged a protest with the Pakistan Government. Subsequently in March, Pakistan set up two posts, one at Kanjarkot and the other at Ding, a place west of Kanjarkot—1,300 and 2,000 yards respectively to the south of the Kutch-Sind border in the Indian territory, whereupon the Indian border force established posts at Sardar, within 1,000 yards of Ding and Vigokot. The Indian Central Home Minister Mr. G.L. Nanda, announced in the Lok Sabha on 7 April that Pakistan had disturbed the status quo on the Rann Kutch border. He assured the members that the Government was taking "and will continue to take effective measures to remove intrusions..."



[*Asian Recorder*, New Delhi, 30 April—6 May 1965, p. 6424].

India demanded that Pakistan armed personnel should stop these intrusions and status quo ante should be restored. Further, the Government of India in its notes of 12 February, 18 February, 11 March and 8 April 1965 to the Government of Pakistan proposed a meeting between the border officials of the two sides but it did not materialise. In its note of 8 April the Government of India also protested against what it described as massive concentration of armed forces on the Pakistan side of the border with the aim of giving support to Pakistan's illegal activities in Indian territory.

In his letter (U.N. S/6291, 20 April 1965) to the President of the Security Council, the Permanent Representative of Pakistan to the United Nations, Syed Amjad Ali, illustrated the following facts: Towards the end of January 1965 Indian forces began to make systematic attempts to hinder Pakistan border<sup>78</sup> patrols from moving between their posts at Ding and Surai, as they had normally been doing, along a track which runs south of Kanjarkot, disused and half-ruined fort. In disregard of repeated protests by the local commander of the Pakistan border force, their intrusions continued. Intense Indian patrolling started on a newly established track in close proximity to Pakistan track. The Indian patrols carried automatic weapons, recoilless rifles and other arms in violation of the Ground Rules of 1960.

In early March, new Indian posts were set up opposite Pakistani positions, notably at Vigokot, Sardar, Karimshahi and Sarafbela equipped with VHF communication equipment, observation tower, etc. On 24 February 1965, the 31st Indian Infantry Brigade was moved from Ahmedabad and deployed near the area. Headquarters of the Indian armed forces in Gujarat State were moved forward to Bhuj to facilitate operational control. Trenches were being dug, and bunkers and new tracks in the area constructed. There were frequent reconnaissance flights by Indian Air Force planes. A large scale combined Army-Navy operational exercise was carried out by India in this area on 27 and 28 March. Forces participating in it included the 31st Infantry Brigade, the Indian aircraft carrier, seven destroyers, frigates and one fleet tanker.

On 30 March 1965, Pakistan presented an aide memoire to India, protesting against the arms build up and show of force in the area. It was rejected by India. In its reply, "India told Pakistan that she had no right or competence or locus standi to object to army exercise by the Indian defence forces in the Rann of Kutch in Gujarat." [*Asian Recorder*, New Delhi, 30 April—6 May 1965, p. 6425].

It was further stated that on the night of 4/5 April 1965, an Indian force in company strength infiltrated behind the Pakistan position at Ding and set up a post to its north-west, inside Pakistan territory. In an effort to avoid an armed clash, the local commander of Pakistan border force in the area agreed to meet his Indian counterpart. The flag meeting fixed for 6 April 1965 was repeatedly postponed at the instance of the Indian commander first to 7, then to 8 and then to 10 April. It was in this background that fighting broke out in the Rann of Kutch.

### (C) Pakistan Press

*Dawn* of Karachi under the caption "Talks alone can resolve Kutch dispute" wrote on April 30, 1965:

Official quarters yesterday reiterated Pakistan's stand that the Indo-Pakistan dispute in Kutch could only be solved through talks across the conference table after the forces of the two countries had withdrawn from the disputed area.

The 3,500 sq. miles of territory in the Rann has been admittedly under dispute for the last 18 years, and even before, and there appears to be no reason why India should resort to force for its occupation now.

But the latest threat of the Indian Premier, Mr. Shastri, which implies the opening of new fronts by India along the settled borders of West Pakistan, clearly reflects her intentions of escalating the present conflict.

This should in fact be an eye-opener for those who are building up India militarily on the bogey of Chinese threat, political observers feel.

### Economic development

Pakistan has a lot of other things to accomplish for the welfare of its people and their economic uplift. The country

is engaged in a gigantic task of economic development to raise the standard of living of her people and cannot afford to engage herself in the luxury of war which India wants to impose on her. It has to divert all her resources for ameliorating the lot of the common man and consolidating her economic position.

On the other hand, as already pointed out by Foreign Minister Bhutto, India has a continuous record of resorting to force in Hyderabad, Junagadh, Jammu and Kashmir, and very recently even in the case of Pakistani territory of Dahagram. This betrays her future evil designs.

### Theory dismissed

An official source dismissed the theory put forward by an American magazine "News Week" that the possible presence of oil in the Rann had caused the recent conflict. The source said if Indians think there was oil in the Rann they should "dig their heels in one place." "You cannot find oil by running around," he added.—PPA

*Dawn* on May 1, 1965 under the headlines "Northern half of Rann belongs to Pakistan", "India's bid to mislead world opinion exposed." wrote:

India, by quoting documents of dubious content, is trying to mislead the world opinion on the Rann of Kutch—a territory the northern half of which belongs to Pakistan by all facts of history and canons of justice.

Only the other day Pakistan's Foreign Minister, Mr. Z.A. Bhutto, made it clear that the "dispute has arisen not because the boundary is not demarcated but because the disputed territory is in India's adverse possession, and Pakistan has sought to redeem, by peaceful means, a territory which on the evidence of history, and by precept of law rightfully belongs to Pakistan.

The latest description of the boundary of Kutch State in an Imperial Gazetteer is that is contained in the 1908 edition. This Gazetteer was published under the authority of the Secretary of State for India. It is therefore the declaration of the paramount power on the subject.

This Imperial Gazetteer of India Volume XI of 1908 on p. 74 describes Kutch as "bounded on the north and north-

west by the province of Sind...its limits, exclusive of a portion of great salt marsh termed the Rann, extend from 22 degrees 45 minutes to 24 degrees north and from 68 degrees 25 minutes to 71 degrees 11 minutes east...."

The 1908 Gazetteer clearly fixes the boundary of Kutch State as extending not beyond 24 degrees N. latitude which is the middle of the Rann.

### **Dubious in content**

The other gazetteers cited by India from time to time in her venture to grab the territory are not only dubious in content but are also publications merely of the local government.

On the basis of the historical facts and exercise of jurisdiction Pakistan could lay claim to the whole of the Rann of Kutch over which the Sind administration had been exercising jurisdiction long before Pakistan came into being.

The facts of history clearly show that the Government of India are not entitled to claim the northern half of the Rann in the absence of any treaty, agreement, or resolution of the concerned Government to that effect.

However, in view of her tolerant policy and gesture of neighbourly goodwill, Pakistan has been content to restrict its claim only to the northern half of the Rann.

There are official records of innumerable instances of old Sind's writ extending to the Rann in the trial of criminal offences and revenue and land cases.

Pakistan's claim to the northern half of the Rann is also supported by the international law applicable to areas which are of the nature of a landlocked sea, or a boundary lake. In this connection there exists a precedent relating to the Little Rann wherein a similar dispute between the Kutch and Morivi states was settled by dividing that area in two halves between the contending parties.

Before 1762 the whole of the Rann of Kutch up to its northern extremity, and even beyond including Rahimki Bazar and Verawow fell within the jurisdiction of the Kutch state.

### **Sind Ruler's victory**

However, in 1762 Ghulam Shah Kalhora, a ruler of Sind invaded the Kutch State and defeated the Maharao at Jarrak.

He annexed the whole of the Rann of Kutch to Sind, established his garrison at Lakhpat, built an embankment across the eastern branch of the Indus within his own territories and dug canals for the purpose of withdrawing the water of the river entirely from Kutch. This dam was constructed across the Puran at Mori and served a two-fold purpose, namely fertilizing the lands of Ghulam Shah Kalhora and desiccating those of the Maharao of Kutch.

The location of this dam was about 15 miles to the south of Rahimki Bazar at a point approximately 69 degrees 10 minutes long. E, 24 degrees 8 minutes lat. by: (i) Narrative of a Visit to the Court of Sind by James Burnes (page 21); and (ii) Gazetteer of the Province of Sind compiled by E.H. Aitken (page 5); and (iii) new map of Kutch prepared by Lt. Burnes in 1828.

After the death of Ghulam Shah Kalhora in 1772, his son Sarfraz Khan recalled the troops stationed by his father at Lakhpat but twice thereafter he entered Kutch with a considerable force and devastated a great part of the country before he quit it.

It further transpires from the above mentioned historical document prepared by James Burnes that between 1816 and 1819 the Maharao of Kutch was anxious to avoid to expansion of the influence of either the British or the Sind rulers in his state.

Exaggerated reports of the domestic disturbances in Kutch reached Sind and the rulers of Sind from a fear that the Rao would again request the assistance of the English, determined if possible, to keep this, their constant object of dread, at a distance, by offering the necessary support themselves, but the Maharao declined this assistance and kept the rulers of Sind out of Kutch by the cession of the fortress of Lakhpat Bunder.

[The detailed account is continued under headings:

"Expenditure Record",

"Dharamsala",

"Marshy Tract",

"Grazing Fee", and

"Indian Admission".]

*Dawn* on 2 June 1965 published an article under the heading "Rann of Kutch dispute", "Documents belie India's claim" by Rahim Bakhsh:

The recent conflict over the Rann of Kutch border area with India, is clearly an instance of wanton aggression on the part of India. India now claims the disputed territory as her own. In fact the position is quite the reverse.

India's blatant claim has truly speaking no basis in principles of equity and justice. Besides the evidence already produced in support of Pakistan's contention based on the Provincial Revenue records and charts of the territory, there is another positive and incontrovertible evidence based on the defunct Land Customs Line, which amply substantiates Pakistan's claim of complete sovereignty over the disputed area.

The Land Customs Line existed on the said Kutch border at the time of independence, the documentary proof of which can be found in the records of the Central Excise and Land Customs Department of the Karachi Collectorate.

In undivided India, a regular Land Customs Line was already functioning along the former Sind-Kutch border, which had been set up by the British India Government against the Kutch State. At the time of independence, the charge of this Land Customs Line passed on to Pakistan, but owing to the disturbances occurring at the time it became disorganised and was taken over in this condition by the Central Excise Department of the Karachi Collectorate.

### Patrol posts

When I took charge of the Karachi Collectorate Administration in 1948, remnants of this Land Customs Line were found all along the length of the Rann of Kutch border extending from Shah Bunder in the East to Nagarparkar on the West. I then took considerable pains to organise the entire Land Customs Line so that it should function properly.

All the patrol posts which had been set up at intervals of five miles were revived; the dilapidated huts were repaired or reconstructed; the posts were manned by smart ex-military men; they were provided with camels for patrolling and equipped with 303 rifles supplied by the Defence Ministry. Later jeeps were provided to the inspecting officers of the

Department. The Land Customs Line was later renovated to function in full force, and there was constant patrolling day and night over the entire line.

During the period when this Line functioned, there was no vestige of the so-called Indian posts of Khanjar Kot or Biar Bet, etc. and no one ever questioned, the possession of this area by Pakistan. Our patrolmen went for patrols unmolested by any Indian force right up to the 24th Parallel, including the posts at Chhad Bet, Musafir Khana, etc.

### Old records

In the course of these patrols, a number of smugglers were apprehended in this area, and the goods seized were confiscated along with the camels under the customs law. Such legal action by the Central Excise Department was never challenged by any Indian authority.

Old records of the Badin Circle, which was specially organised for administrative control of the Land Customs Line, will reveal numerous cases of such confiscations. It would thus be obvious that the Pakistan Government exercised undisputed jurisdiction over the area now claimed by India.

So long, therefore, as the Land Customs Line continued to function, nobody from the Indian side ever ventured to claim any part of the territory now disputed by India. The Land Customs Line thus functioned not only to enforce the customs law on this border, but also to establish the ownership of the territory by Pakistan.

The Land Customs Line continued to function actively till about 1954, when unfortunately, the Pakistan Government took an unwise decision under a short-sighted policy of effecting economy, to abolish the Land Customs Line against all protests and advice of the Department.

The Government considered that the duties of customs work could be safely entrusted to the Sind Rangers force in addition to their responsibilities of safeguarding the frontiers of Pakistan. The developments that followed the abolition of the Land Customs Line, have, however, not justified this view.

Soon after the vigorous patrolling on the border by the Customs Preventive Force came to a stop, the Indian population

was emboldened to enter the Pakistan border without fear, and in course of time, the Indian Government's border forces began to infiltrate into Pakistan territory.

Indian posts began to grow on Pakistan soil and India began to lay claim over Pakistan territory, on the strength of the unwarranted posts at Khanjar Kot, Biar Bet, etc.

If the chart of the Land Customs Line is examined, it will be noted that the customs posts started from Baoni in the following order—Mara, Ding, Khanjar Kot and thereafter moving towards Nagarparkar with Kablikot, Rahim-ki-Bazar, etc. and towards Shah Bunder with Malir, Shekhanigarh, Gena Bhandara, Ahmed Raja, etc.

Evidently, Khanjar Kot, thus constituted a post on the Land Customs Line and under such circumstances India's claim to the post of Khanjar Kot is nothing but preposterous. Pakistan's defensive action in driving out the Indian force from its territory was therefore absolutely justified and in conformity with the canons of fairplay and equity.

#### Unbiased view

A dispassionate view of the position explained above will convincingly prove that the offer by Pakistan of a ceasefire and of effective disengagement of the Indo-Pakistan forces is a liberal concession. Pakistan has held out the olive branch which should have been welcomed and readily acceptable to India.

But the legacy of arrogance and intransigence left by Nehru to his successors stands in the way of taking a rational view of a peaceful solution of the dispute and such evil tendencies unleashed in India have already stood in the way of India agreeing to peaceful solution of the Kashmir problem.

It is a false and misleading attitude adopted by the Indian Government to take its stand on the status quo as on Jan. 1, 1965. Taking a perspective view of the whole situation, the real basis for an equitable solution would be the status quo as at the time of independence. On this basis, Pakistan territory unquestionably extends in the South up to the 24th Parallel.

Let not the Powers who wish to intervene in this dispute and want to help in evolving a peaceful settlement lower their guard against the wiles of the Hindu in his effort to win over their favours. He is an adept in this art.



The settlement must be based on actual facts of history and authoritative records which are still available and not on mere presumptions and sentimental grounds.

Let sanity prevail in the Indian mentality and there would be no difficulty in settling the dispute without resort to force here or elsewhere. (The author is a retired Collector of Central Excise and Land Customs, Karachi.)

### Summary of evidence submitted by Pakistan to the Tribunal

1. A letter from the Collector of Continental Customs and Excise to the Revenue Commissioner, Northern Division, of 1845, which refers incidentally to "the right which we find exercised by the Scinde Darbar on the produce of the salt in the greater Rann."

[The British never produced salt in the Rann, except perhaps along its northern edge, as the establishment of their salt preventive line in 1934 clearly proves.]

2. The sanction for the erection of marks and guide stones across the Rann by the British in 1850-1855.

[This constitutes an act of general administration by the British as the Paramount Power over the whole of India.]

3. A total of 846 entries from local registers in Diplo Taluka attesting cultivation by Diplo people of lands on a canal called Darya Khato, allegedly on the Kutch side of the boundary as conceived by India, at a distance of a few miles. The entries date from the years 1864-1872.

[Darya Khato was never located with certainty in any map.]

4. The letter of the Mukhtiarkar of Diplo of 1875 asserting that "in the days of the Mir Sahibs, on this side of the Rann whatever theft of duties was committed was settled by the Government of the Mir Sahibs: beyond Gainda in the State of Darbar of Kutch Bhuj", i.e., that the authority of the Amirs of Sind in matters of theft of duties extended to Gainda Bet.

[The statement may easily be a simple hearsay.]

5. A letter of the Tharparkar Political Superintendent, of 1878, remarking that Vigbokot was a site in the Diplo Taluka worth showing to H.E. the Governor on the occasion of his visit.

[It has no significance.]

6. An entry in a Diplo Taluka record, dated 1893-1894,

that Wijokot (Vighokot) and Kanjikot (Kanjarkot) were anti-quarian remains in the taluka.

[It is a casual statement.]

7. The correspondence of 1878 between officials in Sind, in which the District Magistrate of Tharparkar in a letter addressed to the Acting Commissioner in Sind asserted that the British had maintained order "on our side (of the Rann) at least..." and the Acting Commissioner thereupon, issued an order that "the old arrangement must be adhered to, and the Rann, for Police duties, be considered British territory...."

[At best it can be considered an act of general administration of a temporary nature by the British Government as the Paramount Power over the whole of India.]

8. A place called Shakurji Kandi is mentioned in two instances of 1910 and 1921-1922 as being in Diplo Taluka.

[This place could not be found on any map.]

9. The establishment, by the British, of a customs line called the "Northern and Sind-Cutch Frontiers Preventive Lines" in 1934. The customs line, following roughly the northern edge of the Rann, zigzags across the boundary. Three of its outposts appear on this map to be located slightly to the south of this boundary, including the outpost of Ding Naka. From this time on, officers of the Central British Customs Organisation apparently patrolled regularly in the Rann in the neighbourhood of the mentioned customs outposts. The outpost at Ding Naka is said to have been maintained till 1954.

[The outposts lay roughly along the northern edge of the Rann.]

10. A letter of the Deputy Collector of Tharparkar of 1938 in which it is said that "...Our Magistrates in charge of Nagarparkar, Diplo and Mithi Talukas have been exercising their jurisdiction as Criminal Courts as far as half the Rann in question."

[It is a sweeping assertion not corroborated by facts.]

11. Sind-British police and Sind judicial authorities were active in three criminal cases committed in the vicinity of Rahimki Bazar allegedly across the boundary as conceived by India, in 1939, 1940 and 1945, respectively. Two of them were committed in or near Ding.

[It is roughly the border line.]

12. An offence committed near Vighokot in 1940 resulting in a trial by a Diplo Magistrate.

[It is only one instance which took place during 150 years, from 1819 to 1967.]

13. One instance of assault near Bhanjar Bet (Biar Bet) dealt with by the First Class Magistrate in Diplo in the year 1945. Biar Bet is some eight miles south of the edge of the Rann.

[As in 12 above]

14. The grazing of cattle and camels belonging to villages on the Sind side of the northern edge of the Great Rann on pastures situated on Dhara Banni and Chhad Bet. This grazing went on in Pakistan's submission "from time immemorial" and the mentioned tracts of land were "the main grazing ground for the inhabitants of the areas of Sind in their vicinity." The earliest instance of grazing in Chhad Bet recorded in the evidence is dated 1889-1890. The grazing continued, again in Pakistan's submission, until, 1956. Kutch interfered with the grazing by levy of tax for the first time in 1925-1929 and later from 1937 onwards. The Sindi farmers at times refused to pay "panchhari", i.e., tax for grazing to Kutch authorities, and were, in this refusal, encouraged by the orders of the Collector of Tharparkar in 1927 who directed that the villagers should be informed that they should pay no fees, but "tell the Kutch Jamadar to go to blazes" when the representative of Kutch State requests payment of fees.

In the evidence Dhara Banni and Chhad Bet are not always both mentioned; most often Chhad Bet alone is mentioned.

[It is admitted that the cattle of Sind inhabitants were grazing in this area. But this activity of private individuals does not admit of State authority of Sind. The Collector's arbitrary order is not an act of Sind jurisdiction over the area ?]

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## Events and Motives Leading to War

### Survey of India's fruitless effort

In May 1964, three Pakistani nationals were arrested by the Gujarat State police, during routine patrol duty at Kanjarkot. They were later released as a gesture of goodwill.<sup>1</sup> This aroused the Government of India who now considered the demarcation of the Kutch-Sind border "a matter of top priority."

Col. S.K.S. Mudaliar, Director, Northern Directorate, Survey of India, New Delhi, wrote to M. Alauddin, Director, Field Surveys, Survey of Pakistan, on October 17, 1964: "The responsibility of demarcating the entire boundary between India and West Pakistan rests entirely on us. The two respective Prime Ministers of India and Pakistan have already indicated in 1956 that they 'have agreed to the demarcation of entire boundary between West Pakistan and India', and as such on completion of Rajasthan-West Pakistan boundary, we have to take up Kutch-Sind Sector of the common India-West Pakistan boundary. I would request you to meet me as early as possible so that demarcation of Kutch-Sind boundary can be taken up. Also in the interest of expeditious work it is necessary that we commence this work, this field season." No reply came from Pakistan.<sup>2</sup>

### Pakistani intrusions

On January 25, 1965, an Indian patrol of Gujarat police went up to Kanjarkot<sup>3</sup> fort, 1,300 yards inside Indian territory. They noticed a recently laid out 20-mile track, 1.5 miles inside the Indian border extending from Surai in Pakistan territory through Kanjarkot upto a place called by Pakistan, Ding. It was almost like the Chinese building up the Aksai Chin road,

and the people of India not knowing about it for several years. They also saw armed Pakistani soldiers who retired on seeing them. The District Magistrate of Kutch made an on-the-spot inspection on January 27, 1965. It fully established the fact of Pakistani intrusions. A couple of days later, the Gujarat police noticed Pakistani Rangers in platoon strength armed with semi-automatic weapons in heavy motor vehicles under command of regular army officers. They obstructed Indian border police from patrolling up to the northern limits of the Rann.<sup>4</sup> Shortly afterwards concentration of Pakistani forces was reported across the frontier at Maro, Badin and Rahimki Bazar.<sup>5</sup>

### India's protests and negotiations fail

The Gujarat border police lodged a protest with the local Pakistan authorities. At the same time the Indian police undertook vigorous patrolling of the area right up to our border. When our patrols encountered Pakistani armed Rangers, they claimed that the area belonged to Pakistan, and the Indian patrol was there illegally.<sup>6</sup> On February 3 and 4, 1965, the Gujarat police officer at Chhad Bet negotiated for a meeting with the representatives of Pakistan Rangers to settle this matter peacefully. He received a message that Kanjarkot lay in Pakistani territory.<sup>7</sup>

The Government of India took a "serious view"<sup>8</sup> of the Pakistani intrusions. On February 12, 1965, the Ministry of External Affairs, New Delhi, addressed a protest note to the High Commission of Pakistan in India: "The Ministry of External Affairs wish to protest against this unauthorised and forcible intrusion by the Pakistan Rangers across the boundary of Kutch and Sind and urge the High Commission to move the Pakistan Government for the immediate withdrawal of Pakistan intruders from the area referred to in the preceeding paragraph." It further stated: "If incidents are to be avoided and tension lessened, it is essential that the Survey of Pakistan are instructed by the Pakistan Government to begin work on the demarcation of the Kutch-Sind border, without further delay."<sup>9</sup>

<sup>1</sup> The Deputy Inspector General of Police, Rajkot, after a strenuous effort succeeded in arranging for a meeting with the

D.G., West Pakistan Rangers on February 15, 1965. Lt. Colonel Aftab Ali, Commandant of the Indus Rangers, Hyderabad, Sind, alone turned up. He claimed that the Pakistani Rangers were on their own soil, and Indians had no right to be there. He "refused to examine the evidence which the Indian side produced as clear proof that Kanjarkot was well within Indian territory." He said they had not occupied Kanjarkot, but they were patrolling the area along the old customs track between Surai and Ding.<sup>10</sup>

On February 17, 1965, Indian patrols of the Gujarat armed police found the fort of Kanjarkot deserted. But the Indian patrols did not occupy it without instructions from above.

The Indian High Commission in Karachi, on February 18, 1965, wrote to the Pakistan Ministry of Foreign Affairs: "After various intrusions in this area in January, 1965, the Pakistani Rangers penetrated two miles into Indian territory, set up a post in an old fort at Kanjarkot, and have been obstructing the Indian border authorities from their legitimate patrolling upto the border with Pakistan. ...The Government of India reiterate their request to the Government of Pakistan to arrange for the immediate restoration of the status quo ante and its strict maintenance in future pending the demarcation of the frontier in the area."<sup>11</sup>

On February 19, 1965, the High Commissioner saw the Pakistan Foreign Minister and urged on him to issue instructions for immediate demarcation of the border. The Pakistan Foreign Minister said that he was not aware of these facts and promised to look into the matter.<sup>12</sup>

On 20 February a senior official of the Indian High Commission in Karachi approached the Pakistan Government and pressed for the acceptance of our proposals. The Pakistan Government argued that the Pakistan personnel in the Kanjarkot area were on their own territory and that Pakistan had always exercised de facto control up to the new customs track. They contended that there was nothing to talk about, but that if our border forces had any doubt they should ask for a meeting between D.I.G., Rajkot and D.G., West Pakistan Rangers.<sup>13</sup> On February 23, 1965, D.I.G., Rajkot, sent an urgent telegram to the Director-General, West Pakistan Rangers, Lahore, urging for withdrawal of Pakistan Rangers



from Kanjarkot area.

### Gujarat Minister's statement

On February 24, 1965, Gujarat Home Minister, Hitendra Desai admitted in the Assembly that Pakistanis had been active in the Karimshahi area of Kutch district. Making a detailed statement on the subject raised by four Swatantra members, Desai said: "In fact, it is not correct to say that Pakistan has occupied Karimshahi or an area of 21 square miles and has built a road in our territory. This area is unpopulated and to say that the people have begun leaving it is also not correct.

"The main task of our State Reserve Police is to prevent smuggling and the illegal entry of persons into our territory. So far as the State of Gujarat is concerned, it has about 300-mile-long border with Pakistan in the extreme north of the Rann of Kutch where there is no population on our side. It is a barren desert and the international border has not yet been demarcated officially by putting up pillars or barbed wire fencing.

"About a month ago, one of our patrols noticed, in our desert territory, heavy vehicle track for about 20 miles. Since the track had not been laid by our patrols, our liaison officer lodged a protest with his Pakistani counterpart under the ground rules.

"Meanwhile, our police intensified patrolling in that area. During this patrolling a Pakistani patrol was noticed near the track. On the Pakistani patrol being challenged, it claimed that our patrol was in 'their area' illegally. Our patrol protested against this claim. Thereupon, a high-level conference of representatives of both sides was asked for by us as provided under the ground rules. At this conference, the Pakistani representative repeated the claim that the new track was within Pakistani territory. This claim was firmly rejected by our representative and our police have continued patrolling the area.

"The Union Government has been kept informed from time to time about these incidents."<sup>14</sup>

### Pakistan's denial

On February 27, 1965, the D.I.G., Rajkot, received from West Pakistan Rangers at Lahore the following telegram: Allegations made in your telegram of 23rd baseless and misleading and I deny them with all force at my command. As previously informed Kanjarkot falls in our de facto control and Rangers have patrolled it for many years. Your contention regarding our huge warlike reinforcement in trucks is really amusing. Suggest you instruct your junior commander to refrain from passing back exaggerated information. Only wish your assurances of best co-operation were sincere and such situation as has been created by S.R.P. by plying warlike machines over our area and sending your personnel fully armed with L.M.G. loaded in vehicles in our area could have been avoided. In interest of peace and harmony in the area you must abide by the decisions of the meeting of 15th February between you and Commandant Indus Rangers. You have ignored protest lodged by my commander against your unwarranted activities in the disputed Rann of Kutch and in Kanjarkot area which is in our de facto control. Rangers have full right to patrol Pak territory as you have in India. I would ask you to maintain status quo in the area and not create situations that might result in incidents against common aim of preserving peace along the border. Sincerely advise you to contact Commander Indus Rangers and discuss the matter with him preferably at your Karimshahi Post if you have still any doubt. Assuring you of my co-operation at all times—West Pak Rangers.<sup>14</sup>

The D.I.G., Rajkot, sent to Director-General West Pakistan Rangers, Lahore, on March 1, 1965, the following express telegram: Your telegram of twenty-sixth February full of exaggerated statements and baseless claims. The line of our de facto control is clearly indicated in the pre-partition survey maps which were produced by us in the Minister-level Conference, at Lahore, in January, 1960 and also shown to Commander Indus Rangers by me at conference of fifteenth February. Our patrols have been patrolling and will continue to patrol up to that line and all territory south of that line including Kanjarkot is under our de facto control. Your reference to warlike machine not understood. Essential that you order your men to desist

from intrusions into our territory and from interfering with our patrols the consequences of which will be entirely your responsibility. Understand from my Government that discussions have commenced at higher level. I would welcome a conference with you personally and not with Commander Indus Rangers who is not competent under ground rules to participate in conference at my level. This time conference should be held in your territory at Rahimki Bazar since the last conference was held in our territory. I suggest that we settle this matter promptly in the interests of peace and friendly relations between our two great nations. I assure you of my co-operation in achieving peaceful conclusion to the state of tension which your men have unilaterally created. Grateful for immediate reply.<sup>16</sup>

#### Pakistan's allegations

In reply to the Indian High Commissioner's letter of 18 February, the Pakistan Ministry of Foreign Affairs on March 1 and 5, 1965, repeated its old stand that Kanjarkot was situated well within the area of Rann of Kutch which had been in the de facto possession of Pakistan since August 1947. The Note stated that the Pakistani Rangers had been patrolling Kanjarkot, but the old fort in the area had not been occupied by them. The Note asserted that there had been no violation of Indian territory by Pakistan. It made the allegation that India's border police had intruded into the area and Indian aircraft had been violating Pakistan air space:

1. January 30, 1965—A party of the Indian border force tried to advance to the Kanjarkot fort and was immediately challenged by the Indus Rangers.
2. February 3—An Indian patrol party was noticed in the area. The Area Commander, Diplo, Pakistan, lodged a protest against this intrusion.
3. February 5—An Indian patrol party again appeared in the same region. It came there in four jeeps, two of which carried army personnel<sup>17</sup> and the other armed police. The Indian party was forced to return to its camp by the Indus Rangers.<sup>18</sup>
4. February 18—Three Indian aircraft, two Vampires and one Dakota, flew over Rahimki Bazar and Paneli.

5. February 19—Two Vampires visited Surai and Marah.
6. February 20—One Dakota was seen over Rahimki Bazar and three Vampires flew over Rahimki Bazar, Marah and Surai.
7. February 21—An Indian Dakota was noticed over Kanjarkot and Surai.
8. February 26—Indian border force made a new track by driving three jeeps about 300 yards north of their existing tract opposite Pakistan's border posts at Vingī and Paneli.
9. February 27—An Indian patrol party of 20 men armed with rifles and light machine-guns in four jeeps advanced opposite to Pakistan's border posts at Vingī, Paneli and Gethi. Another Indian patrol, about 40 men in jeeps, arrived opposite Kanjarkot.<sup>19</sup>

The Note stated that the matter was for discussion and agreement between the two Governments. Until that agreement was reached, the Surveyors General of India and Pakistan could not proceed with demarcation of the Kutch-Sind border.

The position taken by the Government of Pakistan was wholly untenable. It was not correct that the Pakistani Rangers had been in de facto possession of Kanjarkot and Rann of Kutch or that it had been patrolled by the Pakistan Rangers until they intruded into the area, in some force, in January 1965. If the Pakistan Government had desired to avoid serious situation, it should have agreed to an immediate meeting of representatives of two sides for the purpose of demarcation or to a high level conference. The Pakistan Government attitude was unreasonable and totally contrary to facts.<sup>20</sup>

#### Military posts established by Pakistan

On March 3, 1965, Pakistani regular forces established a standing post at Kanjarkot. Twelve days later on 15 March they established another post at a place called Ding, west of Kanjarkot, 2,000 yards inside Indian territory.<sup>21</sup>

Swaran Singh, Indian Minister for External Affairs, on March 3, 1965, denied in Lok Sabha "that any occupation had taken place. But in the Rajya Sabha, Mrs. Lakshmi Menon admitted that 13,000 acres of Indian territory had actually been occupied."<sup>22</sup>

Chief Minister Balvantray Mehta told the Gujarat Legislative Assembly on March 10, 1965, that "there were occasional Pakistani intrusions into the Kutch border."<sup>23</sup>

It is surprising that even after the establishment by the Pakistanis of two standing posts south of the border, New Delhi continued to rely on protests instead of ordering the Army to proceed to the scene.

### India's reply

The Ministry of External Affairs, Government of India, New Delhi, replied to the two letters of Pakistan Ministry of Foreign Affairs dated March 1 and 5 on 11 March 1965. It pointed out that "the narration in these Notes is completely at variance with the actual position on the Kutch-Sind border." The note emphatically stated that the "Kanjarkot area which the Pakistan Government claims to be Pakistan territory is and has been unquestionably Indian territory ...the claim made by the Pakistan Rangers and by the Government of Pakistan to Kanjarkot offends against the facts of history cartography and jurisdiction." It observed that the Pakistani intrusions were "unwarranted, illegal and against the letter and spirit of the Ground Rules of 1960, to which the Governments of India and Pakistan are a party."<sup>24</sup> As regards Pakistani charges, the Note said that "at no stage had any Indian aircraft violated Pakistani air space on the Kutch-Sind border." The "flights undertaken by Indian aircraft" were to the "south of the Kutch-Sind border and well within Indian territory."<sup>25</sup> The Government of India complained:

(i) On February 6, 1965, a small party of the Gujarat Border Police came across a large party of the Pakistani Rangers, deep inside Indian territory, in the Kanjarkot area. The latter warned the former "not to cross the new track that the Pakistan Rangers had established nearly 2 miles south of the Kutch-Sind border."

(ii) On February 13, the Pakistan Rangers obstructed the Gujarat police from patrolling in their neighbourhood.

(iii) On February 16, the Pakistan Rangers "in a threatening posture" advanced quite deep into Indian territory.

(iv) On February 18, the Pakistan Rangers stopped Gujarat police "from advancing in an area 800 yards south of the new

track" built by them.

(v) On February 23, the Pakistani Rangers at the sight of Gujarat police took up positions and threatened to open fire on them if they would not return immediately.

(vi) The same day another strong group of Rangers "tried to encircle a small party of Gujarat police" more than two miles inside Indian territory.

(vii) "On 24-2-1965, a small group of Gujarat Border Police were physically obstructed while they were in Indian territory, by a full company of the Pakistan Rangers."

(viii) On 26-2-1965, a group of Gujarat Border Police was again physically obstructed from patrolling in Indian territory. They were warned not to "patrol an area some 2 miles, south of the Kutch-Sind border."

(ix) On the same day, Indian patrol met Pakistan Rangers at Paneli and Vingi. The Rangers objected to Indian patrolling, but the latter remained firm.

(x) On February 27, eight armed camel riders started patrolling near Vingi post parallel to the Indian patrol. A Pakistani jeep arrived at 13.45 hours near Paneli. Two Pakistani Captains, Nazrat and Morteza, met the Indian patrol demanding their withdrawal, but the Indians struck fast to their positions.

(xi) On February 28, a Pakistani commander at Vingi met the Indian Inspector of Police and threatened to blow off the Indian patrol vehicle, without any result.\*

(xii) The Gujarat police went to Kanjarkot on February 25, 26 and 28. They found one company strength of Pakistan Rangers deployed around Kanjarkot.

The Government of India suggested "a very early meeting with the Government of Pakistan, at any level acceptable to the latter, where a solution to the problem could be found and firm decisions taken for early demarcation of the Kutch-Sind border." "Pending such a meeting, the Government of India would emphasize the urgent need of maintaining status quo ante on the Kutch-Sind border."<sup>17</sup> Pakistan gave no reply to this Note.

On March 15, 1965, the Director General, West Pakistan Rangers, Lahore, replied to the letter of Deputy Inspector-General of Police, Rajkot of March 1, 1965. He stated that "Indus

Rangers have all along patrolled the area much beyond Kanjarkot fort"; and "no violation of Indian territory has taken place. On the contrary, in the face of repeated provocation from your side, Indus Rangers in the area have acted with unprecedented restraint."<sup>29</sup>

The D.I.G., Rajkot, sent a reply on April 1, 1965. He said that the "Indus Rangers were for the first time noticed patrolling in our territory on the 25th January, 1965, when my patrols saw fresh and new illegally made track by your troops within Indian territory for which immediately protest was made by me. The dash-dot-line as shown to your Commandant Indus Rangers on 15-2-1965 in the various survey maps of pre-partition and post-partition up to which our patrols have been patrolling is the de facto boundary and crossing of this line by your troops is a violation of Indian territory." He further stated that "Your Rangers armed with warlike weapons have forcibly taken over possession of the area around the ruin of Kanjarkot fort which is south of dash-dot-line, i.e., the real de facto boundary and in Indian territory and they are still in full occupation of the same."<sup>30</sup>

#### Home Minister's visit to border area

Considering the importance of the problem and in order to acquaint himself personally with the measures taken and any further measures that might become necessary for maintaining the integrity and security of Indian borders, Home Minister Gulzarilal Nanda visited the areas near the frontier at Kanjarkot on March 31, 1965. He was accompanied by the Chief Minister of Gujarat. On April 1, Nanda held consultations with the Chief Minister, Home Minister of Gujarat and others who were dealing with the situation.<sup>30</sup> Nanda returned to the Capital in the evening.

The situation created by the concentration of Pakistani forces along certain sectors of the Rann of Kutch was considered first by the Emergency Committee of the Cabinet and later by the executive of the Congress Parliamentary Party. The Government as well as the party executive considered the situation serious and came to the conclusion that Indian defences must be strengthened immediately.

On April 7, 1965, the Home Minister told the Lok Sabha

about the recent developments on the Kutch border and Pakistan's attitude of indifference to come to an understanding with India. He assured the House that the Government would take "effective measures to remove intrusions" of Pakistani personnel in the Kanjarkot-Kutch area.<sup>31</sup>

### Conference with opposition leaders

On April 7, 1965, Prime Minister Lal Bahadur Shastri called a conference of opposition leaders to discuss Pakistani intrusions into Kutch, even before the news was announced in Parliament. On the Government side the meeting was attended by Home Minister Nanda, Defence Minister Chavan, External Affairs Minister Swaran Singh, Parliamentary Affairs Minister Satya Narayan Sinha, the Minister of State in the Home Ministry J.L. Hathi and General J.N. Chaudhuri, Chief of the Army Staff. The three Secretaries of the Congress Parliamentary Party—Raghunath Singh, G. Raghubir Singh Panj hazari and Bibhuti Mishra—were also present.

From the opposition, N.G. Ranga (Swatantra), Surendra Nath Dwivedy (PSP), Hiren Mukerjea and Bhupesh Gupta (CPI), Atal Bihari Vajpayee and U.M. Trivedi (Jan Sangh), Mani Ram Bagri (SSP), K. Manoharan (DMK), D.P. Maurya (Rep.) and Prakash Vir Shastri, Indulal Yagnik N.C. Chatterjee and Frank Anthony (Independents) attended the meeting.

With the help of maps the Home Minister indicated to the Opposition leaders the area where the Pakistanis had set up their standing posts<sup>32</sup> near the international border and where there were extensive Pakistani military concentrations and installations. It was explained to the Opposition leaders that the Pakistanis had disturbed the status quo in contravention of the procedure laid down for dealing with any dispute on border demarcation. Though the matter had been pending since 1960, the Pakistanis had shown no disposition to discuss the matter.<sup>33</sup>

This was a good strategy on the part of the Government. Opposition leaders seemed to have derived considerable satisfaction from the fact that at the meeting an opportunity was provided for them to meet the Army Chief of Staff, and discuss with him the extent and implications of the Pakistani threat after hearing an appraisal of the situation from the



Prime Minister himself. The conference also led to remarkable restraint in the tone of the Opposition in Parliament.

### Pakistan's protest

Realising the seriousness of the situation, the Government of Gujarat reinforced the Rajkot Rangers by four companies of Central Reserve Police on April 5, 1965. They established a post called Sardar at a short distance south of Ding. An advance base was set up at Vigokot 4.5 miles south-east of Sardar. Some other posts were also established in the area.<sup>34</sup>

On April 7, 1965, the Government of Pakistan "lodged a strong protest with the Indian Government against this infiltration, asking it to withdraw its troops immediately from Pakistan territory and cease all provocative activities in the adjoining areas," reported *Dawn* on April 8. The paper said: "The Acting Foreign Secretary, Mr. Agha Shahi, it is learnt, handed over a note to this effect to the Indian High Commissioner in Karachi, Mr. G. Parthasarathi, who was called to the Foreign Office, yesterday."

*Dawn* continued: "The infiltration of Indian troops in the Ding area, which is well within the Pakistan's territory and has been under Pakistan's control since 1947, it is reported, began on the night between April 4 and 5.

"Earlier, the Indian troops continued holding provocative military manoeuvres in the region, in spite of Pakistan's repeated protests.

"In response to Pakistan's warnings against the manoeuvres, the Indians requested for a flag meeting on April 6. But they failed to turn up, and suggested that the meeting be held on April 7. Again they expressed their inability to come to the meeting on the appointed date and asked for its postponement to April 10.

"Meanwhile, gaining time by avoiding the proposed meeting, the Indian troops have engaged themselves in enlarging their force, digging trenches, and making their positions permanent, evidently with a view to enlarging the area of their aggression and eventually holding to it more firmly.<sup>35</sup>

All this was a tissue of lies to justify Pakistani action. Pakistani logic is: First carry on a vehement hate-India cam-

paign from platform, Press and on the Radio. Then deliver a sermon on peace to the world to show that Pakistan is as innocent as a lamb, and that it is the Indian wolf which is ready to devour this lamb. Immediately afterwards invade, advance a claim, say it was always Pakistan territory, declare there is a dispute, and end up by accusing India of aggression.

### India's last Note before War

On April 8, 1965, the Pakistan Deputy High Commissioner was summoned to the External Affairs Ministry and handed a note. It reiterated India's demand that Pakistan immediately withdraw its two standing posts in the Rann of Kutch and restore the status quo ante. The note also proposed an early meeting between the Deputy Inspector General of the Rajkot Range and the Director General of West Pakistan Rangers or a meeting at any other level acceptable to both sides to settle the issue peacefully.

"The Indian border police authorities," the note said, "made a request on March 3 for a meeting between the D.I.G., Rajkot Range, and D.G., West Pakistan Rangers. No meeting had taken place in spite of repeated reminders by the Gujarat authorities because of the virtual refusal of the D.G., West Pakistan Rangers.

"Nor has the Government of Pakistan agreed to the very reasonable proposal for a meeting between the two Governments at any level acceptable to the Government of Pakistan at which a solution to the problem could be found and firm decisions taken for early demarcation of the Kutch-Sind border."

Pointing out that the Pakistan Government had ignored the proposals and set up the "standing posts", the note said: "The Pakistan Government has also brought up a heavy concentration of their armed forces along the border in Pakistan territory with a view to backing up and supporting their illegal activities." The note added: "On the assumption that the Pakistan Government were as anxious as themselves to resolve this issue," the Government of India had expressed the hope in its note of 11 March that the Pakistan Government would respond promptly to the two Indian proposals but was disappointed at the lack of response from the Pakistan side.<sup>31</sup>

Little did the Government of India know that still greater disappointment awaited it, that orders for Pakistani attack had already been issued on the afternoon of 7 April, that the Pakistani forces had moved forward on 8 April, and that within a few hours after lodging this protest, Pakistan would launch a military attack at 3 o' clock on the morning of April 9, 1965, on Indian posts in the Rann of Kutch, manned by the Gujarat Border police.<sup>37</sup>

### Aggressor's motives in Kutch

1. Pakistan felt most unhappy over the attention which the world had started paying to Sino-Indian conflict on the one hand and Sino-Pakistan alliance on the other. Ayub wanted to divert world attention from China and to focus it on the sub-continent of India with Pakistan appearing as the aggrieved party.<sup>38</sup> He also wanted to establish that the problem of Indo-Pakistani relations was the only obstacle to peace and stability in this region.

2. Some believed this was a preparation for President Ayub's visit to Washington after a month. He was bound to be asked some uncomfortable questions about the closer association that was developing between Rawalpindi and Peking. Ayub wanted to appear before President Johnson with the salty dust of the Rann on his clothes. He would show that the tension was caused by India who was adopting an aggressive posture. He would argue that the Indian terror was the direct result of the United States' military aid to India though it was in reality only 1/60 of the American aid to Pakistan. Just to soften American opinion, China was scrupulously kept out of the propaganda campaign. *Dawn* also subdued its tone. It began to accuse Russia as another White Power bent upon helping India at the cost of China and Pakistan. This propaganda technique had the desired effect. The United States promptly doled out advice to India to settle all matters with Pakistan amicably, while Britain offered its 'good offices' to settle the Indo-Pakistan dispute eventually to Pakistan's satisfaction.

3. Pakistan was exploiting Peking-Rawalpindi-Jakarta axis which was motivated by a common hostility towards India. Pakistan was taking full advantage of Sino-Indian border dispute to promote its own national interests. That was opportu-

nism. But opportunism is an essential ingredient of successful diplomacy. Statesmanship and opportunism cannot be separated. Those who think that China had instigated Pakistan to occupy Kanjarkot and simultaneously create incidents in various sections of India-Pakistan border do less than justice to Rawalpindi. Ayub and Bhutto were neither the agents nor the stooges of Peking. They were always willing to develop tension along the common border for reasons which had nothing to do with the Sino-Indian conflict. It was a different matter that their capacity to create difficulties for New Delhi had increased as a result of the Sino-Indian dispute.

Obviously, China has everything to gain by spreading war as widely as possible in Asia. It can hope thereby to compel the Soviet Union to forget its ideological differences and to talk in terms of insulating the socialist part of Asia from the general confusion. It would drive India irretrievably into the arms of the West. This would make her look contemptible and dangerous to all her small neighbours. Pakistan's sudden interest in Soviet friendship and its indifference to the opinions of its SEATO and CENTO partners were undoubtedly due to the lessons taught in Peking.

4. It might be to keep Pakistan's case on Kashmir before the Afro-Asian world ahead of the Algiers Conference to be held in June 1965. It could also be to ensure that the Commonwealth Prime Ministers would discuss Kashmir in June 1965, as they did the previous year.

5. The real motivation for Pakistan's aggression in Kutch could be discerned from an analysis of the hate-India campaign in Pakistani Press. It believed that India was ripe for receiving a staggering blow which would establish Pakistan's new awareness of its own strength and would put India firmly in a secondary position. After this India would readily yield on Kashmir. It thought that India was a flabby giant, divided within itself and distracted by numerous problems. Pakistan held the view that an unstable government was functioning in New Delhi, and that a military upset, like that on the Himalayan border in 1962, would topple it over. Pakistan felt convinced that India was on the verge of economic bankruptcy and political disaster, and nationally she was demoralised.

Pakistani leaders presented this picture of India not only to their countrymen but also their diplomats tried to project it abroad. In such a situation, they thought, if pressure was kept up by China in the east and Pakistan in the west, maximum damage could be done to India territorially as well as psychologically. Tension was, therefore, simultaneously created at various points on the borders. In terms of specific areas of tension, India was faced with Pakistani military pressure on no less than nine fronts. Two were on the ceasefire line in Kashmir in the Tithwal and Uri sector and in Poonch sector. The third was on the international border in Jammu in Akhnur sector. A disputed area in Panjab made the fourth. The whole border of Assam and part of Tripura, and two areas, Lathitilla and Karimganj in West Bengal<sup>39</sup> were kept enlivened by constant pressure. Intense uneasiness was in progress in the Rann of Kutch.

All this aimed at creating a situation in which anti-national and fissiparous tendencies could become active, the economic situation more acute, India's leadership weakened, our international prestige lowered, and the country's role in world affairs obstructed. Rawalpindi calculated that if it could keep up tension long enough, New Delhi might begin to lose its nerve and subsequently might become more amenable to the kind of pressures that the United States and Britain had exerted in the past for surrendering Kashmir to Pakistan.

6. It was conjectured that Pakistan wanted a settlement of all pending problems including Kashmir to its satisfaction. It hoped that an attack might be a good way of forcing things. An admission to this effect was made by the Permanent Representative of Pakistan at the United Nations. According to Amjad Ali "a just and equitable settlement of the Kashmir dispute lies at the root of the present trouble and tension in relations between my country and India." In other words, whatever the merits of the dispute regarding the Kutch boundary, Pakistan tried to extend the tension over Kashmir to a new territory, apparently to prove that such a tension existed.

7. Another objective of Pakistan's aggressive attitude along its borders with India was one of probing this country's military preparedness and the Indian Government's political

determination. This was apparently a preparation for a more active strategy in Kashmir with or without Chinese collusion.

8. One of the main Pakistani motives was to create a flare-up of communal riots in India. Pakistani newspapers were giving a prominent place to completely baseless stories about communal troubles in India in a very provocative manner. The Press and Radio in Pakistan vigorously expressed the view that Hindus suspected the loyalty of Indian Muslims.

9. Survey teams of the Indian Oil and Natural Gas Commission completed their prospecting surveys in the border areas of Khavda, Banni, Bibbar and Nirona, about 40 miles from Bhuj. The survey teams pin-pointed twenty-two places for oil drilling.<sup>43</sup> *The New York Times* on 27 April, 1965 wrote that "recent explorations hinted there might be oil reserves beneath the sand and marshes." *The London Times* on 29 April said: "There has been some talk about 'the oil rich Rann'. ...The only reason for believing there is oil in the Rann is that it has been found in Gujarat and natural gas has been tapped not too far away in Pakistan."

Pakistan tried to win the support of the powerful oil lobby in the United States for its claims in the Rann of Kutch. It argued that if India controlled the Rann, any oil found there would be exploited by its nationalised company, but if it was in Pakistani control, the contract would be given to an American Company. Pakistan thus gave vested interests to the United States by giving the contract for prospecting oil in the Rann to the American Sun Oil Company.<sup>44</sup> *Keesing's Contemporary Archives* on p. 20927 writes: "Pakistan has included a section of the Rann in the coastline to be surveyed for offshore drilling by an American Oil Company." *The Daily Telegraph*, London, wrote on May 5, 1965: "An American Company, Sun Oil, had been test drilling off the shore of the Rann, where it considered prospects better than in the Rann itself. Sun Oil gave up in despair shortly before the current fracas began."

10. The important port of Karachi went to Pakistan at Partition in 1947. To make up this deficiency India had to develop the port of Kandla in the Gulf of Kutch. On March 7, 1965, the Prime Minister declared it a Free Port. According to *The New York Times* dated 27 April 1965, "India has

announced plans to construct a major naval base at Kandla on the northern shore of the Gulf of Cutch. This would put Indian warships close to Karachi, Pakistan's major seaport." Pakistan wanted to destroy it.

11. *The Sunday Telegraph*, London, on May 2, 1965, in an article from its special correspondent in New Delhi, gave another story. It said Pakistan was convinced that India was ready to explode a crude nuclear device and that there were only two possible places where such a device could be tested, the unpopulated Rann of Kutch or the adjoining deserts of Rajasthan. Pakistan therefore wanted to seize this area.

12. The real motive force behind Pakistan's territorial claim was its expansionist ambition. It wanted to grab some territory by force, lay claims to more and show willingness to settle the latter peacefully by negotiation.

13. Pakistani leaders hold the view that continuance of Indo-Pakistan tensions is the surest guarantee of a stable Pakistan.<sup>48</sup>

14. The officials in the Ministries of External Affairs and Defence were of the view that the intrusions and clashes in the Rann were not mere border incidents. They were different from those Pakistan provoked whenever it was faced with internal or external difficulties. This view was not accepted by the political leadership even after the army was called in to replace the Gujarat armed police in the Kanjarkot area. The political leadership believed that there was nothing unusual about the reports of Pakistani troop movements and their concentration all along the border. These were described as moves connected with Ayub Khan's visit to the United States and intended to build up pressure to stop U.S. assistance to India.

The two Ministries had also repeatedly drawn attention to the similarities between Pakistani and Chinese tactics. They pointed out that there appeared to be in existence not merely Sino-Pakistan collusion on the political and diplomatic fronts but also co-ordination in the military field. The political leadership rejected their suspicions saying that Ayub was trying to convince the leaders of the United States that his alliance with China was directed against India's so called aggression in Kutch and Kashmir, and not against the U.S.

port of Jamnagar was about 150 miles away. Heavy vehicles could not traverse the roadless and trackless desert. India was thus incapacitated to bring any tanks into the area. Drinking water had to be brought from Bhuj, 100 miles distant, and from May to October the area remained under sea water.

Militarily, the Kutch-Sind border was the most suitable place for Pakistani aggression. Compared to Kashmir, Jammu, West Panjab, Rajasthan and East Pakistan border, the Rann of Kutch was an ideal spot where Pakistan could claim quick glory to impress people at home and abroad. Sitting on elevated ridges and 50-foot-high sand dunes, their ground observation posts could easily survey the flat Indian land below for miles on end and locate Indian gun positions with powerful binoculars. They could without any difficulty look over the Indian posts and closely watch movements of Indian troops. Besides, there was no danger from sea water. Drinking water was available in plenty locally.

Pakistan had built a network of roads from Hyderabad to Badin and to Rahimki Bazar. Hyderabad was also connected by rail. The nearest rail-head was at Rahimki Bazar, two miles from the border. There was a chain of cantonments to feed the troops on Sind-Kutch border. Several villages and settlements were also established all along the border. Karachi is quite close to the border and so rushing reinforcements to the front was no problem. Malir, the cantonment of Karachi, was within driving distance. The 51st Infantry Brigade was stationed there. A few Pakistani air squadrons of F86 Fighters were concentrated at Badin, 30 miles from the border. There were two other airfields near the border at Radir.

16. Above all the attack on Kutch was a rehearsal for the conquest of Kashmir. Before launching a full-scale assault there, Ayub thought it necessary to try his new American weapons, steadfastness of his friends, and India's capacity to resist.

The time chosen was so appropriate that it left little margin between the attack and the floods. India could not organise a counter-attack and recover the lost grounds to Pakistan. Simultaneously, Sheikh Abdullah who had gone on Haj pilgrimage, was acting abroad as the agent of Pakistan and China and was busy in anti-India propaganda.



## Sources and Notes

1. Indian Ministry of External Affairs, February 12, 1965, *The Kutch-Sind Border Question*, 138.
2. DO No. 3680/40-J-20/Kutch, Ibid, 176-77.
3. The story goes that a trader named Kanji while journeying from Kutch to Sind used to halt on this island. In order to store his goods obtained from Sind he built a fortified place for himself. It was called Kanjikot or the fort of Kanji. As traders were generally abused by agriculturists as a class of unscrupulous people, they nick-named the place as Kanjarkot, or the abode of a dishonest trader. Lack of drinking water discouraged people from settling here, and Kanji's fort remained the only built-in structure. It became an important point on the caravan route between Kutch and Sind. After partition all trade and movement of people through Kanjarkot came to a stop, and it developed into a smugglers' centre. [Link, April 4, 1965.]

Literally Kanjarkot means an abode of male prostitutes. Pakistan feels shy of this name, though in certain parts of it, particularly in the North-West Frontier Province this practice is common: "...; the inhabitants of the lower parts are notorious for the commission with the most unblushing effrontery, of every species of debauchery; ..."

[National Archives of India, Foreign Miscellaneous, Manuscript No. 336, p. 17.]

Thus the Pakistani papers are trying to change its spellings and pronunciation:

*Imroz* of Lahore calls it "Kaanjaarkot".

*Jang* of Karachi writes it as "Kangarkot".

This paper called Kanjarkot "the symbol of the military might which the country has come to possess under dynamic leadership of that unrivalled military genius of all time, Field Marshal Ayub Khan.

[Dewan Berindranath in *Mainstream*, May 8, 1965, p. 6.]

The Government of Pakistan calls it Khanjarkot.

4. The Indian High Commission, Karachi, dated 18 February 1965, *The Kutch-Sind Border Question*, 140; *The Hindustan Times*, 4-5-1965.
5. *Foreign Affairs Record*, May 1965, p. 49.
6. Ibid. March 1965, p. 49.
7. *The Kutch-Sind Border Question*, 138.
8. *Foreign Affairs Record*, March 1965, p. 50.
9. *The Kutch-Sind Border Question*, 139.
10. Ibid, 140.
11. Ibid.
12. *Indian Information*, May 1, 1965, p. 198.
13. *Foreign Affairs Record*, March 1965, p. 50.
14. *The Times of India*, New Delhi, 25-2-1965.
15. *The Kutch-Sind Border Question*, 141.

16. Ibid, 141-42.
17. The reference to Indian army men is wrong. The border was then under the control of Gujarat police.
18. *The Kutch-Sind Border Question*, 142.
19. Ibid, 142-45.
20. *Foreign Affairs Record*, March 1965, p. 50
21. Statement of four Pakistani signalmen of Pakistan Army who were taken prisoners on April 9, 1965. *The Hindustan Times*, 15-4-1965.
22. *The Statesman*, New Delhi, 4-3-1965.
23. The Times of India News Service, Ahmedabad, 10 March, 1965.
24. *The Kutch-Sind Border Question*, 145, 146.
25. Ibid, 149-50.
26. Ibid, 146-48.
27. Ibid, 150.
28. Ibid, 151.
29. Ibid, 152-53.
30. *The Times of India*, 8-4-1965
31. *The Hindustan Times*, 8-4-1965.
32. Standing posts are points where border forces are stationed permanently.
33. *The Hindustan Times*, 8-4-1965.
34. *Link*, April 18, 1965, p. 12.
35. *Dawn*, Karachi, 8 April 1965, under the caption: 'Troops dig in after heavy infiltration. Delhi told to end Aggression.'
36. *The Hindustan Times*, 9-4-1965.
37. Ibid, 15-4-1965, *Keesing's Contemporary Archives*, on p. 20927 says: "A Pakistani Note of April 7 protested against the alleged infiltration of Indian troops into the area, whilst the Indian Note of the following day requested Pakistan immediately to abandon the two posts which it had set up and protested against the alleged concentration of Pakistani troops along the border."
38. *Mainstream*, May 8, 1965, p. 8.
39. On March 17, 1965, Pakistani forces started firing across the border into Indian territory in Cooch Behar district of West Bengal. The firing continued for fourteen days. It was pre-planned, and began with anti-India propaganda, *Link*, 4-4-1965.
40. *The Hindustan Times*, 25-4-1965.
41. *The Indian Express*, New Delhi, 24-4-1965.
42. *Indian Recorder and Digest*, August 1965, p. 1.
43. *Patriot*, 26-4-1965.

## The Little War

### Attack on Sardar Post

Pakistan had drawn up the plan of the assault on our Kutch border posts in the second week of March 1965. Brigadier Azhar Khan moved the 51st Infantry Brigade from Malir cantonment outside Karachi to the Kutch border on March 25, 1965. Later the entire 8th Infantry Division along with the 12th Cavalry and the 19th Lancer Regiments were moved from Quetta to this region. Pakistan Air Force planes stationed at Badin airfield, 30 miles north of Kanjarkot, flew over the border area frequently on photographic and reconnaissance missions.

Three battalions of the Brigade, including 18 Punjab Regiment, 3,500 men under command of Lt. Colonel Mumtaz Ali, received orders on April 7, 1965, to deliver the assault in the early hours on the night of 8 and 9 April. Before launching the attack, Pakistan played a ruse on the Gujarat police picket at Sardar. The Rajkot Range police authorities received a message from the West Pakistan Rangers on 8 April proposing a meeting of local commanders to discuss the matter on April 10, 1965. The proposal for peace talks was evidently made to put the Indian border police off their guard.<sup>1</sup>

Early in the morning on April 9 the Pakistani forces moved out of their camp. Advancing behind a smoke-screen and covered by mortars and 25-pounders, the Pakistani battalions heavily bombarded the Indian police post. The policemen had taken up dug-in positions. In order to conserve their little supply of ammunition for the final struggle they did not fire even one shot in reply. Pakistanis thought that perhaps all the policemen had been killed or wounded. The attacking

column fanned out in front of the post. They did not hear any sound at all from the trenches. The post was then surrounded from close quarters, but found no sign even of breathing. Then twenty of them came right into the post. No sooner had they stepped in than a sharp hail of murderous fire received them. So deadly was their aim that all the intruders lay dead in an instant. Another body of the attackers from the rear rushed in. There was another volley of fire and fourteen more reeled on the ground dead. Four of them were captured. Being terrified the enemy held back. Tennyson's "The Charge of the Light Brigade", so famous in English literature, pales into insignificance before the policemen's matchless bravery, deathless heroism, unparalleled daring and magnificent achievement of one hundred poorly armed heroes over 3,500 desperadoes.<sup>3</sup>

At dawn the whole ground before the Post was found littered with dead bodies of the attackers. At the same time the dim light revealed heavy concentration of enemy troops. Under vigorous Pakistani firing the Gujarat police vacated the Sardar Post, taking four Pakistani prisoners with them. Some casualties occurred in the police ranks while retiring. They included 2 killed, 3 wounded and 4 missing.<sup>3</sup>

A press note issued by the Gujarat Government at Ahmedabad on the afternoon of April 9 said that "infantry units of the Pakistan Army supported by field artillery, armoured cars and tanks mounted the attack. It is reported that there were two casualties and one officer missing on our side. Firing continued throughout the morning on both sides."<sup>4</sup>

#### Indian High Commissioner summoned

At 3 O'clock on the morning of April 9, 1965, just when the Pakistanis were about to deliver the assault on Kutch, the Pakistani authorities summoned the Indian High Commissioner to Foreign Office and lodged a vehement complaint with him alleging that India had launched the attack on Pakistani troops on the Kutch border. The Indian High Commissioner described the Pakistani allegation as "wholly baseless" and pointed out that had Pakistan been seriously interested in avoiding tension, it should not have delayed the police chiefs' meeting.<sup>5</sup>

## Vigokot

The offensive at Sardar Post had petered out in the midst of confusion with serious enemy losses. This led the Pakistani strategists to re-appraise the situation and they set out in search of easier targets. In the afternoon, the Pakistanis subjected to heavy attack with 3,500 men armed with 25-pounder guns, heavy mortars and artillery, the Indian advance base at Vigokot, 6 miles south of the northern border of the Rann. The post was overrun, but was soon recovered by India.

## In the Parliament

On the afternoon of April 9, 1965, the Lok Sabha was discussing non-official business in a relaxed mood. The Home Minister G.L. Nanda rushed in along with Prime Minister Shastri and Defence Minister Chavan. He intervened in the Planning Minister's speech to disclose the grim news of the Pakistani attack to a startled House. The attendance was thin, but the Government's leading critics of the Opposition like Hiren Mukerjee, Prakash Vir Shastri, L.M. Singhvi and N.G. Ranga, were present. They not only voiced their concern, but urged that there should be no hesitation in sending our defence forces to the border. Congress members seemed too stunned to speak.

The Pakistani attack came as a setback to the Swatantra Opposition which had always advocated a friendly approach to Pakistan on all problems and resented any uncalled for remark against it. Their leader, N.G. Ranga, was one of those who strongly urged the use of the defence forces instead of relying on border police to repel the Pakistani aggression. He even apprehended Chinese collusion.<sup>6</sup>

## Indian Army takes over

The Government of Gujarat informed the Centre about the situation. A meeting of the Emergency Committee of the Union Cabinet was held in New Delhi. Instructions were issued to General J.N. Chaudhuri, Chief of the Army Staff, to take over the operational control of the Kutch-Sind border. From various places, men of the Southern Command were asked to move across 100 odd miles of the Rann to the inter-

national border. By evening that day the jawans had moved up to Vigokot. They took over from the hard-pressed policemen at 7.40 p.m. on April 9, 1965. The Army units started patrolling the region. Army patrols covered the entire area up to the international border except for the two small islands formed by Pakistan's standing posts.<sup>7</sup>

### Heroic Policemen retire

As the dusk fell, the heroic group of policemen marched back to the mainland in Kutch. They had lost four dead including the Deputy Commandant of the Rajkot Rangers; five were wounded, and several were still missing. As the stragglers reached their base, the list of missing rose to 19.

The border police had come in for some criticism that they did not find out sufficiently early the Pakistani intrusions into the Rann. But the police more than made up for it in the actual fighting. It was lightly armed and did not possess sufficient ammunition. Their duty was to patrol the border area and fight smugglers. They were not trained and equipped to fight regular army units. In spite of all these handicaps, they put up such a tremendous fight and displayed such hardihood and grit as demoralised the Pakistanis and affected their whole campaign. The Pakistani troops had left behind 34 bodies including those of four officers. Four men were captured by them. They included three lance naiks and a sepoy. They were rushed to Bhuj and flown to New Delhi for interrogation. They gave out valuable information. It was learnt that Brigadier Azhar, who had led the Pakistani attack on Sardar Post was "in disgrace", and was "relieved of his post."<sup>8</sup> Speaking in Rajya Sabha on May 2, 1965, Dayabhai Patel, leader of the opposition, paid glowing tributes to the jawans of the Gujarat armed police for facing very heavy odds "often without getting adequate support that should have been received from the Government."<sup>9</sup>

President Ayub Khan had planned to run through the Rann over a long front and to a depth of 25 miles upto the 24th parallel with infantry, artillery and tanks, and thereby seize an area of 3,500 square miles claimed by him. India could not bring tanks due to terrain. In a month's time the tidal waters would rush into the area. These waters would

prevent Indian troops from driving the Pakistanis back to the border. The territory claimed by Pakistan would thus result into fait accompli. But one hundred valiant policemen at Sardar post shattered Ayub's dream to pieces. After this discomfiture, the Pakistanis took full fifteen days to recover and get ready for the next assault. Such was the disastrous effect on the morale of Pakistani forces.

Immediately after the attack on Vigokot, the Pakistani authorities asked for a meeting between the local commanders of the Indus Range and the Rajkot Range. Home Minister G.L. Nanda told the Lok Sabha on April 9: "We have agreed to the meeting if there is cessation of firing by Pakistan. We have instructed the authorities concerned to ask for an immediate ceasefire and a meeting between the Governments."<sup>10</sup>

Pakistan's anxiety for a ceasefire aimed at establishing a "line of actual control" similar to the Chinese example in 1962 in Ladakh. The other offer, first to hold official level and then Ministers' level talks had the objective of gaining time. Besides, Pakistan was eager to parade itself as a "peace-loving" nation and neutralize the expected adverse world reaction by offering various types of ceasefire proposals.

### Pakistani newspapers and Radio

On April 10, 1965, Pakistani newspapers reported in banner headlines that Indian troops had tried to advance farther in the Rann of Kutch under cover of heavy artillery barrage. "Effective retaliatory action by Pakistan border forces forced Indian troops to retreat leaving behind a number of prisoners."<sup>11</sup> On April 11, 12 and 13 neither the papers nor the Pakistan Radio carried reports about the Kutch-Sind border.

The reason seems to be that Pakistan authorities did not want to inform their people about the stiff resistance encountered by their forces. The external news services of Pakistan Radio did broadcast stories, about India's alleged aggression in order to cover up the Pakistani activities.<sup>12</sup>

### Sardar post recovered

The Pakistanis were so much demoralised that they did not hinder recovery of Sardar post. Indian troops re-occupied it

on April 10, 1965. Pakistan forces were deployed on the high ground overlooking the Sardar post. They were entrenched in strength at Ding, about 1,000 yards north of the forward Indian positions in the area. They continued intermittent firing only. After re-occupying the Sardar post, Indian troops fanned out to prevent further incursions by Pakistan.<sup>13</sup> The Sardar post was shelled again early on the morning of 12 April. The shelling stopped at 11 a.m., but was resumed at 4 p.m. Indian forces returned the fire. Some Pakistani armoured cars were also seen in the Indian territory. A Pakistani Foreign Office spokesman declared in Karachi that "Indian troops supported by tanks had made a full-scale attack on Kanjarkot."<sup>14</sup> He claimed that Pakistani forces "destroyed two Indian tanks and disabled four others." The Indian spokesman in New Delhi characterised as "pure fabrication" the Pakistani Foreign Office version of an engagement between the Pakistan and Indian forces on Monday, April 12, in the Kanjarkot region, and the use of tanks by India.<sup>15</sup>

The Pakistan Foreign Office summoned the Indian High Commissioner on April 12, and told him that serious consequences would follow of "this new act of Indian aggression".<sup>17</sup> "Sporadic exchange of fire continued at intervals throughout the next 10 days."<sup>18</sup>

#### **The protest notes**

On April 11, 1965, the Government of India lodged a strong protest with Pakistan against its attack "on the Indian border police posts at Sardar and Vigokot." It constituted "a pre-meditated and unprovoked aggression against India, a violation of Indian territory, and breach of the Ground Rules which were agreed upon as a part of the Indo-Pakistan border agreement dated the 11th January, 1960." It called upon "the Government of Pakistan immediately to vacate their aggression against Indian territory, to withdraw all their armed forces including their army from Indian territory, to remove the post set up by them in Indian territory at Kanjarkot and another post to the west of Kanjarkot set up recently by Pakistan."<sup>19</sup>

Within 24 hours came the reply from Pakistan, shame-



facedly accusing India of aggression. "The Ministry categorically rejects the charge of aggression against Indian territory levelled at Pakistan in the Indian note". "Both Ding and Kanjarkot are situated within Pakistan territory and have always been under Pakistan's de facto control." "The existing tension and the outbreak of hostilities have been caused by the attempt of Indian forces to interfere with Pakistan's well-established rights in the area." "The Indian forces launched this attempt to dislodge Pakistani border forces from their established position, resulting in the outbreak of fighting." "The Government of India have advanced totally unfounded and baseless allegations of Pakistan's aggression."<sup>20</sup>

The Pakistani note drew the attention of the Government of India to the following incidents:

1. Indian border forces "attempted to intrude into Pakistani territory."

2. Indian aircraft "violated Pakistan air space."

3. On 27th and 28th March, the Indian Army and Navy held a joint exercise in the Rann of Kutch with the participation of the 31st Indian Brigade, the aircraft carrier 'INS Vikrant' and a number of first line ships of the Indian Navy.

4. On March 31, the Indian Home Minister Mr. Gulzari Lal Nanda visited the border area and on his return, reported to a meeting of the Emergency Committee of the Indian Cabinet, which was attended among others, by the Indian C-in-C, General Chaudhuri. On 7th April, Mr. Nanda declared in the Indian Lok Sabha that the Government of India intended to take effective measures to remove intrusions and ensure the safety of our borders.<sup>21</sup>

### Chagla's view

Education Minister M.C. Chagla on April 16, 1965, warned Pakistan that India would resist any aggression "with all the strength that we possess." He said: "The time has come when we have to make it clear to Pakistan that any encroachment on our country and any attack on our frontiers will be met not diplomatically, not with protest notes, but with all the strength that we possess." He said there were people and countries who only understood the language of strength and toughness. Pakistan was one of those. "Unless we are tough,

it will take our conciliatory attitude as a sign of weakness," he added. "The day in and day out, Pakistan was defaming India in every country, and attacking our frontiers."<sup>22</sup>

### Pakistan's letter to Security Council

On April 19, 1965, the Permanent Representative of Pakistan addressed a letter to the President of the Security Council. Its main points were the following:

1. The Government of Pakistan reject as totally baseless and lacking in truth the allegations made in the Indian letter that Pakistan has committed aggression against India and violated Indian territory in the Rann of Kutch.

2. Since early this year, Pakistan has been subjected, on the one hand to an organised campaign of propaganda designed to prepare the ground for action against its borders and on the other, to planned and premeditated attacks by Indian military forces to grab territory by force.

3. The question at issue between the two countries is not that of demarcating a well-defined border in the area but of agreeing on its precise location. The dispute pertains to the northern half of the Rann which had always been under the control and administration of Sind until, at the time of the partition of the sub-continent it became a subject of dispute with India.

4. The area in question is not Indian territory but territory in dispute between Pakistan and India.

5. Towards the end of January this year Indian forces began to make systematic attempts to hinder Pakistan border patrols from moving between their posts at Ding and Surai, as they have normally and customarily been doing, along a track which runs well south of Kanjarkot, a disused and half ruined fort, which is mentioned in the Indian letter. In disregard of repeated warnings and protests by the local commander of the Pakistan border force, these attempts continued. When the Pakistani commander was obliged to take necessary defensive measures to prevent the Indian forces from occupying this position, as appeared to be their design, the Government of India lodged a 'protest' with the Pakistan Government, at the same time laying claim to Kanjarkot.

6. On 15 March, Director General, West Pakistan

Rangers wrote to DIG, Rajkot, requesting him to suggest a convenient date on which they could meet to discuss the restoration of normal conditions in the area. No reply was received to this letter.

7. The Government of India were determined to attempt a settlement by force.

8. On the night of 8/9 April, Indian troops entrenched in their newly occupied positions opened fire on Pakistani patrols, in an attempt to dislodge them from their long-established posts on Pakistan territory.

9. India is the one country whose representative has openly declared in the United Nations that India would not abjure the use of force where its interests were concerned. On five occasions in the past the Indian Government has used military force in order to settle her dispute with her neighbours.

10. India has embarked on a vast programme of armament and annually spends more on buying weapons than on food grains. It is for this reason that India shows such readiness to make repeated and irresponsible use of force.<sup>23</sup>

### ***Pakistan military build-up***

Large-scale military exercises had been taking place in West Pakistan for the last several weeks. They were intended as a prelude to the general mobilisation of Pakistan armed forces. On the pretext of seeking "clarifications" from India on proposed ceasefire talks, Pakistan was trying to gain time to strengthen its military build-up and extend the area of tension in the Rann of Kutch. Pakistan massed its troops on the entire Kutch-Sind border stretching right from Kanjarkot to Chhad Bet which is about 50 miles east of Kanjarkot. Fourteen army battalions were stationed there.<sup>24</sup> The Pakistan military build-up was not confined only to Kutch-Sind border. It was extended to the adjoining border of Rajasthan. The Bawara Hills area in Pakistan near the Indian border was used as a military base. A Rangers post was set up at Dadariyali village near Indian border. Many bunkers had been dug by Rangers in the west and east of Gadra check post in Pakistan. Pakistan army personnel and Rangers were concentrated at Virawa, 40 miles from the border. It was

connected by rail with Hyderabad, and by rail and road with Karachi.<sup>25</sup>

### **Kanjarkot and Chhad Bet**

A clash occurred on the night of 19-20 April between an Indian patrol and a Pakistani patrol in the Kanjarkot area. The exchange of fire lasted only for a while.<sup>26</sup> Pakistan extended its military activities farther east on the Kutch-Sind border. Two Indian police posts 40 to 50 miles east of Kanjarkot in Chhad Bet area were shelled for about half an hour on the morning of April 20, 1965. Intermittent shelling continued for two days. Indian patrols caused damage to Pakistani equipment. The enemy fired on five occasions in one day.

Defence Minister Y.B. Chavan paid a flying visit to the Kutch border area on 21 April. He spent a couple of hours talking to jawans and inspecting border defences there. Chavan was accompanied by the Vice-chief of the Army Staff, Lieutenant General P.P. Kumaramangalam. Such was the extent of Pakistani espionage in the area that Defence Minister's visit to the fighting region was announced by Pakistan Radio immediately on his arrival.<sup>27</sup> Chavan told Lok Sabha on 22 April that recently Pakistan had adopted the tactics of shelling from its own side on Indian posts held on our side of the border.<sup>28</sup>

*Dawn* reported that an artillery led Indian offensive action was cut short by Pakistan border forces. The Indian army was trying to establish new forward posts in the disputed territory in the Rann of Kutch. "The intruding Indian troops suffered severe losses. At least nine Indian soldiers were killed and a substantial quantity of arms and ammunition was captured by Pakistan's forces. There were no casualties on the Pakistan's side."<sup>29</sup>

The Defence Ministry of India denied Pakistani reports that nine Indian soldiers had been killed in the clash. Its spokesman stated that only one Indian soldier had been killed in the Kutch-Sind border area since April 9, when the Indian Army moved in for defence of the border. He said that Pakistan was giving out 'grossly exaggerated' accounts of fighting in the Kutch-Sind border area, presumably for the sake of keeping up morale on the Pakistani side. The

spokesman also contradicted the Pakistani claim of capture of a substantial quantity of arms and ammunition from the Indian forces.<sup>30</sup>

There was a day-long lull on the entire Indo-Pakistani border in the Rann of Kutch on April 21, 1965. On the afternoon of 22 April, the Pakistani army resumed artillery firing in the Chhad Bet region. The sound of intermittent heavy shelling of Indian territory on the Kutch border was heard on 23 April by the Rajasthan border police at Ekal and Nayatal posts in the Barmer district. Shelling was heaviest around the Indian post at Chhad Bet.

#### Point 84

Point 84 lay 30 miles east of Kanjarkot, 20 miles west of Chhad Bet and 6 miles inside Indian territory. It was neither a post nor a village, but a sort of hill feature. It was manned by sixty jawans of an Indian Company in which the normal number should have been 120. The Company had received orders on 21 April to move from its distant base immediately to the Kutch border. Half the number of its men were either on leave or attending certain courses at other places and could not join it at a few hours' notice. The depleted Company occupied this post on the night of 21-22 April and dug in at a point three miles from the border.

The Pakistanis had massed their troops on the other side of the border for quite some time. There were three brigades and two regiments of 96 tanks. They obviously thought of 'blitzing' the Indian positions and running through the Rann up to 24th parallel, the area which they were claiming. On the morning of 24 April, the Pakistanis advanced with their infantry, pounding the Indian post with heavy fire. The young company commander possessed a stout heart and so did his men. Due to their small number, they decided to lie down quietly in their trenches ready to face every eventuality. Their instructions were that they were not to reply to the enemy fire, and wait for it to come within easy reach so as to fall in their clutches. After pounding for some time, the Pakistani infantry came up to the trenches. Here was an opportunity for the Indian heroes. In the twinkling of an eye they discharged a volley of sharp, decisive and murderous fire,

and nearly 100 of them reeled to the ground, mostly dead and the rest wounded.

The Commanding Officer of a battalion in an interview told a party of newspapers correspondents at the Indian Force Headquarters in the Rann of Kutch on May 4, 1965: "The Pakistanis then swarmed like locusts and threw in two squadrons of American-donated 45 ton medium Patton tanks with powerful 90 m.m. guns. There were about 30 tanks menacing the small Indian position. We turned our 106 recoilless anti-tank guns on them. We got sure hits on three tanks and they were burning in no time. The Pakistanis were taken aback at our firepower and threw in more tanks. Our Company Commander was a young officer, hardly 30. He and his men displayed great valour. He had nothing to fight against a tank onslaught of this magnitude. But it was decided that we should not lose our men in an impossible attempt to stop the tanks which far outnumbered the men in firepower. We pulled back the Company three miles south. Even as the last man was coming back by jeep, the Pakistani tanks chased him and fired at the wheel of his jeep. But they could never hit the tyre." The post was occupied by Pakistanis. But they withdrew to their original base across the border on the succeeding night between 24-25 April.<sup>31</sup>

The Pakistani Press was jubilant. The *Jang*, the largest circulated daily in West Pakistan, in its issue of April 24, 1965, boasted that it was "for the first time in seventeen years that Pakistan has been able to make a proper advance towards liberating territories which have been under Indian occupation since the partition."<sup>32</sup> A Pakistani official spokesman on April 24 claimed that "Indian guns were silenced when Pakistani border forces took retaliatory action in Chhad Bet in the Rann of Kutch, following repeated firing from that place on Pakistani positions by the Indian Army."<sup>33</sup>

### General mobilisation

Pakistan ordered on April 24, 1965, general mobilisation of her armed forces in a reckless bid to confront India with its military might. All military leave in Pakistan was cancelled. *Troops on leave were recalled to duty with immediate effect.* Orders were issued for the recall of Army, Navy and Air Force

reservists. For some days past, Pakistan had been giving intensified training to Razakars and Mujahids in Sind, Panjab and occupied Kashmir. Pakistani forces on the East Pakistan border were placed on the alert.<sup>34</sup>

To cover up its own designs, Pakistan Government accused India of escalating war. According to a report published by *Dawn* on April 26, 1965, the Pakistan Foreign Office summoned on the evening of 25 April, the Indian Deputy High Commissioner, P.N. Kaul, and delivered a note to him. In it India was accused of induction of the 50th Independent Parachute Brigade in the disputed territory, the deployment of additional artillery units in forward areas, the stationing of a bomber squadron at Jamnagar, the flights of this squadron over the disputed territory and violation of the Pakistan air space by it on two occasions and continued heavy shelling on Pakistani positions by Indian artillery. The Pakistan Foreign Office cautioned India against consequences of whipping up public emotions and creation of a war hysteria through "putting out of inflammatory and highly coloured accounts" of "a dangerous situation which is developing between India and Pakistan." It made particular mention of the statements made by an Indian official spokesman in Delhi on 24 April that the situation in the Rann of Kutch was "almost a state of war", and that there was a possibility of spread of flare-ups along other sectors of the Indo-Pakistan border as well as communal rioting in India.<sup>35</sup>

### Biar Bet

Biar Bet is situated about 24 miles west of Chhad Bet in the central sector of the 50 mile stretch where the Pakistanis had concentrated their main forces. It lay about 5 miles west-south-west of Point 84 which was 30 miles east of Kanjarkot. The Indian garrison at Biar Bet consisted of a depleted infantry company, about 80 men. This had also moved together with the other company which was posted at Point 84, at a few hours' notice. Biar Bet is only an elevated hill feature amid sand dunes and barren saline wastes near the northern tip of the Rann of Kutch. A correspondent of the *Daily Telegraph*, London, described it as "a five-feet-high mud eminence perhaps one mile by 200 yards, standing above a vast

bed of dry salt."<sup>26</sup>

Pakistan's object seems to be to force India out of the bays or islands of high ground before the tidal floods began to inundate the Rann next month. The same Pakistani three Brigades and two Regiments of 96 tanks which had fought at Point 84 decided to mow down the entire Indian Company at Biar Bet. They shelled the Indian post on 24 April as a probing attack. The Indian force was under "excellent cover" at this post. On the first day it remained quiet.

On April 25, 1965, one Pakistani infantry brigade, 3,000 to 3,500 men, came forward and opened fire on the Indian post at 5.30 p.m. The Indian soldiers were on the alert. They took up positions and replied with all their strength causing heavy casualties. The other two Brigades immediately arrived on the scene, and 30 Pattons as at Point 84 threatened the petty Indian post. The Indians turned their recoilless anti-tank guns on Pakistani tanks. Three of them burst out in huge blazing flames. Pakistanis threw in more tanks into the affray. Three more tanks went up in flames. Finding the Indian Company too hard, the enemy quietly drove away in tanks at 7 p.m. in a north-easterly direction. One Pakistani troop carrier was also hit by Indian fire. But it managed to limp back to its base across the border.

An official account of this day's engagement, available at Ahmedabad spoke of the courage and determination of the Indian Major in command of the Company at Biar Bet. The Major stood at his post till the enemy was within the range of the guns and then started heavy shelling inflicting serious losses on the attackers besides destroying six enemy tanks. The Major was wounded in the action and was removed to hospital where he was reported progressing.<sup>27</sup>

On the morning of 26 April the enemy launched a strong frontal attack in brigade strength. It had an overwhelming superiority both in number and armour. Fierce fighting continued the whole day. The next morning Pakistani vehicular column which included some tanks was seen moving east from Rahimki Bazar. It was promptly shelled and one enemy tank was disabled. On 27 April there was a comparative lull in Biar Bet area although intermittent shelling continued. On 28 April, in order to save their men from overwhelming num-



ber of the enemy, the post was vacated. The Indian troops fell back slightly to the south and took up positions at a safer place nearby. Neither side was in occupation of Biar Bet. In the fighting at Biar Bet 140 enemy personnel were killed and wounded and six tanks destroyed. The Indian losses were less than 10.

The total number of losses in killed, wounded and missing since 9 April on Indian side, as announced by an Indian spokesman on 26 April were about 65, while Pakistani casualties during this period were estimated at over 300.<sup>38</sup> In the whole campaign ending on 28 April, Indian casualties were nine killed including an officer, 30 wounded and 45 missing.

At another place four Indian infantrymen stood their ground till the Pakistani tanks moving in the area came within 500 yards of them. Then they fired at them. One of our men was killed and another wounded. But the tanks were forced to turn back.<sup>39</sup> On the afternoon of 30 April a Pakistani ammunition dump was blown up by accurate Indian shelling.<sup>40</sup>

The Indian Army's gallantry at Point 84 and Biar Bet, where it stood up against the onslaughts of the full strength of a brigade of Pakistani regulars, 30 to 40 times larger and against a regiment of tanks forms an epic in the fighting in the Rann of Kutch. With machineguns and mortars, our jawans stemmed the first thrust of the enemy. Indian troops had not reckoned with the use of tanks by the Pakistanis. With recoilless guns and anti-tank weapons, they hit the tanks from as close a range as 500 yards. In a single operation, 3 to 4 tanks were damaged and their guns silenced. It would be absurd to suggest that an infantry could destroy heavily armoured units and tanks, however, heroically they might fight. But it could certainly fight a defensive action. Indian forces were engaged in this bold operation.

#### The Pakistani version

After the battle of Biar Bet, the Pakistani General said: "As we captured Biar Bet on the night of April 26-27 we were in such momentum that we would easily have reached Dharamsala, but under Government orders we stopped. In fact we gave them hell"<sup>41</sup> A Pakistan Foreign Office spokesman said at Karachi on 28 April that Pakistani troops had taken ten

Indian prisoners during the fighting around Biar Bet. He denied Indian claims that Pakistani forces had suffered 140 casualties. "The Indians have multiplied Pakistani casualties by ten and divided their own by the same number," he said. Pakistan, he stated, had suffered 14 casualties in the fighting, while India had lost 350 men. This claim was absurd as only two depleted companies, about 140 men in all, were employed at Point 84 and Biar Bet. The Pakistan Defence Ministry spokesman said that Pakistani troops had pushed about 20 miles across the disputed region. Biar Bet and Chhad Bet were their main objectives because they were on high ground.<sup>43</sup>

### The Indian view

Lieutenant-General Patric Oswald Dunn, born 1911, a law graduate of Cambridge University, and commissioned in 1938 was placed in command of operations in the Rann. A crack infantryman, orders for his retirement as a Major-General had been issued. But when fighting broke out in the Rann, these orders were rescinded. He was promoted to the rank of Lt. General and sent to Kutch. When interviewed by an Indian Army observer, he confirmed that "not a single fight had been on equal terms. It was always a Pakistani brigade versus an Indian infantry company." He said that the "Pakistanis had moved a total of four brigades from Baluchistan and Karachi." "Besides the infantry, they had two regiments of tanks." He added: "The Indian shells had secured many more direct hits than the Pakistani ones. On one occasion, a huge ammunition dump was in flames when an Indian shell hit it."<sup>44</sup>

The Major in charge of the Company at Biar Bet in an interview said that the Indian Army's superior tactics and the matchless bravery of the jawans were responsible for inflicting 140 casualties on the Pakistanis as against less than ten casualties suffered by the Indian Company. The Indian Army observer added: "In a war of attrition, such as the Indian Army fought in the desolate Rann of Kutch, a good commander deploys the minimum force" at a given point to achieve the maximum results in terms of enemy losses." The Indian jawans who had fought at Biar Bet were told by the Indian Army observer that Pakistani Radio and Press claimed a

brilliant victory and declared that the entire Indian Company had been annihilated. At this all of them burst into a hearty laughter.<sup>44</sup>

A special correspondent of the PTI along with some other newsmen spent four days in the first week of May 1965 with the Indian Army units which had fought at Point 84 and Biar Bet. On landing at the force headquarters, he met the force commander and expressed a desire to know the details of the recent fighting. "Hey, you over there, will you come here? There are some visitors for you," shouted the General. An officer emerged from the operations cell. "Meet the Brigadier," the General introduced them. The PTI representative told the Brigadier that Pakistan claimed he had been taken prisoner. "Oh! I have never seen Karachi. I have heard so much about it in the old days. I will have a holiday there some time, but in my own way," said he.

They drove in a jeep from the force headquarters to the border, escorted by a dashing young Captain. All of a sudden the jeep was brought to a halt with a great jerk. The newsmen bumped in their seats, and inquired what the matter was. "This is the territory the Pakistanis claim to have captured and are controlling," he said. "I thought you would like to feel that the air is still very much Indian and not fouled by the Pakistanis." Finding the Indian soldiers all around, the PTI man enquired where the Pakistanis were and whether they had gone back. "They never came," the Captain said with confidence. They only "bluffed" their own people and the world by claiming "preposterously that the Pakistan army was controlling 70 miles long and 20 miles deep northern part of the Rann."<sup>45</sup>

#### Version of Sunday Times, London

On May 2, 1965, *Sunday Times*, London, published an account of the battle of Biar Bet by its special correspondent, Tom Stacey, who flew by helicopter to the Pakistan lines in the Rann of Kutch. Jibingly for India, he said:

Yesterday, however, when I was in the Rann, I found the bays teeming with humankind, crawling upon the belly. I had arrived (by helicopter) at the forward Pakistani position on Biar Bet, which had been captured three days previously from

the Indians, who themselves had scampered on to another bet five miles to the south, from where they were gently shelling us during the course of my visit. There the enemy (not mine) were said to be re-grouping for a possible counter-attack; and we could see their vehicles magnified by the heat into huge black lumps floating in the mirage above the horizon, like an army of shimmering hovercraft.

The Indian troops had departed so hastily that they had left behind all sorts of homely things like pyjamas and boots and half-eaten *chapattis* stuck in the camel thorn, and love letters and purple paratroop berets and jackets with the famous Pegasus design; and a few dead whose shallow graves almost double the height of the bets.

All this pusshonal stuff liddered about, the local Pakistani commander (a Punjabi) commented with disgust, in the course of a general ethnic analysis of the inevitable superiority in fortitude and discipline of the Pakistanis—the northerners of the sub-continent—over the Indians, obliged as they were to draw from the much less martial ‘clerky-vorky people’, of the tropical and Dravidian south.

‘Please, you are under shelling, and they are aiming to get your helicopter.’ So I fly back to base, like a flying dream, a few feet above the impeccable surface of the Rann, and skimming the arid ridges that skirt the Rann to the north scattering the gazelles and the thin-flanked wild asses, and then over the maize fields and pastures where a pair of Brahmin cattle ran away with their ploughman and water-buffalo snorted at our monstrous roaring machine in defiance.

The Rann divides two nations who lose no opportunity to make life as difficult for each other as they can. The fact that a stretch of inland water separating two countries is by international acceptance divided down the middle, while a terra firma frontier area must be demarcated, provides an ideal opportunity, the Rann of Kutch being either water or terra firma according to whether you are wetbob like Pakistan (who claims everything down to the 24th parallel) or a drybob like India (who claims everything up to an irregular line running along the Pakistani perimeter of the Rann).

Who started the fighting this time is baffling, since both sides tend to mould the truth with verve and originality. My

own view is that this whole affair—which is already the biggest armed clash between the two Powers since the Kashmir war of 1947—has flowered out of an accidental local border patrol forces, partly spontaneously and partly because certain members of the Indian Government have decided to make a maximum song and dance. After a skirmish in the Rann three weeks ago, in which five Indians are believed to have died, Mr. Nanda, the Indian Home Minister, got up in the Lok Sabha (lower House of Parliament) in Delhi to deliver a call to the nation as follows:

'We have to harness all the hearts and energies of the people—young and old—belonging to all classes and communities. They have to think of nothing else. This is a challenge to the nation, and the people must rise as one man. Businessmen and industrialists must be prepared to make sacrifices, and must look to the national interest instead of thinking of their individual ones. The question now before us involves the whole of posterity.'

*These words were spoken on April 10. Tremors of shock and horror ran through the nation. Armageddon was evidently around the corner. Both sides moved in a brigade. India moved in two more (including a paratroop brigade). By the end of the week, two divisions were facing each other; and in the subsequent few days, Mr. Chavan, India's Defence Minister, had put the entire Indian Army of 800,000 men on an alert, announcing to a hushed Lok Sabha: 'The morale of our people is high. They are determined to resist...at any cost'. Mr. Shastri, the Indian Premier, accused the Pakistanis of having declared general mobilisation.*

In Karachi, meanwhile anti-aircraft guns were quietly placed round the oil refinery, and a device was constructed to mask the flame of the burning waste gases by night. Three days ago it was Mr. Shastri's turn to address the Indian Parliament: 'I know that each of our 450 million people of India is today prepared to make any sacrifice in defence of the motherland. ...This is one of the most fateful moments of our times. I realise that both India and Pakistan stand poised at the crossroads of history.'

Here is escalation at its most pukka. The only damper on a full-scale burst-up was the surreptitious telephone call which

Pakistan's Air Force Commander Air Marshal Asghar Khan, reportedly put through to his old friend Air Marshal Arjan Singh, whom he had trained with in Britain and flown with in the 1939-45 war, and who is now commanding India's air force. They agreed to leave the Rann strictly to the military. Strafing each other's troops on a salt flat without a blade of grass for cover struck them both as none too sporting and unlikely to win favour either with the Prophet Mohamed or the Lord Krishna.

To give the Pakistanis their due, mobilisation had not been ordered. The Commander-in-Chief spent much of last week on the golf course; and President Ayub, who was earlier this week in East Pakistan making daily speeches, never once referred in them to the Rann affair, nor did Mr. Bhutto, the Foreign Minister who was campaigning in Sind, which actually borders on the Rann itself. The Government here has been quick to point out that in the words of one spokesman, 'the Indians are without legs to stand on legally'; but in terms of a national emergency a cavalier indifference has prevailed. It is in Delhi, where the fuss and fury has been so noticeably generated. Why?

Well, there could be oil under the Rann, but no one knows. The only clue that this factor might be bearing on the Indian mind is that it was in 1956, soon after oil was struck in the Gulf of Cambay, 200 miles to the south that the Indians first established (by force) a military presence in the Rann, on the north side of the 24th parallel.

Moreover, Delhi might well have calculated that Pakistan would get little sympathy from the U.S. just now in any border conflict. Ayub's growing intimacy with China's leaders, climaxed by his spectacular trip to Peking this month, his promise to Chen Yi, China's Foreign Minister, to do what he can to bring Turkey closer to China, his disregard for CENTO, (Bhutto was in Russia against whom CENTO was designed, this month, leaving his chair empty at the CENTO ministerial meeting at Teheran), the Sino-Pakistani-Indonesian caballing over next month's important Afro-Asian conference in Algiers—all have helped to make the U.S. feel affronted by Pakistan. It is not a feeling Americans are good at hiding.

Presumably as a reminder to the Western Powers, India

early this week issued reports—which the Americans, on their information, have been obliged to deny—of Chinese troops concentrating along the border of Sikkim and Bhutan, and Indian Ministers have hinted broadly at Sino-Pakistani collusion.

Shastri's ability to take command of men and events has certainly become increasingly in doubt. Moreover his Indian critics on all sides—Desai, Patil, Menon, Mrs. Pandit, Atulya Ghosh—have all been ready to embarrass him on what once looked like his readiness to conciliate on the Kashmir issue. With Sheikh Abdullah of Kashmir at large abroad (he is in Saudi Arabia, his passport cancelled by the Indian Government), Shastri is unnecessarily exposed in the eyes of the world.

Meanwhile, India's foreign policy has gone to pot while Pakistan has been rapidly rising to eminence in the Afro-Asian fold that India once led. Indians have found it unbearable that Pakistan, for so long presumed isolated by its membership of the Western defence pacts, should have joined hands with the Chinese and Indonesians in impudent disdain of an almost policy-less India, and that Ayub should have so charmed the Russian leaders during his Moscow visit a fortnight ago that the joint communique spoke pointedly of "resolute support" not only for unliberated colonies but also for other "peoples who are fighting for the right to determine their future in accordance with their own will." This could only mean Kashmir—on which India has always relied upon Russia for diplomatic support.

The Indians postulate that Ayub was anxious to emphasize the dangers of giving too many weapons to Shastri during the latter's visit to Washington this month—a visit which never took place. But an alternative political theory takes better account of the servid Indian oratory—that Shastri has recognised the need of a diversion to engage the patriotic instincts of his countrymen and provide him with an image of decisiveness and strength.

The Rann of Kutch might have seemed to a besieged Shastri a handy distraction—patriotic, but well away from Kashmir and from East Pakistan, where communal passions are still high—and a chance to demonstrate a firm stand

against an opponent who was unpopular with India's most indispensable ally. Unfortunately the army has let him down so far. And when the monsoon comes in a month or so and the Rann floods, world opinion may insist that it is water, water, water.

*The Daily Telegraph*, on May 5, 1965, scornfully stated that India had been defeated by Pakistan in "three short sharp actions, conducted at battalion strength or lower," "at Biar Bet, the scene of Pakistan's most famous victory." Further on it said: "Biar Bet may mark the coming of age of Pakistan, the shedding of many infant fears. The calm that has been maintained in the country over the past few weeks, in face of near-hysterical statements by responsible Indian leaders, has been remarkable. For almost 18 years Pakistan's foreign policy has been based on fear of India. The fear may have been groundless—as the Indians always insist it is—but it was very much there.

Biar Bet was no Waterloo, but certainly it is no longer possible to frighten the Pakistani child by frightening him with the Indian equivalent of 'Boney'.

### *India's handicaps*

After the battles of Point 84 and Biar Bet, 24-28 April, a Pakistani infantry brigade advanced in a south-westerly direction. Its first objective was to cut off Indian troops at Sardar post from their base. Simultaneously, the enemy was exerting pressure on this post from the north. Indian troops were determined to hold on to Sardar post and the new defence positions to the south of Biar Bet at all costs. The second objective was to capture some more strategic positions north of 24th parallel before the monsoon tidal waves submerged the low-lying areas of the Rann of Kutch during the next fortnight. The Pakistani forces penetrated 10 to 12 miles deep into Indian territory between Point 84 and Biar Bet. But both Chhad Bet in the east and Vigokot to the west remained in Indian hands. The Indian troops deployed along the 50-mile stretch between Kanjarkot and Chhad Bet continued to shell the Pakistani concentrations. The attrition tactics of the Indian Army proved effective in slowing down the enemy advance. But by their sheer superiority in numbers and equipment the



Pakistanis were able to penetrate deeper into Indian territory.

Owing to inhospitable terrain there were no roads in the Rann for heavy vehicular traffic. The soil was daily becoming softer due to seepage of water from below. The monsoons and the tidal waves from the Arabian Sea hurling huge quantities of water were expected within 10 to 15 days. Therefore Indian Army was not able to deploy heavy armour and tanks on the Kutch border at this time of the year to face the Pakistani aggressors on an equal footing. As the entire Rann would be submerged in water, the bulk of the Indian forces would have to be withdrawn from the area. Only a few elevated islands called 'bets' stood above water. Small Indian garrisons could be maintained there. The water in the Rann would be too deep for the land forces to cross on foot and too shallow for the Navy to be brought in. The small isolated garrisons left behind could be supplied by helicopters only. So the fighting in the Rann had naturally to come to a halt. If there were no ceasefire agreement, Indian territory could not be left in Pakistani occupation. Opening of another front elsewhere was a firm necessity.<sup>46</sup>

#### Pakistan's denial of the use of tanks

*Dawn* on April 25 reported: "A Defence spokesman emphatically denied last night Indian allegations broadcast by All India Radio that Pakistan had used tanks in attacks against Indian forces in the disputed Rann of Kutch." The spokesman said that Pakistan had not used any tanks in any confrontation with India in the disputed territory. He termed these reports as utterly baseless and mischievous."<sup>47</sup>

On the contrary, the Pakistan authorities charged India with using American anti-tank ammunition and in proof claimed having captured cases of 106 recoilless anti-tank ammunition at Biar Bet. An Indian official spokesman said at New Delhi on 29 April that it was a "false and trumped up charge designed to enable Pakistan to wriggle out of the situation in which it has been caught red-handed using Patton tanks received from the U.S. as part of military aid." He added that India was self-sufficient in this type of ammunition and all its supplies were drawn from indigenous sources.<sup>48</sup>

A Government of India spokesman on May 4, 1965 said

that a few samples of the empty shell casings of U.S. made Patton tanks were collected by our troops. One of these had been sent to army headquarters in New Delhi. Others were shown to the U.S. officials who had visited the forward positions of the Indian troops on May 1, 1965. The U.S. General Tibbets, the hero of the Hiroshima Atom Bomb, with other experts, was on the Indian front to check whether India had used any U.S. equipment against Pakistan. The General was told by a journalist present there that with clear proof of Pakistan's use of Patton tanks and American guns he could have paid a more fruitful visit to the Pakistan side of the border. The General simply smiled. They had found no sign of American equipment in our possession, "except perhaps an electric shaver, but it was not clear whether it was Remington or Schick." He said that shell cases of the American ammunition for 106 mm. guns had been shown to American officials. They were exhibited to the Press on 5 May.<sup>49</sup> India had not used American equipment even those bought from the United States. The anti-tank ammunition boxes had actually been planted there by Pakistan itself.<sup>50</sup>

Later Pakistan made an ingenious plea that American military equipment was only 'deployed' and not 'employed' against India. That might have deceived a part of the world, but Pakistan's patron saints in Washington could not be easily cheated. On May 4, 1965, a spokesman of the Pakistan Foreign Office admitted: "Why should we not use tanks where we want to use them?"<sup>51</sup> This was not the first time that Pakistan had misused American arms. It was an open secret that Pakistan had been using U.S. arms and equipment in its ceasefire violations in Kashmir.<sup>52</sup>

Flying Officer Utpal Barbara photographed at great personal risk of being shot down by Pakistanis, the American Patton tanks used by Pakistan in the Kutch area. He took off at 9-20 on the morning of April 26, 1965, from his base in clear weather and unlimited visibility. He pinpointed himself over Biar Bet which was seven miles inside Indian territory. Then flying parallel to the border in an east-west direction at less than 100 feet above ground level in the 5-mile area between Biar Bet and Point 84, he spotted straight ahead a track made by vehicles running north-east to south-west which then curved

to a southerly direction. Simultaneously he spotted around the track a large number of vehicles and some tanks. These seemed to be in three groups. One group of tanks was well camouflaged and could only be spotted when Flying Officer Barbara was almost above it. A little distance away, slightly to the starboard he noticed a troop-carrying vehicle on fire. The tanks seemed to be stationary, whilst the motor vehicles were slowly moving down the track towards our positions deeper into Indian territory.

Having located this mechanised column the pilot veered to the right of the nearest group of tanks and vehicles. The troops in these Pakistani trucks seeing the aircraft, ran out from the vehicles and took up positions round the armoured column while the vehicles started moving away from the area. Having made sure that the vehicles and tanks belonged to Pakistan, Flying Officer Barbara made four photographic passes at about 50 feet over the area in west-east and north-east to south-west directions. He noted during these passes that the troops were wearing a darkish khaki uniform. It was not olive green, the colour of uniform worn by our jawans. Having completed his task, Flying Officer Barbara set course for his base and landed safely.<sup>53</sup>

The Pakistani Press attempted to prove that Indian photographs of Pakistani tanks were fakes. Some of their comments are given here:

*Pakistan Comment:* 1. In one of the photographs showing two tanks, the rear tank has its muzzle covered on. This is not the position for a tank in or anywhere near a battle area.

*Indian Comment:* The muzzle of the rear tank is in shade. There is no muzzle cover on it. This is amply proved by another photograph of the same tank where the light is on the muzzle which is not covered.

*Pakistan Comment:* 2. The same photograph shows two tanks in line formation one behind another. This is also never done in a battle area.

*Indian Comment:* The tanks are in line ahead formation for two reasons: (a) When going through bad ground tanks follow one another to reduce the number of tanks that get bogged; (b) Tanks only deploy when in actual contact and not on an approach.

*Pakistan Comment:* 3. All the three pictures circulated by the Press Information Bureau, Defence Wing, Government of India, and reported taken by a flying officer on April 26 in the Rann of Kutch between Area 84 and Biar Bet show tanks without a speck of dust around them.

*Indian Comment:* The explanation is the same as above.<sup>54</sup>

The Defence Ministry spokesman released on April 28, 1965, photographs of the American tanks used by Pakistan in the Rann of Kutch. The spokesman said that the tanks were the medium 45 ton Patton tanks. He said that copies of the photographs had already been passed on to the American State Department.

According to news agency reports, the U.S. Government had accepted that the tanks used by Pakistan were American. Asked whether the background to the tanks in the pictures could prove that these photos were taken in the Biar Bet area, the spokesman said India had absolutely no doubts. Asked why these tanks had not been captured by the Indian army and brought with them, the spokesman said they did not have the necessary equipment to tow the tanks along. Nor had India any tanks in that area.<sup>55</sup>

New Delhi expected that the U.S. Government would take up the matter with the Pakistan Government. The least that America could do was to prevent the use of these tanks and other American equipment by Pakistan against India. The U.S. Government had assured the Nehru Government more than once in the past that if Pakistan used the American arms against India, they would immediately prevent using of these equipment. Ten of these tanks were destroyed by the Indian defenders.<sup>56</sup>

The U.S. did not protest with Pakistan, because:

1. Pakistan for many years had studiously built up a strong lobby in Washington. Many influential persons in the State Department favoured Pakistan alleging that a military ally, however undependable, was preferable to a non-aligned friend.
2. The State Department also believed that if pressure was exerted on Pakistan Government, it might totally turn towards China.

3. Another consideration might be that if an ally was to be disowned or annoyed, it might badly affect other military allies of U.S.

4. The United States Government could not take any action against Pakistan, as it seemed bound by a secret treaty to support Pakistan against India, militarily, diplomatically, politically and economically.<sup>57</sup>

### Why Indian troops fell back

A party of news correspondents visited the forward areas in the Rann from 1st to 4th May 1965. They met the Indian officers and men south of Biar Bet on the afternoon of May 1. Jawans and officers came out of their bunkers. They said they were waiting to give the Pakistanis another pounding should they try to advance farther south. The enemy intrusion in this sector was not more than six miles deep. They were still 20 miles from the 24th parallel. According to Pakistani propaganda the 24th parallel had been reached by their troops three days previously. They asked the commander why Indian troops had fallen back. He assigned the following reasons:

(1) Nature gave great advantage to the aggressor. The Rann of Kutch was about 150 feet below their positions along the border. If the Indian soldiers had the freedom to cross into enemy territory, they could have occupied a suitable hill feature and frustrated the aggressors. But permission to do so was not given by authorities.

(2) The enemy hurled tanks in the attack. A Pakistani division which was in charge of the attack had at its disposal 96 tanks. India had no tank there

(3) Pakistani forces attacked in brigade strength. India had not even a full company to face them.

(4) The Pakistanis had complete observation. Indians could not see anything on the other side.

(5) The fighting was taking place in a salty marsh land where drinking water had to be carried in water tanks and trucks. Water was rationed only for drinking purpose. No water was available for bathing and washing. On the Pakistani side there was no dearth of good water.

(6) Apart from the problem of lack of water and shade under a merciless sun there was mirage. It could drive a

person crazy. As one drives along, there suddenly comes to view a beautiful lake with an orchard close by. This image remains for some time and then disappears. A bunch of thorny scrubs or some cactus creates this illusion. It takes a few weeks to get virtually acclimated to these desert phenomena. In one of the engagements in the confusion created by dust, heat and mirage, the Pakistanis fired at their own men. When the Rann was waterlogged, it was a case of water everywhere, but not a drop to drink, because it was all saline and muddy.<sup>58</sup>

### Pakistan abandons Ding Post

Full moon was to take place on May 15, 1965. The monsoon in the Arabian Sea was approaching fast. By the middle of May the sea would get very rough. It would start inundating the Rann of Kutch. Both Indian and Pakistani forces were getting ready to move out of the low-lying areas. Besides, Britain and the United States had requested both sides to stop fighting. Further, Prime Minister Shastri had initiated debate on Pakistan's aggression in Kutch in Parliament. It was generally agreed that the scene of a major conflict if it came at all would be somewhere else and certainly not in the Rann of Kutch. There was an unmistakable demand that Pakistan should be taught a lesson so that it could not dare launch upon any fresh adventure in Kashmir, in the eastern region or elsewhere. Thus, a sort of disengagement was taking place between the rival forces in many sectors. Ten vehicles of the Pakistani brigade operating on Biar Bet front broke cover and were seen retiring home northward to safety. On April 28 Pakistani Patton tanks lay concentrated to the southwest of Biar Bet, presumably to cut off Indian positions at Vigokot. The next day they had disappeared and gone back to their own upland. A kind of informal ceasefire was coming into existence. Neither side had fired since 30 April. The Ding post, about six miles west of Kanjarkot, was abandoned by Pakistanis on April 30. The Indian troops in the vicinity made no attempt to occupy it, because they also would have to pull out from there in the next few days.

With the abandonment of Ding post, Pakistan was in occupation of Kanjarkot only on the Indian side of the border

in the western sector. In the middle sector of Biar Bet area, the enemy was 6 to 10 miles deep inside Indian land. In the eastern sector the enemy had failed to dislodge Indian troops from the Chhad Bet plateau. Pakistan could boast of only two vertical incursions after paying a heavy toll. Indian troops continued to hold Sardar Post and Vigokot facing Kanjarkot in the western sector. They maintained their lines of communication through Karimshahi which the Pakistanis had tried to menace a few days earlier. In the middle sector, the Indian troops were facing the Pakistani brigade which had advanced nearly 10 miles between Biar Bet and Point 84 in a bid to capture Karimshahi. In the eastern sector Indians dominated the entire Chhad Bet area.

The Pakistanis were still 25 miles away from the 24th parallel at the two ends of the 50 miles stretch between Kanjarkot and Chhad Bet. Pakistan's attempt at three-pronged penetration to the south to reach the 24th parallel and to lay claim to the whole territory north of this line had clearly failed. On balance, India had succeeded better in thwarting the Pakistani bid to establish the existence of a territorial dispute by forcibly occupying this territory. Of the 3,500 square miles claimed by Pakistan, it had succeeded in occupying only one to two square miles around Kanjarkot and 20 to 30 square miles in the Biar Bet area. As a matter of fact the extent of Pakistani occupation could be more appropriately described in terms of points and lines and not of area. The attrition tactics adopted by our advance patrols did not let them entrench anywhere firmly. Pakistan could continue holding Kanjarkot even after the advent of the monsoon. It would have to vacate half of the area in the middle sector. The armed struggle in the Rann of Kutch appeared to be a prolonged stalemate. The area would get marshy soon. Troops of both India and Pakistan would be immobilized. Till November, when underground waters and the tidal waves recede, a major operation in the area was not possible.<sup>49</sup>

#### Why India did not hit back in Kutch

Romesh Thapar in *The Economic Weekly* wrote: Prime Minister Lal Bahadur had measured up to the crisis. The inaction was dictated by the army staff.

1. There were "separate briefings by Army Headquarters for foreign and Indian correspondents. In private, the foreigners were told that the army was curbing the politicians. The Indians came away with the 'news' that the politicians were curbing the army."

2. The story was current that "army resignations were in the offing, including that of the still passive Defence Minister."

3. The army demanded "that there should be no political pressure to compel the army to fight in the Kutch 'trap', that the army be free to choose its point of counter-attack". This was a reasonable demand, though some wanted to "punish the Pakistanis only on the Kutch front." The Prime Minister permitted the army "to decide its course of action."

4. When this fact was made known in Parliament, "the U.S. military mission in India got to work." The Government of India was informed of its "considered view" that "the Indian army would be 'licked' if it sought battle with the Pakistanis," and "it was wrong of the politicians to push the army into such a situation." "It was made apparent to our army staff that Western sympathies were willy nilly with Pakistan and that the consequences of an Indian counter-attack would be far-reaching."

5. The Army Headquarters were paralysed. Inaction and indecision of army officers became the order of the day. "A group of correspondents visiting the area were told by the local Commander that air cover was being denied, that tanks were withheld from the front and that forward strikes had been prohibited. A defensive strategy was being adopted on the plea that the topography of the Rann of Kutch favoured the Pakistanis." "This part of story was published piecemeal, both here and abroad." "The responsibility for inaction was placed on the politicians at the centre."

6. "Sensing the angry mood within Parliament," the "defence services" objected to the "total war". They wanted "the status quo even at India's expense." The Government had first insisted on punishing Pakistan only on the Kutch front, as this would not lead to escalate the conflict. "The Army staff demanded freedom to hit elsewhere. This freedom was granted. Now the army staff warned against a total war and its consequences."



7. Just at this juncture the British Prime Minister, Harold Wilson, came out with his peace proposals. This provided relief both to the army staff and the Government. "There seemed no alternative except to work out the details of an honourable disengagement irrespective of criticism from within the ruling party and without."

8. The Government again displayed "firmness in resisting a blackmail peace so persistently urged upon it by certain civil and military careerists who reflect the thinking of various active Western-oriented lobbies in the capital."

9. Thus the political leadership rose above the "failures of the services, civil or military."

10. All this resulted from "our increasing dependence on nations who in moments of crisis are always found wanting." "It is of paramount importance to purge our ministerial and administrative set up of all those elements who stand in the way of a full mobilisation of our resources and manpower and the full assertion of our sovereign rights." "The temper and fibre of these services no longer reflect the aspirations of our people. Over the years, a new, insensitive caste of civil and military bureaucrats has grown up, interested only in its self-preservation and unmindful of national interests."

11. In conclusion the writer said: "The story of these last few weeks—or 'Operation Poppycock, as it could be dubbed—should unite wide sections of our people for a hard hitting programme of national revival.'"<sup>60</sup>

12. S.M. Banerjee (Independent) in Lok Sabha on May 7, 1965, quoted extracts from an article from *The Statesman* of that day to claim that the U.S. officials had tried to "bully" India. The article said that U.S. representatives in New Delhi had warned Indian officials that the U.S.A. would take a grave view of any Indian attempt to hit back somewhere other than Kutch.<sup>61</sup>

13. At the same time Britain informed Shastri that if India used its Air Force, "it might have to reckon with the full force of SEATO and CENTO."<sup>62</sup>

**Blar Bet and Vigokot again**

After a fairly long spell since fighting had stopped on 30 April, Pakistani troops made an attempt to find out whether

Indian troops had withdrawn from Biar Bet and Point 84 region. On May 24, 1965, Pakistanis clashed with Indian patrols. In the conflict two Pakistani armoured vehicles were destroyed.

When another period of almost equal duration had passed, Pakistanis attacked the Indian posts in the area of Sardar post and Vigokot 4 miles south of the international border on 15 June. Indian troops manning the posts were on the alert. They offered vehement opposition to the intruders. Nine Pakistani soldiers were killed. Major A.K. Afridi was captured. The wounded officer was given immediate treatment in a field hospital and later flown to a military hospital. The Pakistanis hurriedly withdrew under heavy fire of Indian troops. Indian troops captured light machineguns, rifles, stenguns. The bodies of nine Pakistani soldiers were buried by the Indians with full military honours. In both incidents there were no casualties on Indian side. At both places the Indian pickets had not been affected by the creeping tidal waters of the Arabian Sea.

It was believed that in both the regions Pakistanis had only probing objective. Authoritative sources were of the view that Pakistan tried to create incidents on account of the approaching Commonwealth Prime Ministers' Conference in London and the Afro-Asian summit in Algiers. Pakistan seemed to force discussion on the matter by pleading Pakistani innocence and emphasizing Indian aggression, the usual tactics adopted by Ayub. Prime Minister Shastri was already in London. He was informed of the incidents.<sup>63</sup>

#### New York Times' comments

*The New York Times* on June 17, 1965, published a report by its special correspondent, J. Anthony Lukas: New Delhi, June 16

Nine Pakistani soldiers were killed yesterday when Pakistani troops probed about two miles into Indian-held territory in the disputed Rann of Cutch, an Indian spokesman said today.

The incident was the most serious one since April 30, when the fighting ceased in the desert. ...It occurred near the Sardar post, where the fighting first broke out in April when two Pakistani battalions attacked an Indian police company.

In another incident yesterday morning, Pakistani troops clashed with Indian forces near Vigokot, about 10 miles east of Sardar post....

In addition to the nine Pakistanis killed yesterday—a wounded Pakistani major (A.K. Afridi) had been captured in the fighting near Sardar Post, ...together with a number of machine-guns, rifles and sten guns.

### Gallantry awards

The Government of India, on June 29, 1965, announced a number of awards to Army and Air Force Officers and to Gujarat Police who had rendered distinguished service during the Kutch operations.

Brigadier S.S.M. Pahlajani, who was in command of the operations, moved in with his forces with commendable speed on 9th April to support the police at Sardar Post and Vigokot and later organised the defence of the entire Kutch area after flying over the affected sectors to assess the threat.

Throughout the operations in Kutch, Brig. Pahlajani displayed outstanding courage and organising ability. Under his command, the troops gave an excellent account of themselves inflicting heavy casualties on the enemy wherever possible.

He was awarded Vishisht Seva Medal Class I. This is awarded to Service personnel in recognition of distinguished service of the "most exceptional" order.

Major Sushil Kumar Mathur of 1 Air Observation Flight displayed determination, courage and technical skill of a very high order as commander of his unit. He flew low over enemy positions repeatedly directing artillery fire with dead accuracy, blowing up ammunition dumps, breaking up concentrations of Pakistani troops and otherwise making things as difficult as possible for the attacking forces. In the Biar Bet area, he flew very low at great risk to his life, knocked out a Pakistani ammunition dump and broke up enemy formations. He was awarded Maha Vir Chakra, the second highest gallantry award.

Major R.K. Bali of 2 Sikh Light Infantry was the first Indian Army Officer to reach Sardar Post with only three jawans. He mopped up the weapons and vital documents left behind by the retreating Pakistani troops and later helped

the police organise the defences at Sardar Post. Throughout the early days of the operations at Sardar Post and Vigokot, he displayed outstanding courage in the face of enemy attacks. It was Major Bali who was personally responsible for the capture of Major A.K. Afridi, a Pakistan Army Officer, after the incident, near Sardar Post on June 15. He was awarded Vir Chakra, the third highest gallantry award.

Lieutenant Arjan Singh of 17 Para Field Regiment was Observation Officer at an advance post at Biar Bet when the Pakistanis launched a probing attack on April 25. With conspicuous bravery and determination he broke up the enemy attack with accurate artillery fire. The following day, when the Pakistanis launched a much bigger attack by infantry supported by tanks, Lt. Arjan Singh was at his best. Pounding hard the enemy with his artillery fire he helped break up the Pakistani attack and later provided cover for the Indian company at Biar Bet during its withdrawal from Biar Bet to rejoin the main Indian defences. Through this action, Lt. Arjan Singh displayed cool courage which paid high dividends in terms of large enemy casualties. He received Vir Chakra.

Havildar Gopinath Bhingardive of I Mahar was the mortar fire controller at Sardar Post throughout the operations. He displayed traditional courage of the Indian soldiers and perched high on an improvised platform to direct the fire against the enemy. On one occasion Havildar Gopinath walked into a mined area at great risk to his own life to pick up an injured jawan and brought him back to safety. He was recipient of Vir Chakra.

At great personal risk, Flying Officer Utpal Barbara dived low over Biar Bet and Point 84 to take aerial photographs at close range of the American Patton tanks which the Pakistanis were using in these operations. At the risk of being shot down, the officer repeated this performance thrice, each time taking a fresh set of photographs. He was awarded Vir Chakra. The photographs taken by him provided conclusive evidence of the misuse of American military aid by Pakistan against India.<sup>44</sup>

President's Police and Fire Services Medal for gallantry was awarded to: (1) Brijesh Chandra Mahresh,

Adjutant, XV Battalion Central Reserve Police; (2) David Sigamani Paul, Company Commander, 2nd Battalion, Central Reserve Police who commanded C.R.P. personnel at Tac Post and Sardar respectively; (3) Subedar Kabirman Subba; (4) Head Constable Ranjit Singh, and Constables (5) Vishwa Nath Singh, (6) Madanlal Dutt, and (7) Sheo Ram of the 2nd C.R.P. Battalion, for acts of conspicuous gallantry in fighting the enemy in utter disregard for their personal safety.

Police Medal was awarded to the following officers of the 2nd Battalion of the Central Reserve Police for gallantry in fighting against Pakistani forces in the Rann of Kutch:

Subedar Balbir Singh, Jamadar Jainarain Singh, Head Constable Bhawana Ram, Head Constable Mahadev Nilgunde, Constable Sucha Singh and Constable Kishan Singh.

### Second list

President's Police and Fire Services Medal for gallantry was awarded to: (1) Bhausabheb Shivajirao Shirke, Officiating Deputy Superintendent of Police and Assistant Commandant Gujarat State Reserve Police Force, and (2) Bhaskar Anandrao Deokar, Head Constable, State Reserve Police personnel, Gujarat, posted at Chhad Bet.

They fought with the Pakistani forces bravely on April 21, 23 and 24, 1965. The State Reserve Police units repulsed the Pakistani attacks even though the Police personnel were not trained to fight regular troops of the army.

Police Medal for gallantry was awarded to the following officers of the State Reserve Police, Gujarat, for bravely fighting against Pakistani forces:

1. Balaram Ramchandra Malsure, Police Constable; and
2. Mangal Singh Ishwara Singh Darwal, Head Constable.<sup>45</sup>

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3. Pakistan claimed to have taken three prisoners.

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5. V.V.R. Sharma, on April 10 from Karachi, *The Times of India*, New Delhi, 11-4-1965.
6. *The Hindu*, Madras, 13-4-1965, under the heading: Unified Voice against Pak Aggression.
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12. *Patriot*, 14-4-1965.
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30. The Times of India News Service, New Delhi, April 22, 1965.
31. *The Hindustan Times*, New Delhi, 25-4-1965; *The Hindu*, Madras, 27-4-1965; *The Statesman*, New Delhi, 6.5.1965; *Sainik Samachar*, May 23, 1965, pp. 6, 30.
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## The Mind of Pakistan

### Pakistan's aggression in Kutch

To cover up its unprovoked aggression in Kutch, Pakistan began a vehement propaganda campaign against India. On March 1, 1965, in a formal note to the Indian High Commission in Karachi, the Pakistan Government categorically stated: "It is not correct that Kanjarkot has been occupied by Indus Rangers." Obviously Pakistan did not claim to have established a post at Kanjarkot. After a month it claimed to have had a post there for seven years. Pakistan accused India of aggressive designs. But documents recovered from Pakistani prisoners captured in the encounter at Sardar post conclusively established that the Pakistan Army had issued orders in the first week of March 1965 for organising an attack on Kutch. With intense preparations for a month, a heavy attack was launched on Indian posts. There was indisputable proof that Indian border police did not start firing. It were the Pakistani regular troops who had mounted the attack on the petty police picket.

Pakistani propaganda made great play with the 'so-called 'pre-conditions' said to have been announced by Prime Minister Shastri in Lok Sabha on April 12 and 15, 1965. Much was made of the 'clarifications' demanded by Pakistan Government. Prime Minister's statement was clear and unambiguous. On April 15, 1965, he stated in Parliament: We have officially conveyed our clear response to the proposals made on the 13th April by the Pakistan Government to our High Commission in Karachi. On the 14th April the Foreign Secretary conveyed to the Pakistan High Commissioner in New Delhi and our High Commission conveyed to the Pakistan



Government in Karachi our positive and constructive response agreeing to (i) ceasefire, (ii) inter-Governmental meeting to determine what the status quo ante was and which should be restored, and (iii) a higher-level meeting to discuss the entire issue. India had urged for a ceasefire to be effective from the morning of 16 April. Pakistan first refused to hold a meeting at border officials level, then of survey expert's level and afterwards of a higher or ministerial level.

Thus the developments since April 9, 1965, made three things clear: (i) that Pakistan sought to enforce her alleged territorial claims by military means, (ii) that after massing heavy forces along the Kutch-Sind border in its own territory, Pakistan launched attacks on Indian posts, and (iii) that Pakistan was not serious about ceasefire talks and was preparing to resort to further military means to achieve its object.<sup>1</sup>

#### President Ayub Khan

At a public meeting at Dacca on April 26, 1965, President Ayub Khan warned India of grave consequences if the latter should fail to "understand the language of reason and continue to pursue a policy of browbeating its neighbours." He said that India had carried out "aggressive activities" against Pakistan under various pretexts. Referring to the fighting in the Rann of Kutch, he said: "India is making a fuss about it. It has massed three brigades and air force and started naval exercises." He urged negotiations to settle "the useless quarrel",<sup>2</sup> apparently by quietly surrendering half of the Rann to him.

An extract from the first of the month Broadcast to the Nation made by Field Marshal Mohammed Ayub Khan on 1st May 1965, is given below:

The story of the Rann of Kutch is well-known. The part of the Rann down to parallel 23°58' had been under the administration of the old Province of Sind since before partition—although the State of Kutch claimed it to be a part of that State. This remained the position for nine years after partition. It was in 1956 that India forcibly occupied Chhad Bet. And since January this year, she has intensified her arms build-up in the disputed territory and attempted to seize the Kanjarkot area by force. This attack was foiled and our forces are now

in the disputed Rann.

We are now told for the first time that this is not a disputed territory at all. It is amazing how some people can deny the facts of history with impunity. Apart from discussions to settle this dispute before partition, there have been a number of conferences between India and Pakistan, the last one being in 1960 between Sardar Swaran Singh and Lt. General Sheikh. India asked for more time to collect data to present her own case in this dispute. This was agreed to by us but there was also categorical undertaking by both sides that, in the meantime, the status quo would be maintained. This undertaking has been violated by the recent Indian action.

This is typical of India's way of settling disputes. She has consistently settled them by force, whether the dispute related to Junagadh, Hyderabad, Goa or Kashmir.

We have been accused of 'naked aggression.' If we had wanted to commit aggression, we would have chosen a better area than the mud flats of the Rann of Kutch. And there were better occasions—for instance, when the Indian forces were on the run after their defeat at the hands of the Chinese. But our desire to maintain peace restrained us in spite of frequent and grave provocations.

India has now threatened us with further aggression in a battle-ground of her own choice. Does she realise that this will mean a general and total war between India and Pakistan with all its unpredictable consequences? How can such a reckless and provocative statement be made by highly responsible persons? If such a situation is forced on us, nobody can expect us not to meet the challenge. In a grave situation like this, words should be weighed carefully and tempers should be curbed.

We on our part are prepared to sit round a conference table to settle this dispute peacefully as we have always tried to do. If only India would see the merit of the simple virtue of living peacefully with her neighbours and settling problems amicably and justly, she would earn a lot more goodwill and be able to reduce her crushing but self-imposed military and economic burdens.<sup>3</sup>

Field-Marshal Ayub Khan utilized his first-of-the-month broadcast to issue a stern warning to India. It was in the

context of the hostilities in Kutch. He had earlier declared India as the aggressor against Pakistan's territorial sovereignty. His nationwide broadcast confirmed his determination to punish India. The President forgot in his excitement that it was he who had chosen the battle-ground in Kutch. The initiative was his. He knew that India was defending herself in an area which had never belonged to Pakistan. Ayub's threat of "a general and total war" smacked of Mao-Chou tactics. Following his two preceptors, Ayub breathed fire and fury and rushed out sword in hand to kill the Indian monster.

But he declared himself peace-loving, and his policy being one of sweet reasonableness and friendship towards India. He said he was prepared to sit round a conference table and peacefully settle the Rann of Kutch dispute. Whatever the survey maps and reports of the British regime might say, there was a dispute simply because he said so. His word was law to the people of Pakistan. It must be law to the people of India as well. As there was a dispute, he must occupy the disputed territory. He must swallow his slice before going to the conference table. Then the conference would be asked to recognise the accomplished fact.

The gallant Field Marshal posed himself as a pilgrim of peace. He was searching for peace in Kashmir. He would bring peace to the people of Jammu and Kashmir when they would fall at his feet surrendering their inalienable right of self-determination in a "free and fair manner." He was contributing to the dawn of peace in Kashmir through violation of the ceasefire agreement on the border and through acts of sabotage inside the State. In this he was exercising his inherent right. So far as 'Azad Kashmir' was concerned, it was within his grip. The theory of "inalienable right of self-determination" was not applicable to its people.

The Field Marshal's quest for peace was not confined to this sub-continent. A probationer for the high and dignified status of world statesman, he was trying "to see if there was any meeting ground for the major powers whose interests clashed in Asia." He was anxious "to create an atmosphere of harmony and goodwill in this part of the world." It was sheer perversity on India's part to obstruct this crusader for peace on the absurd plea of defending Kanjarkot.

In the Rann of Kutch, Ayub had come to establish relations of harmony and amity with Shastri. He was playing the role as Afzal Khan had acted in respect of Shivaji. Afzal and Ayub were of the same size and stature as were Shivaji and Shastri. To face a physical giant an active mind was needed. It was possessed by one and lacked by the other. Hence in the duel of wits Shivaji won and Shastri in his innocence and simplicity lost. In the grip of his powerful antagonist, one killed the giant, while the other killed himself.

### Z.A. Bhutto

On April 15, 1965, Z.A. Bhutto, Pakistan's Foreign Minister, said: "It must be remembered that the central fact is that there is a dispute over the territory which lies roughly north of the 24th parallel. The dispute has arisen not because the boundary is undemarcated, but because the disputed territory is in India's adverse possession."<sup>4</sup> Later on he stated that Kutch was important to Pakistan for "the honour and territorial integrity of the country as Kashmir has been for the fulfilment of historical mission of Pakistan."<sup>5</sup> Addressing the Pakistan National Assembly on July 13, 1965, he said: "Pakistan has proof that the 3,500 square miles territory in the Rann of Kutch belongs to Pakistan."<sup>6</sup>

It clearly shows that Pakistan chose to mount an armed attack on territory over which Pakistan had never exercised possession and over which Pakistan admitted India's possession. Pakistan used force for changing status quo and for vindicating its territorial claims. It was a case of an open aggression on Indian territory.

On May 3, 1965, an official spokesman of Pakistan said: "Yet another instance of aggression is the recent attack by India on the Rann of Kutch—a disputed territory between India and Pakistan since independence in 1947."<sup>7</sup>

### Radio Pakistan

Radio Pakistan broadcasts said that a squadron of Indian bombers based at Jamnagar had been flying over the so-called disputed territory in a threatening manner. It was reported that heavy troop movements were taking place in India, that

an armoured division had been moved to Panjab and a parachute brigade was stationed near the Kutch border.<sup>8</sup>

### Pakistani Press

In its several issues *Dawn* of Karachi laid the entire blame on India under catching banner headlines. On 27 April under headings, "*Advancing Indian Troops pushed back, Action sequel to rejection of peace proposals, Delhi asked to stop territorial violations,*" *Dawn* commented:

Pakistani forces were in contact with Indian forces till last evening, as they advanced ten miles deep in the disputed territory of the northern Rann of Kutch area between Chhad and Biar Bet, a Foreign Office spokesman said in Karachi last evening. In these encounters 10 Indian soldiers have been captured.

Addressing a Press conference he said that the Pakistani step aimed at stopping India from moving forward. This was also designed to make it clear that the northern half of the Rann was a disputed territory before partition.

Pakistan has taken this step in view of India's rejection of Pakistan's three-point suggestion for a peaceful settlement of the dispute. Pakistan has suggested, a ceasefire, withdrawal of Indian and Pakistan forces from the disputed territory and high level meeting for a peaceful settlement of the dispute.

The only reason India gave for the rejection of the Pakistani proposal was, that by agreeing to it India would accept that the northern Rann up to the 24th Parallel was a disputed territory, the spokesman added.

We were intrigued by the Indian explanation. The 3,500 square miles of northern Rann had always been disputed territory. But India now tells us that the disputed territory is not a disputed territory at all.

In her aggressive bid to establish at fait accompli, India has hurled a force of nearly 20,000 men into the 3,500 square miles disputed territory of the Rann of Kutch and continues to falsely claim that these moves are in her own territory.

The Indian forces consist of the 31st Brigade which was moved recently into Vigokot and Karimshahi area and the 50th Paratroop Brigade which now occupies Chhad and Biar Bet area. Besides there are three battalions of Indian border police. A third Indian brigade group that is of the 67th

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Brigade sits on the eastern extremity of the Rann, south-east of Nagarparkar.

This big Indian military force is under the command of a Major General commanding Maharashtra and Gujarat area whose tactical headquarters are somewhere near Khavda.

Indian naval units are also assembled in the neighbourhood of the Rann.

India is holding an exercise in the Hoshiarpur-Ludhiana area in which an armoured division is reported to be taking part. *This military manoeuvre started on April 22 and will go on till 31st of May.*

A Foreign Office spokesman said in Karachi last night that Indian Air Force planes had again violated Pakistan air space for the third time yesterday and had also flown over the disputed territory in the Rann of Kutch, where Indian army troops are clashing with the Pakistan border forces.

This was brought to the notice of the Indian High Commissioner in Karachi when he was summoned to the Foreign Office last night.

The Indian High Commissioner was told that if their provocative flights continued, if Indian planes continued to violate Pakistan air space or if the Indian Air force was used in support of India's ground forces in the disputed area, then Pakistan would be forced to take counter measures.

#### No alert

The Foreign Office spokesman ridiculed Indian allegations that Pakistan had ordered an alert of its armed forces.

He told newsmen that the falsity of the allegation is proved by the fact that the Divisional Commanders of the Pakistan Army had been holding their annual meeting at Rawalpindi for the last seven days.

There could be, therefore, no question of alert order to Pakistan Armed Forces.

"There is absolutely no truth in Indian allegations that Pakistan is planning war preparations," the spokesman concluded.



against their intensified aggressive actions in the disputed Rann of Kutch area on Sunday night, a Defence spokesman said in Karachi last night.

The Indians left behind some men and material.

The All-India Radio in its midday broadcast has completely twisted the incidents by painting it as a fresh Pakistani attack.

This in fact, the spokesman said, was yet another Indian attempt to fool the world and camouflage her aggressive actions against Pakistan.

According to the latest reports reaching Karachi from the Rann of Kutch the 50-Indian Para Brigade recently moved from Agra with all its units has taken up positions in the disputed territory.

The Indian paratroopers started aggressive patrolling and other offensive actions against Pakistan border forces in the area.

On April 28, 1965, under the headlines, *"Attack by Indian Paras repulsed, Heavy losses inflicted, Pakistani forces move into Biar Bet,"* Dawn wrote:

Pakistan's forces yesterday repulsed an attack by Indian paratroopers around Biar Bet in the disputed Rann of Kutch region, an official spokesman said in Karachi last night.

The Indian forces evacuated their post in Biar Bet in great confusion after suffering heavy losses and leaving behind a large quantity of ammunition and equipment.

Pakistan's forces have now moved into Biar Bet and are consolidating their position, he added.

He described as a "figment of their own imagination" an Indian claim that Indian forces had destroyed six Pakistani tanks on Monday. He said: "Pakistan has lost no tanks in any encounter with Indians," and added "unless the tanks belonged to the Indian army itself, there would be nothing further from the truth."

Meanwhile, experts on Indian affairs in Karachi have noted with astonishment an announcement by Indian Defence Minister, Mr. Y. B. Chavan, in Indian Parliament yesterday that between 13 and 16 divisions of Chinese troops were concentrated all along India's northern borders with Tibet.

They thought that Mr. Chavan's statement is ominous. On the pretext of facing the imaginary threat from China, they

felt, India might be planning to concentrate her forces on her borders with East Pakistan.

An armoured exercise by the Indian forces is already in full swing in East Panjab to provide a cover for the concentration of Indian armour near West Pakistan's borders.

In this regard they recalled that in October 1962, a few days before launching an attack against China on Tibet borders, the Indian Government had announced that it had decided to divide its Eastern Command into two in order to create a separate Command to deal with East Pakistan which was creating difficulties for the Indian Government. Within a week, however, the then Indian Prime Minister announced that he had ordered the Indian troops "to throw out" the Chinese. A study of those events indicates that the Indian Government might now be planning something different on the pretext of meeting the "Chinese threat".

### Press reports

Informed quarters in Karachi have also noted Indian Press reports that "India will shortly send a further communication to the Security Council appraising its members of the mobilisation and other warlike measures which Pakistan has taken to enlarge the area of its aggression along the Kutch-Sind border and elsewhere."

They pointed out that this was typical of India's policy to pretend to be aggrieved while using force to solve international problems. They used force in Goa and also tried to solve their border problems with China by show of force. Similarly they have been trying for the last 15 years to evade their own international commitments on Kashmir, by show of force.

At present, they felt, as has been pointed out earlier, the Indian Government was deliberately keeping alive tension on its borders with its neighbours in order to divert the attention of the Indian masses from the extremely difficult international conditions which have shaken the Congress leadership.

### Food shortage

During the past one year, the Indian Government had to face serious food shortage all over the country and the resulting wide spread riots, language riots in the South and internal party

differences in a number of provinces, besides other difficulties.

In this regard, they referred to the statement made by the Indian Home Minister, Mr. G.L. Nanda, in the Parliament only yesterday, that "Pakistani attacks on India's Kutch border have put the nation on test." Speaking on budget demands for the Home Ministry, he called on the people "to end all strifes and dissensions in the country" and said "enemies of the nation will be dealt with ruthlessly."

He is further reported to have said that "India had to stand united and give full support to the army at this moment. No mercy will be shown to those who will create communal disturbances or conditions of lawlessness."

Many similar statements have been made by the Indian Prime Minister, Mr. L.B. Shastri during the past few days, showing how the Indian Government has planned to bring about internal unity by creating border problems with Pakistan often described by the Indian leadership as India's enemy number one.

threat from the north. He told Parliament on Tuesday that "between 13 and 16 divisions of Chinese troops were concentrated all along India's northern borders with Tibet." It is indeed typical of India's double faced policy that every act of aggression is accompanied by a studied pose of injured innocence and peace prattle to hoodwink international opinion.

Though public memory is short, there would be many who have not forgotten that when India launched its unprovoked attack on the borders of Tibet in 1962, it had been talking of the problems supposedly created for the apostles of peace in the Indian capital by a hostile East Pakistan, and of the necessity of effective military dispositions against this country. Only a few days after the decision to divide the Eastern Command in the name of meeting the military requirements along the East Pakistan border the Indian troops were ordered to operate against the Chinese in an encounter which soon became the focal point of Big Powers' interests and ambitions and started the process of a massive military aid to India. New Delhi is again crying wolf, and who knows this latest succession of blatant lies and wild accusations may not be the cover for new aggressive designs in other sectors of the border with Pakistan. Though some of the more obliging of the foreign press had hastened to utterly unfounded conclusions regarding the nature and origin of the present fighting in the Rann, the saner elements have refused to sell the Indian line. It has been noted, too, that a spokesman of the U.S. State Department has denied that there were any signs of Chinese troop deployment along the Indian border, thus nailing the Indian canard that a new menace has arisen in north and a new pretext provided for more infusion of Western arms to save the "maiden in distress." But the dangerous portents of Indian actions and utterances will not be missed in this country which has learnt through years of sad experience to cut across the confounding mass of subterfuge and deceit and recognise Indian intentions for what they are. As the door is kept open for negotiations, and as we hope for some sign of a reciprocal Indian gesture to our President's offer of friendly relations, we must also be in readiness to meet the monster of aggression wherever it raises its ugly head along the borders with India. As we go to the press, there is news of Mr. Shastri's threat to continue and

expand his warlike activities while blaming Pakistan for initiating the conflict. The Indian Premier's statement only confirms the suspicion aroused by his Defence Minister's talk to which reference has been made earlier in this article. With the advent of the rains, most of the disputed Rann will be under water and if the Indians having failed to achieve their objective in this area seek to open a new front elsewhere the responsibility for the escalation of the conflict will be entirely that of India; and our Western friends who have rightly come out with exhortations and hopes for peace in this region might be more directly helpful in naming more clearly the source and origin of the present threat to peace—the egregious ambitions of the warlords in New Delhi.

On April 30, 1965, under headings, "India warned to stop war in Rann, Tribal Sardars offer help to defend country," *Dawn* wrote:

Kalat, April 29: A representative tribal jirga of the Sardars of the leading tribes of Jhalawan and Sarawan here yesterday warned India to withdraw immediately her forces from the Rann of Kutch border, otherwise the tribesmen of Kalat division would not hesitate to take active part in the defence of their sacred motherland.

The jirga which was presided over by Sardar Faqir Mohammad Umer and attended by the Sardars of Magsi Rind Khurd, Satikzai and Sasgli tribes, was of the opinion that frequent attacks of Pakistan border by Indian troops clearly showed the aggressive designs of India against Pakistan. The jirga bitterly "criticised and condemned the Indian attitude for not solving the disputes through peaceful means."

The jirga passed a resolution which said that the tribesmen of Kalat division would not be cowed down by the display of military strength by India, and were ready to meet any eventuality.

The resolution said that the tribesmen were ready to offer their active services to repulse any Indian attack on a single call from the Government.

The resolution also called upon the United States to stop military aid to India as according to resolution it was proved that the U.S. arms were being used against Pakistan.

Later a delegation of the leading tribesmen met the Com-

missioner, Kalat division, Khan Ghulam Sarwar Khan and offered their voluntary services to defend their country whenever required.

On May 1, 1965, under the headline, "The Victory at Biar Bet," *Dawn* wrote:

The Indian admission—although belated and coming after futile attempts at face-saving—that its forces have had to stage a hasty retreat from Biar Bet in the Rann of Kutch demonstrates the truth of the fact that a force armed only with the superior strength of a just and moral cause is more than a match even for the numerically stronger hordes of aggression: The defeat of the aggressor is certain only because his cause is unjust—to forcibly grab what does not belong to him. The Indian force that has been humiliated at Biar Bet is the 50th Para Brigade which had been brought there all the way from Agra. It is said to comprise the crackest commandos of the Indian Army, some of whom had fought against the Chinese in the NEFA. The casualties on the Indian side numbering about 350, the captured Indian soldiers including a Major and a Second Lieutenant and the deserted Indian posts littered with ammunitions, equipment and personal belongings, all tell their own tale which the newspapermen including foreign correspondents who visited the area the other day did not fail to notice. It has now been indisputably proved that the Indian Army had been using in the Rann of Kutch confrontation arms and ammunition and equipment which that country had received from the United States under the massive military aid programme and which it had undertaken not to use against Pakistan. It has also been conclusively proved now and physical evidences of it were witnessed by the Western correspondents who visited the area that the Indians have been preparing for a long time to launch a full-scale attack on Pakistani territory in the West Pakistan-Kutch border. The nature of the attack itself goes to show that it was not sudden but a very well-planned one—the result of a lot of thinking and preparation. The attack no doubt took Pakistan by surprise but the valiant jawans met it with their traditional courage and bravery. Under the cover of only little shrubs and bushes in that desolate desert area, Pakistani jawans not only repulsed the aggressors but gave them the beating of their life the like of which

they had tasted only before when they had shown the temerity to engage the Chinese army in a battle on the northern borders.

By badly mauling the intruding Indian forces, our jawans have proved, if any proof was needed, that the country's integrity and security are in safe and sure hands. Pakistan is a peace-loving nation. That it desires to live in peace with all its neighbours has been demonstrated time and again by its peaceful gestures towards India even during the fighting in the Rann of Kutch. Our President has repeatedly reaffirmed this country's sincere desire to settle all disputes by peaceful means. Only a few days ago he has addressed an appeal to India to this effect. Pakistani soldiers are reared in this tradition of peace and friendship; they have never in the past lost their self-control despite grave provocation from the ever-hostile neighbour. It is a testimony to the self-restraint and patience that have become characteristic of the country's Government and its Armed Forces. In this, the latter have fully preserved the traditions of their great faith which has always preached tolerance as one of the greatest virtues of all human beings. But it is also in their tradition that when the nation's....

*Pakistan Times* boasted that Pakistan heaped a crushing defeat on India in Kutch, and had their armed forces wanted they could have pursued the historic road to Somnath. They would if they could.

[With all their heavy artillery and American Patton tanks, the Pakistani army, which was massed in a division strength, could never advance beyond Point 84 and Biar Bet, although they never met the Indian Army at more than a Company strength. The Pakistani troops had also learnt a lesson at Kargil.]

On May 11, 1965, under the title "Government assured of all help," *Dawn* stated: Peshawar, May 10: The Mohmand Agency Tribesmen on Saturday condemned the Indian border provocations and said they were prepared to undergo any sacrifice to safeguard the territorial integrity of Pakistan.

A representative jirga of elders and Maliks of Mahsud and Wazir tribes of South Waziristan Agency held on Saturday at Tank (D.I. Khan), supported the defensive measures taken by

Pakistan Government and paid tributes to the Armed Forces of Pakistan for their brave and gallant performances in the Rann of Kutch.

The General Secretary of Anjuman Hamayat-e-Ahl-e-Bait, Pakistan, Syed Tahir Ali Rizvi, assured the Government of fullest co-operation by Shia community. In a statement in Lahore on Friday he said that the Indian aggression in the Rann of Kutch was an open challenge to Pakistan.

Pakistan Writers Guild, Nawabshah sub-region, passed a resolution on Thursday at a meeting held under the presidency of Muhammed Mian, expressing anxiety over the border encounters between Pakistan and India in the Rann of Kutch.

On May 16, 1965, under the heading, "Jan Sangh leader calls for war with Pakistan," *Dawn* said: New Delhi, May 15: The General Secretary of the Bharatiya Jan Sangh, Mr. Upadhyaya, has pleaded for war with Pakistan. He told the newsmen at Poona yesterday: "India should forthwith take retaliatory measures against Pakistan."

The ultra-rightist Hindu leader added: "Our policy of non-alignment has nothing to do with Pakistan's behaviour. We may be aligned or non-aligned but Pakistan is Pakistan."

The Government of India's decision to consider mediation proposals of United Kingdom and to order a de facto ceasefire in the Rann of Kutch did not reflect the sentiments of the people, Mr. Upadhyaya claimed.—PPA.

On May 18, 1965, under headline: Hysterical war call by Indian Newspaper, Delhi's weakness lamented, *Dawn* stated:

The fact that Indian Press is co-sharer with its Government in creating war hysteria and hatred against Pakistan is reflected in a signed article recently published in the "*Tribune*."

According to the writer: "Pakistan is enemy number one in the short term and China is the enemy in the long run."

One of the measures suggested in the article to restore India's honour is to attack Pakistan. The article says: "Although logistics in the Rann of Kutch are against action on land, India can keep up relentless aerial bombardment of the area in the Rann which has been seized by Pakistan. This is an ordeal of fire through which our Air Force must pass."

The article insists that Mr. Shastri should make a "declara-



tion in Parliament calling on Pakistan to restore the status quo ante with an ultimatum that unless this is done within a week, India will break diplomatic relations and take such military measures as are considered necessary to vindicate the country's honour."

The writer of the article has, however, lamented the internal mess in the ruling party creating disillusionment in the masses and causing ruination of India's image outside if she had any.

According to him "the people as a whole consider the centre weak, indecisive and incompetent."

On June 20, 1965, under the banner headlines: War will hurt Delhi beyond repairs, says Ayub, Indian Division was spared in Rann, *Dawn* wrote:

London, June 19: President Ayub Khan disclosed here today that at least one whole division of the Indian Army might have been destroyed in the recent Rann of Kutch fighting but for his express orders restraining Pakistani troops engaged in its pursuit.

Addressing a meeting of 48 organisations representing Pakistani nationals in 37 different British towns called by the National Federation of Pakistani Associations President Ayub declared: "We had to shake off the Indians somehow. But I did not want the rift to get wider. Even so, they are squealing like they did after their conflict with China."

Continuing his impassioned address, the President said: "We want peaceful relations with India. But we want peace with honour and do not want to be a satellite. In view of her chauvinistic attitude, we shall have to watch India. If war is forced on us, it will have to be one that seeks a decision."

"We shall go full out," the President added, "and smaller though we are than India, we shall hurt India beyond repair."

He said: "For no rhyme and reason India has picked up quarrel on the Rann of Kutch. We have a two-thousand mile common border with India which had not been demarcated in some places. So we offered settlement. But they brought troops and so did we."

President Ayub asked India to give up her policy of military confrontation against Pakistan and to come to the negotiating table to settle the problems between the two countries.

President Ayub said Pakistan needed peace to ensure her

continued and rapid economic growth. Therefore peace with all her neighbours was the cardinal and fundamental tenet of her foreign policy.

The President said India had brought the bulk of her army against Pakistan borders. She has concentrated 150,000 troops in occupied Kashmir and trebled her Armed Forces to browbeat Pakistan. He hoped that Indian leadership would see reason and agree to Pakistan's offer of peaceful negotiations to resolve their differences.

The President said that neither India nor Pakistan could afford a war.

By not settling the Kashmir dispute what is India after I cannot say. They are spending crores of rupees because of this dispute. It is a very short-sighted policy specially when they claim a possible struggle with China. If that is true any other sane person would have made up with Pakistan. But we are not the dictators of the Indian policy....

#### Address

Earlier the address of welcome made the following points:

1. All able-bodied citizens and especially East Pakistani youth must be given military training in view of the danger from India.

2. The reorientation of Pakistani policy of friendship with China and Soviet Union and bonds with Afro-Asian countries was welcomed.

3. Kashmir should be settled by appropriate methods and not by appealing to the conscience of the world....

APP/PPA/Radio Pakistan.

#### Indian comment

An official spokesman on 2 June strongly denied the allegation in the Pakistan Press and the Press of certain other foreign countries that India was whipping up war hysteria against Pakistan. If there was any whipping up of war hysteria it was in Pakistan as was evident from the tone of its controlled press, radio and speeches and the statements of its leaders. On the other hand, the Indian Press, which was completely free, had shown great forbearance, he added. He said that the foreign Press had often played up disproportionately

speeches made in India's free Parliament, while ignoring the talk of "jihad by mujahids" repeated day in and day out by Pakistan leaders, including its Foreign Minister, Mr. Bhutto. Even President Ayub Khan had only lately started mixing talk of peace with his continuous threat of a total war against India. Referring to the Pakistan allegation that India had deployed her troops on the border, he gave details of the Pakistani troop movements lately both on the eastern and the western sectors of the Indo-Pakistan border.

### Border incidents

He said that the increase in border incidents both in the east and the west ever since the lull on the Kutch border began was apparently being used by Pakistan as a lever to widen the scope of negotiations on Kutch. While India had gone a long way in accommodating the British in their mediation efforts, Pakistan had constantly made new proposals and put obstacles in the way of an agreement. He said that India would not yield on the question of ceasefire and status quo ante and would never accept a linking of the limited Kutch border issue with other border problems—existent or imaginary. There seemed to be no end to Pakistani attacks in fresh areas, and fresh disputes over the boundary. They had even questioned the Radcliffe Award on the eastern boundary by launching attacks on areas clearly Indian and admitted to be so by them. Referring to the Kutch incident as a clear case of aggression on the part of Pakistan, the spokesman pointed out that if so much time was taken to settle the limited issue of Kutch, the other problems if included would never be settled.

PTI added: The spokesman said that since the British made their proposals on May 11 India had agreed to certain modifications made by the British themselves presumably after consultation with Pakistan.\*

### Letters to Security Council

Main points of the letter dated 7 May, 1965, from the Permanent Representative of Pakistan addressed to the President of the Security Council:

1. The bulk of Indian armed forces has been moved close to Pakistan's borders and is now poised in offensive formations

apparently ready for an armed attack on Pakistan.

2. Faced with this situation, Pakistan must take whatever action it considers necessary in exercise of its right of individual and collective self-defence as set forth in the Charter of the United Nations.

3. Prime Minister Shastri has threatened that if Pakistan does not accept Indian dictation in the Rann of Kutch dispute, Indian Army will decide its own strategy and the employment of its manpower and equipment in the manner which it deems best.

4. Indian armed forces have been deployed in offensive formations from a point of 150 yards to twenty-five miles from West Pakistan's border, in East Panjab State of India.

5. Indian forces in occupation of Kashmir have been moved forward—closer to the ceasefire line and aggressive patrolling has been started.

6. On eastern border Indian troops supported by artillery units and tanks have also been moved. There are as many as seven divisions located around and close to East Pakistan's borders.

7. Pakistan restrained its forces in the Rann of Kutch from advancing to the 24th parallel (where the India-Pakistan border lies), following surrender of Biar Bet by Indian forces on 27 April. Pakistan ordered its forces in Rann not to do anything that might aggravate the situation.

8. The Government of Pakistan take a serious view of Indian military moves and of mounting bellicosity of statements currently being made by Indian leaders.<sup>19</sup>

Another letter dated 7 June 1965 from the Permanent Representative of Pakistan addressed to the President of the Security Council stated:

1. India ordered the 50th Indian Parachute Brigade Group into the disputed territory in order to reinforce the 31st Infantry Brigade Group which had already taken up positions in the area and that this large Indian force then proceeded to move forward in an effort to complete the occupation of the disputed territory up to the northern edge of the Great Rann so as to present Pakistan with the fait accompli of a military occupation of the disputed territory.

2. Pakistan can substantiate its claim that officials of the

province of Sind exercised criminal and civil jurisdiction and performed all the normal administrative functions in the Great Rann up to the 24th parallel, on the basis of the following documentary evidence:

(i) Records of revenue collection; grants of fishing and grazing rights and yearly leases of cultivable land;

(ii) Accounts pertaining to the construction, repair and maintenance of roads;

(iii) Registers of births and deaths and records of census operations;

(iv) Police diaries relating to criminal offences committed in the territory.

3. Sind's administration and control in the northern half of the Rann of Kutch stretched back for more than a century.

4. The whole Indian case is based on a few maps and descriptions contained in some gazetteers. The Government of India "relies a great deal also on the Bombay Government's resolution 1192 of 24 February 1914 and its attached map in support of the contention that the northern edge of the Rann was the established boundary between Sind and Kutch.

5. If the settlement of 1914 proves anything, it is that the major portion of the boundary in the Great Rann remained to be defined and demarcated. The Resolution of 1914 and the map attached to it are silent on alignment of this boundary.

6. After the emergence of India and Pakistan as two separate and independent successor states of the former British Indian Empire, the local authorities of Sind, which became a province of Pakistan, as well as the Pakistan customs authorities continued to exercise jurisdiction in the northern half of the Rann.

7. The present clash in the area has occurred precisely because the Government of India launched an attempt to annex the whole of the disputed territory by force.

8. It is exactly the attitude that has prevented a just and equitable settlement of the Kashmir dispute, which lies at the root of the present trouble and tension in relations between my country and India.

9. The concentration of virtually the entire Indian striking power on Pakistan's borders clearly bespeaks India's intention to reach conclusions by force or threat of force. No country

can surrender its rights and vital interests under the pressure of a threat of force.

10. Pakistan which, throughout the years of its existence, has learnt to live with Indian threats and warmongering, will not flinch in the face of this latest challenge. However, consistently with our steadfast attitude of employing the recognised methods of pacific settlement in our disputes with India, such as Kashmir and the eviction of Indian Muslims, Pakistan is willing to submit the dispute over the Rann of Kutch to settlement by the method of impartial arbitration or adjudication as laid down in the Charter of the United Nations. A similar gauge of good faith by the Government of India would lead to the settlement not only of this dispute but also of all other disputes, including Kashmir, which stand in the way of normal relations between the two countries.<sup>11</sup>

### China's support to Pakistan

On May 4, 1965, the New China News Agency on behalf of the Chinese Government supported Pakistan's aggression against India in the Rann of Kutch. The spokesman of the Ministry of External Affairs at New Delhi on May 7, 1965, said that the statement was "more prompt and vehement than even the innumerable utterances of the Chinese Government on the grave situation in Vietnam." This was "a demonstration of the aggressive partnership between the Chinese and Pakistan Governments against India," he remarked. The Chinese statement carried a threat against India. It declared that in case of war with Pakistan "the Indian Government will definitely come to no good end." It implied an open instigation to Pakistan to go on committing aggression against this country.

The Chinese Government accused India of being a stooge of the United States for "making Asians fight Asians and disrupting Afro-Asian solidarity." In reality China and Pakistan were responsible for it, because they were committing territorial aggression on India's borders. The statement of New China News Agency tried "to advise the Indian Government" to look to the interests of the Indian people and "settle its disputes with the neighbouring countries through peaceful negotiations." It meant that India should quietly surrender vast areas of

Indian territory to China and Pakistan. The spokesman concluded:

"The Chinese Government's stand on Pakistani aggression in the Rann of Kutch is a reflection of its familiar technique of trying to change the established frontiers of states through the use of military force. This is contrary to the principles of peaceful co-existence, the Ten Principles of Bandung and the Declaration of the Cairo Conference of Non-Aligned Nations. The people of Asia and Africa can see that China is unashamedly fomenting trouble and conflict in Asia and Africa. China has emerged as the greatest disruptive force in Asia, a chauvinistic and imperialist power which has made a mockery of the principles of peaceful co-existence, and is trying to bully and intimidate its neighbours and other Asian and African countries."<sup>12</sup>

### Sources and Notes

1. *Indian Information*, 15-5-1965, p. 242.
2. AP, Dacca, April 26, 1965.
3. The Department of Films and Publications, Government of Pakistan, Karachi.
4. *Foreign Affairs Record*, April 1965, p. 80.
5. *Mainstream*, May 8, 1965, p. 8.
6. *The Hindustan Times*, New Delhi, July, 1965, p. 7.
7. *Dawn*, Karachi, May 4, 1965, p. 4.
8. *The Times of India*, New Delhi, 27-4-1965.
9. *The Statesman*, 3 June 1965.
10. U.N. Document, S/6340 dated 7 May 1965.
11. U.N. Document S/6423, dated 7 June 1965.
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## Nation's Resolve

### The Government of India

On April 11, 1965, in a letter addressed to the President of the Security Council, B.N. Chakravarty, India's Permanent Representative to the United Nations, protested against Pakistan's unprovoked and aggressive military acts on Indian territory in the Rann of Kutch. Before partition in 1947, the province of Sind, now forming part of Pakistan, and the State of Kutch included in the Indian Union had well defined boundaries. This common boundary was clearly marked in the survey maps of India. About two months ago, Pakistani armed personnel penetrated across the international border into Indian territory for over two miles. They made a new track and set up two posts at Kanjarkot and Ding.

The Government of India lodged strong protests with Pakistan against these intrusions. They requested that aggression should be immediately vacated. In their notes of February 12 and 18, March 11 and April 8, 1965, the Government of India suggested a meeting between border officials and then of Surveyors General of the two Governments. As Pakistan did not approve of these proposals, India asked for a meeting at any level. Instead, Pakistan concentrated its armed forces along the Kutch border inside Pakistan. On the morning of April 9 Pakistani regular army units attacked the Indian police post at Sardar with heavy artillery and mortar fire. Another Indian post at Vigokot was subjected to a heavy attack the same afternoon. This was a clear case of violation of Indian territory and a breach of the Ground Rules agreed to by the two Governments<sup>1</sup>, Chakravarti stated.

**Lok Sabha**

On April 12, 1965, Gulzarilal Nanda, the Union Home Minister, made a statement in Lok Sabha regarding the situation on the Kutch-Sind border. On April 9 he had briefly recounted events on this border. Subsequently, Pakistan launched an attack on Sardar Post at 3.40 in the morning on April 9 with heavy mortar and MMG fire. It was followed by artillery fire from 25 pounder guns. Our Central Reserve Police unit put up a fierce resistance. Thirty-four Pakistanis including two officers were killed and four men were taken prisoners. We lost four policemen dead, five wounded, and 19 men including deputy commandant missing for the present. Vigokot post was shelled in the afternoon. Army units moved into Vigokot the same evening. Sardar post was re-occupied on April 10. Some Pakistani documents and equipment were recovered from the neighbourhood of the post.

The interrogation of prisoners and examination of the documents revealed that the plan of the assault had been drawn up in the second week of March 1965. Movement of troops began shortly afterwards. Orders for the attack were given on April 7, and attack launched two days later. He paid tribute to the gallantry of the police force at Sardar Post for heroically defending the picket for over 12 hours against heavy odds. Intermittent shelling was in progress. A strong protest was lodged with Pakistan Government. Security Council was informed. "The Government's policy in this matter is clear. We are taking every step to protect the integrity of our frontier." Now Pakistan wanted a meeting between the two Governments first at the official and thereafter at the minister's level. "We are prepared for these talks, and we are communicating this to the Pakistan Government, he said."

On April 28, 1965, Prime Minister Lal Bahadur Shastri initiated a debate on the continuing attacks by Pakistani armed forces on the Kutch border. Shastri spoke to a grim House for about half an hour. He said that during the last few months Pakistan had resorted to firing and clashes at several points in the Indo-Pakistan border, both in the east and west. Indian police and soldiers took defensive action at all these points. The clashes on the Kutch border were the latest in the series of

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incidents. He then gave a connected account of the events leading up to the situation then in existence and said: "Pakistani armed action is a naked act of aggression. They have attacked Indian posts deep into Indian territory, six to eight miles south of the border—a territory which on Pakistan's own admission has never been in its possession."

He continued: "It is apparent that one of the prime reasons of Pakistan's irrational behaviour is the obsessive hatred against India which Pakistani leaders, Pakistani press and communal fanatics in Pakistan have worked into their system over the past two decades." He further said: "Ever since the attainment of independence, India has stood for peace, international amity and goodwill. India has a living and vital stake in peace because we want to concentrate attention on improving the living standards of millions of our people. In the utilisation of our limited resources, we have always given primacy to plans and projects for economic development. It should, therefore, be obvious to anyone who is prepared to look at things objectively that India can possibly have no interest in provoking border incidents or in building up an atmosphere of strife.

"However, our neighbours, both China and Pakistan, have chosen to adopt an attitude of aggressive hostility towards India. Lately they seem to have joined hands to act in concert against India.

"In these circumstances, the duty of Government is quite clear and this duty will be discharged fully and effectively. The entire resources of the country in men and material will be employed to defend our frontiers and to preserve our territorial integrity. I know that each one of our 450 million people of India is today prepared to make any sacrifice in defence of the motherland. We will prefer to live in poverty for as long as necessary but we will not allow our freedom to be subverted."

In conclusion the Prime Minister said: "This is one of the most fateful moments of our times. I realise that both India and Pakistan stand poised at the cross-roads of history. The path of reason and sanity, of peace and harmony, is still open. Even while our police and later our Army have been defending our soil with commendable courage in the face of heavy odds, the path to peace has not been blocked. But it is

a path on which we cannot walk alone. It takes two to make friendship and peace.”<sup>3</sup>

It is the duty of the opposition parties to keep the Government alive to the need for exercising adequate administrative control over the country's far-flung frontiers. They have to wake up the Government to avoid another lapse as happened in Aksai Chin or in the Rann. The Government is to be alerted to see that India's unscrupulously acquisitive neighbours cannot grab its territory. The opposition parties are to concentrate their efforts on improving the machinery through which our foreign policies are formulated and executed. At the same time it is their bounden duty to afford full support to the Government in its attempt to safeguard the integrity and solidarity of the country.

On this occasion the opposition parties including the Communists, the Praja Socialist Party and the Jan Sangh decided on the eve of the debate on Pakistani aggression to support the Government fully in its action against Pakistani invaders. The Central Party of the Communist Party of India on April 27, 1965, said it was the duty of all patriots at this critical juncture to unite for the defence of the country. The leader of the PSP, S.N. Dwivedi, declared that his party would stand by the Shastri Government in defending the territorial integrity.<sup>4</sup>

In the Lok Sabha debate on 28 April, U.M. Trivedi, Jan Sangh, said Pakistan must be taught a lesson. Pledging his party's full and active support to the Prime Minister in the action against Pakistan, he said: "The whole country is behind you. We are ready to march forward and shed our blood to protect every inch of our territory." Unless India had determination and strength, foreign aggression would not stop, he added. S.N. Dwivedi said India was amidst "an undeclared war," a situation which was more serious than what the country experienced in 1962. He wanted to know from the Prime Minister if what had happened in Kutch was an 'isolated incident' or an 'unexpected attack.' If the country was not prepared for this eventuality, then "we will say that this Govern-

must declare that Kanjarkot would be taken back come what may. India had already lost a good deal of territory in Longju, Barahoti, and Ladakh apart from areas of Kashmir. People in China and Pakistan felt that India's territory could be easily taken away. Lohia said if Kanjarkot was to be recovered, then the Government should not talk of submerging of the Kutch area just as it had talked of Longju being mountainous. He declared that the only solution for Indo-Pakistan amity was a confederation of the two countries.

N.G. Ranga, Swatantra, said it was known that Pakistan had three brigades poised on the border and that they had three aerodromes, including an all-weather aerodrome near at hand. He asked why the Government did not hand over the area to the army and left the job to the border police.

N.C. Chatterjee, Independent, said the "futile" and "senseless policy of appeasement of Pakistan" should be given up. The "bungling" in regard to Kashmir by ordering a ceasefire while the jawans were clearing the whole of Kashmir of the enemy had resulted in constant danger to the State, while nearly one-half of it remained in hostile hands. Prakash Vir Shastri, Independent, said when Pakistan attacked Kashmir, Gandhiji had said that the proper course for India was not merely to give fight but to attack Pakistan itself and march on to Karachi. Action on similar lines was now needed. A few hard knocks should be given to Pakistan. He wanted that the Government should adopt the policy to settle retired army people along the border. Tridib Kumar Chaudhuri, Independent, desired that the army should be allowed a free hand to achieve the desired objective. Acharya Kripalani, Independent, said that the Government was reacting to Pakistan's aggression in the same way as it did to the Chinese aggression. The Pakistani Rangers had invaded the Kutch area in 1956, but the Government did not rise to meet the future trouble.

Frank Anthony, leader of the Anglo-Indian Group, nominated, pleaded that Government must formulate a "firm policy" to meet the obvious Sino-Pakistan strategy of keeping India pre-occupied with border invasions. Pakistan's only philosophy was "Hate India." This policy had not only affected its foreign policy but also the average people, officials and non-officials. Anthony said that the Shastri Government was



reaping the whirlwind of mistakes of the past 18 years. What are the dividends of the past policy?—shame, indecision and demoralisation. Era Sezhiyan of the DMK offered full support of his party to the Government in repelling Pakistani aggression. Bhagwat Jha Azad, Congress, said India should not harp on peace and friendship when its territory was being usurped by enemies. India had always extended its hand of friendship to Pakistan and Pakistan had always bitten it. On every count whether it be debts, waters or Kashmir, India had shown an attitude of tolerance. But Pakistan had all the time behaved aggressively.

Mrs. Vijayalakshmi Pandit, Congress, said: "Even though we are pledged to policies other than violence, there comes a time in the history of every nation when policies have to be reversed." She expressed the view that the "Chinese master mind" was clearly behind Pakistan's actions.

V.K. Krishna Menon, Congress, said that the present attack by Pakistan was not a new aggression, but "one long aggression by both China and Pakistan." While the Government should take all defensive arrangements on the Kutch border, they should also be careful about the rest of the border. China had now joined Pakistan in their hit and run strategy. The Government should realise that it had two separate countries as enemies. American military equipment supplied to Pakistan to fight Communism was now being used against India. "I think it is necessary that we should remind both Britain and the United States that in doing so they are putting into practice the Dulles' Doctrine of Asians fighting Asians."

S.N. Chaturvedi, Congress, said that the policy of non-alignment was very good, but so long as India was dependent on foreign military assistance to defend its borders, it could not work. Raghunath Singh, Congress, wanted America and Britain to fulfil their promises that if Pakistan used the arms supplied by them, they would side with India. Ghanshyamlal Oza, Congress, said that the time had come for India to talk to Pakistan in its own language. India might be vulnerable in Kutch; but there were many other points along the India-Pakistan frontier where India could effectively hit back

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preservation of peace. It is for this reason that we have adhered fervently to the path of peace all these years. A war in the Indian sub-continent may well undo the massive efforts which have been made in both countries to secure an improvement in the living standards of our people. The march in this direction has only just begun and there is a long way yet to go. But President Ayub has talked of a total war between India and Pakistan. We on our part have been greatly restrained not because we are unprepared to meet President Ayub's challenge but because we feel that reason and sanity should prevail over aggression and bellicosity."

Shastri continued: "President Ayub seems to suggest that whereas his country has the right to commit aggression on Indian territories at will and at a point of its own choice, India must not take effective counter-measures. This thesis is totally unacceptable to us. The pattern of Pakistan activity is this: First raise a claim to neighbour's territory; suddenly mount an attack taking the neighbour by surprise; launch an ingenious propaganda campaign to suggest that the action is only of a defensive character."

In concluding remarks he stated: "I must reiterate clearly and emphatically that the Government of India do not recognise that there is any territorial dispute about the Rann of Kutch. Let me also make it clear that the threat of total war held out by President Ayub will not deter us from performing our rightful duties. No Government in the world would be worth its name if it allows its own territories to be annexed by force by an aggressive neighbour. The Government of India know their responsibilities in the present situation and they are determined to discharge them most effectively."<sup>5</sup>

The opposition in Rajya Sabha accused the Government of negligence and carelessness in regard to the Pakistani thrust into India's border in different sectors. The lesson of the Chinese invasion, it was pointed out, had not been learnt and the country's security was not given as much attention as it deserved. It was suggested that our political decisions should not restrict our armed forces to the limited task of resistance. In times such as these, national morale could be sustained and the people's trust won for the Government only by action that spoke louder than words. The Government was on trial.

at Pakistan. The feeling was growing among people that Pakistan could take any liberty with India with impunity.

Ansar Harvani, Congress, said: "As a Muslim, I wish to declare that every Muslim—man, woman and child—living in secular India will lay down his life for the defence of our mother country." Iqbal Singh, Congress, said that the sturdy Panjab peasants in the villages along the Indo-Pakistan border were not afraid of Pakistan. They should be given arms by the Government. He favoured the idea of retired military personnel being settled along the border in increasing numbers. Defence Minister Chavan, External Affairs Minister Swaran Singh, Finance Minister Krishnamachari and Home Minister Nanda, all of whom were members of the Emergency Committee of the Cabinet, participated in the discussions.

In his reply to the debate Lal Bahadur Shastri said that some friendly countries had urged that a ceasefire should be agreed to as soon as possible. "We are ready to respond to these proposals. But, at the same time, I must tell the House that we have also to be ready for the alternative." Appreciating the valiant struggle of the armed forces and the border police in defending the frontiers, he said: "Our men are defending our frontiers with exemplary valour, and I should like to tell them that this House and all the people of this country stand solidly behind them and will consider no sacrifice too great to meet this challenge to our territorial integrity." He sternly warned Pakistan that if it "continues to discard reason and persists in its aggressive activities, our army will defend the country and it will decide its own strategy and employment of manpower and equipment in the manner it deems fit."

### Rajya Sabha

Prime Minister Lal Bahadur Shastri initiated discussion in the Rajya Sabha on the situation arising from the Pakistani aggression on May 3, 1965. He said: "Mr. Chairman! The Indian Government and the Indian people have no ill-will against the people of Pakistan. We wish them well and we would be happy to see them progress on the road to prosperity. We are aware, that their prosperity as well as the prosperity of the people of India, of the 600 million people who inhabit this sub-continent, depends upon the

actions had brought the two countries to the brink of a major conflagration. Those who might have been tempted to mistake India's dedication to the path of peace as a sign of weakness had been given a clear warning of the likely consequences of their folly.

### **Congress Parliamentary Party**

The Congress Parliamentary Party met on the evening of May 4, 1965. Prime Minister Shastri presided over the meeting. All the eleven members who spoke affirmed their faith in the Government's ability to meet the challenge. The members revised the demand for a tough line towards Pakistan. Some of the speakers advocated military measures without delay to throw out the aggressor. R.K. Khadilkar cautioned the Government against acceptance of the U.K. proposal. Britain and the United States had equated India and Pakistan, although it was Pakistan that had committed aggression, he said.<sup>7</sup>

### **Opposition M.Ps.**

Twelve Opposition members of Parliament said in a statement on May 7, 1965, at New Delhi that any encroachment on Indian territory should be resisted to the point of victory or annihilation: "We alert the nation that step by step our territories have been seized over the past 18 years and the Government has practically accepted the accomplished fact. A stand must now be made—no further surrender. This must begin with areas now forcibly occupied by Pakistan.

"A ceasefire without their recovery should be deemed an act of betrayal of the nation. Henceforward, the map of India, as it stood on the day of our independence, should be held sacred, and any encroachment on it should be resisted to the point of victory or annihilation.

"We alert the people to prepare themselves to force the Government to act accordingly."<sup>8</sup>

### **The Press**

Various papers in the Indian capital expressed different views as to what the real objectives of Pakistan were. Some took a serious view of the Pakistani aggression in Kutch. They

The people would not forgive it if it retreated before Pakistan, which was born and bred in hatred and which would not let this country progress in peace.

Prime Minister admitted: "Some criticism has been made on our faulty preparations. I do not want to deny completely what has been said. It is true that we have often concentrated more on the economic development of our country. We have rightly or wrongly felt that there was not much cause for aggression on our frontiers and borders. But we have often been deceived. We should take much greater care of our borders and frontiers and there is no doubt that we will have to make roads, provide better communication facilities and also do various other things."

The general mood of indignation and anger of the public at the mounting influence of Pakistan, in obvious collaboration with China, in trying to provoke India into a conflict was effectively reflected during the debate. After a five-hour discussion marked by impassioned speeches by Prime Minister Shastri and several members, both Congress and Opposition, the Rajya Sabha joined the Lok Sabha in affirming the nation's resolve to drive out the Pakistani aggressor from Indian soil. In spite of differences of opinion over past action or inaction, Parliament rallied magnificently to support Shastri's policy of combining a passionate attachment to the path of peace with a firm determination to resist and rout Pakistani aggression in Kutch.

It is remarkable to note that the flabby, lethargic and amorphous Indian giant invariably manages to rise to the occasion, specially when the occasion is momentous and stakes are high. After the death of Jawaharlal Nehru, India refused to oblige those who expected it to fall apart. In subsequent months, neither food nor language destroyed Indian unity, although many feared and a few hoped that this might happen. Now faced with Pakistani challenge to the sovereignty and integrity, the country produced a response which was a splendid combination of strength and sobriety.

This was the clear outcome of free and frank discussions in both the Houses of Parliament, the like of which the basic democrats of Rawalpindi could not even dream of. Nation's resolve could not have been lost on those whose bellicose

taneously it offered a word of advice to India. "India should do all it can to reassure Pakistan" that whatever arms build-up was taking place in this country, was necessitated by the danger from China, and India cherished no aggressive intentions against Pakistan.

A week later S.M. of *The Hindustan Times* contradicted Frank Moraes, Chief Editor of *The Indian Express*, who had expressed the views that Pakistan's aggression against India was mainly due to Pakistan's military and political alliances with the West. S.M. said that we must not accuse the Western powers "of a built-in partisanship against us and keep constantly before our eyes the numerous areas of vital interest in which the West has given us and is prepared to continue giving us generous co-operation." He agreed that the Western powers did not approve of India's policy in Kashmir; but Indians also did not look eye to eye with the West in some of their policies. S.M. advised India to have faith and confidence in the United States. "We must assume that the U.S. will take other steps as they become justified to prevent Pakistani aggression against India." S.M. rejected Frank Moraes' view that on geographical and political considerations Soviet Union had a greater interest in India's friendship than the Western countries. He did not believe that Russia would ever sponsor a heavier military and economic aid programme.

*The Statesman* considered Pakistani aggression in Kutch as mere "pinpricks" and "border intrusion," which were irritating but not dangerous. It suggested that the matter should be left to the local armed police, and army should not be called in. "If the pinpricks add up to more serious intentions the defending army is better able to judge than public opinion where and how big the real threat might be." Its advice was that the Indian Army should not be employed in "a wasting commitment in the marshes while serious threats developed elsewhere on the border." It meant that in the opinion of *The Statesman* no opposition should be offered to Pakistan but attention should be devoted to the Chinese border. In another editorial the paper made a reference to Pakistan's real aims. "A few square miles of marsh is not what Pakistan is reaching out for." Pakistan wanted to engage the Indian Army into a "wasting commitment" in the

were of the opinion that China and Pakistan had formed a plan to engage India on more than one front. Others held that Pakistan was deriving a cruel pleasure in harassing India, as the Muslim Leaguers did in communal riots of pre-partition days.

S.M. of *The Hindustan Times* writing under the heading "National Affairs" on April 14, 1965, said: Do we have to conclude "that what Pakistan wants is a large-scale military confrontation? Do we have to work up hysteria and issue calls to the nation to 'rise as one man' in the manner of Mr. Nanda?

"On any sober calculation, the time for that is not yet come. There is no evidence that Pakistan is looking for a major clash of arms with India in the immediate future.

"As for the Rann of Kutch affair, it has been blown up out of all proportion. There have been far more serious Pakistani incursions across the border. The Rann of Kutch has possibly caught the imagination because of the memory of what China did in another inaccessible and uninhabited region, Aksai Chin.

"...to describe the dilapidated wall-enclosure at Kanjarkot as a fort is a far-fetched extension of the meaning of the word.

"If Pakistan forces are in illegal occupation at Kanjarkot, they ought certainly to be made to withdraw.

"I do not think, it is the Government's case that the Kutch-Sind boundary is a properly demarcated one in this area. The boundary has figured in negotiations with Pakistan, on the last occasion in January, 1960, during a conference in Lahore to consider outstanding disputes on the India-Pakistan border at which the Indian delegation was led by the present Foreign Minister, Sardar Swaran Singh."

*The Hindustan Times* editorially admitted that fighting in the Rann of Kutch had passed the stage of skirmishing. But it did not think that "a major engagement has yet occurred." It was of the opinion that Pakistani leaders could still have a civilized approach to the solution of the problem. Then it plainly told Pakistan: "This is, however, no time for mincing words and we must warn them that the margin for manoeuvre and for safe miscalculation is today perilously narrow." Simul-



taneously it offered a word of advice to India. "India should do all it can to reassure Pakistan" that whatever arms build-up was taking place in this country, was necessitated by the danger from China, and India cherished no aggressive intentions against Pakistan.

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Rann or in retaliation elsewhere so that Pakistan could have an excuse for a counter-retaliation in a place of its own choice. The editorial wanted India to avoid both the pitfalls and steer clear of them. In another editorial *The Statesman* advised Parliament with administrative directions. The Government in its turn should not press the Army to adopt certain tactics. It did not approve of Indian Army's having gone into action in the Rann.

*The Statesman's* military correspondent was opposed to the proposal that the army should be entrusted with the task of border security. He wanted police to retain the duty of border defence. Its well-known commentator, Pran Chopra, advocated that the Kutch dispute should be referred to the International Court of Justice at the Hague or to other "forums" which existed for this purpose. He did not like any disagreement over the ceasefire and the status quo ante. "It matters very little what is the exact time sequence between a ceasefire and the restoration of the status quo ante." He did not prefer that these considerations should stand in the way of a larger settlement.

N.J.N. of *The Times of India* tried to examine American ideas about India. The real answer, he thought, could not be found in official reports and statements or in polite conversation. According to him truth could be discerned in little things said or done in unguarded moments. To illustrate this point he drew attention to the *U.S. News and World Report* of December 28, 1964. It contained a world map indicating with U.S. flags the places where American forces were "watchfully guarding peace and democracy on earth." One such flag was firmly planted on India. The legend accompanying the map said that half of America's fighting men were "serving God and democracy in thirty foreign countries" aided by 1,110 atomic bombers, 850 long-range missiles, 18 polaris submarines and 288 nuclear-tipped missiles. The map also showed "where key U.S. contingents are located." N.J.N. thought that majority of Americans considered India as a part of the U.S. front line fit for planting the Stars and Stripes. Obviously this thing had emboldened Pakistan to commit aggression on India's borders.

*Patriot* on April 26, 1965, under the heading "Almost War"

Washington and Whitehall singly and together had chosen to go into a Nelson Act in a situation where the maps of the British Raj, drawn up by its own Surveyors General, clearly showed the Kutch-Sind border as India defined it. Recalling Dean Rusk's recent statement on the Vietcong "intrusion" across the 17th parallel, Moraes said, Rusk could not logically apply one norm for Vietnam and another for the Indian sub-continent. Even assuming that the territory was disputed, though the cartographic evidence was clearly in India's favour, Pakistan's aggression into territory regarded as Indian by all official maps constituted a flagrant violation of international law. "Why is Mr. Rusk so silent on Pakistan's aggression across the Sind-Gujarat border in the Rann of Kutch?"

Moraes sprang a greater surprise by suggesting a "closer rapprochement" between Moscow and New Delhi, and a consequential "adjustment of some sights" in the implementation of India's foreign policy. "Russia, with her vast Asian hinterland, is today more nearly concerned with developments on the Asian continent than Britain and the U.S.A." With Russia's stake in Asia her interests vis-a-vis an expanding China were peculiarly relevant to India.

Editorially, also, *The Indian Express* took a similar line. Referring to Rusk's speech on Vietnam the paper said that on the analogies cited by the U.S. Secretary of State, Pakistan was clearly the aggressor in the Rann of Kutch. "Yet neither Washington nor Whitehall in their efforts to restore peace in the Rann have pinpointed Pakistan as the aggressor." They equated Pakistan and India irrespective of who was the aggressor and who the aggrieved. "They have done this in Kashmir, are doing it in the Rann of Kutch and will doubtless repeat the performance should some future opportunity offer." The paper expressed its appreciation of the "commendable firmness" of Mr. Shastri "in refusing to walk into the Anglo-American trap." Unlike Moraes, it did not recommend closer ties with Russia. It asked the people to be prepared to face whatever came to confront them, for "we have arrived ultimately at the basic truth—that in our own unity and strength and not on the calculating aid of other countries lies our salvation and survival."

In *The Tribune*, Ambala, Durgadas in his political diary

declared that "Pakistan is enemy no. 1 in the short term; China is the enemy in the long run." He did not favour Anglo-American arbitration. He thought that the Shastri Government was in the same position as Chamberlain's Government when confronted by Hitler. "If there should be a Munich, the nation will look for a Churchill to save democratic freedom. And if the ruling party fails to throw up a Churchill, the country might be tempted to look for drastic remedies." He agreed that when the Rann would be flooded, action on land would be difficult. He suggested: "India can keep up relentless aerial bombardment of the Rann which has been seized by Pakistan."<sup>2</sup>

### The people

A provoked nation reacted sharply with quiet determination boldly to face Pakistan's aggression in Kutch. The Indian Parliament affirmed the firm resolve of the nation to drive out the aggressor from the country's soil. Political parties, newspapers after the elementary stage, educational and cultural organisations, leaders of public opinion, all rallied round the Government in its response to meet the Pakistani challenge. Fully conscious of the many trials and tribulations, the people got ready to face all hazards and hardships. They took no time in arriving at the basic truth that the country's security and safety lay not in the doubtful aid of other countries but on their own resources and determination.

The rural masses and urban working and middle classes in this country were fully aware of the danger facing us. They were enthusiastically and courageously prepared to resist it with all their might. They neither wavered nor flinched. They knew better than many other materially advanced peoples of the world what the real interests of the country demanded from them. They were aware that the newly won independence of this country could be preserved only if they were prepared to resist their enemies. A people willing to suffer and sacrifice for democratic freedom, secular patriotism and economic advance, people who had the tradition of tolerance and patience, and the brave, robust men from proud rural India in our armed forces led by a new generation of officers who were patriots to the core and who demanded adventure as their right, a

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In *The Tribune*, Ambala, Durgadas in his political diary

against the assurances given to India by U.S. and large-scale mobilization of troops against India." The resolution assured "the Council's full support to any measure the Government of India adopts for protecting the country's borders."<sup>14</sup>

In Panjim the United Goans Party pledged full support and "every sacrifice" to meet the wanton and uncalled for aggression by Pakistan against India. It decided to hold in abeyance all public meetings on party matters planned for the month so that all attention could "remain focused on defence of the nation." A Press statement issued by Dr. Jack de Sequiera, President of the Party, on May 1, 1965, said he had also written to the President of the ruling Maharashtrawadi Gomantak Party, the Goa, Daman and Diu Territorial Congress Committee and the Goa unit of the Communist Party urging them that all political parties should have public meetings in important centres in Goa on a common platform "to mobilize and focus public awareness on the situation."

The Goa Congress Committee also appealed to the people and all parties and groups in the Union Territory to stand behind the Union Government when "at this critical hour our duty is to shed all internecine struggle and all differences that we may have, in the interest of unity."<sup>15</sup>

### The Indian Muslims

A two-day conference of the Monghyr district Jamiat Ulema held at Khagaria on 28-29 April made a fervent appeal to the Muslims of India to forget all differences with other communities and unitedly face the grave challenge posed by the expansionist policy of Pakistan and China and to take a vow to defend the country's freedom and integrity against the unprovoked attacks. Maulana Madani, the all India General Secretary of the Jamiat, deplored the trend of disunity and disbelief prevailing in the country. He said: "Muslims should not forget that India is their country."<sup>16</sup>

Ibrahim Sulaiman Sait, MP, General Secretary of the Indian Muslim League, in a statement at Ernakulam on April 29, 1965, strongly condemned the "naked and unprovoked" aggression by Pakistan in the Rann of Kutch. Sait assured the Union Government of full co-operation and support of the Muslim community in all measures taken to meet the Pakistani aggression at this

people all of whom were in a fine fettle could not be defeated unless they were betrayed by their political leadership.

Servicemen throughout the country made requests to army headquarters at New Delhi that they should be posted along the Kutch-Sind border. There was unprecedented enthusiasm to go to the 'front' to 'roll back' the Pakistani aggressors.<sup>10</sup>

Military and civilian measures were co-ordinated in the Kutch region to thwart Pakistani aggression, reported a UNI correspondent touring the Kutch border area, on April 24, 1965. Among the civilian measures taken was a substantial increase in Home Guards and the appointment of a 15-member Citizens' Defence Committee to assist the civil and military authorities in the district and along the border. The Committee appointed at an all-party citizens' meeting included representatives of the Congress, the Swatantra party and the Janta Parishad. The Committee could be expanded by co-opting more members from the Chamber of Commerce and student bodies.<sup>11</sup>

Representatives of Citizens' Civil Defence Committees from different parts of Kutch gathered at Bhuj, the headquarters of the district and presented two maunds of sweets to jawans serving in this area. The presentation was made to the Force Commander who met the representatives of the Civil Defence Committees coming from Bhuj. M.K. Gor, Chairman of the Bhuj Civil Defence Committee, told the Force Commander that citizens all over Kutch were keen to help the jawans in every possible way. Hundreds of people came forward with offers to donate blood at the military hospitals, he said.<sup>12</sup>

The All India Hindu Mahasabha on April 25, 1965, at Patna, passed a resolution calling upon the Government to face the situation created by the "wilful and planned attacks by Pakistan and China on our borders realistically and boldly." The resolution, which was passed at its open session at Patna, said that force was the only language that aggressors would understand and suggested that it should be unsparingly used to curb the increasing aggressiveness of the aggressors.<sup>13</sup>

The Corporation Council on May 1, 1965, adopted a resolution recording its "protest against the attacks by Pakistan

In Indian borders, using American weapons in these attacks

4. *The Free Press Journal*, Bombay, April 28, 1965.
5. *Foreign Affairs Record*, May 1965, pp. 97-99.
6. *The Times of India*, New Delhi, May 4, 1965; *The Amrita Bazar Patrika*, May 5, 1965.
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9. Vide also *Now*, May 7, 1965, pp. 12-13; May 14, 1965, pp. 12-13.
10. *The Hindustan Times*, New Delhi, 27-4-1965.
11. *Ibid*, 25-4-1965.
12. *Sainik Samachar*, May 30, 1965, p. 27.
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14. *The Hindustan Times*, 2-5-1965.
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Prominent Muslim citizens of Sholapur in a statement strongly protested against "the naked aggression" by Pakistani troops on the Sind-Kutch border. They said: "Muslims in India will not lag behind in protecting their motherland." The statement declared the forcible occupation of Indian territory by Pakistan posed a great challenge to all Indians, specially Muslims, and they should accept the challenge and fight until the last enemy was thrown out. The statement also criticised "anti-national activities" of Sheikh Abdullah<sup>18</sup> and said his actions abroad were "against the traditional high principles of Islam."<sup>19</sup>

Muslim members of Parliament on 11 May passed a resolution condemning Pakistan's aggressive policy which had started with the attack on Kashmir and had presently been manifested in Kutch. Humayun Kabir, Petroleum and Chemicals Minister, said a meeting like this would not have been necessary but for the danger of anti-national and communally prejudiced elements trying to exploit the situation on grounds of religion. Those denouncing Indian Muslims were the very ones who were pro-British in the past. Abid Ali, who presided, said Indian Muslims felt the need for raising their voice to express their love for the motherland because a Muslim country had committed aggression against India, which could give rise to misunderstandings. Pakistan, though a Muslim country, they would not compromise their loyalty to India. G.M. Mir from Kashmir said Pakistani Muslims should not think that they could incite Indian Muslims on the basis of religion.<sup>20</sup>

### Sources and Notes

1. *Foreign Affairs Record*, April 1965, pp. 65-66.
2. *Ibid*, 82-83.
3. *Ibid*, 79-82. The proceedings were keenly followed by a continuous stream of visitors to the public galleries where admission had to be regulated right up to the end of the day. The wife and other members of the family of the Chief of the Army Staff, General J.N. Chaudhuri, were in the Speaker's Gallery. The diplomatic and distinguished visitors' galleries were also occupied to capacity.

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## Negotiations for Ceasefire

### Pakistan gains time

"Hypocrisy is the hall-mark of Pakistan's foreign policy." On the morning of April 9, 1965, President Ayub Khan ordered his army armed with heavy artillery to attack the Indian police post at Sardar. As the handful of civilian police of Gujarat had inflicted serious losses on the invaders, the Pakistani rulers realized that they wanted more time to mature their plans of seizing the Rann of Kutch by force. This was not a difficult task. In the name of peace India could be befooled by anybody. Consequently a few hours after the first engagement at Sardar post, President Ayub delivered a homily on peace. Addressing a meeting of Central Ministers and top-ranking civil and military officers at Rawalpindi, he said:

"Pakistan stands for peace at all levels and seeks it through all means." It wants "peace at the world level through support to the U.N.," by "association with the countries that showed common historical experience," "through understanding with the members of the Commonwealth" and "peace in Asia which was of supreme importance to Pakistan."

The Pakistan Foreign Office carried the theme further.

On 11 April India accepted the Pakistani proposals, called for a ceasefire and negotiations without conditions. Home Minister G.L. Nanda told the Lok Sabha on 12 April that India was prepared for peace talks. On 13 April, the Pakistan Government made a three-point proposal suggesting (i) ceasefire, (ii) an inter-governmental meeting to determine what was the status quo ante which should be restored, and (iii) a higher level meeting. The Government of India accepted this formula and authorised their High Commissioner on 14 April to convey India's acceptance of these proposals. It was suggested that the ceasefire should be effective at 8 a.m. on 15 April. Pakistan High Commissioner in New Delhi, Arshad Hussain, called on Foreign Secretary C.S. Jha at his own request on 15 April. He said that the Government of Pakistan did not agree to Indian proposals as Prime Minister Shastri wanted evacuation of Kanjarkot by Pakistan before talks could begin. He was told in the clearest terms that it was not so. All that Shastri had said was that the Indian claim to Kanjarkot would be asserted at the talks. The Pakistan Envoy told the Foreign Secretary that Kanjarkot was Pakistani territory, and would not be vacated. He further said Pakistan did not consider that the proposed talks between officials of the two countries would serve any useful purpose as long as India insisted on Pakistani withdrawal from her own territory.<sup>3</sup>

#### *Dawn's invectives*

*Dawn* of Karachi in an editorial entitled "*The megalomaniacs of New Delhi*" on April 17, 1965, made the following prejudicial observations:

The affirmative reply sent by New Delhi to Pakistan's proposal for talks to end the fighting on the Kutch-West Pakistan border does not materially change the position as even now the Indian Prime Minister seems to be pressing his presumptuous demand for the disbanding of the Pakistani post at Kanjarkot. In such a situation, the only logical course for Pakistan would be to reject the belated Indian reply. In fact, the Foreign Minister, Mr. Z.A. Bhutto has already set the course by categorically stating that "there can be no question of our accepting any conditions as to the evacuation or disbanding of this or any other post within our territory."

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The Pakistan Foreign Office carried the theme further. Immediately after Ayub's sermon of peace, the Indian High Commissioner in Karachi was called to the Foreign Office, and a proposal for peace was conveyed to the Government of India through him. Pakistan "proposed an immediate end of fighting on the Sind-Kutch sector" and "asked for all necessary measures towards this end." On 10 April, the Pakistan Foreign Office further proposed "talks at the senior official level to resolve the border dispute between Pakistan and India by peaceful means."<sup>2</sup>

is to be hoped, will fully convey to New Delhi this country's firm determination to counter aggression with appropriate measures.

But what is behind New Delhi's growing aggressive posture? The series of aggressions—in Kashmir along the ceasefire line, in Dahagram and now in the Rann of Kutch—are not unrelated incidents. They are clearly parts of a calculated design. The motive force behind this habitual belligerency is, of course, the big-nation chauvinism which finds its expression in the ever-increasing tendency to bully India's smaller neighbours. The series of aggressions into Pakistan's borders, apart from being a manifestation of an acute psychosis, can very well be regarded as New Delhi's impatience to put the country's bloated military strength to a test. It became particularly necessary to boost the morale of the armed forces to enable them to forget the bitter memories of the ignominious defeat on the Himalayan front in their encounter with the forces of China. But, in this case too, the policy has failed. The casualties left behind by the intruding Indian armed forces after they were repulsed by Pakistani border forces tell their own tale....

In the same issue while giving a news item, the paper said:

Tribesmen of Quetta-Pishin District congratulated the jawans of the Pakistan border forces who successfully repulsed the Indian attack on Kutch borders....

Unlike India, Pakistan Army did not comprise of a few lakhs personnel but consisted of ten crore people because every Muslim was a born soldier and would perform his duties in the battlefield.

#### Further delay

On 19 April, the Indian Foreign Secretary handed over a formulation to the High Commissioner of Pakistan. He suggested that there should be a ceasefire to be followed by talks at official level with a view to determining and restoring status quo ante, and later a high level meeting between the two Governments to discuss the boundary question. India repeated that she was putting no pre-conditions to a meeting.

In a Press note, the External Affairs Ministry said on April 20 that Pakistan's 'dilly-dallying' over ceasefire and commence-



The Foreign Minister's hard hitting statement is a fitting reply to India's policy of dynamic hypocrisy as evidenced in the Kutch operations which were initiated at a time when the Indians had agreed to vacate their aggression in Dahagram. The plain-speaking which Mr. Bhutto has done was necessary. The Indian warlords needed to be told that peaceful as Pakistan's policy is, it should never be mistaken for weakness and that Pakistanis will repel any aggression into their territory with the last drop of their blood. There cannot, therefore, be any question of agreeing to Mr. Shastri's demand for vacating the post at Kanjarkot as a condition to peace talks. The suggestion is preposterous and deserved to be rejected as has been done. Moreover, there cannot be any question of vacating what has always been Pakistan's own territory. Since independence, this country has been in effective control of Kanjarkot and Ding areas. In fact, Pakistani border forces regularly patrolled areas lying between the post of Ding and Surai along a track running south of Kanjarkot, a fact which has been admitted even by the Indian Foreign Minister.

Besides, it has to be kept in mind that the proposal for talks was first made by Pakistan. The proposal was for an immediate ceasefire to be followed by talks at the level of senior officials. It was in keeping with Pakistan's avowed policy of settling all neighbourly disputes by peaceful means, a policy from which it has never deviated. On the other hand, strict adherence to it has paid rich dividends in the shape of strengthening of relations with China, Iran, Burma and Nepal. The proposal for talks on the Kutch question was made with the same spirit of good neighbourliness. But as usual New Delhi failed to catch the spirit behind it.

Mr. Shastri's adamancy and the continuing aggressive actions on the border only make it clear that the Indian Government is not at all keen on holding immediate talks with Pakistan. ...New Delhi's neo-imperialists are apt to misconstrue all peace overtures as weakness. Blinded by its almost psychopathic hatred for Pakistan and dangerously self-conscious about its newly-acquired military prowess the only language New Delhi now seems capable of understanding is the language of firmness and determination. Words of reason or of goodwill are liable to fall on deaf ears. Mr. Bhutto's statement, it

"Official sources said that the central issue was the dispute over a territory measuring 3,500 square miles and not the vacation of Kanjarkot by Pakistan which lay within its territory."<sup>4</sup>

Pakistan had been shifting ground all along. (1) At one time it agreed to a meeting of the surveyors, but later went back on it. (2) After agreeing to a meeting of the Deputy Inspectors-General of Police on either side, the Pakistanis changed their attitude. (3) Pakistan then suggested a ceasefire, determination of status quo and talks to settle the border issue. (4) Under the next proposal instead of "determination of status quo" Pakistan demanded that India should withdraw all her military and civil forces from the "disputed territory." 5. Pakistan now claimed Kanjarkot as Pakistani territory and Northern half of the Rann as disputed territory.<sup>5</sup>

*Dawn* reported: "The Pakistan Government suggested the Indian Government that the only effective way to promote a peaceful settlement in the Rann would be for both the countries to agree on a ceasefire and thereafter to withdraw immediately their armed forces—civil as well as military—from the disputed territory.

"It may be pointed out in this connection that the disputed territory is not the small strip of land around Kanjarkot as Indian propaganda is making out, but extends south of Kanjarkot to the Sind-Kutch boundary along approximately 24 degree latitude thus covering some 3,500 square miles.

"When the ceasefire has been effected and forces have been withdrawn from the disputed territory, it will be possible to hold a high level meeting to bring about a peaceful settlement of the dispute," *Dawn* said.

It was thus patent that Pakistan was not sincere in its desire to negotiate and all this exchange of proposals was merely a pretence. Pakistan imagined that as soon as it put forward a bogus territorial demand on India, the entire area coveted by it became *ipso facto* disputed territory which must be vacated by the lawful authorities. While maintaining a mere facade of negotiations Pakistan's policy was to use military force with redoubled strength.

ment of talks proved that it did not want to have any talks. It also confirmed that Pakistan was preparing to resort to further military means for which it had already started a tremendous build-up on its side of the Gujarat-West Pakistan border.

Eventually Pakistan came forward to a pre-condition. On 23 April, Pakistan proposed that both sides should withdraw their forces 20 miles away from the disputed border region before a formal ceasefire took effect and talks began between representatives of the two countries. The new Pakistani proposal had sinister implications:

1. It took another step to delay the declaration of ceasefire after it had been assured by India that there were to be no pre-conditions for the ceasefire and the subsequent official's meeting for restoration of the status quo.

2. Apart from delaying the ceasefire, Pakistan's move was aimed at securing some diplomatic and strategic advantages over India. The proposal sought to place Pakistan's intrusion and setting up of two posts in the Kanjarkot area at par with India's presence in its own territory.

3. India's acceptance of the proposal would have amounted to conceding Pakistan's contention that the Kutch-Sind border was a disputed frontier. Diplomatically, it would have meant Pakistan's winning half the battle in its claim to 3,500 square miles of Indian territory.

4. Another diplomatic advantage Pakistan sought was to forestall India's demand for vacation of Kanjarkot posts at the officials' meeting.

5. Strategically, Pakistan's move followed the Chinese pattern—illegal intrusion, unjustified claim, and then creation of a demilitarized zone in Indian territory. Pakistan knew that once the Rann was under water, which it normally was from the middle of May to the middle of November, both Pakistan and India would have to vacate the area. By vacating its two posts under an agreement it could return when the waters receded.

6. Moreover, if the proposal was accepted, Pakistan would have to vacate only the two posts it had recently set up whereas India would have to give up all its posts in its own territory.

7. *Dawn*, Karachi, on April 24 in bold letters reported:

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### Massive assault delivered

The Pakistanis did not care to wait for a reply even to this absurd proposal. A massive attack was launched in division strength supported by heavy artillery and tanks at Point 84, thirty miles east of Kanjarkot on the morning of 24 April.

The false excuse for this measure was given by *Dawn* on 25 April: "While Pakistan was offering ceasefire and peaceful negotiations, India was holding a big armoured exercise near the Pakistan-East Punjab border, which amounted to a pretext to concentrate more troops and armour in order to force Pakistan to accept Indian terms."

Severe fighting broke out at other places also including Biar Bet, Chhad Bet, Vigokot and Sardar. "The Pakistani forces made little attempt to advance beyond Biar Bet, and after April 30 a de facto ceasefire existed apart from occasional artillery fire."

### India accused of escalating war

The Government of Pakistan laid the entire blame on India for the renewal of outbreak of war. *Dawn* of Karachi under the heading "Indian Aggression in Kutch" on 27 April wrote:

The Government of India in her "most blatant volte face in her dealings with Pakistan, apart from Kashmir" has in a latest communication denied even the existence of a dispute in the Rann of Kutch, the territory under dispute between the two countries for the last 18 years, it was officially stated last night.

A Foreign Office spokesman in Karachi told newsmen: The Government of India has rejected Pakistan's offer of a ceasefire in the Rann of Kutch to be followed by immediate withdrawal by both Governments of all their armed forces, both civil and military, from the disputed territory so as to pave the way for talks to evolve a peaceful solution of the dispute. India's rejection of the constructive proposals put forward by Pakistan furnished evidence that she is determined to remain in forcible occupation of this territory comprising 3,500 square miles approximately.

In rejecting Pakistan's offer, the spokesman said, India has stated that a territory does not become a disputed territory

merely because one side claims it to be so, in other words, India now denies even the existence of a dispute in the Rann.

This indeed is most extraordinary and represents the most blatant volte face yet assumed by India in her dealings with Pakistan, apart from Kashmir, the spokesman added. A ceasefire by Pakistan without withdrawal of armed forces by both sides from the disputed territory would mean letting the 16,000 to 18,000 heavily armed Indian troops seize whole of the disputed region making India present Pakistan with a fait accompli.

For the last six weeks, India has been steadily increasing its military build-up in the area. On the other hand Pakistan continued to maintain status quo confining itself to the tiny strip of Kanjarkot, outside the disputed territory. Pakistan, unlike India, only patrolled the area south of Kanjarkot.

### Indian build-up

India, however, fanned out its troops in the disputed area, close to which there is also heavy Indian naval and air build-up. It has forcibly occupied most of the disputed region.

To push back the Indian troops' forward moves in the disputed region Pakistan infantry is now ten miles down the territory between Chhad and Biar Bet. They are there to check the Indian troops' attack from different directions.

It was the Indian troops' attempt to seek a decision by force in the area which has provoked hostilities between the forces of the two countries, the spokesman added.

The spokesman said: India's military move in the Rann of Kutch is yet another effort by Indian leaders to seek a solution of the dispute relating to the boundary by the use of force.

India's Prime Minister Shastri had recently said that India would insist on vacation of Kanjarkot, which is outside the disputed territory and in rightful and legal possession of Pakistan at the talks proposed by Pakistan for a peaceful settlement of the whole issue.

India's response to Pakistan's offer of ceasefire to be followed by withdrawal of armed forces of both sides from the region confirms that the only reason India could not withdraw its armed forces from the disputed territory was the fact that if it did so she would be admitting the existence of a dispute now being denied by her though pending between the two countries

for the last so many years.

"*The Times*" atlas, it may be pointed out, shows the area now under forcible occupation of Indian troops—as the disputed territory.

The Foreign Office spokesman described as "completely baseless" Indian reports of general mobilisation of troops by Pakistan, in fact, it is India which is creating more tension and war hysteria and has put its troops on the alert, he added. Pakistan always wanted to seek a peaceful settlement of the issue.

### Peaceful solution

The spokesman said it was hoped India would see the path of reason and peace and try to seek a peaceful solution of the issue instead of forcing a decision through a clash of arms.

Pakistan's proposal of withdrawal of forces from the disputed region did not place either side in any advantageous position. It rather put both sides on parity to have the way for talks at high political level for a peaceful settlement of the dispute.

India's latest threats and moves have not come as a surprise. India took Kashmir and Junagadh by force. Her military actions in several other areas more recently in Dahagram and Cooch Behar showed India had now come to rely more and more on her armed strength.

India's latest volte face of denying even the existence of a dispute in the Rann of Kutch shows what scant respect it pays to the agreements entered into by her with other countries.

This dispute has been under discussion by the two Governments during the past several years.

The Foreign Office spokesman said: Paragraph two of the agreed decisions occurring in the Indo-Pakistan Agreement on West Pakistan-India border disputes—signed on behalf of India by the Commonwealth Secretary, Mr. M.J. Desai, on the 11th January 1960 and ratified on the same date, states as follows:

"Exploratory discussions regarding the boundary dispute in the Kutch-Sind region showed that the differences between the Governments of India and Pakistan could not be settled. Both Governments have decided to study the relevant material and hold discussions later with a view to arriving at a settlement of this dispute."

Paragraph four of the Joint Communique issued on the occasion also stipulates as follows:

"Both countries agreed to collect further data in respect of the dispute regarding Kutch-Sind boundary and discussions will be held later with a view to arriving at a settlement of the dispute."

Apparently, India now feels militarily strong enough to repudiate this agreement and to force a military decision on Pakistan.

### Rann dispute

The dispute over the Rann of Kutch is that of title to territory. It has existed since before partition. It has been the subject of negotiations between the two countries on a number of occasions. It was last discussed between General Sheikh of Pakistan and Sardar Swaran Singh of India in January 1960. As no agreement was reached, it was decided to defer consideration to a subsequent meeting. No meeting has since been held.

Meanwhile the two countries agreed in terms of Rule 9 of the Ground Rules of 1960 that "in areas regarding which disputes of title are already pending with the respective Governments for a decision, the status quo inclusive of defence and security measures will be strictly maintained until such time as the *de jure* boundary is finalised and the return of territories in adverse possession of the two countries takes place.

Towards the end of January 1965, Indian forces attempted to interfere with Pakistani patrolling outside the disputed territory. Later in February, India accused Pakistan of occupying Kanjarkot, a fort lying north of a track between Ding and Surai customarily patrolled by Pakistani border forces.

It was pointed out to India that Pakistani forces had been patrolling this track for the last several years and that therefore there had been no violation of the status quo.

Meanwhile,

(i) Intensive Indian patrolling was started on newly established track in close proximity of Pakistan track. Patrols carried automatic weapons, recoilless rifles, etc.

(ii) New Indian posts were created early in March opposite Pakistani positions, notably at Vigokot, Sardar, Karimshahi,



Sarabbella equipped with VHF communication equipment, observation tower.

(iii) On 24th February the 31st Indian Infantry Brigade was moved from Ahmedabad and deployed near the area.

(iv) Headquarters of Indian Armed Forces in Gujarat state were moved forward to Bhuj to facilitate operational control.

(v) Extensive digging of trenches, construction of bunkers and new tracks in the disputed territory.

(vi) Frequent reconnaissance flights by Indian Air Force planes.

(vii) A large scale combined army/navy operational exercise was carried out in the area by India. Forces participating included 31st Infantry Brigade, the Indian aircraft carrier, 7 destroyers, frigates and one fleet tanker. Aircraft from the carrier carried out extensive ground support and reconnaissance missions. Naval ships carried out bombardment in support of the ground forces.

### Indian attack

Even while the modalities of reducing tension in the area were being discussed, Indian forces attacked the Pakistani border outpost at Ding within Pakistan territory on the night between 4th and 5th April and established positions to the north of that post. A flag meeting arranged by the local commanders to discuss the situation was repeatedly postponed by the Indian side. On the 9th April Indian forces launched an attack on Pakistani forces in an attempt to dislodge them from their positions.

It is this attempt of the Indian troops in the area to seek a decision by force which has provoked hostilities between the forces of the two countries.

Subsequently the conflict was enlarged when India brought in heavy armour and regular army units into the forward areas and Pakistan was obliged to take appropriate measures for the defence of its borders and of its interests in the disputed territory.

India is focussing attention on Kanjarkot to divert attention from the fact that the entire northern half of the Rann is in dispute and that the international boundary line lies along the 24th parallel.

### Indian designs

Indian designs became manifest in Mr. Shastri's statement of April 12, which he repeated in the Lok Sabha on 16th April, that India would insist on the vacation of Kanjarkot at the forthcoming talks and that in the meantime preparations would continue unabated to take Kanjarkot by force, if necessary.

In the light of this we have proposed that both sides should move their forces out of the disputed territory.

In the meantime India is making the situation more tense than by moving in troop reinforcements, and by threats of action against other sectors of the border.

The Rann of Kutch is not an isolate instance where India has used force to resolve an outstanding dispute. In the past, India took Hyderabad and Junagadh by force. Today she is holding Kashmir in her colonial grip by sheer armed strength. There recently her aggressive activities on the cease-fire line have increased. They still continue.

### Dahagram

Again about two months ago for no rhyme or reason India suddenly occupied Dahagram—a Pakistani enclave in Cooch Behar. Indian plan here was to force the exchange of enclaves at this stage and thus postpone the demarcation and transfer of Berubari into the indefinite future. The firmness shown by Pakistan in the face of India's aggressiveness resulted in the withdrawal of Indian forces from Dahagram and in the re-establishment of Pakistan's control.

India's military move in the Rann of Kutch is yet another effort by Indian leaders to seek a solution of the dispute relating to the boundary by the use of force. While we have offered to discuss this dispute amicably with the Government of India, we reserve the right to take appropriate measures for the defence of our interests in the disputed territory.—APP

*Dawn* reported the statement made by a Pakistan Foreign Office spokesman on April 28, 1965:

The spokesman said that India was building up forces in East Panjab near West Pakistan border and Indian planes had violated Pakistan air space although Pakistan had not taken action so as not to worsen the situation.

He said that on the night of April 25-26, Indian paratroops suffered heavy casualties in Rann and had left behind some men and material.

Asked if the Indians were using American arms he said a survey was being made and it would be made known. He said that India had been getting American weapons on the understanding that they were not used "aggressively." We are told they are supplied with these weapons only to fight Chinese but we don't think this coincides with the Indian intention, he added.

The spokesman said that Pakistan still wanted a peaceful settlement but could not accept the Indian argument that Rann was entirely Indian territory and the only point in dispute was the small area round Kanjarkot.—APP<sup>s</sup>

In the same issue, *Dawn* published a report by its correspondent in New Delhi, under the headlines, "Indian Forces Mobilised, Delhi escalating conflict in Kutch."

New Delhi, April 26: The Indian Defence Minister, Mr. Chavan, admitted in Lok Sabha today that the Armed Forces had been put on the alert on his borders.

The Minister, who was making a statement on the Kutch border situation, said that the alert had necessitated "certain moves plus stoppage of leave and recall of personnel on leave."

The Minister tried to justify these extraordinary measures by speaking of the alleged order of mobilisation of Pakistan; an allegation since denied by the Government of Pakistan.

### Difficult times

Excitement ran high in Lok Sabha after the Defence Minister volunteered his statement on the Kutch situation and told the House that the country was passing through difficult times.

At the end of the debate, which was punctuated by hysteric demands for hitting at Pakistan and teaching her a lesson, it was agreed to hold discussion about the border situation on Wednesday.

Prime Minister Shastri, while agreeing to a discussion on Wednesday, appealed to the members to exercise restraint in their speeches and not to discuss the failures of the Government at this stage. He wanted the members to show to the

world that on such occasions the country stood united as one.

The Prime Minister said that the armed forces were in operation now and "we should leave to them to deal with the situation as they deem fit."

### India warned

Communist leader Professor Hiren Mukherjee warned the House against repercussions of a war between India and Pakistan. In an implied reference to the demands made by some members to attack Pakistan, Mr. Mukherjee said that one should not talk glibly of a war with a sister country, like Pakistan. Declaring that this would have serious repercussions inside and outside the country, Mr. Mukherjee wanted the members to bear in mind that there were minorities living in this country.

While in Parliament, members spoke of the so-called Pakistan aggression on Kutch, newspapers carried editorials on the alleged threat from Pakistan.

### Defence Council meeting

Meanwhile, a meeting of the Defence Council has been called on May 1 in New Delhi to discuss the Kanjarkot situation.

The Prime Minister, Mr. Shastri, who returned from Nepal yesterday evening, had hurried consultations with his Cabinet colleagues at the airport itself and later had a meeting with the Chief of the Army Staff, General Chaudhuri.

### New adventure

The way the Government is working up the emotion of the people and giving call for national unity only redouble the suspicion that some big military adventure might be in the offing.

Some foreign observers feel that there might be an escalation of the conflict in the Kutch area.

The Defence Minister's statement that "certain moves" had been taken consequent on the order for alert is interpreted by observers as order for mobilisation and movement of armed forces on a large scale, said *Dawn*.

### Mediation should have been rejected

*The Statesman* on May 11, 1965, put Indian people into three groups regarding their attitude towards Pakistan. The first group felt armed conflict must be avoided at any cost in the interest of both the countries. A second and possibly the largest group was of the view that the armed forces should stage an incident along the border at a time and place of their own choice. They, however, insisted that the incident should be localised and not allowed to grow into a war. "The third group and possibly the smallest is for a showdown with Pakistan, whatever the cost or consequences may be." In the paper's opinion "the most muddled thinkers of the lot" were group two. It was certain that any localized retaliation, fairly sizable to make an impact was bound to develop into war.

*The Statesman* then argued against the viewpoint of Group III:

1. A War between India and Pakistan would achieve little. No territory would change hands. But it would cause tremendous destruction to arms and equipment.
  2. As all the equipment of Pakistan was a gift, and a considerable quantity of Indian equipment was a loan, it would not be replaced as it came mainly from the same source.
  3. Its indigenous replacement would strain the economies of both the countries, and the development and welfare work would come to an end.
  4. Some thought that the U.N.O. would intervene and would stop the conflict in two weeks. In the paper's opinion the idea was unrealistic. U.N. had no police force to enforce its decisions. Mere resolutions never stopped hostilities. Therefore, a quick end to the conflict was not possible.
  5. When conventional reserves would run out, the war would be converted into guerilla gangs marauding at will.
  6. Any mediation at that stage would compel India to agree to plebiscite in Kashmir. In that event minorities in both the countries would suffer.
  7. Chinese intervention would further humiliate India.
- The paper indirectly threw in its lot with group I.
- The best course was to throw out the marauders and teach them a lesson which Pakistanis could not have forgotten for

long. But our misfortune is that the Indian bureaucracy at the centre is dominated by old Indian Civil Service men. Most of them were educated in Britain, and all of them were bred in English atmosphere. British civilisation and culture had penetrated into their very soul. They had developed a sort of inferiority complex in the presence of their white masters and a definite superiority complex before their white-capped bosses. Besides, the right wing of the Congress could not dare offend Western Governments. They could go to the extent of sacrificing the most vital national interests in order to secure even a small degree of Anglo-American goodwill. Among the people also there was a small but powerful section opposed to any action against the wishes of Anglo-American group. This was the class ordinarily of the rich and wealthy people. All these combined formed the defeatist circle in the country. It stood for appeasement of Pakistan. They tried "to scare those in office with the argument that if we refuse to accept offers of mediation we may lose the friendship and support of the U.S.A. and the U.K. entirely."<sup>9</sup> They also pointed out if Anglo-American efforts at mediation were rejected, Shastri would be "branded as a war monger by the interested parties."<sup>10</sup>

Any suggestion for mediation whether Western or Eastern should have been spurned at the very start for the following reasons:

1. Acceptance of ceasefire in Kashmir was the greatest blunder. Nearly one-half of Kashmir went to the enemy. For acquiring the remaining half, Pakistan has succeeded in making almost the whole world anti-India. If ceasefire would have been rejected then, the whole Kashmir would have been with us and we would have had a common boundary with friendly Afghanistan. It would have been easier for Pakhtunistan to come into existence. Russia's border being very close, she would have been more friendly to us.

2. Pakistan has a military pact with the United States and is in alliance with Anglo-American bloc. India being non-aligned, our friendship with the Western powers, to borrow from Gooch, is like that of an earthen pot as compared with Pakistan's position of an iron vessel. Consequently, in the gladiatory ring of the West the earthen pot is sure to break.

into pieces when struck against the iron pot.

3. On principles of international fairness and equity the Western powers are fully justified in supporting their ally against a non-ally.

4. However weak the Pakistani case might be, according to its policy, the British Government could not make any embarrassing demands on Pakistan. The final appeal of all British mediation would be for appeasement of Pakistan.

5. British impartiality implies in telling the victim of aggression that she partly recognises the aggressor's claim and advises it to place the sovereignty over its own territory "in court."

6. Pakistan was never asked to take her troops away from the proximity of Indian territory either in Kutch, Rajasthan, Panjab, Bengal or Assam.

7. Britain deliberately turned from the evidence of its own records to devise a compromise formula. It was suggested that if India had a strong case, she should not hesitate from agreeing to arbitration. To India's leadership it never struck that in the international world there was no justice based on impartiality. Decisions were always taken on political considerations. A non-aligned country was bound to lose against an aligned power.

8. Anglo-American concept of holding the scales between India and Pakistan was based on the Irish formula of "serving neither to partiality on the one hand nor to impartiality on the other." This implied that at the time peace negotiations began, the aggressor should be allowed to retain the fruits of aggression. Between India and Pakistan, the latter would always be the aggressor and the former the agressed. Hence every attempt for aggression would bring certain territorial advantages to Pakistan. At least that has been the history of Indo-Pakistan relations since the latter's birth in 1947.

9. Another factor to be remembered is that Anglo-Americans have always been more interested in stalling the crisis than in solving it. This has ever been the game of mediators.

10. Neither the British Government nor the British diplomats in India expressed any opinion on India's case. It was based on the conclusions of the Cairo Conference of non-aligned nations that the frontiers inherited by a newly liberated

country should be respected.

11. Our leaders had assured Parliament and through Parliament the whole country, that under no circumstances would they let Pakistan grab even "an inch" of Indian territory in the Rann of Kutch. They never took SEATO, CENTO, NATO and the US-Pakistan military pact into consideration. Lal Bahadur Shastri had immense faith in British justice and impartiality, and to their tender mercy he innocently consigned the Kutch case. He frequently told Pakistan that aggression did not pay. He had lost his memory when he said so. Aggression against India had always paid heavy dividends to Pakistan. Shastri did not display any sense of realism in the diplomatic handling of the Rann of Kutch. He completely forgot the fate of weak and non-aligned India in the past. The appropriate course should have been to take an energetic action against the intruders, without being sidetracked by an outside agency. He should have told Britain that India did not want any mediation. Pakistan had committed aggression, and the Government of India was honour-bound to get it vacated. Peace could be maintained only between those countries who agreed not to commit aggression. As Pakistan was bent upon mischief at all times and places against India, no peace could be establish by mediatory patch up.

#### Why Shastri accepted mediation

1. Impelled by the policy of peace adopted by the ruling Congress party since 1947, and by his own pacific attitude and under pressure of bureaucracy, the Western-minded Congress group and wealthy classes, Prime Minister Shastri favoured a ceasefire.



"if Pakistan continues to discard reason and persists in its aggressive activities, our army will defend the country and it will decide its own strategy and the employment of its manpower and equipment in the manner which it deems best." The United States Government immediately informed him that "it would take a serious view of any Indian military action outside Kutch."<sup>12</sup>

4. At the same time Britain told him that if India used its Air Force, "it might have to reckon with the full force of SEATO and CENTO."<sup>13</sup>

5. It was pointed out that Pakistan had the unique advantage of possessing a marshal-president in whom all authority resided. India had a prime minister who must satisfy his party, parliament and various units in the Union. In other words military dictatorship was considered superior to democracy.

6. According to British comment, the Pakistan army was homogeneous, consisting not only of Muslims, but of Panjabis and Pathans. Indian army was a mixture of various ethnic and language groups from Kashmiri to Tamil, Telugu and Malyali, and from the Sikh to the Maratha and the Bengali. On an average one Pakistani soldier was considered equal to three Indians.

7. The Pakistani armament, it was pointed out, was uniform and superior, being all American. India had a mixed bag of French and British tanks and aircraft, both inferior to what the Pakistanis possessed.

8. It was suggested that the Hindu-Muslim riots would break out in India on a grand scale. One British writer had even gone to the extent of saying that the number of the killed in riots would be enormous in comparison with the loss of life on the battlefield which would look like a bus blown up.

9. The only advantage, India could see, pointed out foreign observers, was its larger resources and greater army. This advantage was cancelled by the fact that India had to disperse its troops to guard the northern frontiers against China, whereas Pakistan could concentrate all its might in West Pakistan.

These arguments took the ground off Shastri's feet. Though in Parliament he bluntly told the United States not to meddle

in India's affairs, yet he completely surrendered himself into British hands. The imperialist monkey had re-appeared on the scene to decide between the quarrelling cats.

### British mediatory move

Shastri had announced his willingness to have an immediate ceasefire, to be followed by talks for restoring the status quo ante. At one stage Pakistan also had said the same thing. There was only one danger. Time factor was against India. Indian positions on this border were untenable in the rains. Pakistan was naturally tempted to bargain for more. It demanded a larger Indian withdrawal than the season could force. But Shastri had given an antidote. He had warned that if Pakistan remained adamant on its conditions, the Indian Army had been given full liberty to take any action against her to safeguard India's territorial integrity. A mild man's warning in reality meant more.

In view of this situation, mediatory efforts started in different parts of the world to silence the guns in Kutch. The initiative was taken by London. It was certain that Washington was not far behind. The interest shown by the U.S. and U.K. Governments, as conveyed by their envoys in Delhi to the Government of India also figured at the Emergency Committee meeting on 27 April. On April 28, 1965, the British High Commissioner in India, John Freeman, delivered to Prime Minister Shastri a letter from the British Prime Minister, Harold Wilson.<sup>14</sup>

A similar approach was made to Pakistan. *Dawn* on 27 April reported: The United States and Britain were concerned about the present dangerous situation in the disputed Rann of Kutch, a Foreign Office spokesman said in Karachi yesterday.

He said they had expressed their concern to Pakistan and India at Ambassadorial level but had made no specific proposals.

We will keep the United Nations informed but it is not the practice normally to bring the United Nations into these border disputes, he said in reply to a question.

"In the past we had settled these disputes peacefully and we still think we can settle it without going to the United Nations", he added.

But the spokesman emphasized there was no possibility of Pakistan accepting the ceasefire as long as the Indian troops—estimated at 2 Brigade strength from 16,000 to 20,000 men—remained north of 24th Parallel which was the border.

In Ottawa, the Canadian Prime Minister, Lester Pearson said on April 28, his country as a member of the Commonwealth would do "anything we can" to help in settling the border conflict between India and Pakistan. In a statement to the House of Commons he said his Government was in constant contact with India and Pakistan in regard to "this unhappay development," and would do what it could to help. He said: "I certainly hope this matter will be amicably settled before the Prime Ministers' Conference meets in London in the middle of June."<sup>15</sup>

#### Shastri silent on British proposals

Prime Minister Lal Bahadur Shastri repeatedly declared in the Lok Sabha on 30 April that the Government would not accept any ceasefire proposals in regard to Kutch, "which are not consistent with what I had stated last Wednesday and what this House has generously endorsed."

Despite several demands that the Prime Minister should at least give some broad outlines of the ceasefire proposals made by the British Prime Minister, Shastri declined to give details. He said it would not be in public interest to spell out the details of the British proposals.

Noisy scenes were witnessed when member after member while agreeing that operational details could not be given, demanded that information which the whole world got, should not be denied to members. There were some exchanges between the Samyukta Socialist and Congress members. The Prime Minister was unable to give the House the details of the proposals put forward by Harold Wilson for the simple reason that Britain had requested both sides not to publish them until diplomatic soundings had been taken.

Shastri said: "I want to make it absolutely clear that to run the Government is our responsibility and we are going to discharge it. We do take broad guidance from this honourable House on matters of policy. But we cannot be given executive directions every day."

N.G. Ranga, leader of the Swatantra group, suggested that the Prime Minister, should at least call a meeting of leaders of various parties in the House, including the Congress Party, and apprise them of developments in Kutch.

Madhu Limaye (SSP) said: "Twice before we have been let down. First in Kashmir and then in relation to China. I am afraid the same is going to happen in Kutch. We want the Government to state categorically that there would be no ceasefire until such time as every inch of Kutch has been vacated by Pakistan."

S.N. Dwivedi, leader of the PSP group, said that if the ceasefire proposals made by the British Prime Minister could not be disclosed, he wanted to know whether his (British Prime Minister's) mediation had been accepted.

Vasudevan Nair (Communist) said that the situation was becoming more serious and complicated. The Imperialist Powers were pushing Pakistan into Indian territory, and were restraining India. The Government was walking into a trap.

Prakash Vir Shastri (Independent) said: "The way Britain patted Pakistan on the back on the Kashmir question is demonstrative of the British attitude." He said that although the British Prime Minister's proposals were supposed to be secret, but their content had come out in Press reports. He continued: "We would prefer to remain hungry, but we will not compromise our honour. If the Government now falters and falls into the British trap, it would lose the sympathy of the people."

Nath Pai (PSP) said that the ceasefire had resulted in traps in the past for India, it should not happen again. The pattern was that somebody walked into Indian territory, grabbed it, and then proposed a ceasefire and remained in possession of Indian territory. He said that Pakistan had taken foreign correspondents to Biar Bet and other places. These correspondents had filed despatches from there. The whole world knew what was happening but the members of Parliament were not given information.

Ram Manohar Lohia accused the Prime Minister of being chicken-hearted. He said the Government was ignorant of diplomacy. Wilson would not initiate any diplomatic or political moves on his own.<sup>16</sup>

## Peace offensive of Pakistan

When fighting almost ended in the Rann of Kutch, Pakistan took to intense peace offensive with regard to Kutch. Bhutto said that in the recent fighting Pakistan had established a definite military superiority. In spite of this it had stopped fighting. India should "accept the gesture" of Pakistani goodwill and start negotiations. Other political commentators suggested that India should seize the hand of Pakistani co-operation and agree to its terms for a ceasefire. Almost all the Urdu papers including *Imroz*, *Hurriyat* and *Jang*, pointed out that the ceasefire negotiations would be a tough job. They denounced the British plans for a ceasefire agreement as an "extension of the Mountbatten policy of 1947 era." The English language papers and Radio Pakistan on the other hand praised the "essential sincerity" of the British plan.

All this was done at the suggestion of the Ministry of Foreign Affairs, the Press not being free in Pakistan. By this double approach in propaganda Pakistan had two objectives: (a) to remain on the right side of the Western Powers by claiming to accept the British plan in essence, and (b) enhance its own image for 'peace and power' in the Afro-Asian countries by posing as anti-West and anti-colonial."<sup>17</sup>

President Ayub Khan on May 1, 1965, threatened "general and total war" against India. He massed his troops in heavy concentration and in an aggressive posture all along the Indian borders, both in the west and the east. There had been movement of troops from West Pakistan to East Pakistan. Construction of bunkers, digging of trenches and other war-like preparations continued all along the border. The units of the Frontier Corps, viz., Khyber Rifles, Kurram Militia, Tochi Scouts, South Waziristan Scouts, Zhob Militia and Bajaur Scouts, were concentrated at particular places for deployment against India. The Mujahids, which is an irregular armed force, were embodied for service with regular troops and were put through an extensive weapon training course.

The sector-wise position was as follows :

### Northern sector

There was a steep rise in the number of incidents of firing,

intrusions and raids deep into our territory and of other provocative activities by Pakistan armed forces all along the ceasefire line and the international border in Jammu and Kashmir. Pakistan troops moved closer to the ceasefire line. There was a build-up in the Sialkot area close to the international border in Jammu and Kashmir. The 7th Infantry Division was moved into this area from Peshawar and Naushera. A party of Khyber Rifles Force was moved from Jamrud and Shagai forts towards the Pakistan occupied Kashmir.

### Western sector

Heavy movement of troops from the interior of West Pakistan particularly from Kharian, Naushera, Risalpur, Kohat, Peshawar and Landikotal towards the Indo-Pakistan border took place. A large build-up of the army covering an area approximately two square miles was organised in the thick jungle on Sialkot-Pasrur road. Long convoys of vehicles loaded with arms and ammunition, bridging material and barbed wire were brought from the interior of West Pakistan towards the border.

### Eastern sector

In addition to 14 Division located in East Pakistan, 17 Baluch Regiment from Quetta and 18 Field Regiment from Sialkot in West Pakistan had been moved to East Pakistan. One infantry battalion of the 21 Baluch Regiment was deployed in Mymensing district opposite Indian Garo Hills. Another infantry battalion of the 11 Punjab Regiment was deployed in Sylhet opposite Cachar district. Four companies of the 11 Punjab Regiment were deployed opposite the Lathitilla-Dumabari area in Assam. Besides, Pakistan had concentrated sizable forces opposite Cooch Behar, Rangpur, Lalmonirhat and Dahagram areas of India. These forces were in addition to the East Pakistan Rifles, a heavily armed para military force. This force had originally a strength of 10,000.

Thus the whole of the Pakistan army was deployed in battle position on Indian borders both in the east and west in the beginning of May 1965. Added to these, there were aggressive and continuing violations of Indian air space by Pakistan Air Force. In the months of April and May there had been

43 violations of Indian air space. On May 8, 1965, a Pakistan Air Force plane intruded 43 nautical miles into Indian air space at Utarlai in Rajasthan. The aggressive intentions of Pakistan manifested themselves in a continuous series of violent incidents and shooting in various parts of the Indian border. The violations on the borders of Assam, Tripura and West Bengal on one side and East Pakistan on the other, between Rajasthan and West Pakistan and on the ceasefire line in Kashmir were occurring frequently.<sup>18</sup>

Defence Minister, Chavan, told the Lok Sabha on 4 May about the major armed build-up by Pakistan along the West Bengal-East Pakistan border. He also pointed out the possibility of a joint Sino-Pakistan move. Chinese generals had visited East Pakistan. Pakistan's armed forces had been strengthening their positions and constructing bunkers and digging trenches. These were manned mainly by the East Pakistan Rifles, which he described as a "semi-military force." In addition there were units and formations of the regular Pakistan army. Their strength had been increased by the induction of armed troops from West Pakistan by air and sea. Movement of units inside Pakistan was also noticed. According to a UNI report from Calcutta all market places in the border areas of East Pakistan had been requisitioned to accommodate the newly arrived army personnel. The entire town of Khulna had been converted into a cantonment with daily additions of armed forces. Strict restrictions had been imposed on the movement of civilians in the Khulna jetty area. In the northern area opposite the Cooch Behar and Jalpaiguri borders hundreds of Pakistanis, irrespective of age, were trained in weaponry, and after training supplied with rifles.<sup>19</sup>

### Negotiations begin

Originally the British Prime Minister with "Washington's concurrence"<sup>20</sup> had suggested that there should be an immediate ceasefire in Kutch by both sides at their current positions. After this both sides should restore the status quo as it existed on January 1, 1965. Later on talks should be held to find a permanent solution of the dispute. India was in broad accord with these proposals. It wanted only one amendment as to include immediate withdrawal of Pakistan forces to the area

they occupied on 1st January. At first, Pakistan seemed to be considering the Indian proposal seriously. Then there was a sudden change of mind.

Pakistan had set up its first post at Kanjarkot on January 3, 1965. So it was unhappy over 1st January as the date for determination of the status quo. It wanted to retain Kanjarkot at any cost. This object could be achieved if India would admit a territorial dispute instead of a border dispute. From Indian point of view, choosing January 1, 1965, as the date for the status quo was absolutely unfair and unjustified. For the purpose of negotiations, the proper date for the status quo was August 15, 1947. This implied rejection of the Radcliffe Award and all the historic facts, maps and British agreements with the Kutch rulers. Acceptance of the ceasefire mediation was an error, but the agreeing to January 1, 1965, as the date for status quo was a blunder.

Pakistan's rejection of the original British proposals was an opportunity for the British to modify their proposals. If the original proposal sought to pacify India, all the later proposals aimed at placating Pakistan.

The British High Commissioner to Pakistan, Sir Morrice James, on the night between 28-29 April, flew from Karachi to Rawalpindi. He carried with him a letter from British Prime Minister Harold Wilson for President Ayub Khan relating to the situation on the Rann of Kutch border. When contacted by a PPA correspondent, the High Commissioner declined to disclose his mission and only said: "I am here in Rawalpindi. That is all. I have nothing to say more."<sup>1</sup> The U.S. Ambassador to Pakistan, Walter McConaughy, also flew to Rawalpindi on the morning of 30 April to reinforce efforts of the British High Commissioner.<sup>2</sup> The Pakistan High Commissioner in London, Agha Hilaly, on the night of 29-30 April, called on Cledwyn Hughes, Minister of State in the Commonwealth Relations office. He emphasized that the position of Indian and Pakistani troops should be "frozen in their trenches" as the basis for a ceasefire. The proposition implied that Pakistan should retain control of not only Kanjarkot and Biar Bet but also of the other points and territory that the Pakistani forces had occupied during the fighting.<sup>3</sup>

Sir Morrice James arrived in New Delhi on 30 April to dis-



cuss with the British High Commissioner in New Delhi, whether India would agree to a slight but significant modification of the wording of the British ceasefire formula to meet certain objections raised by Pakistan. Morrice James also met L.K. Jha, the Prime Minister's Secretary. He communicated personally to Jha the clarification sought by Pakistan from the British Prime Minister to establish the evidence of a territorial dispute as distinct from a border dispute in the Rann of Kutch. John Freeman met C.S. Jha to ascertain the Indian reaction to the modifications.

President Johnson's special envoy, Henry Cabot Lodge, also arrived in New Delhi the same day. Accompanied by U.S. Ambassador, Chester Bowles, he met the Prime Minister, Foreign Secretary, Commonwealth Secretary, and the Special Secretary in the External Affairs Ministry.

India showed willingness to concede the existence of a border dispute in the Rann of Kutch, but she was determined to resist firmly the Pakistani manoeuvre to establish that there was a territorial dispute.

The British thereupon asked for a week's respite in hostilities. The idea as outwardly given out was to gain a period of peace to plan the next move which might be acceptable to both countries. But the real motive was that once the Rann was submerged by tidal waters, a six-month stalemate would ensue. This very well suited Anglo-Americans as well as Pakistan. It did not suit India and she strongly resisted it. It implied that Pakistani troops would stay where they were but Indian troops would be compelled to pull out. This would secure for Pakistan a point of prestige over India as also the military advantage of time to consolidate its positions. The British also would gain time to improve on their role as mediators and eventually take upon themselves the responsibility of arbitration.

Patrick Gordon-Walker, the British Prime Minister's personal representative, called on the Deputy Minister for External Affairs, Dinesh Singh, in Delhi on 2 May. The talks were related to "the Kutch-Sind border issue."<sup>24</sup> The United States also urged both India and Pakistan to keep the Kutch conflict localised, pending a ceasefire and refrain from doing anything elsewhere which might provoke a wider conflict.<sup>25</sup>

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President Johnson's special envoy, Henry Cabot Lodge, also arrived in New Delhi the same day. Accompanied by U.S. Ambassador, Chester Bowles, he met the Prime Minister, Foreign Secretary, Commonwealth Secretary, and the Special Secretary in the External Affairs Ministry.

India showed willingness to concede the existence of a border dispute in the Rann of Kutch, but she was determined to resist firmly the Pakistani manoeuvre to establish that there was a territorial dispute.

The British thereupon asked for a week's respite in hostilities. The idea as outwardly given out was to gain a period of peace to plan the next move which might be acceptable to both countries. But the real motive was that once the Rann was submerged by tidal waters, a six-month stalemate would ensue. This very well suited Anglo-Americans as well as Pakistan. It did not suit India and she strongly resisted it. It implied that Pakistani troops would stay where they were but Indian troops would be compelled to pull out. This would secure for Pakistan a point of prestige over India as also the military advantage of time to consolidate its positions. The British also would gain time to improve on their role as mediators and eventually take upon themselves the responsibility of arbitration.

Patrick Gordon-Walker, the British Prime Minister's personal representative, called on the Deputy Minister for External Affairs, Dinesh Singh, in Delhi on 2 May. The talks were related to "the Kutch-Sind border issue."<sup>24</sup> The United States also urged both India and Pakistan to keep the Kutch conflict localised pending a ceasefire and refrain from doing anything elsewhere which might provoke a wider conflict.<sup>25</sup>

Pakistan authorities informed Britain and the U.S. that Pakistan was willing to withdraw its forces from the Rann of Kutch on two conditions: (a) India must first admit that a dispute existed between the two countries in the Rann of Kutch. This was stated to be the pre-requisite to any talks. (b) India must withdraw its troops to the south of the 24th parallel, which was Pakistan's real boundary. They also said the Indian proposal meant that India could stay at Chhad Bet and Pakistan would be forced to evacuate Biar Bet and possibly Kanjarkot.<sup>23</sup>

### Mountbatten in India

The most serious matter before the British Prime Minister was to prevail upon India to agree to arbitration in case of failure of talks on Kutch-Sind border dispute. Once India had accepted this mode of settlement of Indo-Pakistan disputes, it would serve as a precedent for settling all other disputes between the two countries. Lord Mountbatten enjoyed even after the death of Jawaharlal Nehru the highest consideration among Englishmen with the Congress ruling party in India. He was therefore chosen to visit New Delhi and persuade Lal Bahadur Shastri to yield on this point.

Mountbatten arrived in India on May 3, 1965. To please the First Sea Lord and the Chief of Staff of the Defence Forces of Great Britain, Lal Bahadur Shastri, on 3 May conveyed his good wishes for the "prosperity and progress" of Pakistan. He publicly declared: "We are aware that their prosperity as well as the prosperity of the people of India, of the 600 million people who inhabit this sub-continent, depends upon the preservation of peace."<sup>24</sup> On 4 May Radio Pakistan, as if in response to Shastri's goodwill, reported that Pakistan was willing to have the Kutch-Sind border dispute subjected to international arbitration.<sup>25</sup>

The same day, viz. 4 May, addressing the National Defence College, Mountbatten strongly pleaded for a reference of the Sind-Kutch border dispute to the World Court because India had "an unassailable case." The general belief in India is that the World Court is more a political court than an impartial international court of justice. "Whether there is any basis for such a fear or not, it is quite conceivable that by

presentation of her case, Pakistan would be able to project her territorial claims in the name of a proper delineation of the terms of reference of the proposed adjudication."<sup>29</sup>

Mountbatten came to India on a mission outwardly to discuss immigration of a few Indians in search of jobs to Britain. In fact he came to sell the idea of arbitration between India and Pakistan to the Government of India. "He even sold the idea of British Military personnel guarding the border pending the arbitration. We were back again into the trap of 1947, back again to making the British, and behind them the Americans, as arbitrators and guardians of India's frontiers." It was arbitration of the imperialists. "The monkey arbitrating between two quarrelling cats."<sup>30</sup>

Prime Minister Shastri, however, emphatically stated that Mountbatten had not uttered "a single word" on Kutch during the visit.<sup>31</sup> Speaking at a dinner given by Prime Minister in honour of Earl Mountbatten at Rashtrapati Bhawan on May 6, 1965, Lal Bahadur said:

"We are exceedingly happy that you should have decided to come over to India when it has been decided that you should give up your high post of responsibility and that you should retire from the official life. We greatly appreciate your gesture and thank you for your visit. You have also come here to discuss the question of immigration. You and your other officers who have come with you have had prolonged discussions on the subject."<sup>32</sup>

#### Prime Minister's statement in Parliament

Prime Minister Lal Bahadur Shastri made a statement in Parliament on May 11, 1965, on the progress made for ceasefire negotiations. He said: "The initiative which Prime Minister Wilson took some days ago has been followed up and gradually concrete proposals have been evolved with a view to bringing about a satisfactory settlement of the problem. We have made it clear on every occasion that a ceasefire would be possible only on the basis of a simultaneous agreement for the restoration of status quo ante as on 1st January, 1965. We have also indicated clearly that only when such a restoration has been effected that we would be ready to have recourse to the procedures which had already been agreed between the two

Governments for demarcating the border where this had not already been done.

"In the communications from the British Government, various points of detail have been put forward for consideration by both the Governments. So far, no final draft has been presented. All I would say is that consistently with the stand which I have taken on the floor of this House, we attach the greatest importance to the restoration of status quo ante and we have indicated our willingness to proceed thereafter to negotiations at Minister's level followed, if necessary, by a reference to an impartial tribunal as contemplated in the earlier agreements on the subject."<sup>33</sup>

### Persuasion and pressure

Britain and the United States had worked out a joint policy to check the escalation of the Rann incident into a full-scale war. Both India and Pakistan had been made aware of it. Persuasion and failing that pressure was to be used to this effect. It was pointed out to India that if war spread, India would be compelled to draw on some of its forces guarding the frontier with China. This might tempt that country to create mischief or do something worse.<sup>34</sup>

Morrice James and Aziz Ahmad, Secretary General at the Pakistan Foreign Ministry held a four-hour talk at Karachi on May 12, 1965.<sup>35</sup> In London, Wilson told the House of Commons on 13 May that efforts to bring about a settlement of the conflict were continuing. "I am hopeful that they will soon be successful, but in view of the delicacy of the situation I would prefer not to add anything at this stage to my statement

resistance to the evolution of an equitable and reasonable formula.

The stalemate is proving that the best intentions mean little or nothing in the face of contrary realities. The continued lull in fighting in the Rann of Kutch has little value for the success of mediation efforts when a "War-on-Pakistan" frenzy continues to be whipped in India and when the Indian armed forces deployed against Pakistan continue to indulge in aggressive actions in Lathitilla, Dahagram and now along Dinajpur district of East Pakistan.

India's belligerent attitude and warlike moves have had little effect on the firm stand taken by Pakistan in the Rann of Kutch dispute.—APP.

#### **No change in India's stand on Rann issue**

New Delhi, May 15—India's Home Minister, Mr. Gulzarilal Nanda, said yesterday it could be a few days more before agreement was reached ending the Indo-Pakistan clash in the Rann of Kutch.

He told the Council of State (Upper House) before it adjourned for the summer recess that there was no question of India having accepted anything yet. He assured members the Government was sticking to the stand enunciated by the Prime Minister, Mr. Lal Bahadur Shastri. ...He told members that the British Government was not supporting one stand or the other and he would not question the British bonafides.

One member then shouted that the British were equating an "aggressor" and one who suffered "aggression."  
—APP/Reuter.<sup>24</sup>

On May 18, 1965, *Dawn* wrote :

#### **Talks on Rann Ceasefire**

Rawalpindi, May 17: The long-drawn out talks between the British High Commissioner to Pakistan, Sir Morrice James and the Foreign Secretary Aziz Ahmad, on the question of ceasefire in the Rann of Kutch were continuing with no indication as to when they would conclude.

The High Commissioner met Aziz Ahmad yesterday for over one hour and may meet the Foreign Secretary again tomorrow. There was no meeting today.

After meeting the High Commissioner, Aziz Ahmad called on President Ayub Khan last evening to report the progress of the talks.

Both, the Pakistan Foreign Office and the British High Commission were silent on the progress of the talks, while the Indian Press continued to speculate and publish Government inspired stories.

The Foreign Office sources here even declined to state as to what was the present stage of the talks.

It could not be ascertained if any new proposals have been made by either side or talks were going on the old proposal, with some modifications.—PPA

### **Pakistan's real objective**

By 10 May there had been four draft proposals from Pakistan. Each successive draft proposal tended to widen rather than narrow down the differences on the basic issues. Three times had the British Prime Minister asked for time to seek further clarifications. British diplomats in India tried all their skill in persuading India to concur with the series of modifications introduced by Wilson to appease Pakistan. The stalling tactics of Pakistan were not liked by India. Shastri made it clear that India could not wait indefinitely for the vacation of Pakistani aggression in the Rann of Kutch. While India had been sending its comments on these drafts within 24 hours of their receipt, Pakistan took much longer. A week later, Pakistan showed its willingness to accept the status quo ante in the Rann of Kutch only if the proposed talks covered matters concerning the entire Indo-Pakistan border. The obvious implication was to raise the Kashmir dispute.<sup>27</sup>

### **The Bhoodani leader's formula**

On May 20, 1965, while inaugurating the two-week Second Akhil Bharat Kishor Shanti Sena Shibir at Bangalore, Jayaprakash Narayan favoured two ways of solving border problems. One was that a boundary commission should be set up to go into whole border question between India and Pakistan.

the two countries once and for all.

The other suggestion was that the U.N. Charter should be amended to give power to the Secretary General to intervene in border disputes among nations. He should have the authority to order a ceasefire and settle the dispute by his own initiative or refer the dispute to arbitration or adjudication."

The suggestion deserved to be outright rejected on the following grounds:

1. It would be a dangerous proposition for India to accept a dispute whenever Pakistan chose to raise a dispute by unilaterally calling a part of Indian territory as disputed.
2. If India were to accept such disputes and always agree to refer the same to arbitration, she should as well be prepared for liquidation of the Indian Union. Left to Pakistan, there would be hardly any sector in the western as well as in the eastern boundary and also inside the country where Pakistan would not create a dispute.
3. Even if there is a dispute, which may be genuine and tenable, neither under the international law, nor under the ground rules of the Indo-Pakistan Agreement of 1960, would any side be within its right to use force or commit aggression to alter the *de facto* position and seize the territory in adverse possession. In the Rann of Kutch what Pakistan did was admittedly an open aggression to alter the status quo.
4. Another thing to remember is that the expression "boundary dispute" cannot be stretched to open up large territorial claims. The boundary adjustment might involve some territory only marginal in extent and can lie on either side not only on the side of India. Having repudiated the agreement through blatant violation of its ground rules, Pakistan had forfeited her moral right to invoke its adjudication provision. Even so, the Shastri Government agreed to abide by the adjudication clause. The reference of the dispute was limited to demarcation of the boundary and could not be widened into a territorial dispute.

#### **Pakistan maintains provocations**

Pakistan continued to be in an aggressive frame of mind. It deliberately but unnecessarily dragged out the ceasefire negotiations by introducing new issues at every meeting. It



strengthened its forces on the Sind-Kutch border. A series of violations of Indian airspace were committed. On May 25, 1965, Pakistani troops attacked a small Indian patrol party at Biar Bet. It was not an accidental confrontation between the two forces. Yet India described the clash as "an accident,"<sup>39</sup> in order not to place any obstacle in the way of settlement. Reports of coercion and intimidation by Pakistan of Indian prisoners captured in Kutch to elicit information were also coming in. The prisoners were subjected to physical and mental torture and exposed to public curiosity. One Indian prisoner was screened on Pakistani television.

This was in marked contrast to the most humane and just treatment meted out by India to the Pakistani prisoners captured in the Rann. They were treated decently and were not exposed in any way to public curiosity.<sup>40</sup>

#### Ayub's strategy

On May 27, 1965, first anniversary of Jawaharlal Nehru's death, Prime Minister Shastri's straightforward statement left Wilson and Ayub in no doubt on two vital points: (a) On no account would India permit the aggression in Kutch to be exploited for negotiation of all the frontiers common with Pakistan, (b) status quo ante means withdrawal of all Pakistani forces from Kanjarkot, Biar Bet and other positions occupied by Pakistan. "To compromise on these points would amount to a voluntary liquidation of our sovereignty and an admission that we have no right to claim the status of a nation," said Shastri.<sup>41</sup>

briefing had come to both papers from the same source.<sup>42</sup>

Ayub's strategy lay in keeping tension alive. He deliberately attempted to prolong negotiations to the utmost stretching point, yet not daring to break them off. He carried constant raids across the border in sectors as widely apart as the Assam-East Pakistan border and the ceasefire line in Kashmir. His calculated speeches and the hate-India campaign, all were illustrative of his strategy.

### **Swaran Singh's sermon**

On June 1, 1965, while on his way to Nairobi, Swaran Singh, Indian External Affairs Minister, stopped at Karachi airport. Talking to APP, Swaran Singh said that all outstanding disputes between Pakistan and India could be solved by peaceful means. "No problem, however difficult it may appear to be is such that cannot be resolved if approached in a spirit of understanding and accommodation," he said. "The use of force or threat to use force does not take us nearer to solution." He repeated the demand for the restoration of status quo ante in the Rann of Kutch. This should be followed by talks between the two Governments to resolve the outstanding problems "between our two neighbouring countries." "I am convinced that the people of our two countries want to live in peace and amity," he added.<sup>43</sup>

### **Pakistan threatens India**

While India was determined to be friendly and submissive to Pakistan, even at the cost of national prestige, the latter was bent upon harming India to its utmost capacity. The Pakistani leaders tried their level best to mislead international opinion and cover up their own aggressive postures against India. On the eve of two important conferences, the Commonwealth Prime Ministers' meeting in London and Afro-Asian summit in Algiers, Bhutto briefed Pakistani correspondents: "Pakistan would raise the question of the Kutch dispute at the Commonwealth Prime Ministers' talks in London if found necessary and useful." He advised India: "It is much better for Indian leaders to consider a fair and reasonable approach to settlement of the Rann of Kutch and other disputes rather than to threaten Pakistan by a volume of meaningless threats."

About Kashmir Bhutto said that Indian action in detaining Sheikh Abdullah and Afzal Beg "would only hasten the process of de-colonisation." He added that the struggle for the "de-colonisation of Kashmir must be waged ceaselessly and continuously until the final end."

He then sang the Indian song of peace: "Pakistan is busy with economic developments and requires uninterrupted years of peace. It is trying to normalise its relations with all neighbours and has largely succeeded in doing this. But what can Pakistan do except strengthen itself militarily when faced with threats from India?"

Addressing the newly elected members of the second National Assembly of Pakistan, Ayub said: "Pakistan is wedded to a policy of peace and progress, and in pursuance of that policy is building up relations of sympathy and understanding with all powers."<sup>44</sup>

Pakistan's Ministry of Foreign Affairs addressed a communication to the Indian High Commission in Karachi on June 1, 1965, charging India with violating peace along all the borders. India's note handed to the Pakistan High Commission in New Delhi on 17 June rejected as "baseless" the Pakistani allegation. The Note accused Pakistan of indulging in aggressive activities not only in the Kutch-Sind area, but also along the western and eastern borders. The note quoted numerous incidents to prove Pakistani aggressive postures.

The Indian note added: "The above facts conclusively establish that it is Pakistan which is persistently indulging in hostile activities, aggressive military operations and harassment of the citizens of a neighbourly country. The Government of India has exercised the greatest restraint in the face of these hostile acts and calls upon the Pakistan Government to instruct their armed personnel and border forces to desist from such provocative acts which seriously obstruct the path of peaceful negotiations." In conclusion the note said: "It is the desire of the Government of India to settle all differences with Pakistan in a peaceful manner through negotiations, but unfortunately the Government of Pakistan does not seem to share this desire."<sup>45</sup>

### Stalemate continues

Despite many concessions made by India, the British proposals had undergone several modifications since 10 May. After a month they seemed to be nearing a breakdown. India had throughout acted in a spirit of accommodation. It was prepared to agree to certain modifications suggested by the British mediators. For instance, in regard to the lines upto which both countries would allow police patrolling and also in regard to personnel of the tribunal. Pakistan demanded that their police patrols should move into areas as far south as the 24th parallel. This was never their case at any time before. Under the 1960 agreement each country could nominate its own member on the tribunal. But at the instance of Britain we agreed to the suggestion that neither India nor Pakistan would nominate an Indian or a Pakistani as member of the tribunal.

Pakistan attempted to use the aggression in Kutch as a lever to bring disputes all along the border within the scope of the Kutch ceasefire agreement. It even went to the extent of questioning the Radcliffe Award with regard to the India-East Pakistan border. While negotiations for settlement of the Kutch border conflict were going on, fresh areas were attacked, which had never been claimed by Pakistan, such as Belonia in Tripura. Then there were attempts by East Pakistan Rangers to remove border pillars near Karimpur in Nadia district.<sup>46</sup>

In an effort to end the stalemate in the ceasefire negotiations, Britain suggested direct talks between India and Pakistan to establish the facts of the status quo ante in the Rann of Kutch. The suggestion was first made in the British Prime Minister's communication of 27 May to Lal Bahadur Shastri and Ayub Khan. It was followed up by the British High Commissions to India and Pakistan in their diplomatic exchanges with the two Governments. India found the British suggestion unacceptable for two reasons. First, it amounted to entering into direct negotiation with Pakistan while Pakistani troops were still in occupation of parts of the Rann. Secondly, it would clearly imply a reversal of the earlier Indian stand that there could be no ceasefire without a simultaneous agree-

ment for restoration of the status quo as on January 1, 1965. It was suggested that the two countries must first agree to an unconditional ceasefire before their representatives could meet to determine the status quo ante.

India's inability to accept the British proposal was indicated in a reply sent by Shastri on May 31, 1965. After a week's pause, the British High Commissioner, John Freeman, saw the Foreign Secretary, C.S. Jha, to plead for a reconsideration of this suggestion.

India had earlier agreed to Pakistani police-patrolling of the Surai-Kanjarkot-Ding track in the north-west Rann following the British assurance that Pakistan would be prepared to withdraw her military forces from the entire area including Kanjarkot, Biar Bet and Point 84. Pakistan put forward the fantastic demand that, after the withdrawal of military forces by both sides, she should have the right to send out police patrols as far south as Vigokot, and that the Indian police patrolling should be restricted to the south-east Rann.<sup>47</sup>

On June 12, 1965, Shastri received fresh British proposals for modification of the draft agreement that Britain had earlier prepared for the consideration of the two Governments. The new British proposals reassured India that the withdrawal of the Indian and Pakistani forces from the Panjab and East Pakistan border would not be a condition precedent for a formal ceasefire in the Rann of Kutch. *The Sunday Times*, London, correspondent in New Delhi said: "It is reliably learnt that Pakistan may be persuaded not to insist on linking the Rann of Kutch issue with other border problems once agreement is reached on the definition of status quo ante."<sup>48</sup>

On June 14 John Freeman met the Foreign Secretary, C.S. Jha. He conveyed to him verbally, certain classification to Wilson's proposals in the light of Pakistan's reaction. The clarification sought pertained mainly to the right of police patrolling and vacation of three Pakistan posts in Kargil. The Emergency Committee of the Union Cabinet met the same day. It was presided over by Home Minister G.L. Nanda. The matter was discussed in all its implications.<sup>49</sup>

### Leaders in London

President Ayub Khan reached London from Cairo on the .....

morning of June 16, 1965. "A cheering crowd of several Pakistanis who had travelled from 28 different towns to greet him" was addressed by the President: "We do not want war. But if conflict is forced on us, we shall give a crushing reply to the enemy." The rest of his speech is reproduced here as reported by *Dawn* of Karachi on 17 June:

President Ayub Khan said that most of India's Armed Forces which had been greatly expanded and modernized under military aid provided by countries supposed to be Pakistan's friends and allies, are today poised along Pakistan's borders. Their aggressive posture proved that "India had no desire to live in peace herself or to allow us a peaceful existence."

India had created a situation which could cause war between India and Pakistan at any time, the President stated, but the Indians should realise that both countries will be destroyed as neither of them can afford such a suicidal conflict.

#### *Indian tactics*

President Ayub Khan thought that an agreement of the Rann of Kutch was being impeded only by India's insistence on patrolling certain areas which lie inside Pakistan, her extraordinary claim that there was no dispute in Kutch and the aggressive posture of her troops along Pakistan's borders.

Praising the British efforts at mediation between India and Pakistan, President Ayub said that Pakistan had offered full co-operation to Premier Wilson in his difficult endeavours. The President also praised the British envoys in Pakistan and India for their "hard work, day and night" "in the cause of Indo-Pakistan peace."

Agency report adds: Referring to the possible questions to be discussed at the Commonwealth Conference, President Ayub said there would be a general discussion and exchange of views on burning problems. There are different approaches to these problems....

#### *Rann issue*

On the Rann of Kutch President Ayub said Mr. Wilson and his High Commissioners had taken great pains and made sincere efforts. Very small issues and the situation is so

explosive that it could lead to an armed conflict. "A war between India and Pakistan will be a catastrophe. There is hunger and poverty. If there is any political consciousness in India then the Indian Government should settle the disputes with Pakistan. They are on the contrary doing things which were provocative."

He said Pakistan's problems were created by India....

APP-Reuter/Radio Pakistan

**"Rann a symptom, Kashmir is the root"**

Nasim Ahmed, *Dawn's* special reporter from London on 22 June said:

No great improvement in the Indian attitude towards Kashmir is discernible either from the brief exchanges President Ayub Khan has had here with Premier Shastri on the various pronouncements by the Indian Prime Minister at the Commonwealth Conference.

Whereas the Pakistan President has made it plain to Mr. Shastri and the other Commonwealth statesmen attending the Marlborough House Conference that the recent conflict in Kutch was only a symptom of the disease which has been afflicting Indo-Pakistan relations all these years, the Indian leader continues to propound the thesis that there is no reason why Kashmir should stand in the way of a detente between India and Pakistan.

The Indian propaganda among Commonwealth delegations has tended to create the impression that all will be well again between India and Pakistan once the Rann of Kutch dispute is out of the way. The British Government, always careful not to "burn its fingers" over Kashmir, has unwittingly played into Indian hands by stressing the importance of settling the Kutch issue to the exclusion of Kashmir and other disputes still outstanding between India and Pakistan.

President Ayub Khan and the Foreign Minister, Z.A. Bhutto have, however, missed no opportunity to remind Premier Wilson and the overseas Commonwealth leaders now in London that the Kashmir dispute "lies at the heart of the protracted Indo-Pakistan conflict", and not only the sub-continent but entire Asia would suffer if this dispute is allowed to remain unresolved.<sup>50</sup>

The Commonwealth Prime Ministers' Conference was held in London from June 17 to 25, 1965. Indo-Pakistan summit talks were expected to be held there. Shastri conveyed to Premier Wilson fairly long before the conference 'that only Rann of Kutch affair would be discussed at the proposed talks. Besides Indo-Pakistan disputes should not be raised formally at the conference of Commonwealth Prime Ministers.'<sup>51</sup> *The Times*' correspondent in Delhi also reported that "Mr. Shastri is believed to have reiterated India's assertion that the Kutch issue, where it is claimed Pakistan had 'clearly committed aggression' could not be linked to other border disputes between the two countries."

At the conclusion of his five-day visit to Canada, Shastri arrived in London on 15 June. There he was assisted by Swaran Singh, Minister, for External Affairs, L.K. Jha, Secretary to the Prime Minister, B K. Kapur, Secretary, Ministry of External Affairs, and Rajeswar Prasad, Secretary to the Prime Minister.<sup>52</sup>

On 16 June Ayub and Wilson discussed the Kutch affair.<sup>53</sup> On 17 June Shastri had a "nice, friendly talk" with Ayub Khan. The impromptu meeting took place on the private lawns of Marlborough House during the coffee break. Ayub saw Shastri about 30 yards across the turf and made his way through the guests to greet him. Nothing but pleasantries were exchanged in bright sunshine. The two leaders flanked by their Foreign Ministers talked alternatively in Hindustani and English for about 15 minutes.<sup>54</sup>

Ayub decided to refrain from using the Commonwealth Prime Ministers' Conference as a propaganda forum. Shastri emphasized that India's relations with Pakistan were still good and wished them to remain so. Stressing India's sincere desire for peace, Shastri said, "No country can give greater proof of its devotion to peace than India has already done by deciding not to go in for nuclear weapons despite all the risks such a decision entails. Considering the situation with which we are faced on our borders, it would have been understandable if we had also elected to develop our considerable nuclear capacity for defence purposes."<sup>55</sup> As another proof given by Shastri of his policy of peace was to surrender the three Pakistani posts captured by Indians in Kargil. The Secretary



General of United Nations was informed about it on 18 June.<sup>56</sup> Wilson had separate talks with Shastri and Ayub at Chequers on 20 June<sup>57</sup>.

Commenting on reports that agreement on the Rann dispute was in sight, Bhutto said on the night of 21 June in London that unless this accord was treated as a "stepping stone" to the solution of Kashmir dispute "tension in the sub-continent is unlikely to end." "We must go to the genesis of crisis if we want genuine and lasting peace in the sub-continent." "Agreement itself will not be the final answer." He continued: "There may be an agreement or may not be an agreement. I welcome an agreement if it becomes a stepping stone for the solution of basic Indo-Pakistan problems. In the past there have been agreements like the Canal Water Agreement but they have not led to the solution of the real problem."

He said: "The Rann of Kutch is being blown out of proportion. It is not a dispute per se. It forms part of a much bigger issue. The heart of the Indo-Pakistan dispute lies in the Srinagar Valley." He added all these were the symptoms of the real disease. If an agreement is signed on Kutch it does not mean that all is well. To create that impression is to mislead the public opinion. Our differences with India are on the future of Jammu and Kashmir. He concluded: "The time had come to make the position clear that an agreement was made on Beru Bari but nothing had come out of it. Rann of Kutch is a dispute and a crisis was created over it. So if there is an agreement, it will be a good thing. It will be good in its own way but it will not be final answer."<sup>58</sup>

To show that Pakistan attached absolutely no importance to the expected settlement on the Rann of Kutch, Pakistan rendered the entire length of our land frontiers sensitive. Pakistan had tried to cut the vital line to Ladakh. There was a tremendous increase in the number of violations of the Kashmir ceasefire line at other places. The Pakistanis persistent fired on the sub-divisional town of Belonia in Tripura without any provocation. Pakistani armed forces had been considerably strengthened in the border districts of Rangpur, Dinajpur, Kushtia, Jessore and Khulna. Sudden raids into Indian territory, destruction, looting, burning and killing was a common feature of daily life on and near the borders. The

Indian Deputy High Commissioner personnel in Dacca were subjected to systematic harassment. Its effect was thus summed up by *Amrita Bazar Patrika*: "The public have lost all interest in these prolonged tripartite talks and necessarily, in their success or failure. For, agreement or no agreement on Kutch tension will continue to increase. There is no reason to believe that once Kutch is got out of the way, Pakistan will change its ways and begin cultivating good, neighbourly relations."<sup>59</sup>

### Draft agreement approved

The draft agreement had been approved by Prime Minister Shastri when he was in London. But he did not agree to its announcement from London. That would have given the impression that Shastri did not care for his Cabinet. He suggested that the draft agreement should be referred directly to New Delhi.<sup>60</sup> In consequence, on 22 June Britain submitted the draft ceasefire agreement for consideration of Government of India. John Freeman met Home Secretary L.P. Singh and Cabinet Secretary Dharam Vira, and sought India's reaction to the latest draft. The Emergency Committee of the Union Cabinet met to consider these points. Its comments were conveyed to Freeman the same evening. On 27 June John Freeman handed to Dharam Vira, Cabinet Secretary, a communication from his Government, containing Wilson's "final proposals" on Kutch, on which a broad understanding had been reached. On 21 June British Deputy High Commissioner, D.A. Scott, called on Dharam Vira to deliver a further communication from London on the subject. A copy of the draft agreement was brought to Delhi from London on this day by the Prime Minister's Secretary, L.K. Jha.<sup>61</sup>

On 29 June India and Pakistan approved the final draft agreement prepared by Britain. It was decided that the agreement should be formally signed both at Delhi and Karachi at 12.30 p.m. on June 30, 1965. The ceasefire in Kutch would be operative from 6.30 a.m. on July 1, 1965. The announcement came after the draft agreement had been considered by the Emergency Committee of the Cabinet followed by discussions at a formal meeting of the Cabinet.<sup>62</sup>

### Opposition's criticism

Members of the Jan Sangh Executive, present in Delhi, on 29 June issued a statement describing the reported agreement as "a gross betrayal of national interests." The statement said: "The proposed agreement is an abject surrender of India's inalienable rights in Kutch. We have been repeatedly told that Kutch is indisputable Indian territory and the Government would not recognise the existence of any dispute in this regard. India is now ready to abdicate its rights there by withdrawing from Sardar Post and Vigokot and to concede to Pakistan the rights to patrol in Indian territory." As regards tribunal, the statement said: "The country's sovereignty cannot be made the subject matter of arbitration." The statement called upon the Government to reconsider the whole issue "even at this late stage."<sup>63</sup>

Six opposition MPs—A.B. Vajpayee, Prakash Vir Shastri, Ram Sewak Yadav, U.M. Trivedi, R.V. Bade and Tridib Kumar Chaudhuri, on June 29 sent the following telegram to President Radhakrishnan at Hyderabad:

"Kutch ceasefire proposals are a gross betrayal of Indian interests. Acceptance of Pak rights to patrol in Indian territory and withdrawal from Sardar post and Vigokot militates against India's sovereign rights in Kutch. Violation of Parliament's pledge to liberate aggressed territory. Pray intervene immediately to prevent this dishonourable surrender."<sup>64</sup>

### Why Pakistan agreed to ceasefire

1. Neither the British nor the American Government, on which Pakistan relied for its political and economic existence approved of Pakistan's action. The very first British proposal for the restriction of the status quo ante as it prevailed on December 31, 1964, was itself a resounding proof that Britain and the United States firmly held that Pakistan entered Indian territory by committing naked aggression.

2. Mainly, it was the pressure from U.S. that had been decisive in compelling Pakistan to beat an inglorious retreat. The open exchange of arguments between President Ayub Khan and the American Ambassador in Pakistan gave an indication as to how firmly the matter had been taken up by the U.S.

Indian Deputy High Commissioner personnel in Dacca were subjected to systematic harassment. Its effect was thus summed up by *Amrita Bazar Patrika*: "The public have lost all interest in these prolonged tripartite talks and necessarily, in their success or failure. For, agreement or no agreement on Kutch tension will continue to increase. There is no reason to believe that once Kutch is got out of the way, Pakistan will change its ways and begin cultivating good, neighbourly relations."<sup>50</sup>

### Draft agreement approved

The draft agreement had been approved by Prime Minister Shastri when he was in London. But he did not agree to its announcement from London. That would have given the impression that Shastri did not care for his Cabinet. He suggested that the draft agreement should be referred directly to New Delhi.<sup>60</sup> In consequence, on 22 June Britain submitted the draft ceasefire agreement for consideration of Government of India. John Freeman met Home Secretary L.P. Singh and Cabinet Secretary Dharam Vira, and sought India's reaction to the latest draft. The Emergency Committee of the Union Cabinet met to consider these points. Its comments were conveyed to Freeman the same evening. On 27 June John Freeman handed to Dharam Vira, Cabinet Secretary, a communication from his Government, containing Wilson's "final proposals" on Kutch, on which a broad understanding had been reached. On 21 June British Deputy High Commissioner, D.A. Scott, called on Dharam Vira to deliver a further communication from London on the subject. A copy of the draft agreement was brought to Delhi from London on this day by the Prime Minister's Secretary, L.K. Jha.<sup>61</sup>

On 29 June India and Pakistan approved the final draft agreement prepared by Britain. It was decided that the agreement should be formally signed both at Delhi and Karachi at 12.30 p.m. on June 30, 1965. The ceasefire in Kutch would be operative from 6.30 a.m. on July 1, 1965. The announcement came after the draft agreement had been considered by the Emergency Committee of the Cabinet followed by discussions at a formal meeting of the Cabinet.<sup>62</sup>

### Opposition's criticism

Members of the Jan Sangh Executive, present in Delhi, on 29 June issued a statement describing the reported agreement as "a gross betrayal of national interests." The statement said: "The proposed agreement is an abject surrender of India's inalienable rights in Kutch. We have been repeatedly told that Kutch is indisputable Indian territory and the Government would not recognise the existence of any dispute in this regard. India is now ready to abdicate its rights there by withdrawing from Sardar Post and Vigokot and to concede to Pakistan the rights to patrol in Indian territory." As regards tribunal, the statement said: "The country's sovereignty cannot be made the subject matter of arbitration." The statement called upon the Government to reconsider the whole issue "even at this late stage."<sup>63</sup>

Six opposition MPs—A.B. Vajpayee, Prakash Vir Shastri, Ram Sewak Yadav, U.M. Trivedi, R.V. Bade and Tridib Kumar Chaudhuri, on June 29 sent the following telegram to President Radhakrishnan at Hyderabad:

"Kutch ceasefire proposals are a gross betrayal of Indian interests. Acceptance of Pak rights to patrol in Indian territory and withdrawal from Sardar post and Vigokot militates against India's sovereign rights in Kutch. Violation of Parliament's pledge to liberate aggressed territory. Pray intervene immediately to prevent this dishonourable surrender."<sup>64</sup>

### Why Pakistan agreed to ceasefire

1. Neither the British nor the American Government, on which Pakistan relied for its political and economic existence approved of Pakistan's action. The very first British proposal for the restriction of the status quo ante as it prevailed on December 31, 1964, was itself a resounding proof that Britain and the United States firmly held that Pakistan entered Indian territory by committing naked aggression.

2. Mainly, it was the pressure from U.S. that had been decisive in compelling Pakistan to beat an inglorious retreat. The open exchange of arguments between President Ayub Khan and the American Ambassador in Pakistan gave an indication as to how firmly the matter had been taken up by the U.S.

3. Another factor which kept Pakistan and also India in check in the Rann of Kutch was the nature of the terrain. The water had started seeping in. Pakistanis had to pull out of Ding. Jeeps could not move freely in the area.

4 Yet another factor was the threat uttered by Prime Minister Shastri in his statement in Lok Sabha on April 28, 1965. Shastri said that he had asked the Army to work out its own strategy and deploy its forces as it deemed necessary. Even in normal circumstances, the role of the army is to work out its own strategy. The Prime Minister's reminder of its role did not carry any significance. But Pakistan interpreted this remark as a threat to open a second front. Shastri's statement definitely indicated the mood of the Indian people.

5. President Ayub Khan had openly declared that if the Indian Army attacked Pakistan at other points in its bid to get the aggression vacated, it would mean a general and total war. In reality he was not prepared for it at that stage.

6. Pakistan felt sure that under the proposed terms of the agreement, Pakistan would win, if not completely, at least partially. Its nominee would be from an allied country and he would act as a greater Pakistani than an actual Pakistani himself, and his views would exercise considerable influence on other members, particularly on the chairman of the tribunal. Besides, the bias of the Anglo-American bloc was readily available to it. Pakistan was also confident of tacit Russian support due to Ayub's visit to Moscow in the previous month. India, being a non-aligned country, and bound by moral platitudes in its foreign policy, was sure to lose its case either in full or in part. Its positive proof was that under Anglo-American pressure, Prime Minister Shastri had surrendered while in London, the three Kargil posts and some additional area belonging to India already seized by Pakistan.

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35. *The Statesman*, 14-5-65.
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37. *The Statesman*, 18, 19 May 1965.
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40. PTI, New Delhi, May 26, 1965; *The Hindu*, Madras, 27-5-1965.
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48. *Ibid.*, June 14, 1965.
49. *The Hindustan Times*, 15-6-1965.
50. *Dawn*, Karachi, June 23, 1965.
51. *Ibid.*, 2 June, 1965, "Shastri's pre-condition to talks on Kutch."
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63. The statement was signed by Deendayal Upadhyaya, General Secretary of the Jan Sangh, and three others, including Atal Behari Vajpayee, M.P. *The Statesman*, 30-6-1965.
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## The Ceasefire Agreement

### Indo-Pakistan ceasefire agreement on Kutch

Little before 12.30 p.m. on June 30, 1965, the Pakistan High Commissioner, Arshad Hussain, and his deputy drove to the South Block where the External Affairs Ministry is housed. The British High Commissioner, John Freeman, and his Deputy D.A. Scott were also present. The agreement was signed by Azim Hussain Secretary (II) in the External Affairs Ministry and Arshad Hussain. Both are first cousins as well as brothers-in-law. Formal speeches were very brief. Pakistan and India formally thanked Britain for its mediation.

The ceasefire came into force on the morning of July 1, 1965. The withdrawal of troops from the Rann was completed on 8 July.

The following is the text of the Agreement:

Whereas both the Governments of India and Pakistan have agreed to a ceasefire and to restoration of the status quo as on January 1, 1965, in the area of the Gujarat-West Pakistan border, in the confidence that this will also contribute to a reduction of the present tension along the entire Indo-Pakistan border;

Whereas it is necessary that after the status quo has been established in the aforesaid Gujarat-West Pakistan border area, arrangements should be made for determination and demarcation of the border in that area.

Now, therefore, the two Governments agree that the following action shall be taken in regard to the said area:

#### Article 1

There shall be an immediate ceasefire with effect from 0630 hrs GMT July, 1, 1965.

47. *The Times of India*, New Delhi, June 11, 1965.
48. *Ibid*, June 14, 1965.
49. *The Hindustan Times*, 15-6-1965.
50. *Dawn*, Karachi, June 23, 1965.
51. *Ibid*, 2 June, 1965, "Shastri's pre-condition to talks on Kutch."
52. PTI, New Delhi, June 5, 1965.
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59. *Amrita Bazar Patrika*, 29-6-65.
60. *Now*, July 9, 1965, p. 7.
61. *The Statesman*, 28-6-1965; The Times of India News Service, New Delhi, 28-6-1965.
62. *The Statesman*, 30-6-1965.
63. The statement was signed by Deendayal Upadhyaya, General Secretary of the Jan Sangh, and three others, including Atal Behari Vajpayee, MP. *The Statesman*, 30-6-1965.
64. *The Statesman*, 30-6-1965; *The Times of India*, June 30, 1965.

(c) At discussions in January, 1960, it was agreed by Ministers of the two Governments that they each collect further data, regarding the Kuth-Sind boundary and that further discussions would be held later with a view to arriving at a settlement of this dispute.

(i) As soon as officials have finished the task referred to in Article 2 (vi), which in any case will not be later than one month after the ceasefire, Ministers of the two Governments will meet in order to agree on the determination of the border in the light of their respective claims and the arrangements for its demarcation. At this meeting and at any preceeding before the Tribunal referred to in Article 3 (ii) and (iv) below, each Government will be free to present and develop its case in full.

(ii) In the event of no agreement between the Ministers of the two Governments on the determination of the border being reached within two months of the cease-fire the two Governments shall, as contemplated in the joint communique of October 24, 1959, have recourse to the Tribunal referred to in (iii) below for determination of the border in the light of their respective claims and evidence produced before it and the decision of the Tribunal shall be final and binding on both parties.

(iii) For this purpose there will be constituted, within four months of the cease-fire, a Tribunal consisting of three persons, none of whom would be a national of either India or Pakistan. One member shall be nominated by each Government and the third member, who will be the Chairman shall be jointly selected by the two Governments. In the event of the two Governments failing to agree on the selection of the Chairman within three months of the cease-fire they shall request the Secretary-General of the United Nations to nominate the Chairman.

(iv) The decision of the Tribunal referred to in (iii) above shall be binding on both Governments, and shall not be questioned on any ground whatsoever. Both Governments, undertake to implement the findings of the Tribunal in full as quickly as possible and shall refer to the Tribunal for decision any difficulties which may arise between them in the implementation of these findings. For that purpose the Tribunal shall

## Article 2

### On the ceasefire:

- (i) All troops on both sides will immediately begin to withdraw;
- (ii) This process will be completed within seven days;
- (iii) Indian police may then re-occupy the post at Chhad Bet in strength not greater than that employed at the post on December 31, 1964;
- (iv) Indian and Pakistan police may patrol on the tracks on which they were patrolling prior to January, 1, 1965, provided that their patrolling will not exceed in intensity that which they were doing prior to January 1, 1965, and during the Monsoon period will not exceed in intensity that done during the Monsoon period of 1964;
- (v) If patrols of Indian and Pakistan police should come into contact they will not interfere with each other, and in particular will act in accordance with West Pakistan-India border ground rules agreed to in January, 1960;
- (vi) Officials of the two Governments will meet immediately after the ceasefire and from time to time thereafter as may prove desirable in order to consider whether any problems arise in the implementation of the provisions of paragraphs (iii) to (v) above and to agree on the settlement of any such problem.

## Article 3

- (1) In view of the fact that:
  - (A) India claims that there is no territorial dispute as there is a well-established boundary running roughly along the northern edge of the Rann of Kutch as shown in the pre-partition maps, which needs to be demarcated on the ground.
  - (B) Pakistan claims that the border between India and Pakistan in the Rann of Kutch runs roughly along the 24th parallel as is clear from several pre-partition and post-partition documents and therefore the dispute involves some 3,500 square miles of territory.

remain in being until its findings have been implemented in full.<sup>1</sup>

### Agreement as seen in Pakistan

Immediately after the agreement was signed, Pakistan raised a political controversy by suggesting that India had accepted for the first time the principle of international arbitration for settlement of border disputes and that the Kutch Agreement set the precedent and pattern for it.

Such a statement was totally unwarranted. India made no such commitment. The word 'arbitration' did not occur in the text, although Pakistan fought hard for it during the negotiations. India was firmly opposed to the use of this term because being a non-aligned country she was bound to lose her case in the international bodies. She wanted to ensure that the tribunal should function as a judicial body and should go into facts, documents, evidence and law that each side could cite before it in support of its claim. Only from such a body some justice could be expected.

Through its foreign missions Pakistan made ceaseless efforts to sell this propaganda line to all foreign countries. Evidently, it achieved a fair measure of success in this object. This impelled the Government of India to instruct Indian missions abroad to "effectively rebut" Pakistani propaganda. It strongly contradicted the idea that the Kutch ceasefire agreement had set a precedent for the arbitration of all Indo-Pakistan disputes including Kashmir.<sup>2</sup>

### President Ayub Khan

Extract from the statement issued by President Ayub Khan on 30th June 1965:

I am happy at the successful conclusion of the negotiations for a ceasefire in the Rann of Kutch and for arrangements for settling the dispute concerning that territory.

An agreement to this effect has been signed today. Simultaneously, the Indian Prime Minister and I have also agreed to arrange for orders to be issued forthwith to our respective troops to withdraw from the entire India-Pakistan border. This should bring to an end the present confrontation of the Armed Forces of the two countries.

The spokesman added: "We would like to think this is a ray of hope for the settlement of all outstanding disputes with India on an amicable basis." He said that in all previous disputes India had refused to go to arbitration on the grounds that it infringed the country's sovereignty, but in the case of the Rann the Indian Government had conceded there was a territorial dispute over the 3,500 square mile area. He said: "The provisions concerning the establishment of a tribunal and its constitution admit of no equivocation and they are self-operating so that neither Government can delay or obstruct a final settlement of this dispute. We are completely satisfied with this agreement," he said.<sup>6</sup>

### The Press

The Pakistani Press did not attach much importance to this agreement. No prominent English or Urdu daily gave it a banner headline. A brief account mostly revolved around President Ayub's message without any further comments. Stress was laid on its being a 'model' for settling other disputes with India. There was not a word about Pakistani forces getting out of the area they had occupied. India's right to patrol found absolutely no mention.

The *Nawa-e-Waqt* said that the agreement was "too generous" towards India. But it expressed satisfaction that it would serve as a precedent for settling other Indo-Pakistan disputes including Kashmir and the influx of Muslims from India through arbitration.

The *Pasban*, a refugee-owned Urdu daily of Dacca welcoming the Agreement said: "The Rann in any case is a desolate territory. The President himself has said that Pakistan was not interested in it except as a matter of principle of upholding the territorial integrity of the country. It is therefore but natural that the nation is not much perturbed over a few initial territorial concessions which Bharat has been able to extract through hard bargaining. Yet the Hindu Bania has unwittingly or perforce given in where it had stubbornly refused to budge even an inch in all these years. This is on the question of third party arbitration. Now it will almost be impossible for India to deny the principle of arbitration in the settlement of dispute over Kashmir—which Pakistan considers

In all such cases the sensible answer is to have recourse to independent arbitration—as is being done in the present instance—not to seek to settle the disputes by resort to arms.

The latter course would engulf both India and Pakistan in a most devastating conflict. This surely could not be in the interest of the people in either country.

*There is one further aspect of these agreements which deserves particular mention. By this means both Governments seek a reduction in the present tension between the two countries. I welcome this development. Our relations have drifted down a dangerous course for too long. These agreements signify that it is possible to arrest this process and that all India-Pakistan disputes can be settled through peaceful means. We have always been and still are willing and ready to do this.*

I trust that Indian leadership will be equally forthcoming. I am certain that it, too, must see that the true interests of India—as indeed those of Pakistan also—would be best served only if the Indo-Pakistan disputes are resolved so that the two countries can live as good neighbours and devote their resources to developing their economies in peace.<sup>3</sup>

#### Information Minister Shahabuddin

Khwajah Shahabuddin Pakistan's Minister for Information, talked of "India having accepted the principle of arbitration" and gave it a 'mischievous twist' by trying to make out that India had accepted arbitration as a method of settling all Indo-Pakistani disputes.<sup>4</sup>

#### Ministry of Foreign Affairs

A spokesman of the Pakistan Ministry of Foreign Affairs said:

An agreement between India and Pakistan for a ceasefire in the Rann of Kutch and for arrangements to settle that dispute was signed at 12.00 noon today....

This is the first agreement between India and Pakistan of its kind, which provides for a settlement of a territorial dispute through arbitration. In that sense it constitutes a most important landmark in India-Pakistan relations. It may well set the pattern on which other territorial disputes between India and Pakistan may also be settled.<sup>5</sup>

The spokesman added: "We would like to think this is a ray of hope for the settlement of all outstanding disputes with India on an amicable basis." He said that in all previous disputes India had refused to go to arbitration on the grounds that it infringed the country's sovereignty, but in the case of the Rann the Indian Government had conceded there was a territorial dispute over the 3,500 square mile area. He said: "The provisions concerning the establishment of a tribunal and its constitution admit of no equivocation and they are self-operating so that neither Government can delay or obstruct a final settlement of this dispute. We are completely satisfied with this agreement," he said.<sup>4</sup>

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speech gave an account of his recent travels abroad. One-fourth of it dealt with the Pakistani aggression in the Rann, and almost the rest with the economic development of the country. Regarding his own attitude towards the Rann of Kutch affair he said:

"My countrymen, I feel unhappy within myself to have to talk about conflicts and tensions. I stand unreservedly for peace, because apart from other wider considerations, peace is vital for the economic development of our country."

As for the ceasefire agreement he said:

"As you would have read from this morning's papers a ceasefire agreement has become effective from early this morning. Simultaneously, Pakistan has agreed to the withdrawal of her armed forces from the area. On our part we have indicated that since we have no desire to keep up a warlike atmosphere, we would withdraw our troops from the present forward positions so that the possibility of a clash is obviated. On the question of patrolling, both sides have agreed that the position as it obtained on the 1st January, 1965, will be restored."

He concluded: "I want you to feel the glow of belonging to a great country which has inspiring traditions and a glorious future ahead. I want you all to participate physically and emotionally in the adventure of building up a New India."

In this broadcast Shastri announced the agreement in a tone and with a flourish reminiscent of past British history. In 1878, after the Congress of Berlin, Prime Minister Disraeli declared that he had brought 'peace with honour'. He was justified because through a couple of letters he had secured the island of Cyprus from Turkey as the British fees for advocating Turkish cause at Berlin and it remained in British possession for about 80 years. But Shastri was going to lose almost as much of Indian territory for good. There was no occasion for being exultant. Shastri's case was perhaps similar to that of Prime Minister Neville Chamberlain in 1938. He had brought from Munich 'peace for our time' which at least lasted for about a year while Shastri's peace lasted only one month. At Chamberlain's performance, Winston Churchill observed: "I will begin by saying what everybody would like to ignore or

its major national policy objective. The Rann was merely an exercise, the real battle lies in Kashmir." The same line was repeated by *Jang*, *Imroz* and *Mashriq*. Unlike India, Pakistan did not call off its anti-India propaganda campaign after the Agreement. The emphasis immediately shifted to Kashmir.

Pakistan's obsession for communalism can be imagined from the fact that not a single paper reported the name of the Indian representative, Azim Hussain, who signed the Agreement in New Delhi. On the contrary some papers like the *Pasban* gave out his name as C.S. Jha. In its "Hate-India" campaign, Pakistan could not admit that the Indian Ministry of External Affairs had a Muslim Secretary, particularly belonging to a notable Panjabi family, to which both the signatories of the Agreement belonged.

The *Pakistan Times* in an article signed by Z.A. Suleri questioned what was the worth of India's word, and what was the guarantee that India would abide by the findings of an independent tribunal. The article made other offensive remarks trying either to belittle India's stature in the international world or to run down India's Prime Ministers.<sup>7</sup>

On June 30, 1965, Jacques Nevard, correspondent of *The New York Times*, wrote from Karachi: India and Pakistan signed an agreement today for a ceasefire in the Rann of Kutch at noon....

"Officials here were hopeful that the agreement on the Rann of Cutch might set the pattern for the settlement of other Indo-Pakistani disputes, and specifically the thorny Kashmir issue." . .

"Pakistani officials were openly pleased with the 'clearcut and unequivocal' language of the Rann of Cutch accord, which they described as 'a landmark in Indo-Pakistani relations'.

"They said that the agreement provided for a settlement of the dispute in the shortest possible time and that its self-operating provisions would prevent either government from obstructing or delaying a final settlement."<sup>8</sup>

agreement recognised Pakistan's claim about the existence of a territorial dispute with India. Warming up he said: "We have never recognised and will never recognise any claim of a territorial dispute." What remained to be settled was, according to him, the issue of demarcating the boundary. His dogmatic assertion that the Kutch ceasefire agreement had not recognised Pakistan's claim about the existence of a boundary dispute was in conflict with the text of the agreement.<sup>13</sup>

### **Political parties**

The Parliament was not in session when the agreement was signed. The parliamentary and other leaders expressed their views individually. In the Congress party there were two trends of opinion, one in favour and the other against. Among the opposition, the Swatantra and the Communist, both Left and Right parties supported it. Despite apparent similarity, their positions evolved from different policies and international loyalties. The Swatantra party believed that India should make up with Pakistan at any cost, and should direct its energy against China. Pakistan and China being close friends, the Left Communists favoured Pakistan also. The Right Communists should have reacted differently. But Russia was also drawing closer to Pakistan. Hence those Rightists saw nothing wrong in siding with Pakistan. In the Congress, one group of nationalists blindly supported Shastri in whatever he did, good, bad or indifferent. Those who were dissatisfied did not dare oppose those in power. The Sarvodayists cherished friendly feelings for Pakistan. The remaining parties, Hindu Sabha, Jan Sangh, Praja Socialist Party, Samyukta Socialist Party, and some independents in the Parliament, were staunch nationalists whom no favours or fears could swerve from their thinking and ideals. In substance the vast majority of M.P.s and the masses were with the Congress ruling party.

### **Parties and Leaders in favour**

Most of the parties and leaders in favour of the agreement *preferred to remain silent*. The most outspoken party was the Swatantra. Its leader Rajagopalachari said the nation could congratulate itself on this achievement. M.R. Masani, general secretary of the Swatantra party, on 29 June at Bombay said it

forget, but which must nevertheless be stated, namely that we have sustained a total and unmitigated defeat."

On July 6, 1965, at Hyderabad, Shastri declared that by signing the Rann of Kutch ceasefire agreement India had not given away an inch of territory. He was perfectly right in saying so. He did not give away Indian land by inches. He believed in giving away in hundreds or thousands of square miles of Indian territory. He had purchased Pakistan's approval of the agreement by surrendering the three Kargil posts with some additional Indian land into the bargain. The Prime Minister appealed to the people to support the agreement in the interest of peace. He also called upon opposition parties not to look at the agreement from a purely political point of view but treat it as a national issue. In his view the national issue was peace. Peace implied to go on surrendering Indian territory to Pakistan and China. He concluded: "I will be the last man to do anything which will compromise national integrity and honour."<sup>10</sup> As a matter of fact he had broken this pledge earlier in London and broke it later at Tashkent.

While addressing the All India Congress Committee meeting at Bangalore on July 25, 1965, Shastri said that the agreement had been "warmly welcomed" all over the world. "India is wedded to peace. It is idle to talk of peace in the world and not adhere to peaceful ways in our own country. We are not living in isolation but as a part of the world community. The Kutch agreement should be viewed in the context of the world situation." He said the Soviet Premier Kosygin and President Johnson had written to him welcoming the agreement. There were similar messages from other world leaders.<sup>11</sup>

### Mrs. Indira Gandhi

Mrs. Indira Gandhi, Union Minister for Information and Broadcasting, said at Raipur on 2 July that the Kutch ceasefire agreement was in no way a surrender or withdrawal by India. It was certainly in consonance with the pledge given by the Government to the people in Parliament.<sup>12</sup>

### Defence Minister Chavan

At a Press Conference in Patna on 3 July, Defence Minister Y.B. Chavan emphatically denied that the Kutch ceasefire

a peaceful settlement of all outstanding disputes including Kashmir.<sup>18</sup>

N.V. Gadgil, formerly a Cabinet Minister at the Centre and later Governor of Panjab, in a statement on 30 June at New Delhi, congratulated Lal Bahadur Shastri on the signing of the agreement. He however added: "The crisis is not over. We are not still out of the wood."<sup>19</sup>

K.M. Cariappa, former Commander-in-Chief of the Indian Army, said at Agra on 2 July that with the signing of the ceasefire agreement on the Rann of Kutch "war has been averted." He praised the patience of Prime Minister Shastri and statesmanship of President Ayub Khan in signing the agreement.<sup>20</sup>

### Parties and Leaders against

On 30 June nearly 1,000 Jan Sangh workers gathered near P. Block to demonstrate against the signing of the ceasefire agreement at 12-30 p.m. that day. Addressing the demonstrators, Atal Behari Vajpayee said the agreement was "derogatory to the honour of the country." He announced that his party would observe 4 July as "Anfi-Kutch Agreement Day" all over the country.

The demonstrators formed a procession and marched to Vijay Chauri. They were led by A.B. Vajpayee and R.C. Badi, MPs. They shouted slogans demanding the resignation of Prime Minister Shastri. The demonstrators wanted to submit a memorandum to the External Affairs Ministry. As they reached the Central Secretariat, they were cordoned off by a strong contingent of police. Forty-two of them were arrested and removed to Tihar Central Jail. An official said the arrest was made for fear of Vajpayee's utterances and activities rousing Hindu and Muslim passions.<sup>21</sup> The West Bengal unit of the Jan Sangh on 1 July described the signing of the agreement as a "deliberate betrayal of the interest of India by the Government of India and paves the way for further humiliation and surrender on the part of India."

The Praja Socialist Party Office said that the Government of India exceeded its mandate in implicitly conceding to the tribunal the right to treat the whole area of Kutch as disputed territory. Prem Bhasin, general secretary of the party, said,

was a good thing that a ceasefire on this border had at last been achieved. He hoped that the path of negotiation and arbitration to which both the countries were committed would now be taken. This would make it easier for other issues between the two countries to be settled in due course.<sup>14</sup> While addressing the Press Reporters' Guild under its "Meet the Press" programme at Hyderabad on 8 July, K.M. Munshi, Swatantra party leader and president of the Bharatiya Vidya Bhavan, said: "It is the most satisfactory thing that could take place at the moment."<sup>15</sup>

The Sarvodaya chief, Acharya Vinoba Bhave, welcomed the agreement in the fatuous belief that it would serve as a key to the settlement of many other major or minor disputes.<sup>16</sup> J.P. Narayan at Calcutta on 2 July expressed satisfaction at the way in which the accord on India-Pakistan dispute over Kutch had been arrived at. He told newsmen at Dum Dum airport: "To my mind the Kutch agreement far from being a surrender in any manner, is a diplomatic triumph for the Government, particularly for the Prime Minister." "I look upon it in the first place, as opening up great possibilities of achieving accord between the two countries; and in the second place, as an object lesson in peace-making."<sup>17</sup>

It was not a diplomatic triumph but a diplomatic defeat, rather diplomatic bankruptcy. Nor was it an accord between the two countries, as Pakistan invaded Kashmir just after one month. No sane person could call it a lesson in peace-making. It was a pure and simple lesson in war-making. Invade a territory belonging to a neighbour. Lay claim to it. Let the mediators bring about a ceasefire. Either forcibly retain the occupied part of the territory or get it approved through a tribunal by any means you can adopt. This is not peace-making. Perhaps J.P. is helpless in this matter. The whole of his vast state lay prostrate under the feet of only 200 horsemen of Muhammad Bin Bakhtiyar Khalji in 1197 A.D. He has inherited the blood of such ancestors. His advocacy of Pakistan is perfectly justified.

The Kashmir Political Conference welcomed the Indo-Pakistani agreement on Kutch. The party hoped the pact would improve relations between the two countries and lead to

of an international tribunal "undermines the prestige of this country and has made the sovereignty of the country arbitrable."<sup>29</sup> In Ahmedabad Indulal Yagnik, MP and president of the Maha Gujarat Janta Parishad, said that the conditions of the agreement were "shameful and insulting in many ways to us."

In Calcutta Nitya Narayan Banerjee, president Akhil Bharat Hindu Mahasabha, said on July 1 that the Kutch agreement was "only an eye-wash to bluff the people and to hide the weakness and failure of the Government." Banerjee said this was done "while Pakistan is still continuing hostile operations in Lathitilla-Dumabari area and building up her military concentrations in the frontiers of East Pakistan and has refused India's repeated offers of no-war pact." He said that "in spite of all talks and solemn pledges given to the people in Parliament, the Shastri Government has again ceded some areas of Kutch and certain sovereign rights of India to Pakistan instead of reconquering our lost areas forcibly occupied by Pakistan and has accepted arbitration on our sovereign right over Kutch."<sup>30</sup> Vishwanath Agarwal, president of the Uttar Pradesh unit of the Hindu Maha Sabha, in a statement on 1 July said that the Government of India "has offered an opportunity to the aggressor to create further disputes over Indian territory."

### The Press

The ceasefire agreement on the Rann of Kutch was commended by almost all the papers. *The Statesman* published an article by its well-known columnist, Pran Chopra, on "Kutch and After" carried the banner headlines: "*Learning to live with our active frontiers, clashes should be seen in their right perspective,*" Chopra said as regards "the forum of arbitration, there the power of facts and precedents, previous agreements and the laws about frontiers will be tested, not the strength of rival armies." He continued: "National security depends much more, in the end, on political stability and economic development than on the possession of a post or two in the Rann of Kutch." He wrongly believed that out of India's two bitter enemies, perhaps one had been pacified: "China's ability to create a two-front situation for India, by or without staging a major incursion; the necessity this would have imposed upon



that all this was reminiscent of the deliberate negligence of the security of the borders in the Ladakh area in 1955-58 and of a dangerous complacency in the defence of the northern borders. Hem Barua, on June 30 at Delhi described the agreement as a "Virtual surrender of our national interests to Pakistan."<sup>21</sup> In Cuttack S.N. Dwivedi, leader of PSP group in Lok Sabha, on 1 July characterised the agreement as "violation of the spirit of Parliament's resolution."<sup>22</sup> H.V. Kamath, deputy leader of PSP group in Parliament, said that in referring the issue to a tribunal "Pakistan will be the sole beneficiary as she has been because of the reference of the Kashmir issue to the United Nations."<sup>23</sup>

Giving his reaction to the Kutch ceasefire agreement, the SSP leader, Ram Manohar Lohia, said it was a "threefold surrender." First, India had agreed to withdraw her forces from her own territory. Secondly, Pakistan had acquired a right to patrol a strip of Indian territory. Thirdly, the Indian Government's stand that it was only a frontier demarcation issue and not a territorial dispute had been repudiated by the Government agreeing to the appointment of a tribunal to decide the issue in case mutual talks proved abortive. According to Lohia, there could be no peace on earth unless artificially divided countries were reunited. A reunion between India and Pakistan could begin with a confederation.<sup>24</sup>

A section of the Congress Parliamentary Party on 2 July was highly critical of the agreement "with a sizable number of MPs openly up in arms against it." The former Defence Minister, V.K. Krishna Menon, MP, had previously in the Working Committee meeting warned that the status quo ante should be specified to mean pre-partition position. On this occasion he strongly objected to placing the sovereignty of Indian territory to arbitration by a tribunal consisting of foreigners.<sup>25</sup> Acharya Kripalani, MP, at Lucknow on 2 July referring to this agreement sarcastically remarked that India was entitled to receive not only the Lenin Peace Prize but also the Noble Peace Prize.<sup>26</sup> N.C. Chatterjee, MP, said in Calcutta on 2 July: "There is no occasion for congratulation as the deplorable incidents in Kutch betrayed lamentable lack of policy and preparedness on the part of India."<sup>27</sup> S.M. Bannerjee, Independent MP, on 2 July at New Delhi said the acceptance

of an international tribunal "undermines the prestige of this country and has made the sovereignty of the country arbitrable."<sup>29</sup> In Ahmedabad Indulal Yagnik, MP and president of the Maha Gujarat Janta Parishad, said that the conditions of the agreement were "shameful and insulting in many ways to us."

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India of seeking an adequate intervention by the West; the price of which the West might have exacted in return, 'perhaps in terms of a Kashmir 'settlement' to remove one cause of instability on the sub-continent which creates the opportunities for Chinese intervention.' He concluded: "Mr. Shastri, more than anyone else, saved India."<sup>31</sup>

*The Hindustan Times* continuously and regularly pleaded for a peaceful settlement of all Pakistani disputes with India. In an editorial on 1 July, the paper concluded:

"Looking at the agreement as a whole, it not only offers a solution of the particular dispute over Kutch but opens up other areas of disagreement to a meaningful discussion." In its issue of 3 July in a report from its special correspondent, the paper exultantly wrote:

"Within 24 hours of the ceasefire agreement on the Rann of Kutch becoming effective, both India and Pakistan have taken steps to reduce tension along the entire border between the two countries." It concluded: "The ceasefire agreement has been generally welcomed by all sections of public opinion in the country as opening the way for a peaceful settlement of disputes with Pakistan." In the same issue on another page, the paper published a news item under the heading: "Pak firing continues on Assam border." It stated: "Pakistani forces continued intermittent firing in the Lathitilla-Dumabari sector of the Assam-East Pakistan border for the 60th day today."<sup>32</sup>

On July 3, 1965, *The Times of India*, New Delhi, in an editorial headed "Peace with Honour", wrote:

"It is characteristic of Mr. Shastri that in his radio address to the nation he does not even once refer to the critics of the Kutch cease-fire agreement. He knows that they speak only for a very small section and that the vast majority of the people are happy over an agreement which ensures peace with honour. The charge that it is a betrayal of the pledge which he gave to Parliament is entirely misconceived. All that he had said was that he would not agree to a 'ceasefire' agreement unless Pakistan vacated its aggression. He has kept his word. It is absurd to contend that the withdrawal of all Pakistani forces from the Rann of Kutch and the winding up of all Pakistani posts in the area do not amount to a vacation of aggression. It is true that Pakistani police will be permitted to patrol the

Ding-Surai track which passes through Indian territory. But even this provision in the agreement is in no way contrary to the spirit or letter of any pledge given by Mr. Shastri. In any case no negotiations can succeed if one side, however just its stand, takes up an 'all or nothing' attitude." The paper upheld that a good deal would depend on the spirit in which the agreement was implemented. It warned that there should be no room for illusion in regard to the scope of the dispute. The terms of reference of the tribunal to be set up in case of failure of direct negotiations between the two Governments were very wide. The paper tried to set at rest any doubts on this score by stating that an impartial tribunal could not become partial in the face of facts of history and geography. But it had some doubts. That is why it stressed that the procedure adopted in the present case was not applicable to other disputes. It stated that "any compromise on this issue would have not only put the Kutch-Sind border dispute out of focus but even made the eventual settlement of other disputes more difficult."

*Patriot* favoured the agreement at first. The paper said that the agreement had upheld India's sovereignty over the whole of Rann of Kutch. It commended reference to the tribunal whose sense of justice "we should be sure of." Shortly afterwards a sudden change was discernible in its views. It said in certain quarters anxiety had been expressed regarding a reference to the tribunal. "The basis of such anxiety is that the procedure adopted might become a precedent in respect of the settlement of other disputes between India and Pakistan." The paper asserted that "no territorial concession will be made by us in any part of our country and that pressure exerted on us from any quarter to that end will be regarded as an act of unfriendliness." It forgot that India stood committed to territorial concession if the tribunal decided in favour of Pakistan.<sup>32</sup>

*Amrita Bazar Patrika* on July 5, 1965 thus commented on this agreement: "Whatever the future may hold out, there can be no denying the outstanding fact the Kutch Agreement marks a turning point in Indo-Pakistan relations and a return from the brink of war, which both countries had perilously reached during the past two months.

"The present Agreement brings to memory the grave situation that developed in 1950 when the Nehru-Liaquat Ali Pact averted an immediate war. That Pact saved the two countries from the disaster of a war, although it failed in its ultimate objective because of one-sided implementation. There is a difference with the Kutch Agreement that it has to be a two-way affair at every stage from the beginning."

*The Free Press Journal*, Bombay, in an editorial on July 5, 1965, under the caption "*Away with Discord*", said: "Though the Government's position may not appear to rest on all fours, it deserves well of the nation in its attempt to resolve a very difficult and delicate situation with dignity and honour, neither of which has been surrendered by it." In the same issue an article by its well-known columnist, Narada, appeared under the heading: "*India Panorma, Indo-Pakistan Accord*." Straightway Narad put a question: "Is the Indo-Pakistani agreement for a ceasefire in Kutch an epitaph on the failure of the Government of India to repel a wanton aggressor from the motherland? Or is it an invocation to effort at better understanding with a neighbouring country suffering from inferiority complex?" Narad then argued: "The Government was somnolent about the designs of a perfidious neighbour who was willing to barter away our territory to China. Why then was the country not prepared to meet the menace?"

### Analysis of the Agreement

1. To call it a ceasefire agreement was a misnomer. A *de facto* ceasefire was already there. It formalised the ceasefire and laid down the procedure for the settlement of the boundary between Sind and Kutch. Its terms were simple. The Indian point and the Pakistani point were clearly stated. The measure of agreement already reached was given. Then followed the ceasefire provisions. Attempt was made to avoid any conflict between the patrols of the two countries. Two month's time was allowed for direct settlement. Failing that came the arbitration. The agreement was a matter of controversy not only because of differences of approach or opinion but because of differences over facts.

2. Prime Minister Shastri had persistently asserted that there was a well-defined boundary between Sind and Rana.

Only its demarcation was to be made on the ground. Pakistan contended that by the agreements of 1959 and 1960 India had admitted that some kind of territorial dispute did exist. Pakistan circulated copies of the 1959 agreement all the world over to show that India had admitted the existence of a dispute. India did not contradict this propaganda. This greatly tarnished the prestige of India. While on a visit to Russia, President Ayub Khan showed the 1959 agreement to Soviet leaders. They were convinced that Pakistan had a genuine case in the Rann of Kutch. Sometime afterwards Shastri was in Moscow. He was plainly told that in the light of that document the Government could not accuse Pakistan of aggression.<sup>34</sup>

3. The draft agreement was never shown either to the Law Minister or the Attorney General. The former was absent from Delhi and the latter was in Moscow. The Prime Minister had placed blind faith in the British Prime Minister and the Whitehall experts. He and his External Affairs Minister, both of whom were in London assented to the draft. The Indian Cabinet in Delhi said ditto to what had already been approved by the two Indian grandees in London.<sup>35</sup> This is the sorry state of affairs in which matters of highest national importance are managed in this country.<sup>36</sup>

4. The preamble of the agreement says: "Arrangements should be made for determination and demarcation of the border in that area." Demarcation is a simple administrative matter, transferring on the ground in concrete terms of the boundary line from an approved map. But determination empowered the tribunal to draw altogether a new international boundary line. Shastri had stated in Rajya Sabha on May 8, 1965: "India did not accept any territorial claims of Pakistan in the Rann of Kutch and if ever a reference to a tribunal was made, it would only be about the demarcation of the boundary there." This assurance to the Parliament was violated by the Government. It appeased the aggressor.

5. India had a strong case about her claim to the entire Rann of Kutch. When Pakistan invaded Kashmir in 1947, Nehru was advised to go to the Security Council. He was told that India had a strong case. Nehru expected that the Security Council would give a favourable decision on India's complaint within a very short time. The issue is still hanging

fire. The international forum equated the aggressor and the aggressed.

India took a leap in the dark by agreeing to refer this dispute to international tribunal. But Shastri had no choice in the matter in the face of 1960 Agreement. This was another unfortunate agreement like the Berubari Agreement. On both these occasions our officials had exercised poor judgment and taken no caution that was needed to safeguard country's rights and interests.

The Government should not have given up its right under the Sheikh-Swaran Singh agreement of January 1960 to nominate a foreigner in place of an Indian. Besides leaving the choice of appointing the chairman of the tribunal, in case of difference of opinion between the two Governments, to the Secretary General of the United Nations was a wrong step. Secretary General's post is a political one and he is definitely under political pressure of big powers. His choice of the chairman would naturally be made on political considerations. *The selection of the chairman of the tribunal should have been left to the President of the World Court.*

6. The International Law Commission's convention gives the parties the right to question the tribunal's award on three grounds: (a) if a tribunal exceeded its powers, (b) if there was corruption on the part of a member of the tribunal, and (c) if there had been a serious departure from a fundamental rule of procedure. India voluntarily divested itself even of that right.

7. Prime Minister Shastri had insisted on the restoration of status quo ante aggression. He accepted January 1, 1965, as the date of status quo on the suggestion of the British Prime Minister. People in India believed that Pakistan had committed aggression in the Rann of Kutch after this date. Pakistan furnished "documentary evidence" that it had been patrolling certain areas in the Rann even before that date. As Rann was guarded by the Gujarat police, the Government of India should not have accepted that evidence without making a reference of it to the Government of Gujarat. Only the State Government officials could establish whether the Pakistani evidence was *genuine or false*. *But the Government of India thought it beneath its dignity to do so.* (i) Thus Pakis-

tan secured the right of patrolling the area bound by the newly laid out 18-mile long Ding-Kanjarkot-Surai track. (ii) The Kanjarkot area lay in the stretch of the land bounded by this track.<sup>37</sup> (iii) India vacated Sardar Post and Vigokot, because they were created after January 1, 1965. (iv) We had to withdraw all our troops because they had gone to the Rann after Pakistani aggression in April 1965. (v) We could keep a police post at Chhad Bet, but it would consist of a few men as before 1 January 1965. (vi) Our police in the same number as before 31 December, 1964 could patrol the track they had been patrolling before that date. We submitted to these humiliating restrictions in our own land.

#### 8. Pakistan's gains

(i) From the ceasefire agreement Pakistan emerged a gainer. Article 3-C of the agreement says that in January 1960 "it was agreed by Ministers of the two Governments that they would each collect further data regarding the Kutch-Sind boundary and that further discussions would be held later with a view to arriving at a settlement of this dispute." If Pakistan had been interested in a peaceful settlement of this dispute, it should have proceeded to act in accordance with this agreement and Pakistan should have collected the necessary data and asked India for a further discussion. But this was not done for five years. The obvious reason was that Pakistan could not collect sufficient evidence to support its case. Pakistan, therefore, proceeded to establish its claim by the use of force. That it was an open aggression admitted of no doubt. But in the ceasefire agreement India miserably failed to get Pakistan declared an aggressor.

(ii) Pakistani troops withdrew from the Rann to the international border. They occupied high ground overlooking the Rann. The Indian troops had to withdraw about a hundred miles away from the Kutch-Sind border. This was much worse than Pakistan's demand for the Indian withdrawal to the 24th parallel, not more than 30 miles away from the international border.

(iii) Pakistani police could menacingly patrol the 18 mile long Ding-Kanjarkot-Surai track. Its number was much larger than that of the Indian police.



(iv) On the morning of 30 June the day when the agreement was to be signed, President Ayub Khan had declared in Karachi that Pakistan police would occupy Kanjarkot, Biar Bet and Point 84. The Government of India made no protest against it.

(v) The greatest Pakistani gain was that it compelled India to bend on its knees before her. All along India had been maintaining that it would not entertain any claim for territory by Pakistan. It also asserted that what remained to be settled was only the demarcation on the ground. India was now forced to admit that a territorial dispute existed and to agree to refer the dispute to a tribunal.

9. A spokesman of the Government said this country's basic stand was that Pakistan should vacate all posts, particularly Kanjarkot. Since the ceasefire agreement ensured this, India's basic stand had been vindicated. But India's basic stand was that the Rann of Kutch was our territory and that we would entertain no claims of Pakistan in that region. The ceasefire agreement compromised that basic stand "in a manner which is demeaning to our national sovereignty and damaging to our territorial integrity."<sup>28</sup>

10. The *Eastern Economist*, on May 7, 1965, under the caption "A Government on Trial" wrote: "The nation is wondering and watching whether its security, self-respect and sovereign status are safe in the hand of Lal Bahadur. The Prime Minister has been speaking too much, too often, about peace and our peaceful intentions, but too little about the punishment that we must mete out to those who have so arrogantly invaded our land. The emphasis is still on resistance to aggression, not on the retaliation which our national honour demands." The Government's "counsellors of compromise" "believe that this country which has been trampled upon by so many aggressors and invaders through the ages, and which, until recently, was one of the most firmly-held colonial possessions of an imperialist age, can have no claim or title to protest or punish when its territory is trespassed upon or its sovereignty challenged."<sup>29</sup>

#### *After-glow*

The over-optimistic were sure that the agreement would

"contribute to the reduction of present tension along the entire Indo-Pakistan border." They were soon to be disillusioned. Not to speak of years, months or weeks, even a couple of days had not passed when the feelings began to grow that the two countries were on the way to another period of discord. This shows the hollowness and shallowness of the extremely poor acumen of Indian diplomacy and statesmanship. The edifice erected by them was based on a foundation of sand that it began to collapse even before its completion.

Pakistani troops created new incidents on the Indian borders in the Lathitilla-Dumabari sector and at Belonia. East Pakistan Rifles dug trenches at Deonagarh and Fakirganj villages within 150 yards of the border. The Pakistani Press and Radio continued their anti-India campaign unabated. They accused India of not honouring agreements.<sup>40</sup>

The agreement had specified in Article (VI) that "officials of the two Governments will meet immediately after the cease-fire and from time to time thereafter as may prove desirable in order to consider whether any problems arise in the implementation of the provisions of paragraphs...."

India immediately made arrangements for the official level meeting. As desired by Pakistan, India agreed to its being held in Pakistan. These officials had to determine the extent and intensity of police patrolling in the Rann. The Indian team was to consist of four members. One of them was to be an official of the Gujarat police who possessed detailed knowledge and experience of the area. The other members were to be an expert of the Surveyor General's office, a high-ranking military official, all these to be headed by a secretary or joint secretary of the Ministry of External Affairs. Rawalpindi wanted to delay it on account of its plans to launch a fresh attack on India in Kashmir towards the end of the month. Arshad Hussain and Swaran Singh met in Delhi on 3 July and again on 7 July. Pakistan wanted to know where India liked the meeting to be held, at Karachi or Rahimki Bazar near the Sind-Kutch border. India left the choice of venue to Pakistan.

Pakistan then decided that the "officials" meant "police officials" and suggested that the meeting should be held between local police officers of Sind and Gujarat. India replied

that the local police commanders would have to refer even most minor problem to their headquarters. It suggested a meeting between senior officials of the centre. But Pakistan stuck fast to its original proposal. The Government of India, being helpless in the matter, nominated a team of police officials, and requested Pakistan to arrange for the meeting at once.

Ayub was determined to grab as much of Indian territory as possible. He at once appointed a strong team of lawyers including Pakistan's Law Minister, M. Zaffar, and ex-Foreign Minister Manzoor Qadir "to invest data to back Pakistani claims to Indian territory."<sup>41</sup>

Article 3 (C) (i) of the agreement laid down: "As soon as officials have finished the task referred to in Article 2 (vi) which in any case will not be later than one month after the ceasefire, Ministers of the two Governments will meet...". At India's suggestion, Pakistan agreed to hold a meeting of Home Ministers of the two countries in New Delhi. Pakistan went back on its commitment. It now wanted a meeting between the Foreign Ministers. India agreed, and proposed the meeting to be held in the beginning of August. Pakistan's idea was that its attack through infiltration on Jammu and Kashmir would be at its height in the third week of August. So the meeting of the Foreign Ministers should be held about that time. Bhutto would insist that a revolt had taken place in Kashmir, and it must be settled first before tackling the dead issue of the Rann of Kutch. The meeting was therefore fixed on August 20, 1965, as desired by Pakistan.

Under Article 2 of the agreement on the Rann of Kutch, the Indo-Pakistan officials' meeting was originally scheduled to be held at Rahimki Bazar in Pakistan. But it was held in a small Pakistani village, Vingi, a few miles from Chhad Bet on July 29, 1965. Theth ree-member Indian team consisted of the Deputy Inspector-General of Gujarat Police, an officer of the Central Reserve Police, and an official of the Union Government. Pakistan was represented by the Commandant of the Indus Rangers, an Air Force Officer, and the Area Commander.

The officials discussed steps to implement three important clauses of the ceasefire agreement: re-establishment of the

Indian post at Chhad Bet in the same strength as it was on December 31, 1964, patrolling of the area by both sides, and the procedure to be adopted when the patrol parties of the two countries came into contact. The following decisions were taken:

1. Border security forces of both countries should restrict patrolling to the tracks mentioned in the ceasefire agreement.
2. The patrols would carry only personal weapons. Carrying of automatic weapons was forbidden.
3. The frequency of patrolling was to depend on "as and when required" basis.
4. Each patrol party would not exceed one section of ten personnel.
5. The local commanders of both the forces should meet once a fortnight to review the patrolling arrangements.

The Deputy Inspector-General of Police Ahmedabad agreed to examine a suggestion from the Commandant Indus Rangers regarding the establishment of telephone communication between Chhad Bet (Indian post) and Vingi (Pakistan), and wireless communication between the DIG, Ahmedabad and Commandant Indus Rangers, Lahore. The Commandant, Indus Rangers, stressed to DIG the need for early removal of mines, booby traps and other obstacles in the Rann of Kutch, as these were a great source of danger to Pakistanis grazing their cattle.<sup>42</sup>

### Noisy scenes in Lok Sabha

In Parliament discussion on Pakistani aggression in Kutch began on April 9, 1965. Since then until the end of the Parliament session in May 1965, Pakistani incursion had been the subject of numerous questions and answers and statements. All these led to the following conclusions:

1. Pakistan must vacate all the posts in the Rann it had established before India should begin any negotiations for peace.
2. The talks must be confined to the demarcation of boundary with minor adjustments, and the Pakistani claim for territory up to 24th parallel must be rejected.
3. The talks would be limited only to the Rann affair, and not to other border disputes.

Most of it was changed gradually as the talks proceeded, and the agreement in its final form appeared quite differently.

The Lok Sabha's monsoon session was to start on August 16, 1965. The opposition parties at New Delhi on 14 August announced plans to seek censure in Parliament of the Shastri Government over the Kutch agreement with Pakistan.

The resolution of the Parliamentary Group of the Jan Sangh said the Pakistani attack on Kashmir "sabotaged the very basis of the Kutch pact, namely, the imperative need for India-Pakistan peace and goodwill."

The PSP Executive in its resolution said: "The Kutch agreement and the recent developments in Kashmir cannot be viewed in isolation." The infiltration of Pakistanis in Kashmir with the active support of the Pakistani army had "exploded the myth that Indo-Pakistan conflict can be resolved through peaceful negotiations", it added. "India's defence policy will have to be based on the assumption that for years to come both China and Pakistan would work in collusion and would constitute a serious threat to India's freedom and integrity," the PSP Executive declared.<sup>43</sup>

On August 15, 1965, leaders of opposition groups had a meeting with Prime Minister Shastri. They assailed the Government for not having consulted the opposition parties before signing the Kutch agreement. This was a violation of the undertaking given by the Government in Parliament that the opposition parties would be consulted on all important matters. They demanded abrogation of the Kutch ceasefire agreement and cancellation of the forthcoming meeting between the Foreign Ministers of India and Pakistan in view of Pakistan's wanton aggression in Kashmir. They suggested that India should attack the bases from where the infiltrators had come otherwise it would be difficult to stop further infiltration.<sup>44</sup>

Shastri did not reply to the demand for abrogating the Kutch agreement and calling off the Foreign Ministers' meeting. He, however, told them that the Government felt disappointed at the happenings in Kashmir. Its earlier hopes that Pakistan was interested in a peaceful settlement of the Indo-Pakistan disputes had been completely belied. "Pakistan does not want peace and the country has to prepare itself fully for any eventuality that may arise. We have to meet the

situation firmly and effectively," he said.<sup>45</sup>

The Lok Sabha session commenced with a typically boisterous start on August 16, 1965. Prime Minister Shastri placed the Indo-Pakistan Agreement of June 1965 before the House for consideration. The Socialists and some other members delayed by an hour Shastri's defence of the Pact. There were noisy and unseemly exchanges between Congress and Opposition members. The climax came with the suspension of Mani Ram Bagri, SSP, from the House for a week. The Opposition challenged the constitutional validity of the agreement. Their objections were rejected by the Speaker. Only then could Shastri make his speech.

The Prime Minister's arguments were predictable but spirited. After giving a brief history of the ceasefire negotiations, he stoutly defended the Agreement: "The Agreement is in conformity with the Indo-Pakistan Border Agreements of 1959 and 1960. In connection with the latter, I would like to recall that those Agreements were placed before the House on the 16th November, 1959 and 9th February 1960 respectively and statements thereon had been made by the late Prime Minister, Pandit Jawaharlal Nehru, and the Minister of State, Shrimati Lakshmi Menon."

He continued: "As I have said already there is a definite time-table for the entire work to be completed even if it becomes necessary to refer the matter to a tribunal. It is perfectly clear that the boundary would be demarcated on the basis of documentary evidence and the de facto interim position would have no relevance whatsoever." Continuing his arguments he added: "The authority of India is complete and extends to the whole of the Rann of Kutch."<sup>46</sup> He concluded by claiming that the Government had dealt with Kutch "in the best manner possible in our circumstances."

Indrajit Gupta (Communist) in one of the hardest-hitting speeches gave the agreement qualified support challenging only the wisdom of referring the dispute to arbitration. The Swatantra group leader, N.G. Ranga, gave grudging support to the Union Government. He said the agreement was the best in the circumstances and nothing better could be had "with this kind of Government with this kind of leadership." "Swaran Singh, often caught on the wrong foot while dealing

with supplementaries on US arms, had a rough time."<sup>47</sup>

At the end of the day, the Government emerged in a better shape due to luck: (a) The main opponents of the Kutch agreement, Jan Sangh and Socialists, were busy with their demonstration outside Parliament without knowing what was happening in the House. The Opposition's case, therefore, went partly by default. (b) Another reason for the small damage to the Government's image was also the strong support given to the agreement by Congress members. The best reasoned reply to the Opposition's arguments came from Sachindra Chaudhuri:

My friends opposite have said "We should not have made the agreement." But they have not suggested what we should have done. What was the alternative? The alternative was to start a war between ourselves and Pakistan. Our Government is democratic and Pakistan Government is not. Pakistan might have thrown its people into the morass of war without any thought. We were not prepared to do that without trying to see if there was any other way out of it.

Bakar Ali Mirza said:

About this tribunal, it is not a new idea. It was in the 1959 Agreement. That is the policy we have pursued for a number of years as a nation, and therefore to say now that there should not be any tribunal is not keeping abreast with events.

Vidya Charan Shukla declared:

A lot of criticism is heard about the principle of arbitration by a tribunal. All these matters have been said, followed and settled in this House since 1959, that the Indo-Pakistan border issue will be settled by arbitration before a tribunal. This is known to all these leaders who now get up and criticise this agreement, which has been of a very limited order, that this consideration of our border issue by a tribunal is bartering our sovereignty. Nothing could be more amazing than this. These supposedly responsible leaders sit here, deliberate on these matters and they know what is happening. These are all matters of record. I do not have to say this, if you go through the records of this House you will find that this principle of arbitration by a tribunal as far as Indo-Pakistan border is concerned has been accepted by this House, it has been debated here and it has been professed by the Government. None of these

leaders belonging to major or minor parties, ever objected to this. Now just to take political advantage of a bad situation they are trying to play up this thing as if this idea was never professed or brought forward by the Government.

By an overwhelming majority the Lok Sabha on 18 August approved the Indo-Pakistan agreement on Kutch. The voting was 269 to 28. Twenty-three members abstained. The opposition had walked out in protest.<sup>4</sup>

### Jan Sangh stages a massive march

The Jan Sangh had planned a massive demonstration against the signing of the Kutch ceasefire agreement on the opening day of the Parliament session on August 16, 1965. Men and women, young and old, drawn from various parts of India had been pouring into the city in buses, trucks and trains during the past two days. They collected at the Red Fort.

The processionists were divided into state-wise contingents. They were headed by the party's state leaders. The national leaders were at the head of these contingents. In front of them were more than 100 motor cyclists. The entire procession was led by smartly-dressed buglers. Uttar Pradesh had sent the largest contingent. But the first two batches were from Maharashtra and Gujarat. Other large groups were from Madhya Pradesh and Panjab. About 100 workers from Jammu and Kashmir were conspicuous as they had tied red scarves around their heads as a symbol of sacrifice.

The march began at 11 a.m. from the Red Fort. Shouting slogans and carrying placards they went through Chandni Chouk, Nai Sarak, Chawari Bazar, Hauz Qazi, Ajmeri Gate and Connaught Place. Women processionists had collected near Minto Bridge and joined the march there. "The estimate of the crowd varied from the conservative '50,000' by the police to the exuberant 'more than 500,000' by the Jan Sangh." "Even when the head of the procession had entered Parliament Street, the tail had not been formed at the Red Fort." The first batch arrived in front of Parliament House at 1.42 p.m.

Strict security measures had been taken. A strong police party accompanied the procession. Special police pickets were posted at important points. Patrolling of 'delicate areas' was intensified. In all about 6,000 officers and men were on duty.



The demonstrators squatted on the sizzling road and listened to the hour-long programme of music with patriotic songs, followed by about two hours of speeches by Jan Sangh and other opposition leaders. Bachhraj Vyas, President of the Jan Sangh, read out portions of a memorandum by the party. The memorandum appealed to the MPs to reflect the people's feelings on the Kutch issue and persuade the Government to revoke it. The memorandum also asked the Government to give an assurance that no part of India's territory would be ceded to Pakistan and also to take steps to redeem its pledge *to recover the Pakistan-occupied areas in Kashmir*.

"The street, stretching for about three furlongs from the roundabout near Parliament House to the Connaught Circus end has been the scene of many such processions in the past but Monday's demonstration was by far the biggest ever witnessed in the capital so far." A point of interest was that neither along the six-mile route of the procession, nor at the scene of the more than three-hour demonstration was there any unseemly incident. The demonstration was throughout orderly and peaceful."<sup>4</sup>

### Rajya Sabha

Prime Minister Shastri initiated debate on the Kutch Agreement on August 19, 1965, in Rajya Sabha. In the course of his speech, he said: "I would at this stage like to explain why the Agreement refers both to the determination and demarcation of the boundary. It has been the Government of India's consistent stand that the boundary in question is already well-established and officially settled and that what remains to be done is its demarcation on the ground. On this point, however, Pakistan has had a difference of opinion with us. Pakistan's contention has been that the boundary is yet to be determined. This difference had to be resolved either by negotiations or by reference to an impartial tribunal. The Government of India had accepted this position in 1959 and 1960 agreements. The present agreement also provides for the observance of the same procedure."

He continued: "The apprehension that the agreement converts the dispute from one of border into that of a territory is not well-founded. Even Pakistan refers primarily and basi-

cally to the border." With great emphasis, Shastri stated: "I would also like to make it clear that the tribunal would not be called upon to lay down a new boundary between India and Pakistan. The tribunal's sole task would be to identify and to determine that boundary between India and Pakistan in this sector, after partition and after the accession of the State of Kutch to India. Moreover, such identification or determination would have to proceed solely on the basis of evidence produced and not on the basis of any other considerations. In regard to the work of the tribunal, the Agreement clearly provides that the decision will be given on the basis of evidence produced before it, indicating clearly that no decision can be taken on any extraneous considerations."<sup>50</sup>

Soon after the Prime Minister had moved the motion for debate on the Kutch agreement, and commended it as "the course of wisdom and sanity", the Jan Sangh leader, A.B. Vajpayee, said that the agreement was against the Constitution and should not be debated. It provided for the determination of the border and giving away the territory. The Chairman allowed the debate. Vajpayee expressed his fears that a tribunal composed of only foreigners might yield to Pakistan's argument that the Rann of Kutch was a seaway and might fix midstream as the border. He called for the abrogation of the "disgraceful" agreement under which India had "surrendered her sovereignty."

A.D. Mani, Independent, said that there was a great possibility that Pakistan might appoint China as its nominee on the tribunal. The Government should not accept it.

Other critics of the agreement included a Congress member, Miss Maniben Patel. She demanded that with Pakistan's continuing attacks in Kashmir, the agreement should be done away with. "Miss Patel who almost broke into tears, said she was not convinced by the Prime Minister's arguments regarding arbitration." "As she was referring to the continued attacks by Pakistan in Kashmir, she sobbed and asked in a quivering voice: 'After all what is the intention of the Government? What are they going to do?'"<sup>51</sup>

Ganga Saran Sinha (Independent) said that during the last 18 years the Government had neglected the borders and

had not taken up in right earnest the national task of having them defined properly. This negligence was responsible for the sorry state of affairs in which the nation found itself then. He urged that a uniform policy on border security should be evolved. Safeguarding the borders even in peacetime should be taken over by the Centre from the States. Sinha said that neither the Parliament nor the country had been told before that restoration of the status quo ante on January 1, 1965 meant that Pakistan would be allowed to send police patrols into some areas of Kutch. It was only when the agreement had been concluded that the country came to know of it. It implied that the Pakistan\* policemen had been patrolling the Rann before that date.

Mrs. Sarla Bhadauria (SSP) said the Government had failed to fulfil its assurances that not an inch of Indian territory would be surrendered to Pakistan. The agreement was a defeat for Indian diplomacy.

Bhupesh Gupta (Communist) said that when the Kutch agreement was being discussed the Pakistani authorities had, with the knowledge of the British Government, been preparing for the invasion of Kashmir with British and United States arms. Gupta charged the Government with "depending on" Britain for dealing with Pakistan. He described the agreement as "preposterous." He said that the "incompetent and blind Government of India had fallen into a Pakistani trap and had bartered away "the country's territory." Indian Ministers suffered from an "inferiority complex" when they faced British Ministers. The Rann of Kutch agreement had been prepared by the British Prime Minister, and India's Foreign Minister could not oppose it.

Jagat Narain (Independent) said the Kutch agreement should be abrogated in the interest of the country. Pakistan had attacked Kashmir, an integral part of India, and therefore the Kutch agreement should be repudiated.

Well briefed Congress members vigorously defended the Kutch agreement. They cogently argued their case for support to the Government in spite of Pakistan's invasion of Jammu and Kashmir. S.M. Ghosh extended "his wholehearted support" to the agreement. Sudhir Ghosh said the

Government had acted wisely in concluding the agreement. He pointed out that Thailand and Cambodia had taken their border dispute to the International Court. Thailand had accepted the arbitration award though it went in favour of Cambodia and the territory involved was not only thickly populated but was also regarded holy by them. T. Chengalvaroyan said arbitration had become necessary as the two countries could not resolve the dispute between themselves.

Diwan Chaman Lal stated that the Kutch agreement was in complete consonance with the provisions of the Constitution to foster "respect for international law." He drew attention to the precedents like the Bagge tribunal. He referred to late Jawaharlal Nehru's offer to the Chinese for the submission of the Sino-Indian border dispute to the International Court of Justice. He said the Government deserved praise for signing it. P.N. Saprú praised the wisdom, vision and imagination of the Prime Minister in coming to this agreement with Pakistan. M.C. Shah said border problems could not be solved by military force. He congratulated the Government for entering into the agreement. Sadiq Ali said it was open for India to have repudiated the agreement on Kutch in view of the latest Pakistani aggression in Kashmir. But this would not have led to a solution of the problem they were faced with. On the other hand it would have placed additional burdens on the military at a time when a serious situation had developed in Kashmir.

C. Ramachandran said: We must become civilised people, approaching these problems in a civilised way and the only civilised way is that of negotiation and arbitration. Somebody thinks that arbitration infringes sovereignty. There can be nothing more ridiculous than that idea. Arbitration is necessary more among sovereign nations than between anybody else because there is not yet a clear International Law nor its effective instruments. So we must sit together and talk together and if two heads do not get down to a peaceful arrangement we ask a third man to come and help. There is nothing derogatory in arbitration.

K.V. Raghunatha Reddy declared: If we do not refer this matter to the Tribunal, it amounts to abrogating the entire

Agreement. Either we will have to abrogate the entire Agreement or we will have to pursue the logical consequences of all the terms that are found in this Agreement. That is the reason why the Government of India has come forward for the purpose of taking the approval of this House for referring this matter to the Tribunal.

Anup Singh asserted: I personally feel that this classical orthodox concept of sovereignty is outmoded in the context of the present-day world. We should not be too squeamish about it. Any restraint, any self-imposed limitation upon the exercise of our sovereignty does not and cannot possibly constitute any infringement of our national will or national purpose. Our Constitution, as we are all aware, provides for the settlement of disputes through international arbitration.

M.M.S. Siddhu said: My friend. ...says that this agreement is against the sovereignty of our country. This is what he says in one of his amendments but may I point out to him that a similar proposition was made by Pandit Jawaharlal Nehru in respect of settlement of border disputes with China and the question then was either of arbitration or taking up the issue to the International Court at the Hague. Where did this question of sovereignty go at that time?

The others who supported Congress included M. Ruthnaswamy (Swatantra). He congratulated the Government on taking this initiative in spite of "being prisoners of indecision." N.R. Wadia (Independent) said the nation was behind the Prime Minister. In concluding the agreement, the Government had, on the whole, acquitted itself creditably. One inherent weakness of India, Wadia said, was that there was too much talk of peace and non-violence. It was sometimes necessary to talk to Pakistan in the language it understood, and one should not give the impression that India wanted peace at all costs.

In the debate there were many bouquets for the British Prime Minister Harold Wilson for his role in the negotiations. P.N. Saprú and Ruthnaswamy in particular paid him rich tributes.

The Rann of Kutch agreement was approved by the Rajya Sabha on 20 August by 114 votes to 18.<sup>62</sup>

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37. *Organiser*, Delhi, July 11, 1965, p. 1.
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43. *The Hindu*, 15-8-1965.
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45. The opposition leaders present included A.B. Vajpayee, Frank Anthony, Dayabhai Patel, Prakash Vir Shastri, Mrs. Renu Chakravarty, Govinda Menon, S.N. Dwivedi, U.M. Trivedi and Mani Ram Bagri. *The Times of India News Service*, New Delhi, August 15, 1965.
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## The Tribunal

### Agreement on Tribunal

The Tribunal owed its origin to a commitment made by the Government of India first in October 1959 and then in January 1960. On both these occasions, Swaran Singh, then Union Minister for Steel, Mines and Fuel held a series of meetings with Lieutenant-General K.M. Sheikh, Pakistan Interior Minister. At the end of the talks the proceedings were signed by M.J. Desai, Commonwealth Secretary, Ministry of External Affairs, New Delhi.<sup>1</sup>

The Agreements of 1959 and 1960 were placed before Lok Sabha on November 16, 1959 and February 9, 1960 respectively. Statements thereon were then made by Prime Minister Jawaharlal Nehru, and Minister of State, Mrs. Lakshmi Menon.<sup>2</sup>

An opportunity offered itself to India to repudiate the 1959 and 1960 agreements providing settlement of boundary disputes by a tribunal. It was when Pakistan committed aggression in the Rann of Kutch in the beginning of 1965. The most obvious fact was that Pakistani forces had occupied Kanjarkot and other points lying in Indian territory. This meant that whatever agreements there were between India and Pakistan regarding border settlement had been unilaterally abrogated by the latter. There was, therefore, no obligation on our part to adhere to any commitment Swaran Singh or some other negotiator on our behalf had entered into. Our only obligation was to maintain our sovereignty unimpaired. It was only on the basis of Indian sovereignty and against the background of proved Pakistani aggression that any negotiations could be conducted by our Government. Talk of arbitration or reference to a tribunal was irrelevant and should not have been counte-



1965. Hence on July 23, 1965, the Government of India set up an advisory group to assist the Attorney-General, C.K. Daphtary in preparing its brief on Kutch. A senior Gujarat official, acquainted with the Kutch border problem, was associated with this Committee, to participate in the policy discussions as and when required.<sup>3</sup> About the same time, Pakistan also appointed a Committee of senior officials and legal experts under the Chairmanship of Manzur Qadir, a former Foreign Minister, to prepare its brief. Some Pakistani research officers were sent to London to study at the India Office Library old files relating to the Rann of Kutch. The British Government offered equal facilities to India and Pakistan to examine these historical records and collect the available information in support of their respective claims.<sup>4</sup>

Pakistan fixed the meeting of the Foreign Ministers of the two countries on August 20, 1965, to discuss the Rann of Kutch affair.<sup>5</sup> In the beginning of August 1965, it was announced in the National Assembly of Pakistan that the Foreign Ministers of India and Pakistan would consider various outstanding matters between the two countries. This statement was received as a total surprise in India. India reiterated its earlier stand that the Ministers' talk must relate exclusively to Kutch. Should Pakistan wish to discuss issues other than Kutch, India was willing to do so at the appropriate level provided separate machinery was created for the purpose. The Union Government was firmly opposed to any move to discuss the entire border under the Kutch Agreement, and thereby delay the settlement of this irritating problem indefinitely.<sup>6</sup>

Meanwhile Pakistan had resorted to armed infiltration into Jammu and Kashmir on a massive scale. In spite of this very serious provocation, India decided to go ahead with the Indo-Pakistani Ministerial conference to explore the possibilities of a Kutch settlement. On 13 August, External Affairs Minister, Swaran Singh, convened a meeting of senior officials to finalise the Indian brief for the conference.<sup>7</sup> Pakistan insisted that the ministerial talks would not be limited to a discussion on the Kutch question. Pakistan was bent on raising a number of extraneous issues to create the impression that the Kutch border dispute was only a minor offshoot of the more fundamental Indo-Pakistani territorial conflict over Kashmir. The

Pakistan Foreign Minister, Z.A. Bhutto, declared that he would raise not only the Kashmir issue but also the question of the "ill-treatment" of the Muslim minority in India.<sup>8</sup>

Opinion was growing in Delhi that in the situation created by the infiltration of several thousand Pakistani saboteurs into Kashmir, the proposed meeting would serve little useful purpose. The political leadership was still strongly opposed to the proposal for postponing the meeting. On 7 August it became known that Pakistan was replacing the "Azad Kashmir" forces by its regular army along the ceasefire line and indulging in other aggressive manoeuvres. This led to a change in the opinion at the highest level. It was suggested that in the prevailing circumstances Bhutto's visit to Delhi and the Foreign Ministers' talks would be a pointless exercise.

In consequence the Indo-Pakistan Foreign Ministers' meeting scheduled for 20 August 1965 was cancelled. It was decided to refer the Kutch border question straightway to a tribunal as provided for under the agreement signed by the two countries. The suggestion was made by Swaran Singh in a letter to Z.A. Bhutto who accepted it and dropped his visit to New Delhi.<sup>9</sup> India's position was explained to the U.K. High Commissioner, John Freeman, who met Foreign Secretary C.S. Jha on 18 August. He was told that India did not intend to mix up the Kutch dispute with the Kashmir developments.<sup>10</sup> Prime Minister Shastri who was replying to the debate on the Kutch pact in Lok Sabha on 18 August, said: "I might inform the House that in view of the recent developments which have led to a sharp deterioration in the relations between India and Pakistan, our Foreign Minister has suggested to the Pakistan Foreign Minister not to visit India on August 20." The House loudly cheered the announcement.<sup>11</sup>

### The Tribunal and its proceedings

It was announced on October 7, 1965, that the Pakistan Government had designated Nasrollah Entezam, a former Iranian Foreign Minister and President of the U.N. General Assembly in 1950-51, as its nominee on the Tribunal. A Delhi announcement on 26 October said that the Government of India's nominee was Ales Bebler, an eminent Yugoslav Jurist and Judge of the Constitutional Court of Yugoslavia.

On December 15, 1965, U.N. Secretary General, U. Thant, nominated Gunnar Lagergren, President of the Court of Appeal for Western Sweden, as Chairman of the Rann of Kutch Tribunal.<sup>12</sup>

*Dawn* reported: "The Tribunal was to meet in November as stipulated in the agreement but because of Indian aggression on Pakistan in September last the meeting was delayed.... Pakistan proposed London as the venue of the first meeting of the Rann of Kutch Tribunal. India suggested Geneva as the likely venue of the meeting."<sup>13</sup>

The Tribunal held its first meeting in Geneva on February 15, 1966 under the Chairmanship of Judge Gunnar Karl Andreas Lagergren of Sweden.<sup>14</sup> On September 15, 1966, the Tribunal began the oral stage of its proceedings after receiving documents from both countries setting out their claims. India's Attorney-General, C.K. Daphtary presented his country's case on the Rann of Kutch. The hearing was in private and no details were disclosed.<sup>15</sup> Pakistan submitted its arguments afterwards. On October 19, 1966, the Tribunal saw a film of some portions of the Rann of Kutch produced by Pakistan. The Tribunal adjourned for winter recess on December 21, 1966 and resumed its work on January 10, 1967.<sup>16</sup> The arguments were over on July 14, 1967, when the Tribunal adjourned until mid-October. *Dawn* wrote: "Since February 15, 1966 the Tribunal has had 170 sittings in camera lasting in all 600 hours. Verbatim record of hearing runs into 15,000 pages. ...India and Pakistan submitted 700 documents and 350 maps."

N.C. Chatterjee, MP, one of the Counsels who presented India's case before the Kutch Tribunal informed Prime Minister Indira Gandhi that some of the documents produced by Pakistan in support of its case on the Kutch issue before the three-member international tribunal were "fake."<sup>17</sup>

A draft of the entire case as prepared by the Tribunal was supplied to both the parties on October 20, 1967. Each party prepared its comments and submitted them to the Tribunal as well as to the other party. Then both the sides submitted their observations on the comments of the other party. After this the Tribunal drew the text of its award.

The Award consisted of nine chapters and the Conclusions.

The Tribunal supplied the parties with Chapter I which covered only Introduction and the Conclusions. Among the Conclusions, the Dissenting Opinion of Judge Ales Bebler is given first. Nasrollah Entezam's opinion is given in the form of a Proposal. Then follows the Opinion of the Chairman.

### Cost of Tribunal

No correct estimate of the cost of the Tribunal can be made as it is still in existence and will remain until this case is finally closed perhaps not earlier than June 1969. On July 15, 1967, *Dawn* of Karachi estimated its cost upto that time about "the cost of three or four tanks." The Indian Prime Minister told the Rajya Sabha on February 22, 1968 that under the Kutch agreement the cost of the tribunal was to be shared equally between India and Pakistan. A.D. Mani asked whether the preparation and arguments before the tribunal had cost the Government more than Rs. 80 lakhs. Mrs. Gandhi replied she did not have the full figures; but the Government had paid their non-Government Counsel Rs. 94,000 so far.<sup>18</sup>

According to March 1, 1968 issue of *Time*, an American Weekly, for the past two years, India and Pakistan between them spent "about \$ 25,000 a week in Geneva on lawyers and living costs to contest their rival claims." *The Hindustan Times* of the same date said: "India's agreeing to an international tribunal for arbitration on the dispute over the border between the Rann of Kutch and West Pakistan cost India a sum of Rs. 25 lakhs plus Rs. 2 lakhs, plus Rs. 3.87 lakhs." This perhaps related to the cost of the office of the Tribunal only.<sup>19</sup>

### Agreement on demarcation

In July 1967, the Agent of India and the Agent of Pakistan agreed to the following procedure for demarcation of the boundary between India and Pakistan in the Gujarat-West Pakistan sector in accordance with the Award of the Indo-Pakistan Western Boundary Case Tribunal (constituted pursuant to the Agreement of 30 June 1965).

1. The basis of demarcation shall be alignment of the boundary as delineated by the Tribunal on maps to be annexed to the Award. Each Government should be supplied with

two sets of these maps duly authenticated by the Tribunal.

2. Each Government shall nominate its representative to be in over-all charge of the demarcation work and intimate to the other Government and the Tribunal the name and address of such representative.

3. The demarcation will be done jointly by a composite team consisting of an Officer-in-Charge, nominated by each Government, and other equal number of Indian and Pakistani personnel.

4. The representatives of the two Governments shall meet at Delhi not later than two weeks after the Award is rendered to discuss and decide upon the following matters:

(i) The strength of the team (it is not possible to give the exact number of personnel composing the team at this stage as the strength of the team will depend upon the alignment of the boundary and the quantum of work involved which can be ascertained only after the Award is rendered).

(ii) The design and specifications of the boundary pillars and traverse pillars, the number and spacing of pillars.

(The design and specifications of the boundary pillars will depend upon the alignment of the boundary and the nature of the terrain. The pillars may be of cement concrete, stone or masonry according to the requirements of the terrain).

(iii) Detailed operational instructions for the guidance of the field staff.

(Such operational instructions have to be necessarily finalised only after the nature of the alignment is known).

(iv) Any other matter which requires consideration for effective demarcation work.

If the Representatives of the two Governments do not agree upon any of the above matters, either Government shall immediately report to the Tribunal the matters in difference for the decision of the Tribunal.

5. The personnel of the demarcation team shall be made available for demarcation work by each Government not later than one week of the decision regarding its strength.

6. The first task of the demarcation team shall be to ascertain if any control points exist and are available. These control points should be supplemented, wherever necessary, in order to determine the pillar positions on the ground in accordance with the alignment of the boundary. If control points do not exist or are not available, a fresh series of triangulation or traverse will be carried out and control points determined and the pillar positions located with the help of these points.

7. Simultaneously with the location of the pillar positions, pillars shall be emplaced at each position. (It shall not be necessary to emplace pillars in any position of alignment if boundary pillars already exist therein). Each Government shall supply equal number of pillars according to designs and specifications as determined and members of the team representing each Government (hereinafter referred to as 'Party') shall place equal number of pillars.

8. After the boundary pillars are emplaced in proper positions, final Theodolite Traverse of secondary accuracy shall be run to provide co-ordinates of all the boundary pillars. With the help of these co-ordinates, a plane-table survey shall be carried out quarter mile astride the boundary alignment on  $4''=1$  mile scale. The plane-table shall contain particulars similar to those appearing in the plane-tables of the Sind-Rajasthan Boundary Survey.

9 (a) With the help of the plane-table sections, fair-drawn originals shall be prepared; the work being shared by the two Parties equally. The fair-drawn originals prepared by a Party shall be retained by it.

(b) Duplicates shall be prepared of the plane-table sections. Each party shall be given half of the originals of the plane-table sections and the duplicates of the remaining half of the plane-table sections.

(c) Each party shall print the fair-drawn originals retained by it and on the reverse of each printed copy shall be entered in print all details pertaining to the boundary pillars, their numbers, co-ordinates, mutual bearings and distances. The final printing shall be undertaken after exchanging proof corrections. Each Party shall supply to the other Party one hundred printed copies of each of these strip maps.

10. Every field record shall be authenticated by both the Officers-in-Charge and other officers of each Party responsible for the record.

11. Fifteen copies of the strip maps shall be authenticated by the Plenipotentiaries of both the Governments, five of them being retained by each Government and the remaining five being submitted to the Tribunal for record.

12. The two Officers-in-Charge shall jointly prepare a report of the progress of demarcation every month in quadruplicate and forward two copies to each of the Representatives of India and Pakistan, who shall retain one copy each and submit the other copy to their respective Governments for transmission to the Tribunal with their remarks, if any, for the Tribunal's information. If, in the course of the demarcation work, any difficulty arises, the same shall be referred by either Government to the Tribunal who shall give such directions as they deem fit, if necessary after hearing both the Governments.

13. Joint calibration of tapes and Hunter Short Bases shall be carried out at the Geodetic and Research Branch, Dehra Dun (India). Two officers of Pakistan designated by the Government of Pakistan shall be allowed by the Government of India to visit Dehra Dun for about a week to carry out such joint calibration.

14. Each Government shall grant visas to the Representative and the members of the demarcation team belonging to the other Government for entry into its territory for the entire period of field operations or for the entire period of demarcation work, as required, and shall also allow transport used by them to enter into and depart from its territory without any restrictions.

15. Wireless communications between the two Officers-in-Charge and other members of the demarcation team employed in field jobs shall be provided by their respective Governments to facilitate communications *inter se*.

16. Each Government shall provide suitable escorts to members of the Party of the other Government for safety and security arrangements on its territory.

17. On the assumption that the Award will be rendered on 1 November, 1967, the two Governments shall endeavour to have the field work completed by 31 March 1968 and to have

the strip maps submitted for authentication by the Plenipotentiaries of the two Governments by 31 May 1968.

### Sources and Notes

1. Vide supra, 89-90.
2. *Foreign Affairs Record*, August 1965, p. 165.
3. *The Times of India News Service*, New Delhi, July 23, 1965.
4. Ibid.
5. *Pakistan Horizon*, 1965, p. 312.
6. *The Hindustan Times*, 8-8-1965.
7. *The Times of India News Service*, New Delhi, 13-8-1965.
8. Ibid.
9. Notes exchanged between the Foreign Ministers of Pakistan and India

#### I

Excellency,

In view of the atmosphere created by the sharp deterioration of relations between India and Pakistan, we feel that there is no possibility of the meeting between Ministers referred to in article 3 (i) of the Agreement dated 30 June 1965, between the Governments of India and Pakistan, resulting in a consensus. We consider, therefore, that the better course would be to proceed to the next stage of reference to a tribunal on the footing that no agreement has been reached between the Ministers, and we suggest that this course be adopted.

With assurances of my highest consideration,  
18 August 1965

Swaran Singh

#### II

Excellency,

I am in receipt of your message dated 18 August unilaterally, calling off the projected Ministers' meeting referred to in article 3 (i) of the Agreement, dated 30 June 1965, between the Governments of India and Pakistan with regard to the dispute concerning the Rann of Kutch.

In our view the deterioration of relations, to which you refer, made it all the more necessary for this meeting to be held. In saying that there was no possibility of reaching a consensus on the Rann of Kutch dispute you have unfortunately prejudged the outcome of the meeting which could only be known after our discussions had concluded. Furthermore, it has been our understanding that the object of the proposed meeting was not only to try and reach consensus as regards the Rann of Kutch dispute, but also to seek, as far as possible, ways of improving generally the relations between India and Pakistan.

However, in view of the fact that you have come to the conclusion that no useful purpose would be served by holding the meeting, we have



no alternatives but to acquiesce in your suggestion that the meeting may not be held and that we proceed to the next stage of reference of the Kutch dispute to the Tribunal provided under the Agreement.

With assurances of my highest consideration,

18 August 1965

Zulfiqar Ali Bhutto

10. *The Hindustan Times*, August 18, 19, 1965; *The Hindu*, 19-8-1965.
11. *The Hindu*, 19-8-1965.
12. *Keesing's Contemporary Archives*, 21172B
13. *Dawn*, Karachi, 4 January 1966.
14. *Keesing's Contemporary Archives*, 21288C.
15. *The Hindustan Times*, 16-9-1966.
16. Reuter, Geneva, December 21, 1966; *Dawn*, Karachi, December 22, 1966.
17. UNI, Chandigarh, March 4, 1968.
18. PTI, New Delhi, 22-2-1968.
19. *The Hindustan Times*, March 1, 1968, p. 1, col. 4. "India's share of the expenditure of the International Tribunal on Kutch amounted to Rs. 27 lakhs during 1967-68 and 1968-69. A sum of Rs. 25 lakhs was paid towards the Tribunal's expenses in 1967-68 and a provision of Rs. 2 lakhs was made for 1968-69." *The Times of India*, New Delhi, March 1, 1968.

## The Award

On February 19, 1968, the international tribunal, in a 900-page judgment awarded Pakistan nearly 320 square miles of Indian territory or roughly about one-tenth of the territory of the Rann of Kutch it claimed from India. Two members of the three-man tribunal voted in favour of the decision. They were the Chairman, Judge Gunnar Lagergren of Sweden and Judge Nasrollah Entezam of Iran, who was nominated by Pakistan. India's nominee, Judge Ales Bebler of Yugoslavia, cast a dissenting note.

Of the three members of the Tribunal, Ales Bebler was 100 per cent a judge, Nasrollah Entezam, as he admits himself<sup>1</sup>, was 100 per cent a diplomat, while the Chairman, Gunnar Lagergren was more of a diplomat than a judge. Under these circumstances diplomacy succeeded against justice. In the diplomatic field Pakistan is far superior to India. In any diplomatic bout India is bound to be discomfited.

### India's case upheld in dissenting Member's Judgment

#### *The terms of reference of the Tribunal*

1. Judge Ales Bebler says that the Tribunal is called upon to determine where the boundary between Pakistan and India in the West Pakistan-Gujarat area lay, when the Indian Independence Act of 1947 came into force.

2. The critical date is 31 August 1947, when Wav, the last of the four States around the Rann, acceded to India.

3. If the Tribunal finds that there was no boundary at the critical date or that the boundary was not complete, it cannot supply a boundary of its own making or complete of its own making an incomplete boundary.

4. In our case it is also common ground that the boundary is conterminous. Nevertheless Pakistan says that, if the Tribunal finds that the boundary is not fully conterminous, the Tribunal should determine a conterminous boundary "on the basis of rules and principles applicable in such circumstances."

5. It has to be held with respect to this request of one Party that the Tribunal has not the power to do so. It cannot invent a boundary, a normal, conterminous boundary, where such boundary did not exist on the critical date, or partition territory which belonged to neither Party on the critical date.

6. Pakistan submits also that the whole width of the Rann, without being a condominium, formed a broad belt of boundary between territories on opposite sides of the Rann and that the question of reducing it to a widthless line, though raised, has never been decided, and requests the Tribunal to determine this widthless line.

7. The Tribunal is not aware of a large tract of land measuring nearly 9,000 square miles and forming a belt of boundary in this area. But even should the Tribunal find that this last assertion is correct, it would not have the power to draw the "widthless line" because, except for terminology, it would be inventing a boundary alignment which did not exist on the critical date and partition a no man's land not partitioned before that date.

8. Both requests of Pakistan have to be rejected as going beyond the terms of reference of the Tribunal.

9. If the Tribunal finds that the alignment of the boundary was different at some other dates in the past, from the alignment at the critical date, it has to disregard such previous alignments as superseded and therefore irrelevant.<sup>2</sup>

10. Geographical circumstances concerning the disputed area have only the value of evidence for this or that alignment of the boundary on the critical date.

11. The most debated geographical circumstance in the case was the peculiar nature of the Rann. The Pakistan side called it a "marine feature," i.e. a surface akin to a lake or land-locked sea, the Indian side called it a land surface, marsh or desert or both. It was treated by the British as a peculiar surface most akin to a marsh and not to a lake or to a land-

locked sea.

12. But in all events—even if it were proven that the Rann is a “marine feature,” that the boundary was inside this “marine feature” and that particular rules of establishing a boundary in such “marine features” existed—this circumstance would nevertheless have to be considered as irrelevant for the case. It could only have played a role when the boundary was being determined in the past, before the critical date; if this circumstance was then taken into account in one sense, *the boundary was determined to run a certain way, if it was taken into account in some other sense, the boundary was determined to run another way; now it is where it was in 1947 in all events.*

13. The same has to be said as to the contention of Pakistan that the Rann, once a part of the sea, was formed by accretion and that it should therefore be divided between the riparian States. If there was accretion in the past, then this could and might or might not have been taken into account at the time when it occurred or later. In no event can it be taken into account now. The boundary is what it was on the critical date, whether certain principles were applied to it in the past or not.

14. Past events were in this case of great importance for one main reason. As India submitted an impressive amount of evidence that Kutch and British authorities held the boundary under consideration to be where India claims it to be and as this evidence showed the boundary to be there with great clarity at least from 1870 on, Pakistan relied very much upon events previous to this date. It submitted that the boundary between Kutch and Sind was in the middle of the Rann at the time of the British-Kutch Treaty in 1819, at the time of the British conquest of Sind (1843), and later, and that there is no proof that it was shifted at any subsequent date.

15. India, while relying above all on evidence dating from 1870 on, submitted evidence and arguments to the effect that even in 1819 the boundary was where India puts it now.<sup>8</sup>

#### **The nature and the geographic position of the Rann**

1. It is proved beyond doubt that the Rann has been and is a peculiar surface which deserves the specific name of Rann,

repeated nowhere else. It is proved that it is most akin to a marshland, fitting into the classical definition that marsh is what is not wet enough to navigate and not dry enough to farm.

2. As there is apparently no general rule in International Law as to whether a marsh in a border area has to be partitioned between two or more neighbours and if so, how it should be cut into parts, and as apparently such a rule never existed, there is no conclusion to be drawn, from the fact that the Rann is a marsh, as to the probable application of such rules to a possible partition of the Rann which may have taken place at some time in the past.

3. Even if Pakistan had proved its case that the Rann is akin to a lake or an inland sea, the situation would in this respect not have been different. There are no internationally accepted rules and there apparently never existed any rule as to how such a water surface should be divided. All writers on the subject stress that a boundary in such surfaces and even in rivers can run one way or another according to the relevant treaties, arrangements or other legal sources which determine a boundary.

4. Pakistan stressed "that the Rann sweeps round the mainland of Kutch as a belt of varying width, isolating it as an island from the mainland of the Indo-Pakistan sub-continent."

In this formula an important circumstance is set out which had multiple consequences relevant to the case in the past. An island state is normally prompted to control the sea around it and would not like this sea to be controlled by others, because in the latter case the island State would be at the mercy of the master or masters of the surrounding sea.

For an analogous reason the State of Kutch, though not an island State, manifested from its emergence the propensity to control all the marshland surrounding it on all sides, all the Rann or, more correctly, all the Ranns, the Great Rann as well as Little Rann, in all their parts.

5. The only entrance into the area of the Great Rann by water from the sea is through the mouth of Khori Creek. This entrance is, by its geographic position, controlled by Kutch. On the Kutch side of it the dry land is inhabitable

and inhabited. The opposite shore is not. The largest harbour and the only town in the mouth of the *Khori Creek* is the Kutch harbour and town of Lakhpat.

6. Great Rann of Kutch, has always been called the Rann of Kutch and never the Rann of any other geographic or political entity abutting upon it.<sup>4</sup>

### "Current of history" meaningless

The debate on the wars between Sind and Kutch from the time they had become distinct political entities to the time of the advent of the British in their area led to the following final conclusions:

1. There were in those two or three centuries invasions of one neighbour's territory by armed forces of the other neighbour, with crossings of the Rann by these forces, in both directions.

2. A Sind Ruler once established a garrison on the southern edge of the Rann and kept it there for some years. It also happened that Kutch established temporary military outposts and a fortified place on the northern edge of the Rann.

3. The Rann was crossed more often by the Sindis than by the Kutchis; Kutch was more often invaded by Sindis than was Sind by Kutchis.

This last point was the foundation for the thesis of Pakistan that there was a "current of history" in the direction from Sind to Kutch which could be construed as an element for a historic title in favour of Pakistan.

Such reasoning is not convincing. Mere invasion, even the most successful, cannot possibly create a title to territory by itself. The naked fact that a neighbour was the more aggressive one in the past has no legal consequence whatsoever. If the behaviour of France and Germany in the past is compared, it was the latter who was the more aggressive, but no one draws from this fact any conclusion as to the historical rights of those two neighbours over their respective border areas.

Aggression from Sind was met regularly with fierce resistance on the side of Kutch and some battles on Kutch soil were extremely bloody. The great battle of Jarrah, in 1762, was a massacre of Kutchis. What historic title can the side guilty of such a war draw from its guilt? Evidently none.<sup>5</sup>

### The suzerain and its vassals

The relationship between the British as the Paramount Power on the sub-continent, presents as such in the area in question in fact from the very first years of the 19th century and legally from the treaties with Kutch in 1809, 1810, 1816 and 1819 and the Indian States, such as Kutch, was made a subject to debate by Pakistan with regard to its legal implications. It was common ground that the relationship fell into the category known as relationship between a suzerain and its vassals.

In this respect it should be said that Pakistan's theory that International Law did not apply to the relationship between suzerain and vassals in this case is entirely unacceptable. The relationship of suzerain and vassal is by definition a branch of International Law. (Then the learned judge discusses at length the opinion expressed by Oppenheim, an authority on International Law, and his own opinion on Ilbert and Tupper who wrote about legal aspects of British rule in India.)

The learned judge observes:

It is evident that the suzerain and vassal were unequal both in rights and in fact. But their inequality in rights has to be considered as strictly defined and limited by treaty-provisions, as were their other rights and obligations defined by treaties. The two sides were, therefore, equal in rights in one fundamental respect: they were both equally bound by the treaties. In this sense they were both bound also by International Law. They had both to observe one of its fundamental principles : "*pacta sunt servanda*."

After further arguing the case, the judge concludes:

These considerations lead to the conclusion that India was perfectly right in her submission that such principles of International Law as acquiescence and recognition in general and in boundary matters in particular, were applicable to the relationship between suzerain and vassals in India under British rule. They were applicable because they were not in contradiction with the treaties—in our case with the treaties between Britain and the Indian States abutting upon the Rann. They were not excluded from these treaties either explicitly or

implicitly and were not replaced by any clause of those treaties. They were, in consequence, undoubtedly applicable.<sup>6</sup>

### The origin of boundaries

Discussing at length the origin of boundaries in Europe, Africa and America,<sup>7</sup> the learned Judge observed:

Boundaries are not described or only partly described in treaties; they are not always completely depicted in treaties even in recent times; they are mostly traditional "well known" limits of sovereign States.

Yet they do exist. Described or not, depicted or not, they exist. They have an international legal existence in all cases—described and depicted in treaties or not. They are universally considered as binding the neighbours. The crossing by armed forces of a boundary which was never as much as mentioned in a treaty is as much a violation of the neighbour's integrity as if the boundary were described inch by inch and depicted in a treaty between the two neighbours.<sup>8</sup>

The Sind-Kutch boundary, except for its westernmost portion, was never formally determined by a Treaty. Yet it was an international boundary, a boundary between British India and the Indian State of Kutch (and some minor Indian States).<sup>9</sup>

This fact was common ground of both Parties. Pakistan, while insisting that International Law did not apply to the suzerain-vassal relationship, never vacillated in the position that the Indian States, Kutch and others, were, for Britain, foreign countries to which British territory could not be freely ceded. The boundary between British and foreign territory could therefore only be an international boundary.

There is no valid reason why principles of International Law applicable to international boundaries should not be applicable to this particular international boundary also.<sup>10</sup>

The most recent important case of international adjudication in boundary matters, the case concerning the Temple of Preah Vihear (Cambodia v. Thailand) before the International Court of Justice, gave this important judicial body a fresh opportunity to ponder those principles and to apply them. They became the essential basis of the Court's decision. It was said, in the text of the decision, that:



"In general, when two countries establish a frontier between them, one of the primary objects is to achieve stability and finality. This is impossible if the line so established can, at any moment, and on the basis of a continuously available process, be called in question and its rectification claimed...."<sup>11</sup>

He quoted M. Alfaro, Vice-President of the International Court of Justice, who said: "a State must not be permitted to benefit by its own inconsistency to the prejudice of another State (*nemo potest mutare consilium suum in alterius injuriam*)."<sup>12</sup>

After giving a fine analysis of the principles of International Law applicable in this case, Judge Ales Bebler says:

That express agreement or express recognition was binding on the neighbour who was fully sovereign, i.e. Britain, cannot be doubted. It is a consequence of the elementary good faith that had to be expected of the Paramount Power, particularly after Queen Victoria's Proclamation in 1858, the essence of which was the solemn engagement of the Paramount Power to be true to its obligations vis-a-vis its partners in treaty relationship with this power. Such was the firm resolve of the Paramount Power. Why then should a principle of International Law not, in addition to this resolve, have been applicable to its conduct? Why should this Power have been absolved from its obligation to treat its treaty-partner, the vassal, with good faith and be declared entitled to use bad faith? To what end is International Law created by the community of nations, if this could be its effect? Its use in this relationship would have been precisely to protect the vassal from possible tendencies of the suzerain to disregard its obligations.<sup>13</sup>

In other words: every express agreement and express recognition of Britain in favour of Indian States was binding upon Britain and every agreement and recognition of Indian States, in favour of Britain was binding upon those Indian States.

Neither of the Parties in the present case, as successor State one of Britain and the other of Indian States, can now repudiate the legal consequences of any express agreement or express recognition of the State whose successor it is.

In more explicit terms this conclusion means that express agreement to or express recognition of a boundary with British

India by the State of Kutch precludes the Republic of India from claiming any portion of the territory beyond the boundary expressly agreed to or expressly recognised by the Indian State of Kutch prior to 1947; and vice-versa, express agreement to or express recognition of a boundary with the Indian State of Kutch by the British (sovereign in Sind) precludes the Islamic Republic of Pakistan from claiming any portion of territory beyond the boundary expressly agreed to or expressly recognised by the British (sovereign of Sind) prior to 1947.<sup>14</sup>

It seems beyond doubt that, faced by repeated assertions of Kutch over a period of decades that the territory of the Rann belonged to it, British authorities representing the sovereign of Sind could if they had considered it to be British, have spoken; there was nothing to compel them to silence. ...

The silence of the British, as the suzerain of Kutch and the sovereign of Sind, before an adverse assertion by the vassal, Kutch, is a fully convincing proof of its acceptance of or its acquiescence in the vassal's claim. The silence of the vassal, of Kutch, before an adverse assertion of the suzerain and neighbour, the Paramount Power, is, on the contrary, not a fully convincing proof of its acceptance of or acquiescence in the Paramount Power's will.<sup>15</sup>

### The significance of authoritative statements

In the case under consideration, therefore, the question arose: who was entitled to speak on behalf of the State of Kutch so as to bind Kutch in its only foreign relations, i.e. in relations with Britain, the suzerain, and Britain, the neighbour and who was entitled to speak on behalf of Britain, the Paramount Power, so as to bind it in its relations with the Indian State of Kutch, as its vassal and as its neighbour?

As for Kutch, the answer is simple. It was the Rao (King) or the Council of Regency, and the Dewan, the Prime Minister and only minister of the Rao. There was no Parliament, there was no Minister of Foreign Affairs. In the less important cases of Wav and Suigam the answer would be: The Thakores only and no one else, as there was no other authority.

As for Britain, boundary matters were dealt with by the higher authorities in India. The Government of provinces or

Presidencies and the Government of India; reference in such matters was sometimes made to the Secretary of State for India in London for approval or confirmation.

Under the Government of India Act 1935, the outer boundaries of the Provinces could be altered only by the Crown by an Order-in-Council. Therefore, if the outer boundary of a province was conterminous with the boundary of an Indian State, the alteration of such conterminous boundary would require the authority of an Order-in-Council. But this position prevailed only after 1935 and not before.<sup>16</sup>

It appears impossible to raise such an issue before an International Tribunal which now has to adjudicate the issue of a boundary in India under British rule and expect such a Tribunal to decide whether a given British authority of those times—particularly an authority as high as the Government of India—acted within the limits of its power or trespassed these limits. Such a decision could only have been taken by the Privy Council in London before 1947. An International Tribunal now, after 1947, can only use, in this respect, a practical criterion which is the following: whatever act or transaction of a high British authority was held as valid by the British themselves, was followed up, carried out and acted upon by the British and by those subject to British rule in India, i.e. Indian States, and was never invalidated by higher British authorities or Courts, has to be held as having been valid and therefore evidently binding upon the Paramount Power.<sup>17</sup>

As to the forms of acts which fall into the category of authoritative binding statements and are relevant for the present case, the following should be mentioned as the most prominent:

1. *The bilateral Agreement of 1914*, a unique transaction in the Sind-Kutch boundary issue; it is, for this reason a sub-category by itself; it was agreed upon by an exchange of letters and of a map, the consent of the Paramount Power was expressed by the Resolution of the Government of Bombay. It is important to note that the Presidency of Bombay at this time included the Province of Sind and that the Government of Bombay had political superintendence over the State of Kutch. The said Resolution contained the decision on the boundary and was accompanied by a map on which the recti-

fied boundary was shown. The consent of the State of Kutch was expressed in a letter written and signed by the Rao; it was addressed to the Political Agent, Kutch, i.e. to the representative of the Paramount Power; it mentioned the accompanying map; the Resolution was sanctioned by yet one higher British authority, the Government of India; the sanction was communicated in a letter written and signed by the Assistant Secretary to the Government of India, Foreign Department, and was addressed to the Secretary to the Government, Political Department, Bombay. It said in this letter:

"The Government of India observe with satisfaction that the dispute between the Sind authorities and the Cutch Darbar has been settled by a compromise agreeable to both parties, and are pleased to accord their sanction to the rectification of the boundary line proposed in paragraphs 9 and 10 of your letter."

This sanction was communicated to the Rao of Kutch through the Political Agent, Kutch.

The Resolution of 1914 has been acted upon ever since. The portion of the boundary expressly mentioned in the Resolution, the Sir Creek and the so-called blue dotted line, were depicted in all subsequent official maps as the boundary between Sind and Kutch in this sector.

Moreover the Resolution was acted upon and implemented in 1924 by the erection of pillars not only along the blue dotted, horizontal line but also along the vertical, purple line up to its northern tip, the Badin-Jati-Rann trijunction.<sup>18</sup>

2. *The Kutch Administration Reports* and similar official documents of Kutch, prepared in the capital of Kutch, Bhuj, under the direction of the Dewan, the Prime Minister, in the departments of the Darbar, the State Government. They were sent, through the Political Agent, the representative of the Paramount Power, to the Government of Bombay, the British Government of a province or presidency.

The Government of Bombay acknowledged the receipt of such documents, as a matter of routine, but examined carefully the content in the Governmental departments. Remarks were drafted and often communicated to the Kutch Darbar through the Political Agent.

Such Reports and other similar documents were sent to

the Foreign Department of the Government of India which also examined them. They were also sent to the Secretary of State in London. Thus they had a wide circulation in the highest quarters.

For the present case Kutch Administration Reports and similar official documents emanating from the Kutch Darbar, i.e. Rao and Dewan, have a paramount importance when they contain statements on territorial issues, which they invariably did.

The statement in such a document that the Great Rann of Kutch belongs to the State of Kutch has a manifold value. It was an assertion of the vassal Indian State of Kutch written for submission to the British Government of Bombay, i.e. to the British authority which represented Britain in both its capacities, that of the suzerain and that of a neighbour. It was the most manifest way of provoking a reaction from the British side. Therefore, the absence of any reaction against the said assertion—and there was no reaction—amounted to the clearest tacit acceptance of, i.e. acquiescence in the Kutch understanding of its territorial extent by Britain both as suzerain and as neighbour.<sup>19</sup>

3. *Official documents of the Political Agent, Kutch:* A part from not objecting to the description of the area of Kutch in the Kutch Administration Reports as "exclusive of the Rann" or "besides the Rann" or the assertions that the Rann formed part of the Kutch territory or that the Rann belonged to the Rao of Kutch, the Political Agent of the British Government, himself made reports in which he gave the area of Kutch as "exclusive of Rann." In 1887, he sent to the Governor of Bombay "Brief Notes on Kutch" for the perusal of the Governor of Bombay in which he mentioned the area of Kutch as exclusive of the Rann; he gave a similar description in Memos submitted by him to the Government of India on the eve of the visit of the Prince of Wales in 1875 and on the eve of the visit of the Viceroy in 1900.

4. *Official documents of the Government of Bombay:* The Government of Bombay not only did not object to the assertion in the Administration Reports that the area of Kutch was exclusive of the Rann but it adopted such description in many of its official documents. In 1901 it forwarded to the Government of India "Brief Histories of the Native States" under the

political control of the Governor of Bombay, and in the History relating to Kutch the area of Kutch was described as "exclusive of the Rann." A number of Bombay Administration Reports also use the same expression in describing the area of Kutch but a similar expression is not used in describing the area of Sind.

5. *Official documents and publications of the Government of India:* The Government of India, too, never questioned the assertion in the Kutch Administration Reports that the area of Kutch was exclusive of the Rann. Besides, it accepted that position in many of its documents and publications. "Aitchison's Treaties of 1864, 1876 and 1932, which are authoritative volumes published by the Political Department of the Government of India, describe the area of Kutch as exclusive of the Rann. In 1875-76, the India Office forwarded to the Government of India a copy of the Numerical Returns of approximate area, population, etc. of Native States, desiring that the figures therein may be "carefully revised by the proper Department" of the Government of India and a corrected copy transmitted to the India Office. The Government of India after checking with the Government of Bombay advised the India Office that the area of Kutch should be shown as "exclusive of the Rann." In 1887, the Government of India prepared for the information of the India Office a "List of Feudatory Chiefs and Nobles of India who were expected to be in England on the occasion of the celebration of the Jubilee of Her Majesty the Queen, Empress of India." This list described the area of Kutch as "exclusive of the Rann." A like description was given in "Brief History of Kutch Agency" prepared by the Government of India in 1905. Pakistan Map 92, prepared by McClenaghan when submitting to the Government of India his Report on the Export Trade Control Measures on the Kutch Coastline in 1941, shows the entire Rann within the Kutch territory and the Government of India did not object thereto.

6. *Official Records of the Secretary of State:* Statistical Abstracts from 1866 to 1881, presented by the Secretary of State to both Houses of the British Parliament, describe the area of Kutch as "exclusive of the Rann"; no such expression is used in defining the area of Sind. The Secretary of State

submitted to the British Parliament the States Enquiry Committee (Financial) Report 1932, which contains a map showing the entire Rann outside Sind. The map was approved by the Secretary of State. The Secretary of State also accepted the advice of the Government of India that the numerical returns of approximate area, population, etc. state the area of Kutch as "exclusive of the Rann"

7. *Official publications of the Western India States Agency:* The 1928 and 1935 editions of "The Ruling Princes, Chiefs and Leading Personages in the Western India States Agency" prepared and published by the Western India States Agency describe the area of Kutch as "exclusive of the Rann" and the maps appearing in these publications show the Rann within the Western India States.

8. *Official publications of Sind:* Sind Gazetteers of 1874, 1876, 1919, 1920 and 1926 describe the co-ordinates within which the Hyderabad District, the Thar Parkar District and the Karachi District as well as the Diplo Taluka, the Mithi Taluka and the Nagar Parkar Taluka were situated. These co-ordinates show that no part of the disputed area in the Rann fell within these districts or talukas.<sup>20</sup>

### Maps

The Maps were issued by the Survey of India, a department of the Government of India. The maps were produced with the closest co-operation of several departments of the Government such as those of Foreign and Political Affairs (controlling the relations with Indian States), Home Affairs, Transport, Defence, Agriculture and Forests. The Survey Department was under the control of the Governor-General. Sometimes proof copies were approved by him. In boundary matters concerning British Indian territory and the territory of an Indian State, the opinion of the Foreign Department was decisive. While examining a map, Lord Curzon, the Governor-General and Viceroy of India noted on May 25, 1900: "...still more strongly would I lay it down that the Survey Department shall issue no such maps without the recorded sanction and assent of the Foreign Department".<sup>21</sup>

The maps once produced, were widely circulated. "Different maps issued by the Survey of India in various series have been

circulated for nearly a century to the whole spectrum of the Government, including the Secretary of State, the Governor-General, the Provincial Governments, Commissioners of Divisions, Collectors, Magistrates, etc." The maps were used all over India for all purposes of the Government, Military, Political, Administrative, Revenue, etc. Maps prepared by the Survey of India were supplied to the War Office in London and India Office which was the office of the Secretary of State for India. Before a new addition of a map suggestions and rectifications were invited even in proof stage from high government authorities. The 32-mile maps of India were especially prepared under the supervision not only of the Governor-General but also of the Secretary of State for India.<sup>22</sup>

These maps, particularly those issued after express approval of the Secretary of State for India or the Government of India were binding on Britain in all its capacities. "They can be assimilated to very solemn proclamations of the Paramount Power's position on what is whose territory in India, what is British India, what is the territory of this or that Indian State and what is a 'tribal area', etc., as well as on what are the external boundaries of the British Indian Empire."<sup>23</sup>

What, in view of these circumstances, is the meaning of the thesis of Pakistan that the maps of the Survey of India are "erroneous" in that they depict the Sind-Kutch boundary in such a way as to include 3,500 square miles too few in British India? It can only mean that, for reasons certainly well known to the British, they did not claim any more territory than they depicted as British. Who can come now, nearly a century after the first map of the Survey of India with the boundary at the northern edge of the Rann, and more than half a century after the first high ranking 32-mile maps of India with the same boundary, and say:

"Britain was wrong in claiming the territory it did claim in those maps. It had good ground to claim more. It made an error. And therefore its claim has to be held as not binding its successor-States. They can now claim more than Britain did at that time!"

This is evidently an untenable position. ... Thus the boundary alignment as shown in these maps became a boundary agreed upon by the neighbours through mutual express recognition,



sanctioned by the Paramount Power, and for all these reasons binding on them and on their legal successors.<sup>24</sup>

### Crystallisation of Sind-Kutch boundary

1. In the eighteenth century armed inroads across the Rann and temporary footholds of one neighbour on the other neighbour's side of the Great Rann show that there was no agreed limit of the two states.

2. In the last quarter of the century Kutch began to recover and was strong enough to pursue bandits across the Great Rann on the Sind side of it.

3. In 1802 the State of Kutch proposed an "offensive and defensive" alliance to the British. Treaties were then effectively concluded in 1809, 1810, 1816 and 1819.

4. In 1820, the British undertook a punitive expedition beyond the northern edge of the Rann to punish bandits.

"What is remarkable in the correspondence between the British and the Amirs is the emphasis of the British on their assurances to the Amirs that they had no intention of extending their territories 'beyond Rann'. These assurances show that the Rann was not a part of Sind as there was no mention of its crossing in these letters."<sup>25</sup>

5. Pakistan argued that a few months before the conclusion of the 1819 Treaty, the State of Kutch had lost the fort and town of Sindri in an earthquake and a lake was formed around it. This argument has no weight. Sovereignty could not be lost over a place because it was transformed by a natural disaster. Twenty-five years later, in 1844, J.G. Lumsden, Political Agent in Kutch, in a map of Kutch showed the lake of Sindri with the legend: "this colour lake of his Highness the Rao." The same year the Rao wrote a memorandum to the Political Agent in Kutch. He complained against his unsuccessful attempts to clear the salt take of Sindri or to drain it so that the Sayra could again be used for cultivation. He asked the British Government of Sind to assist him in cutting a canal through the sand hills to the north of Sindri through the Allah Bund so that sweet water would flow in the area of Sindri. Such efforts could not be made in a foreign land. Besides the Political Agent, H.G. Roberts, forwarding this memorandum to the Government of

*Sind*, in his covering letter stated that "the sand hills mentioned by His Highness as well as *Sindree*, are within his dominions."

In another letter of the same Political Agent and written the same year the following sentence occurs: "The 'Ullah Bund' was raised by the Earthquake of 1819, after our occupation of Cutch, and at the same time a flourishing village called *Sindree* (still belonging to His Highness) was destroyed."<sup>26</sup>

6. In 1843 the British conquered *Sind*. A few years later merged it as a division of Bombay Presidency. The traditional boundary between *Sind* and *Kutch*, the two hostile neighbours, became a border between two portions of the British Empire, between a portion that was incorporated into British India and a portion that was under British suzerainty as an Indian State. It is only natural that there was no formalism about such a boundary. The Deputy Collector of a *Sind* sub-division, the *Thar Parkar* Collectorate in his letter of 8 August 1850 wrote to the Political Agent in *Kutch* that mounted police entrusted with transporting official mail have difficulties in finding their way across the Great Rann and concludes:

"I have under these circumstances to solicit your permission to erect 4 or 6 marks in the Rann for the guidance of travellers in general, and the *Tappalwallas* (couriers) in particular; and to debit the cost of the same which will be but trifling to Government in the contingent bill for the quarter in which the disbursement is made."

And the colleague from the other side of the Rann replied immediately, the very next day, on August 9, 1850: "In reply to your letter of the 8th Inst. .. I have the honour to acquaint you that I have transmitted a copy of it to the Commissioner in *Scinde* with an intimation that I have authorised you to incur the expense of erecting the requisite marks on the Rann in anticipation of sanction."

The sovereignty of *Kutch* over the Rann is here clearly recognised, since its permission for the erection of marks is sought in advance, but *Kutch*, on the other hand, gladly accepts that *Sind* covers the expense.<sup>27</sup>

7. In 1855 the British Government began a scientific survey of *Sind* in order to produce an accurate map of *Sind* showing all its boundaries exactly. A party of surveyors under Lieutenant *Macdonald* undertook this work and completed it

in 1870. The map has the title "*The Province of Sind, 1855-1870*, scale 16 miles=1 inch. ...Compiled in the Office of the Surveyor General of India from the latest Revenue Surveys based on the Gt. Triangulation, Calcutta 1876," and the legend at its bottom: "Published under the direction of Colonel H.L. Thuillier, C.S.I., F.R.S., Surveyor General of India, Surveyor General's Office, Calcutta, Sept. 77." In the left corner of the bottom one reads: "Surveyed by Captains, John Macdonald, Donald Macdonald, H.B. Tanner, W. Lane, Esq. and Assistants 1855 to 1870."

Pakistan argued that this map did not show the outer boundary of Sind. According to Pakistan, the surveyors enquired, in these villages, only about village boundaries and depicted them. Villagers did not indicate useless wasteland of no value and of no significance for revenue purposes—portions of the Rann adjacent to their dehs. And the surveyors, therefore, did not depict such land. But this land, while outside the boundaries of dehs, as understood by the local population, was not necessarily outside Sind Province. It could easily have been a part of the State of Sind in the Amirs' time and therefore inherited by the British.

There are several reasons why the hypothesis of Pakistan has to be definitely rejected.

The surveyors spent no fewer than 15 years in Sind. During this time they were in contact not only with villagers but also with their chiefs, the patels. They collaborated and had to collaborate with Sind authorities at all levels without exception, from village patels to the Commissioner of the whole Province and his staff. It is therefore impossible to believe that they were never informed about tracts of land, lying beyond the village borders of the southernmost chain of villages....

The mandate of the surveyors was that they should survey the whole of Sind. The Government of India referred to the scope of the work as "a complete and comprehensive survey and measurements...of the whole Province from one end to the other.". The Macdonald line does not in any way separate useful land from waste. In Jati Taluka, the wasteland to the west of the vertical line is surveyed as part of Sind. The villagers of Dhara Banni and Chhad Bet, in a document submitted by Pakistan, said, "since time immemorial" their cattle grazed

from 1879 to 1886. The maps produced by it indicated the northern State boundary as practically identical with the MacDonald line.<sup>31</sup>

11. Another new survey of a part of the same boundary from Sind side was undertaken by a Party under the Superintendent of survey C.F. Erskine in 1904-05. It was a checking, after roughly 40 years, of the survey work of MacDonald. They made only two corrections. They included in Sind a tract of land on the south-eastern side, called Sinatri Dhand, and another tract of land to the south of the central part of the village Rahim Ki Bazar, evidently as results of careful inquiry among the population about the territory of their dehs at that time. For the rest the MacDonald line is confirmed by this survey.<sup>32</sup>

12. The grazing of cattle and camels belonging to villages on the Sind side of the northern edge of the Great Rann on pastures situated on Dhara Banni and Chhad Bet continued in Pakistan's submission "from time immemorial." The Sind cattle may have been grazing there since 1843 when the British conquered Sind. This activity of private individuals of Sind does not amount to display of State authority. Reliance is placed on the Collector's order of 1927: "In this case petitioners can be informed that they should not pay any fees but to tell the Kutch Jamadar to go to blazes." This order, exhorting Sind people to defy Kutch authority, is not an act of display of authority on the part of Sind over the area. It is said that the grazing activity was carried on by the Sind inhabitants under police protection. Three reports, Pakistan documents B 341, B 327 and B 162, are cited by Pakistan in support of this contention. Pakistan Document B 341 refers to the presence of a couple of policemen at a meeting held unquestionably in the interior of Sind. Pakistan Document B 327 mentions the presence of two police constables in Dhara Banni where cattle were grazing but does not establish the presence of any policemen in Chhad Bet. Pakistan Document B 162 is a post-Independence report and is not relevant. Thus, the single instance of the presence of the police constables in Dhara Banni, the object of which is not known, cannot be regarded as sufficient to reach the conclusion that the grazing activity of Sind inhabitants in Dhara Banni and in Chhad Bet

was police-protected." On the other hand, the evidence of India, convincingly shows that Kutch was exercising sovereignty over Dhara Banni and Chhad Bet before, during and after the years of these three reports.<sup>22</sup>

### Comments on Pakistan's Evidence

It has to be said that the instances of alleged display of State authority by the British Indian Province of Sind over the disputed area or parts of it are not conclusive. As far as they are not entirely meaningless, they do not satisfy the requirements under International Law for constituting a historic title to the whole or parts of this area.

First: they are far from being regular or continuous. As far as they establish acts of Sind organs, they are sporadic both in time and in space.

Second: they are, in so far as they show some regularity, such as the instances of patrolling by customs officials, evidently acts of British authorities as authorities of the Paramount Power and therefore could not possibly express the intention, the animus, of British India to assert itself as the sovereign over territory not belonging to British India, to establish an adverse possession against the sovereign Indian State of Kutch. This would in any event be in contradiction with the guarantee of integrity of dominions granted to Kutch under the Treaty of 1819 and confirmed by the Proclamation of 1858.

Third: they are, as far as the most emphasised instance, the practice of grazing of Sind cattle in Dhara Banni and Chhad Bet is concerned, evidently activities of private persons who could not act "*a titre de souverain*"; they might constitute a case for an international servitude of an economic character, but this was not the claim of Pakistan.

Fourth: as manifestations of State authority, they are without exception performed without the Government of India being even aware of them; not one item shows that the related act was performed at the instance of the Government of India as the sovereign of British India, i.e., of the British Indian Province of Sind.

What is evidently the great weakness of the Pakistani case in this whole matter is the fact that the intention, the animus, is completely lacking, at least after 1843. The Amirs might

have had some aspiration to be the masters of a part of the Rann, but the British, after 1843, did not show the slightest intention of incorporating the Great Rann into their Province, or later Division, of Sind.

On the contrary, by not reacting to Kutch Administration Reports where the whole Great Rann was declared to the Kutch, by publishing the same information in official Government publications and, most particularly by publishing *official maps with the boundary alignment along the northern edge of the Rann*, the British negated most emphatically every suspicion that they wished to incorporate the Rann into British India.

They did so even in the field of display of State authority mentioned by Pakistan—by establishing a salt preventive customs line along the northern edge of the Rann as the outer boundary of British India.

It is therefore ascertained that this very important requirement, the *animus*, did not exist on the part of the British and this requirement being essential, it should be held that the evidence submitted by Pakistan on display of State authority by the British as sovereigns of Sind over the northern half of the Rann does not establish a title for Pakistan to that area.

Are Dhara Banni and Chhad Bet an exception? The grazing *in these two bets constitutes certainty, for this particular portion* of the area under consideration, a circumstance to be taken seriously. It has lasted long, maybe over a century, maybe more. As purely private activity, even when lasting very long, cannot by itself constitute a title, the question must be asked whether the part played by Sind authorities gives the private activity of grazing some quality which could result in the grazing being considered as similar to or as entailing display of State authority. Encouragement by the orders of the collector has been evidenced, not an encouragement to graze, this was not necessary, but an encouragement not to pay panchari to Kutch authorities. It is more than doubtful whether such encouragement is equivalent to display of State authority over the pastures. One case of presence of one or two British policemen in the pastures was mentioned in a report, but it was not made clear for what purpose the police visited the pastures. In any event, there was only one such case in Dhara Banni during the whole

during the six weeks between 18 July 1947, the date of the Act, and 11 August 1947, the date of accession to India of Jodhpur, the last Indian State abutting upon the Great Rann of Kutch to accede to India, these six weeks being, thus, the "critical date" in the present case.

In other words, the Tribunal has to determine the boundary, at the critical date, between the Province of Sind, which was allotted to Pakistan under the Indian Independence Act of 1947, and the Indian States abutting upon the Great Rann of Kutch, all of which acceded to India.

2. The case of Pakistan is that this boundary lay roughly along the middle of the Great Rann and the case of India is that it lay roughly along the northern edge of the Great Rann; thus, the area in dispute is the northern half of the Great Rann.

3. It is common ground that the Rann of Kutch was not a "no man's land" and also that the boundary between Sind and the Indian States abutting upon the Great Rann was a conterminous boundary.

4. If the boundary is found to lie along a particular alignment, the Tribunal is not competent to alter the alignment by reference to any considerations.

If, as finally contended by Pakistan, the Rann of Kutch were found to form a broad belt of boundary, the Tribunal is not competent to reduce the broad belt of boundary to a "widthless line", as urged by Pakistan, because—but for terminology—it would be inventing a boundary which did not exist.

5. The Rann of Kutch is a peculiar surface, most akin to a marsh or swamp. No general binding rules exist in International Law or existed in India under British rule as to how such a surface must be divided between neighbours if it were established that the boundary between them lay within it, and no general and binding rule appears to have ever been applied to the determination of the boundary between Sind and Kutch in the Rann of Kutch area.

6. The Rann of Kutch, particularly the Great Rann of Kutch, is by its geographic position a part of Kutch. As far as habitable, it has always been and is still inhabited only by Kutch people. The largest human settlement ever to have existed in the Great Rann was the Kutchi town of Sindri lying

in the northern half of the Great Rann in the Kutch district of Sayra. Therefore, the Rann of Kutch always bore this name, viz., Rann "of Kutch", and never any other.

7. In the distant past, particularly in the 18th century, the Great Rann was crossed on many occasions by hostile armies in both directions. This occurred more often in a southerly direction and resulted in invasions of Kutch by Sind forces and fierce defensive wars by Kutchi forces against the invaders. When this period came to an end, towards the close of the 18th century, the normal situation, the one dictated by geography, was restored. The Great Rann was controlled by the State of Kutch upto its northern edge. The town of Sindri was its garrison and customs outpost. There was another Kutch customs post at Kaeera Nulla, some miles to the north of Sindri.

8. With the Treaty of 1819, Kutch became a vassal of Britain. From this time on, British armed forces, as forces of the suzerain, protected Kutch, including the whole Great Rann, as a part of their vassal's territory, the integrity of which was guaranteed under the said treaty. They did so through a system of outposts on the largest bets in the Great Rann and through punitive expeditions against Sindi bandits beyond the northern edge of the Great Rann.

9. From this time on, the relations between the British and Kutch were those of suzerain and vassal as defined in specific clauses in treaties; these clauses replaced certain rules governing the intercourse of nations under International Law; rules of International Law not replaced by such clauses remained valid and equally binding on both partners.

10. Such principles of International Law as acquiescence and recognition in general and in boundary matters in particular were applicable to the relationship between suzerain and vassal in India under British rule; even apart from International Law, these principles governed the relations between British India and the Indian States.

11. Britain having guaranteed the integrity of Kutch territory by the Treaty of 1819 and the territory having at that time included the whole of the Great Rann Britain could not take any part of the Great Rann away from Kutch at a subsequent date without violating its obligations under



that treaty and, by the same token, of the fundamental rule of International Law of *pacta sunt servanda*.

12. The Treaty of 1819 cannot be construed as "freezing" the territory of Kutch in the sense that Kutch could not have expanded between 1819 and 1843 at the expense of Indian States not vassals of Britain.

13. With the Proclamation of Queen Victoria in 1858, the British undertook the most solemn engagement that they intended to be true to all their obligations towards Indian States and very expressly and particularly regarding their respective territories. From this Proclamation on, it becomes unthinkable that Kutch territory should have been reduced by British administrators or, which comes to the same, that British Indian territory should have been extended at the expense of Kutch territory by these administrators.

14. It is not a possible construction of Queen Victoria's Proclamation that the British Crown proclaimed an intention to remain inactive or silent or gave a mandate to its administrators to remain inactive or silent in the face of an assertion of title by an Indian State to territory which was British territory.

15. When the British occupied Sind in 1843, they made it a part of British India. The status of Sind territory became, thus, essentially different from the status of the territory of Kutch. It was British Crown territory. The British were, therefore, free to dispose of this territory by making cessions of parts of it to Indian States, in the present case to the State of Kutch or other conterminous Indian States. While it was only for the Crown to cede any portion of this territory, unimportant transfers thereof, relating to a delimitation of a previously doubtful or disputed border, could, however, be sanctioned by the Government of India in a variety of ways.

16. There was indeed no cession of British Indian territory to the Indian State of Kutch in the disputed area. The well established fact that unimportant transfers of territory relating to a delimitation of a previously doubtful or disputed border could be sanctioned by the Government of India is nevertheless of significance in this case, because the Sind-Kutch border, roughly along the northern edge of the Rann, although a well-known and historically established border, was not defined inch by inch until

1870. The process of defining it inch by inch could and perhaps did involve unimportant transfers of portions of territory from the British to Kutch and such transfers would be valid, the maps showing the precise alignment of the border which had the sanction of the Government of India.

17. It must be excluded, however, that, through this procedure, cessions of British Indian territory were made to the Indian State of Kutch. The British Government were vigilant in regard to their possessions in India. After Sind became a part of British India, they were as vigilant about the territory of Sind as about their other possessions in India. Queen Victoria's Proclamation contained the clearest possible mandate to British administrators and everyone else in India that British Indian territory should not be encroached upon.

18. The only logical conclusion to be drawn from the above circumstances is that the British depicted the Sind-Kutch border in detail along a line which was, by and large, the traditional Sind-Kutch boundary as it had come to be established before their advent.

19. Any formal rectification of this boundary made by the British, like the one made by the Government Resolution of 1914, and in force at the critical date, in 1947, must be held to be fully valid today.

20. International boundaries have usually emerged by custom. They have become gradually well determined by mutual acquiescence and/or recognition by the neighbours concerned. Beginning with the second half of the 19th century some such boundaries or parts of them were defined by treaties which contained their description and depiction. Mutual acquiescence and mutual recognition are therefore the most general origin of existing international boundaries. Very many of them still nowadays have no other legal foundation for their validity. *Ex facto jus exitur*.

21. Boundaries between British Indian territory and territory of Indian States within the British Indian Empire were international boundaries and as such subject to rules of International Law governing boundary matters. As for the Sind-Kutch boundary—with an exception in one sector—there never existed a formal and express agreement for its definition. It was agreed upon through the usual mechanism of mutual

acquiescence and mutual recognition.

22. Every express agreement and express recognition of the British Government in favour of Indian States was binding upon the British Government and, similarly, every agreement and recognition of Indian States in favour of the British Government was binding upon those Indian States.

23. On the Kutch side, the Great Rann was officially treated as Kutch territory in Kutch Administration Reports. On the British side, the same was done in a number of official notes, letters and publications of the Government of Bombay, the Government of India and the Secretary of State. The most eloquent documents of the Government of India on the alignment of the Sind-Kutch boundary *roughly along the northern edge of the Great Rann* are the official maps published by a Department of this Government, the Survey of India Department. These documents are authoritative statements from both sides on the common boundary between Kutch and British India. It has therefore to be held as proved that the boundary alignment, *along the northern edge of the Rann* was agreed upon by mutual acquiescence and mutual express recognition.

24. While the treatment of the Great Rann, as belonging to Kutch, meant that the boundary ran *roughly along the northern edge*, it became more precisely defined through a process of crystallization and consolidation. In this process scientific surveying of the border areas played a prominent part. It was brought to an end with the first survey of the whole of Sind by a party of the Survey of India in 1855-1870, the survey known as *MacDonald's survey*, and the publication of its final product by the Survey of India in 1871 and 1872.

25. Since then the Sind-Kutch boundary as drawn by MacDonald, for its main portion strictly along the northern edge of the Rann, has been repeated in all subsequent official maps. This alignment was checked by survey parties three more times—in 1881-86, in 1904-1905 and in 1937-38—and was confirmed in its entirety with insignificant variations. *The great care in checking the whole alignment is clearly illustrated by the survey of 1904-1905 when a slight correction of the alignment was introduced. The MacDonald alignment appeared in all known editions of the map of the highest stand-*

ding, the 32-mile map of India, which were produced by the Survey of India department in consultation with all relevant departments of the Government of India; one of the editions had the approval of the Secretary of State for India. The last reprint of the last edition is dated 1928. The MacDonald line appears also in the Index map of the province of Sind of 1935. It was repeated thereafter in all official maps till the end of the British rule in India.

26. Thus, the MacDonald alignment of the boundary stood the test of time and withstood all vicissitudes of the internal history of the British Indian Empire from the time it first appeared in 1870, till the end of British rule in India in 1947, i.e., for 77 years. Throughout this period, its correctness was never challenged or doubted either by the Government of India, or by the Government of Bombay, or after 1935, by the Government of Sind.

27. On two occasions, in 1885 and 1905, the Sind Commissioners raised doubts about the alignment along the northern edge of the Rann but the Government of Bombay did not support them. The alignment was generally accepted as perfectly correct before as well as after these incidents. On a few occasions, the MacDonald boundary alignment was questioned by lower authorities on the Sind side, who, at times, expressed the opinion that the boundary lay inside the Rann. But these authorities did not press the question with the Government.

#### Serious doubts

28. A serious doubt appeared on the contrary about the MacDonald alignment of the boundary in its westernmost portion, namely, the portion where the alignment does not follow the northern edge of the Rann. Here the alignment drawn in 1870 was rectified in 1914 through a compromise based on proofs about display of State authority by the Rao of Kutch and by Sind. This compromise confirmed implicitly the rest of the boundary alignment. It was followed up in 1924, with erection of boundary pillars on the ground along the new portion of the boundary and also along a portion of the previous, i.e., of the not rectified boundary. Thus, the MacDonald alignment was for this portion confirmed explicitly by its demarcation on the ground.

29. On the eve of the creation of Sind as a Governor's province under the Government of India Act of 1935, the definition of the boundaries of Sind and an index map showing the territory of Sind were prepared. These had the tacit approval of the Government of India and the express approval of the Government of Bombay and the Commissioner of Sind. Although they were not actually used, they form conclusive evidence of the boundary between Sind and the States of western India.

It is inconceivable that the boundaries of Sind were kept vague and uncertain when Sind was created a Governor's province; the Under Secretary of State declared in the British Parliament that the boundaries of Sind were 'clear'. He no doubt had in mind the boundaries of Sind as shown in all official maps.

### Grazing land

30. The inhabitants of Sind villages lying beyond the northern edge of the Rann used to graze their cattle on three bets in the Rann, lying close to the northern edge of it. In this activity Sind authorities were not involved, while Kutch authorities levied a symbolic grazing tax (panchari) from 1926 onwards, although the recovery of this tax was resisted by grazers. Kutch established in 1941 a police outpost (thana) on one of these bets, the Chhad Bet; a revenue officer (tajvijdar) was also appointed by Kutch.

The grazing of Sind cattle on the three bets in the Rann, being a purely private activity, would not constitute display of State authority. It might constitute the basis of a claim for an international servitude on the neighbour's territory; but Pakistan did not formulate such a claim.

31. The boundary line between two neighbouring States is the line where the display of state authority of the two neighbours meets. In this case, the Sind Kutch boundary as agreed upon through mutual recognition of the two neighbours and depicted in all official maps, widely distributed and continuously used for the purpose of administration over decades, would be the meeting point of display of State authority or Sind and Kutch. Pakistan, however, contends that the display of authority by Sind actually extended to the middle of the

Rann, contrary to the recognised and depicted boundary along the northern edge of the Rann.

### British authority

32. The display of British State authority in the Rann, as far as it was not an activity of the British as the paramount power over the whole of India—as in the case of patrolling by customs officials—was sporadic both in time and in space and evidently lacked the most elementary requirements for the establishment of a historic title i.e., continuity, intention and possession, *a titre de souverain*. It is, therefore, far from sufficient to disturb the recognized and depicted boundary.

On the other hand, the instances cited by India regarding display of authority by Kutch confirm the boundary as recognized by the two neighbours and depicted in official maps.

On all the above grounds, respectfully dissenting from the opinion of my two colleagues, I find that the boundary between India and Pakistan in the West Pakistan-Gujarat border area lies along the northern edge of the Great Rann as shown in the latest authoritative map of this area, i.e., the index map of the Province of Sind of 1935 (Indian map B-45).<sup>35</sup>

### Nasrollah Entezam's Proposal

Nasrollah Entezam of Iran, Pakistan's nominee on the Tribunal, in his judgment on page 98 of the Award states:

"Since I am not a lawyer by training, the technicalities of the law of estoppel, as discussed by the Parties, are mostly beyond my depth." He further adds, "In the diplomatic field, with which I am familiar, ...<sup>36</sup>". This clearly shows that Nasrollah Entezam as a member of the Kutch Tribunal acted purely as a diplomat and not as a judge. He generally devotes his energy to contradict Ales Bebler.

### Introduction

1. To cope with the political awakening of the peoples of the sub-continent and the independence movements which began to appear among them, the Government of India could have found no better allies than the rulers of Indian States who were in favour of the maintenance of the status quo. The Government of India as well as the British Government

in London did their utmost not only to dispel the apprehensions of the Princes but also to gain their sympathy by putting them under obligation.

Hence, the Government of British India, after the famous Proclamation of Queen Victoria, abandoned its policy of expansion at the cost of the territories of the vassal States. It went even further—every time the Princes requested a rectification of boundaries the said Government did its best either to satisfy the claims of the rulers (as was the case in 1914) or to leave the matter alone, especially when the claims concerned a barren and economically uninteresting area.

When such cases appeared before the Paramount Power it was not interested in dealing with them. What possible value could the Government derive from determining, at the expense of an Indian State, a boundary in an area so completely desolate and barren as the Rann? Prudence and wisdom recommended that such problems should be left in suspense as long as the State concerned did not press for their solution.

This is the logical explanation of the attitude of the Government of India with regard to the delimitation of the boundary in the Rann area which was never defined and settled in spite of the numerous requests of the Sind authorities. Whenever these authorities or the survey officers raised the question of delimitation of the boundary the Government replied along these lines: for political reasons we do not want the question of the boundary to be raised unless the Kutch State insists upon it and forces the issue. And the Kutch Darbar, which knew perfectly well that by such an action it stood only to lose, wisely abstained from bringing forward its claim.

This state of affairs explains why the boundary between Sind and Kutch, which in the opinion of well-informed people and by tradition, usage and custom was in the middle of the Rann, was never delimited.

2. The evidence in this case taken as a whole clearly indicates that the boundary dispute between Sind and Kutch existed and continued till 1947. Neither the maps, nor even the Resolution of 1914, as will be explained later on, put an end

to this dispute. It is thus up to the Tribunal to delimit the boundary.

It is untenable to say that the task of the Tribunal is limited to the recognition of the one or the other line proposed by the Parties in their argumentation and that the Tribunal is not competent to decide a third line. The boundary lines as argued by India and Pakistan are only claims. It is thus for the Tribunal to find out the extent of sovereignty of each of the Parties in the Rann and delimit the boundary between India and Pakistan accordingly.

In doing so the Tribunal will not exceed the limits of its sphere of competence but fulfil the very task which has been assigned to it.<sup>37</sup>

#### **A Note on some aspects of the Case**

1. India tried to establish that the Rann was land while Pakistan maintained that it was a marine feature. From the evidence on record, it is established that all those who were concerned with the Rann regarded it as something different from land.<sup>38</sup>

2. India's stand is that the area up to the vertical line and south of the blue dotted line up to the Sir Creek is all Rann. Pakistan claims that the Rann is as shown in the claim map of Pakistan. ...texts show that the western limit of the Rann was the Khorī River<sup>39</sup>.

3. ...in 1819 the Rann was regarded as a boundary, and its whole width did not belong to Kutch<sup>40</sup>.

4. *Gazetteers*: The *Gazetteers* are only compilations from borrowed material. Such material was particularly scanty and unverified in respect of local conditions in the early stages of history of the East India Company. It can, therefore, hardly be of much assistance.<sup>41</sup>

5. *Maps*: India put forward maps prepared by the Surveyor General of India, especially those which show that the limit of Sind was the northern edge of the Rann of Kutch. ...The main attack by Pakistan on India's argument, however, has assisted in the demonstration that the basic maps of the 19th century did not show the boundary of Sind nor any conterminous boundary between Sind and Kutch.<sup>42</sup> Maps are only secondary evidence.<sup>43</sup>



6. *Kutch Administration Reports.* India has laid a great deal of stress on the Kutch Administration Reports which either give the area of Kutch as exclusive of the Rann or State that the Rann belongs to or is owned by the Kutch State. ..., some of these Reports dated as late as 1943, 1944 and 1945 state that the northern limit of Kutch is 20 of north latitude.<sup>41</sup>

7. *Bombay Administration Reports.* There are three consecutive Bombay Administration Reports which state that the Rann belongs to Kutch. Such statements are not contained in any standard chapters. After the year 1905 the Bombay Administration Reports ceased to make any such statements and they were never repeated afterwards.

These Administration Reports also give the area of Kutch as exclusive of the Rann. India has argued that the Tribunal should hold that the word "exclusive" really meant that the whole Rann was a part of Kutch. I do not think so.<sup>42</sup>

8. *Statistical abstracts.* In abstracts relating to years following 1875 the area of Kutch was mentioned as being exclusive of the Rann. ...before 1875 the abstracts sent to the Secretary of State did not show the area of Kutch as exclusive of the Rann....

11. *Precedents supporting Pakistan's claim.* As already mentioned, all those concerned with the Rann of Kutch have regarded it as something different from land. In the disputed region, Sind is on one side and others coastal States are on the other. Sind has always claimed and controlled that half of the Rann which is nearest to it.<sup>49</sup>

12. *Exercise of jurisdiction.* Both India and Pakistan have cited instances of jurisdiction to show their control over the Rann. Most of the instances cited by India related to a period well after independence. The instances cited by Pakistan are more than 1400 in number and are of several categories. Several relate to grazing, ...cultivation, activities by the police, ...exercise of control by customs officials, ...and jurisdiction by Sind magistrates.<sup>50</sup>

13. *Chhad Bet.* Instances relating to Chhad Bet reveal a very interesting state of affairs. These instances clearly establish the total absence of Kutch before 1926. The admission by India that the residents of Sind grazed their cattle in Chhad Bet at least from 1843 shows moreover that the whole Rann, as defined by India, was not in the possession of Kutch.<sup>50</sup>

14. *Vertical line.* Lucas was clearly mistaken when he said that the vertical line was shown on all maps after 1837. ...The question therefore of a vertical line to the west of the Khoru River dividing Sind from Kutch could not then arise. ...it was never the Sind-Kutch boundary.<sup>51</sup>

15. *Karim Shahi.* The Ministry of External Affairs of the Government of India referred to the Indo-Pakistan border near Karim Shahi, in a formal communication sent to Pakistan by the Government of India through its High Commissioner. This is a clear admission at least of the de facto position in 1955.<sup>52</sup>

16. *Locally recognised boundary.* India maintains that the Sind-Kutch boundary along the northern edge of the Rann was locally recognised and traditionally known. These words were used in connection with the boundary in the north-west part of India where the boundary as accepted by the people was given preference. The evidence here is clear that the boundary recognised by the people, officers and all concerned lay in the middle of the Rann.<sup>53</sup>

17. *No man's land.* The Salt Department of the Government of India was of the opinion that the Rann was no man's land. That would not mean that, because it was no man's land, it could go to India. ..., the Tribunal will have to apportion it between India and Pakistan.<sup>54</sup>

### Proposal

1. *The problem therefore reduces itself to determining the extent of Kutch in 1819 because, as soon as that is determined, it follows by logical steps that Sind in 1819 began where Kutch ended; since in 1843 Kutch was the same as in 1819, Sind in 1843 (the year of its conquest by the British) was what it was in 1819; and since both Sind and Kutch remained the same till 18 July 1947 (except for the 550 square miles that are not material for this purpose), the boundary between Sind and Kutch on that date was what it was in 1819. Pakistan, however, introduced a further element by contending that the instrument of accession of Kutch to India dated 11 August 1947 was invalid, that the date on which Kutch effectively became a part of India was 4 May 1948, when it merged with India, and that the exercise of jurisdiction by Pakistan in the northern half of the Rann during the interval, between 15 August 1947 and 4 May 1948, had destroyed any claim of Kutch to the northern half of the Rann before Kutch became a part of India. ...Pakistan further contended that it had exercised jurisdiction over the northern half of the Rann between the date of its Independence (15 August 1947) till a de facto change in status quo in 1956, and that this independent exercise of jurisdiction gives Pakistan an independent source of title to the northern half.*<sup>55</sup>

2. The Salt Department never regarded the Rann as belonging to Kutch, and its view was confirmed by the Government of India. Kennedy did not regard the whole Rann as belonging to Kutch and that view was confirmed by the Government of India and the Secretary of State.<sup>56</sup>

3. *It is not necessary to examine whether the interpretations put on the various statements and maps and inferences sought to be drawn from them by India are in all cases correct. In some they are, in some they are not.*<sup>57</sup>

4. *I have therefore no hesitation in finding that the Rann*

itself was the boundary between coastal states, as between Sind and the other coastal states including Kutch, that boundary was never reduced to a line; our task now is to reduce it to a line of a boundary between India and Pakistan.<sup>58</sup> I have come to the conclusion that the Rann as a natural feature itself forms the boundary between the States that it divides (like a lake or a large river).<sup>59</sup>

5. The evidence of continuous grazing by the inhabitants of Sind in Dhara Banni is clear. In its oral submissions India in fact admitted that Dhara Banni was too far away to be a grazing ground for Kutch. [This admission incidentally shows that the report of the Bhuj Vahivatdar in 1876 (Ind. Doc. A-66) asserting the contrary is an unreliable report]. The grazing rights in bets nearest to the Sind coast would appertain to that coast. Even if Dhara Banni were to be regarded as a bet (which in my opinion it is not) it would in equity be a part of Sind because of those rights. On the evidence, it is established that Pirol Valo Kun, Dhara Banni and Chhad Bet are valuable grass lands (particularly Chhad Bet) and that the cattle of Sind have always grazed on them. Since they are contiguous to Sind, it would make no difference, from the point of view of their being part of Sind, whether they are regarded as part of the mainland of Sind or as part of the width of the boundary, but for determining the widthless line to which the boundary is to be reduced the answer to that question would be relevant. Looking at the topography carefully in the survey maps and taking it with other evidence, I am of the view that, starting from the northern end of the vertical line and proceeding eastwards, the southern edge of Allah Bund can be regarded as the limit of the mainland of Sind upto 69°.15' of east longitude. Further on it goes "northwards in a smooth curve," "turning east at 24°.17' of latitude till Dhara Banni is reached, and then running round Dhara Banni Chhad is a small portion of Dhara Banni jutting out to the west."<sup>60</sup>

6. On the Kutch side, I would regard Pachham and Bela as parts of the mainland of Kutch, but Khurir as an island in the Rann.<sup>61</sup>

7. During the British times, the question of ascertaining the accurate line of boundary appears to have been raised for the first time in 1875. It was then found that, while the line

lay in the middle, only a few spots here and there had been fixed by custom as lying on it. One of those points, Mianji di Chan is not described with sufficient accuracy to be ascertainable. All that can be said about it is that it was 24 miles from Rahim ki Bazar, which would put it roughly in the middle. In 1885, the Collector of Thar Parkar said that the centre of the Rann had always been considered to be the border, and the grazing lands and islands had been treated as belonging to the side to which they were nearest (Pak. Doc. B 9), and the Commissioner in Sind said that this position was well understood all round the Rann (Pak. Doc. B 378).

In 1903, the Commissioner in Sind said that the rights of Sind extended to the centre line of the Rann (Pak. Doc. B 381). In 1927 and 1938 the Thar Parkar administration in Sind repeatedly asserted that the Sind jurisdiction extended to the middle of the Rann. (Pak. Docs. B 20, B 24). In 1955, the Government of India acknowledged (Pak. Doc. B 105) that its border with Pakistan was near Karim Shahi, which is a place lying approximately in the middle of the Rann.

*There appear to be two alternatives for determining the accurate line of boundary. The Western Terminus is agreed upon. There is also an agreement relating to the Eastern Terminus from which that terminus can be ascertained; in my opinion it is Becher's point. The first and perhaps the proper alternative is to take the technically most perfect and the most recent maps of the area and, treating the limits of the Rann to be as already described, to mark out a line from the east that runs equidistant from opposite shores, till it meets the mid-point of the vertical line in the west.*

The second, and for practical purposes, the more convenient solution, is to connect the known points together with straight lines departing as little as possible from the middle. This would mean joining the Western Terminus to Karim Shahi, and Karim Shahi to the point a half mile north of the Dharamsala

the point so obtained to Becher's point in another straight line.<sup>62</sup>

Thus Nasrollah Entezam granted to Pakistan whatever it had claimed, i.e., 3,500 square miles or the northern half of the Great Rann upto 24° parallel.

### Chairman Gunnar Lagergren's Opinion

1. It is the case of the both Parties that the Tribunal is not bound to adhere to either claim line if it concludes on the evidence on record that the boundary lies elsewhere, between the extremes of those lines.<sup>63</sup>

2. Pakistan submits that the Diplomatic Note of the Indian Ministry of External Affairs to the High Commissioner for Pakistan in India dated 28th July 1955, amounted to an admission by India that at the relevant time the border between India and Pakistan lay near Karim Shahi (*see Chapter IX*). The statement cannot in the context of the related correspondence, which finally led to the present dispute, be understood as an admission of the alignment of the boundary.<sup>64</sup>

3. I consider the nature of the Rann neither as land nor as a 'marine feature' as claimed by Pakistan, but as "a unique geographical phenomenon."<sup>65</sup>

4. Both parties agree that the boundary of Kutch has remained unchanged since the Treaty of 1819 upto the partition in 1947.<sup>66</sup>

5. The portion of the boundary between the Western Terminus and the Western Trijunction lies along the vertical line as demarcated on the ground, and the pillars standing there mark the boundary between India and Pakistan.<sup>67</sup>

6. One publication in the relevant period appears to be of more substantial importance than the others, viz. the East India Gazetteer by Walter Hamilton. The 1820 and particularly, the 1828 edition of this work support India's case since they describe Kutch as consisting of two portions, one being the Rann. However, the map attached to the 1820 edition (Pak. Map 140) is not in keeping with the text as it seems to depict the Rann as a separating entity.<sup>68</sup>

7. Most of the pre-survey maps described in Chapter V were produced in the same period. Because of demonstrable inaccuracy, vagueness and inconsistencies, they are generally

such as not to be accorded great weight. The only feature which recurs sufficiently often to establish a pattern or trend in these maps is the depiction of the Rann as a "marine feature" and as a "separating entity"; they sometimes also show certain bays as possibly falling under the dominion of sovereign entities abutting upon the Rann. Even India states that "in the course of history it is highly probable that the nearer State will occupy (an) island." ...The notion of the Rann as constituting no man's land persisted for a long period of time, up to 1938, as is evidenced by the statements quoted in Chapter VII.<sup>69</sup>

8. The first of the maps which indisputably showed the main portion of the Rann as belonging to Kutch was produced in 1878 (Ind. Map. B 46). However, no other map with such a clear depiction appeared for a long time thereafter.<sup>70</sup>

9. As regards "The Authority of the Survey of India" no legislative or administrative regulations have, however, been produced to show that the Survey of India had final authority to draw boundaries intended to be binding in a political sense. ...the maps produced by the Survey of India were not regarded as authoritative in the sense of being data of decisive weight for the purpose of ascertaining or determining sovereign rights.<sup>71</sup>

### The Boundary of Sind Province

While creating Sind as a Governor's Province, the Government of India (Constitution of Sind) Order, 1936, defined Sind in the following terms:

"In the Act and in this Order 'Sind' means the territory known at the date of this Order as the Division of Sind, and the boundaries of that Division shall be the boundaries of Sind."

The draft of a schedule setting out the boundaries of the Province of Sind with reference to an attached Index Map, both of which had been prepared by the Surveyor General of India, were sent by the Additional Joint Secretary to the Government of India for comments to the Chief Secretary to the Government of Bombay by letter of 31 October 1935.

The Schedule no doubt described the boundary as lying along the northern edge of the Great Rann, for even Pakistan admits that if the words of the draft schedule are read with reference to the map, as they were intended to be read, they can

have but one meaning. ...it cannot be said that the Government of India took any position in the matter, and no special significance can be attached to the action on the part of the Surveyor General which would give to the map in question a greater degree of authority than to other maps issued by his Department.<sup>72</sup>

Upon receipt in Bombay, the papers and the map were forwarded to the Commissioner in Sind who solicited the views of the Superintendent of Survey and Land Records in Sind. The Superintendent's reply, contained in his letter to the Commissioner of 28 November 1935, with which a revised draft of the Schedule was enclosed, indicates clearly the nature of the review undertaken by the Superintendent: he had compared the description of the boundaries of the new Province of Sind with the maps contained in the Head Record Office and had found them to agree, except in certain particulars which are irrelevant in this case.

The Report with enclosures of the Superintendent of Land Records in Sind was forwarded by the Commissioner in Sind to the Chief Secretary to the Government of Bombay with some comments which mainly referred to those of the Superintendent. This endorsement, it has been argued, constituted an official recognition by the highest authority in Sind of the alignment of a boundary conforming to that now claimed by India.<sup>73</sup>

Then the Chairman discusses the question whether the boundary in dispute is a recognised and well-established boundary. Taking into consideration the four "surveys of the region, and the instances in which the boundaries in this region were specifically scrutinised and discussed", the Chairman comes "to the conclusion that there did not exist at any time relevant in these proceedings a historically recognised and well-established boundary in the disputed region. Other documents lend additional support to this view."<sup>74</sup>

### **Did British Government recognise Rann as Kutch territory?**

The other issue is whether Great Britain, acting either as territorial sovereign, or as Paramount Power, by its conduct must be held to have recognised, accepted or acquiesced in the claim of Kutch that the Rann was Kutch territory, thereby precluding Pakistan, as successor of Sind and thus of the



territorial sovereign rights of Great Britain in the region, from successfully claiming any part of the disputed territory.

While the Rao of Kutch several times laid claim to the entire area of the Little Rann, he formulated an explicit representation addressed to the British authorities in Respect of the whole area of the Great Rann only once. ..., the descriptions of the territory of Kutch contained in 24 Reports prepared by the Diwan and issued as from and subsequent to that for 1876-1877 explicitly stated that the Rann belonged to the Rao or *formed part of Kutch*, while 23 further Reports gave the area of Kutch as "independent of the Rann", "exclusive of the Rann", or "besides the Rann" without such additional qualification.<sup>75</sup>

The Bombay Administration Reports were issued annually during the existence of the Bombay Presidency, and a number of them, dating from 1871-1872 until 1923-1924, are submitted in evidence. Four of the six standard chapters in the Reports on record stated that Kutch extended no further northwards than upto the 24th degree of north latitude. The Standard Chapters for the years 1911-1912 and 1921-1922 gave the area of Kutch as 7,616 square miles "exclusive of a portion of the Rann", while two previous Standard Chapters (for 1872-1873 and 1901-1902) included no reference to the area of Kutch, another (for 1892-1893) gave it as "6,500 square miles exclusive of the Rann." Although the Current Chapters in 20 Reports contained no reservation for the Rann in the area statements of Kutch, the Current Chapters in 29 Reports, from 1872-1873 to 1923-1924, gave its area as "exclusive of", "independent of", or "besides" the Rann, and three of them (those for 1903-1904, 1904-1905 and 1905-1906) stated in addition that the Rann belonged to the Rao.<sup>76</sup>

While the simultaneous statements in the Standard Chapters that Kutch extended *only upto the 24th degree of north latitude* are noteworthy, they do not substantially detract from the persuasive force of India's submission that *the words must be construed as an acceptance on the part of the Bombay Government of Kutch sovereignty over the Great Rann as a whole.*<sup>77</sup>

The Statistical Abstracts from the period of 1866-1881, submitted by India in evidence, invariably state the area of Kutch

with the reservation in a footnote "exclusive of the Rann." The footnote in the Statistical Abstracts must, for these reasons, be construed as an act of recognition on the part of the highest British authorities that the Rann was Kutch territory, "the Rann", however, having the same somewhat imprecise meaning as in other similar statements previously discussed.<sup>78</sup>

Further statements of like import, which are significant as constituting official acknowledgments by the competent British authorities that the Rann was Kutch territory, are those contained in the Gazetteers of the Bombay Presidency for 1880, 1905 and 1914. While the 1880 edition also described Kutch as extending upto the 24th degree of north latitude only, the two later editions stated, with a degree of precision which admits of but one construction, that the total area of 9,000 square miles of the Rann belonged to Kutch.<sup>79</sup>

Official statements by the Government of Bombay and higher British authorities recognising that the Rann was Kutch territory continued, however, to be made, and with increasing uniformity and frequency, in the period after 1905. Thus, the 1914 edition of the Gazetteer of the Bombay Presidency repeated the statement made in the 1905 edition. Even more significantly, the maps published under the direction of the Surveyor General of India soon after 1905 began to show a boundary along the northern edge of the Rann as conterminous between Sind and Kutch. Thus, Erskine's Indian Map B 11, published in 1907, significantly marked the area south of Sinatri Dhand as "Cutch". A number of various editions of different maps on varying scales thereafter and until the partition of the sub-continent clearly indicated a conterminous boundary between Sind and Kutch, or Sind and the States of Western India, having an alignment by and large conforming to India's claim line.<sup>80</sup>

In conclusion, the maps listed above do depict with striking uniformity a conterminous boundary lying along the northern edge of the Rann and a few of them were seen and approved by the highest British authorities.<sup>81</sup>

The statements and the maps now referred to constitute acts of competent British authorities which—if viewed as being in response to claims by Kutch or other Indian States that the Rann was Indian State territory—may be interpreted as

acquiescence in, or acceptance of, such claims, and which—if viewed as unilateral, administrative acts not prompted by such representations, may amount to a voluntary relinquishment, whether conscious or inadvertent, of British territorial rights in the Rann.<sup>83</sup>

### Can Pakistan be precluded from claiming the Rann?

The issue now is—whether the British Administration in Sind and superior British authorities, acting not as Paramount Power but as territorial sovereigns, performed acts in assertion of rights of territorial sovereignty, directly or indirectly, over the disputed tract which were of such a character as to be sufficient evidence in law to have conferred title to the territory, or parts thereof, upon Sind, and thereby upon its successor Pakistan; or conversely, whether the evidence of such exercise of sovereignty on the part of Kutch and the other states abutting upon the Great Rann, to whose rights India is successor, would instead operate to confer title on India to the territory, or to parts thereof.<sup>84</sup>

Territorial sovereignty implies certain exclusive rights which have as their corollary certain duties. ...The activities and functions of Government—leaving aside the military organisation—were in their essence identical in Sind and Kutch, being limited mainly to the imposition of customs duties and taxes on land, livestock and agricultural produce in the fiscal sphere, and to the maintenance of peace and order by police and civil and criminal courts and other law enforcement agencies in the general public sphere.<sup>84</sup>

It is in the light of these facts and circumstances that the evidence relating to acts of "jurisdiction" in the northern half of the Rann has to be analysed. The object of such an appraisal is to define and delimit with the greatest possible accuracy which of the two contending sovereigns, being before *Independence* mainly the Rao of Kutch and the British Government in Sind, respectively, and after *Independence* India and Pakistan, in actual fact enjoyed the rights of sovereignty over the disputed territory, and which of them carried the burden of discharging the duties inherent in sovereignty in that territory at each relevant period of time.<sup>85</sup>

1. Pak. Doc. B 313 refers to documentary evidence concerning the utilisation of the salt resources in the Rann. The British control over salt resources on the sub-continent was viewed as the outflow of an imperial prerogative, and not as an exercise of sovereign territorial rights, and the "control" over the Rann referred to in the salt Resolution of the Government of Bombay of 1885 was likely intended to signify control merely over the salt resources in the Rann. Furthermore, the letter of the Collector of Salt Revenue in Sind of 30 June 1897 implies that the extraction of salt in Sind was confined to the rich natural deposits of salt in what he referred to as British tracts adjacent to the Rann "which (were) guarded by a Salt Preventive Establishment."<sup>86</sup>

2. The statement by the Mukhtiarkar of Diplo Taluka in 1875 that, before 1843, a conterminous limit of jurisdiction between Sind and Kutch lay at Gaimda Bet was hearsay in character and cannot be deemed conclusive proof of the point. The assertions made by the Bhuj Vahivatdar in 1876 to the effect that a large portion of the Rann and numerous specified bays were Kutch territory, similarly are not corroborated by direct evidence, and in the circumstances no conclusive weight can be attached to them.<sup>87</sup>

3. Nor can much guidance be found in the correspondence in the 1850's concerning the erection of road marks and the construction of a well and a rest house on Gaimda Bet..., the instances referred to in Chapter IX, Section 3.03, even if they indicate that all public works (roads, road marks and dharamsalas) required and possible to execute in the area of the Rann were carried out by Sind in the relevant decades of the 19th century, are too scanty and imprecise to be considered truly indicative of exercise of sovereignty at various times over the vast tract at issue.<sup>88</sup>

4. However, neither in respect of that district as a whole, whatever its actual extent, nor in regard to Kanjarkot and Vighokot, is there any evidence on record showing whether and when, historically, they fell under the sovereignty of the rulers of either Sind or Kutch. The references made to the ruins existing at those places in a few documents relied upon by Pakistan lend no support to the suggestion that they were viewed by the British authorities concerned as being situated

in Sind at the relevant time.<sup>89</sup>

5. Evidence has been introduced to show that, in the general area of the "jutting triangle", settlements of Sind existed outside the boundary claimed by India. On consideration of all the documents and arguments on record, I do not deem it proved that the entries indicating cultivation on the Diplo portion of "Darya-i-Dharo" in 1867-1869 related to territory situated outside said boundary, nor that "Shakurji Kandi" was so situated.<sup>90</sup>

6. The documentary evidence pertaining to "Ding", "Ding Mian" and "Dhing Naka" establishes no more, in my opinion, than that a British customs outpost, referred to again below, was situated not far outside the boundary claimed by India. The location of the outpost may be assumed to have been that indicated as "Dhing Naka" on the related official map (Pak. Map 92)<sup>91</sup>.

7. Of particular significance would have been evidence supporting the assertion that leases for fishing were granted by the Government of Sind in respect of a lake situated six miles south of Rahim ki Bazar. This contention is not, however, proved. Nor is there any evidence on record which constitutes proof of the cultivation at a place seemingly situated in the vicinity of said lake,....<sup>92</sup>

8. In the jutting triangle lies Pirol Valo Kun. The sole map on which this area appears is the "Sketch Showing Relevant Places" submitted by India as Indian Map B 1. This depiction must be deemed binding upon India, and I will consider the area to be situated south-east of Kanjarkot, its southern edge lying midway between Kanjarkot and Vighokot. The evidence shows that Kutch did not make any appearance in this area until 1946. ...While no specific evidence has been submitted which proves any activities undertaken by Sind subjects in Pirol Valo Kun, the reports of the Kutch lessees establish that Sind inhabitants engaged themselves in grazing there.<sup>93</sup>

9. In regard to the territory between the "jutting triangle" and the Western Trijunction, there is no evidence on record which in my opinion, clearly establishes any activities by either party. ...Here, however, are to be noted the report and map of Mr. Howes which indicate that he, who was Secretary to the Government of Sind in the Public Works Department and its

Chief Engineer, as late as a few years prior to Independence adopted the position that point 75 on Indian Map B 55, situated at the southern tip of the western loop, lay at the border between Sind and Kutch. This premise was stated in the process of planning important public works, and the fact that the project envisaged was not eventually realised does not diminish the force of the assumption as to existing territorial limits on which that project was planned to be executed.<sup>84</sup>

The view of Mr. Howes is to a certain extent corroborated by a statement made in a committee report included in the book *Post-War Development Schemes*, published in 1945 by the Government of Sind. This statement, which is referred to in Chapter VII, described a strip on which the plantation of forests was recommended as a "strip along the Sind-Kutch border from Rahim ki Bazar via Adhegam to Berano" (Ind. Doc. TC 48).<sup>85</sup>

The principal evidence of acts of sovereignty performed in the disputed territory falls into four categories, viz. customs, police surveillance and police jurisdiction, criminal jurisdiction, and the material relating to Dhara Banni and Chhad Bet (some of which overlaps with the evidence included in the other categories).

### Customs

1. With regard to customs (*see* Chapter IX, Section 14), it is established that Kutch retained autonomy in the field of foreign trade and that the right to levy customs fell within the sphere of its exclusive determination. As it maintained lower tariffs than British India, goods were smuggled through Kutch over the Rann into Sind and elsewhere. To prevent this illicit traffic customs outposts were set up in 1934 along the "Northern and Sind-Cutch Frontiers Preventive Lines". Three of the outposts admittedly were situated south of the boundary claimed by India, at Dhing Naka, Karali and Jattra.<sup>86</sup>

2. It is established that officers of the Central British Customs Organisation patrolled in the Rann, that a number of offences against salt regulations were detected in the Rann and that offenders were prosecuted and fined. For this reason, it must be assumed that the customs outposts established at the aforementioned places, and notably at Dhing Naka and Karali,

would have been conceived of by the competent British authorities as located in territory falling under British jurisdiction and thus as British territory. The evidence relating to the actual patrolling is, however, not sufficient, consistent or precise enough to show with any degree of exactitude what areas were within the beat of the British customs staff.<sup>97</sup>

3. The evidence relating to post-Independence activities of the Pakistan Customs, which predominantly had the reverse object of preventing the export of goods from Pakistan to India, indicates only in a general way patrolling and enforcement in territory adjacent to outposts such as Ding, Jattrai and Vingi. Furthermore, some instances of patrolling or interception may represent "hot pursuit", both before and after Independence.<sup>98</sup>

4. The evidence on customs activities shows, in all, that both before and after Independence such Government functions were exercised by British and Pakistan Customs staff south of the boundary claimed by India in an area bordered in the west by the eastern loop and in the east by the Dhara Banni sector. The main activities were confined to areas in the relative vicinity of the customs outposts.<sup>99</sup>

### Police

1. The submission that the police of Kutch exercised jurisdiction over the whole of the Rann is not corroborated by evidence.

2. The order of the Acting Commissioner in Sind in 1898 affirmatively shows that both in the last decades of the 19th century, and for some period thereafter, the Rann was considered British territory for police purposes.

3. Among the specific instances of investigation by Sind police of offences committed in disputed territory, the two cases of 1939 and 1945 referred to in Chapter IX, Section 11.02 both relate to the Ding customs outpost or its vicinity. Ding, then, clearly was understood as falling under Sind police jurisdiction.<sup>100</sup>

4. In the murder case of 1945, "the Kutch Police Commissioner stated in a communication to the Sind Police that the territory of Kutch commenced immediately after leaving the Ding outpost, evidently also implying that the territorial and

jurisdictional limits coincided."<sup>101</sup>

5. No evidence on record shows that the courts of Kutch or other Indian States exercised jurisdiction over the disputed territory (outside the area of Dhara Banni and Chhad Bet).<sup>102</sup>

6. The District Superintendent of Police, Thar Parkar, who in the dacoity matter transpiring in 1923, while complaining of slowness and inaction on the part of Kutch police stated that:

"...the Rann belongs to Cutch State and if the Cutch Police had followed up the tracks they would not only have been able to locate the gang but would also possibly have been able to cripple it with the assistance of the Nagar Parkar Police." (Ind. Doc. A 68).<sup>103</sup>

7. In summary, on the evidence on record it may be taken as positively established that, in this century, prior to independence, outside Dhara Banni and Chhad Bet (which will be treated presently), the police and criminal jurisdiction of Sind authorities over disputed territory extended, in the sector between the eastern loop and Dhara Banni, to Ding, Vighokot and Biar Bet. There is, however, no evidence which affirmatively proves in a conclusive fashion that the jurisdiction of Sind police and Sind courts encompassed areas west of the eastern loop, or east of Chhad Bet. Conversely, no proof is offered that Kutch either assumed or exercised such jurisdiction over any part of the disputed territory (leaving aside Dhara Banni and Chhad Bet).<sup>104</sup>

#### **Dhara Banni and Chhad Bet**

1. It is established that these areas have not at any time been cultivated and have not been the site of any permanent habitation, that they contain extensive grazing grounds, and that, at least since 1843 and until 1956, inhabitants of nearby villages in Thar Parkar District grazed large herds of cattle on Chhad Bet. It is also established that residents in Sind alone used the grazing grounds on Dhara Banni and Chhad Bet at all relevant times. Further, Kutch did not exercise any active jurisdiction over Dhara Banni and Chhad Bet before 1926.<sup>105</sup>

2. The grazing fees which Kutch decided to collect in 1926 were conceived of by the Diwan of Kutch as a nominal tax,



and the levy was treated by him as an act of exercise of Government authority.<sup>106</sup>

3. The villagers complained to the Collector of Thar Parkar. "The purport of his order of 20/31 December 1927 clearly was that the areas of Dhara Banni and Chhad Bet were British territory and that the petitioners were to be informed that no tax was leviable by Kutch."<sup>107</sup>

4. It would appear from the documents on record that the collection of panchari by Kutch was discontinued not long after the Collector's order was issued at the end of 1927. A period of some 12 years thereafter elapsed before the Kutch revenue officials again started to collect panchari on Dhara Banni and Chhad Bet.<sup>108</sup>

5. On the evidence on record it must therefore be concluded that in 1945 and 1946, thus shortly before Independence, these British authorities considered Chhad Bet to be Sind territory and took official action vis-a-vis Kutch on such basis. It is, however, not established that this position was accepted by the Kutch authorities; on the contrary, the documents indicate that the Kutch Darbar deemed Chhad Bet to be Kutch territory.<sup>109</sup>

6. Such limited evidence as there is on record seems, however, to justify the assumption that the task of maintaining law and order was discharged by the Sind authorities; it is not even suggested that the authorities of Kutch at any time viewed such a task as forming part of their duties. ...Whatever other Government functions were required with respect to these outlying grazing grounds, on which herds of cattle were from time to time shepherded, were apparently undertaken by Sind. Thus, the births, deaths and epidemics occurring there were recorded by the taluka office in Diplo. It is not established that Kutch at any time established a thana on Chhad Bet.<sup>110</sup>

7. The collection by Kutch of grazing fees must be viewed as an exercise of Government functions in the period before 1945, despite the fact that the actual presence of Kutch police is not proved and that the tax collectors do not appear to have been themselves invested with general police authority; their jurisdiction was strictly fiscal.<sup>111</sup>

8. By contrast, the presence of Sind in Dhara Banni and Chhad Bet comes as close to effective peaceful possession and

display of Sind authority as may reasonably be expected in the circumstances.<sup>112</sup>

9. India submits that it attributes little value to the instances of display of authority after independence. I share this view.<sup>113</sup>

### Summing up

The case of India rests in essence upon three grounds. The first is the fact that the assertions made by the Rao of Kutch that the Rann was his territory were not contradicted by the British authorities for a period of about 75 years prior to Independence. The second ground is that for a long period of time, extending over three-quarters of a century, Great Britain as a Paramount Power in the sub-continent took official action by which it acknowledged that the Rann of Kutch was Kutch territory. Third, in more recent times, as from about the beginning of this century and until the eve of Independence, such action on the part of the British Government in India gradually assumed the more precise form of the depiction on maps of a conterminous boundary between Sind and Kutch, or between Sind and the States of Western India, along the northern edge of the Great Rann, roughly in accordance with India's claim line.<sup>114</sup>

What are the bases of the title claimed by Pakistan?

1. I have already concluded that no principle of law in the nature of a regional custom operates to confer title upon Pakistan to the Rann of Kutch on the grounds of nearness of shores or equidistance.<sup>115</sup>

2. Evidence relied upon by Pakistan shows that, over the same period of time as the statements and the maps on which the title claimed by India is based were issued, the Sind authorities explicitly gave expression to the view that half of the Great Rann, or roughly the territory now in dispute, was British territory. Such a position was taken, significantly, in instances where the matter at issue was subject to especial scrutiny.<sup>116</sup>

3. Taken as statements, if unaccompanied by any action, the pronouncements to the effect that the boundary lay in the middle of the Rann—or the previously described statements that the boundary was in dispute or not settled—cannot outweigh the evidence to the opposite effect upon which India's claim

rests. Clear and unequivocal though the statements relied upon by Pakistan are, they weaken but cannot invalidate India's claim.<sup>117</sup>

4. My first conclusion on this evidence is that it has not been established that Sind exercised continuous and effective jurisdiction and authority over the whole of the disputed territory. However, I have already stated that Kutch did not do so either, if indeed at all.<sup>118</sup>

5. The only sectors of the disputed territory in relation to which the evidence of Pakistan bears the conclusion that active state authority was exercised by Sind lie in the area from the eastern loop up to and including Chhad Bet. Within this area, the southernmost places in which jurisdiction is proved to have been exercised are Vigokot and Biar Bet. Each of those two places is, however, referred to solely in one single instance and one instance of exercise of jurisdiction cannot be taken as a basis for delimiting the true extension of territorial sovereign rights.<sup>119</sup>

6. Against the background of other evidence produced by Pakistan, decisive importance must be given to the Sind activities displayed in the sector of Rahim ki Bazar and in Dhara Banni and Chhad Bet.<sup>120</sup>

### The Judgment

Reviewing and appraising the combined strength of the evidence relied upon by each side as proof or indication of the extent of its respective sovereignty in the region, and comparing the relative weight of such evidence, I conclude as follows:

1. In respect of those sectors of the Rann in relation to which no specific evidence in the way of display of Sind authority, or merely trivial or isolated evidence of such a character, supports Pakistan's claim, I pronounce in favour of India. These sectors comprise about ninety per cent of the disputed territory. However, in respect of sectors where a continuous and for the region intensive Sind activity, meeting with no effective opposition from the Kutch side, is established I am of the opinion that Pakistan has made out a better and superior title. This refers to a marginal area south of Rahim-ki Bazar, including Piroi Valo Kun as well as Dhara Banni and Chhad Bet, which on most maps appear as an extension

of the mainland of Sind.<sup>121</sup>

2. The boundary between India and Pakistan lies as follows:—

The portion of the boundary between the Western Terminus (marked as "WT") and the Western Trijunction (marked as Point "A") shall lie along the vertical line as demarcated on the ground. In the sector between the Western Trijunction and Point "B" on Map C, the boundary will be that which was laid down in the most recent survey of that region, being Erskine's Survey; in that sector the maps of Erskine form part of the composite Map C. From Point "B", which is the easternmost point of the eastern loop as appearing on Indian map B 11, the boundary shall go in a straight line to Point "C", which is indicated as "Sadariaja Got" on Map C, and from there straight east-northeast until at Point "D", in the vicinity of the reported Karali outpost, it shall reach the boundary symbols appearing on a recent map of that sector, Indian map B 26, which also forms part of Map C. From Point "D" it shall follow the boundary symbols until Point "E", which is defined in the next paragraph.<sup>122</sup>

3. The boundary around Dhara Banni and Chhad Bet will be straight lines drawn from or through certain basic points. These shall be the southernmost (G) and easternmost (H) points of Chhad Bet, as appearing on Indian Map B-33, and two traverse stations marked on Indian Map B-58 as small circles, one lying at a distance of approximately 5.8 miles south of Baliari next to the mark "5/E" and the other lying at a distance of approximately 1.7 miles south of the letters "D" and "H" in "Dhara Banni". The boundary shall go in a straight line through the middle of the first-mentioned circle and touch the second circle as depicted on map C. Point "E" lies where that line reaches the boundary symbols on the northern edge of the Rann. From Point "G" the boundary shall go straight-west until at Point "F" it reaches the straight line originating at Point "E". From Point "G" it shall proceed to Point "H" touching the other points of the two tongues of land as depicted on map C. From Point "H", the boundary shall go in a straight line north-northeast until it reaches the boundary symbols appearing on the most recent survey map of

that sector, Indian Map B 33. That point is called Point "K".<sup>123</sup>

As from Point "K", and until the Eastern Terminus, the boundary shall follow the boundary symbols appearing on the other maps and the plane-table section which form part of Map C, being Indian Maps B 33, B 34, B 35, Pakistan Map 103 and Indian Map TB 28, with the following deviations (Indian Map TB 28 of 1938 being chosen in preference to Pakistan Map 137 of 1881, which choice in my opinion finds support in the "Minutes of the Meeting held at Lahore and Amritsar from 25th to 28th March, 1959 in connection with the Demarcation of Rajasthan (India)-West Pakistan Boundary"):

(a) The two deep inlets on either side of Nagar Parkar will constitute the territory of Pakistan. Already in 1885, the Deputy Commissioner of Thar Parkar pointed out that if these inlets were to be considered Kutch territory,

"[a] glance at the map will show that Parkar would be a peninsula almost entirely surrounded by Kutch territory. The Kutch State could erect fortifications and establish Custom houses at places situated many miles within the district for instance close to Veerawah, or on some of the roads which, crossing inlets of the Rann lead from one part of this district to another". (Pak Doc, B 9).<sup>124</sup>

In my opinion it would be inequitable to recognise these inlets as foreign territory. It would be conducive to friction and conflict. The paramount consideration of promoting peace and stability in this region compels the recognition and confirmation that this territory, which is wholly surrounded by Pakistan territory, also be regarded as such. These points where the boundary will thus cut off the two inlets are these:

At the western inlet, the boundary will leave the boundary symbols indicated on Indian Map B 34 at the point marked thereon as "26" more precisely where the cart track is indicated as departing from the edge of the Rann in a southeasterly direction. This point is indicated as Point "L" on Map C. On the other side of the inlet, the point will be that where the camel track is indicated on Indian Map B 34 to reach the edge of the Rann; that point is indicated as Point "M" on Map C.

Between Points "L" and "M", the boundary shall be a straight line.<sup>126</sup>

The boundary will cross the eastern inlet in a straight line between Points "N" and "O" marked on Map C.<sup>126</sup>

(b) The boundary marked by symbols along the outer edges of the peninsula of Nagar Parkar and up to the Eastern Terminus is a jagged one. As such it is unsuitable and impracticable as an international boundary. The boundary shall accordingly lie in conformity with the depiction on Map C between the outer points on jutting-out tongues of land from Point "M" and until the Eastern Terminus, marked as "ET" on Map C.<sup>127</sup>

At no point between the two Termini shall the alignment of the boundary as above described be such as to include in India territory not claimed by India, as defined by the depiction of India's claim line on Map A.<sup>128</sup>

It might be added that the boundary proposed by me for the greater part of its length roughly coincides with the boundary, proposed by my learned colleague, Mr. Bebler.<sup>129</sup>

(Gunnar Lagergren)

#### Opinion of Nasrollah Entezam:

In an early stage I considered that Pakistan had made out a clear title to the northern half of area shown in the Survey Maps of the Rann. I have now had the advantage of reading the *Opinion of the learned Chairman*, and in the light of it I concur in and endorse the judgment of the learned Chairman.

(Nasrollah Entezam)<sup>130</sup>

#### Decision by Majority:

The alignment of the boundary described in the opinion of the Chairman and endorsed by Mr. Entezam has obtained the required majority. It is therefore the boundary determined by the Tribunal.<sup>131</sup>

Done at Geneva, this nineteenth day of February, nineteen hundred and sixty-eight.

(Nasrollah Entezam)

(Gunnar Lagergren)

(Ales Bebler)

(J. Gillis Wetter)<sup>132</sup>

95. Ibid. 139.
96. Ibid, 139.
97. Ibid.
98. Ibid.
99. Ibid, 139-40.
100. Ibid, 140.
101. Ibid.
102. Ibid.
103. Ibid, 141.
104. Ibid.
105. Ibid, 141-42.
106. Ibid, 142.
107. Ibid, 142.
108. Ibid.
109. Ibid, 143.
110. Ibid, 144.
111. Ibid, 144.
112. Ibid, 145.
113. Ibid.
114. Ibid, 146.
115. Ibid, 149.
116. Ibid.
117. Ibid, 151.
118. Ibid, 151.
119. Ibid.
120. Ibid.
121. Ibid, 152.
122. Ibid, 152.
123. Ibid, 152-53.
124. Ibid, 153.
125. Ibid.
126. Ibid.
127. Ibid, 153-54.
128. Ibid, 154.
129. Ibid.
130. Ibid, 155.
131. Ibid.
132. Ibid. George Fernandes, MP (SSP) on March 22, 1968, drew attention of the House to an atlas, published by "a foreign company" and "dedicated to the Queen of England". In it a map, he said, showed Junagarh and Kutch as disputed areas. This atlas was available in the library of Parliament. "The Kutch Tribunal", he stated, "had given its award on the basis of this map".  
[UNI, New Delhi, March 22, 1968.]

## Reward Not Award

### Vital areas awarded to Pakistan

The Government of India has been radiantly idealistic in its foreign policy. It set high hopes on the integrity and impartiality of the U.N. Security Council in 1948, when it took the issue of Kashmir to that body. The Security Council treated India on par with Pakistan, the aggressor. On the issue of Dadra and Nagar Haveli, the International Court at the Hague favoured Portugal. India's political leadership again yielded to the influence and pressure of "the sub-continent's guardian angel, Harold Wilson", and submitted its case on Kutch to the International Tribunal. In the words of *The Indian Express* "Only a political innocent could have looked forward to a scrupulously just or judicial verdict from that body."<sup>1</sup> The Tribunal performed the operation only on the aggressed and rewarded the aggressor. Nobody in India believed that the award was fair and just. Aggression paid Pakistan heavy dividends.

Pakistan got what it really wanted. The entire elevated ground that is not submerged during the rainy season containing high hills and lofty sand dunes, commanding the low-lying salt desert, containing the extensive tract of grassland, having fresh-water wells and "the only permanently inhabited parts of the Great Rann", comprising 317 square miles, 9.43 per cent of the land claimed by Pakistan, have been awarded to it. This area is about 32 miles long and 8 miles broad, and a few odd regions at both ends. Pachham Pir is the highest hill in the Rann, 1,450 feet above the level of the sea. The other, Chorad and Khadir, do not exceed 617 feet.<sup>2</sup> Alexander Burnes, the Assistant Resident in Kutch, in his *Memoirs* written in 1829 thought



of these hills in military terms, and suggested the establishment on them of a "strong line of outposts" in order to "secure the country from any future disturbances" from Sind side.<sup>4</sup> "The most extensive grass-covered tract in the Rann itself, the Banni, is a part of Kutch. It was, significantly, often called simply 'the Rann', and thus identified with it, because it is economically the most important component part of it he wrote."<sup>5</sup> Thus the strategic and fertile parts go to Pakistan.

It is some consolation for the people of this country that, Lagergren has left with India the uninhabitable marshy swamp lying below sea level which will largely remain undefended against Pakistan incursions. According to the award Sardar Post, Vigokot, Biar Bet, Point 84, Karim Shahi, Bela Bet and Naren Bet are left with India. The marginal areas to the south of Rahimki Bazar including Kanjarkot on the west and on both sides of Nagar Parkar in the east together with the solid uplands of Dhara Banni and Chhad Bet, measuring about 32 miles by 8 miles in the middle sector including Piroi and Valo Kun are given to Pakistan.

### Pakistan hailed Kutch Award

Pakistan's Foreign Minister Sharifuddin Pirzada on February 19, 1968, welcomed the decision of the tribunal. India had "attempted to occupy by force the Chhad Bet area in 1956 and Kanjarkot in 1965", both of which the tribunal awarded to Pakistan, he said. A spokesman of the Pakistan Government said the tribunal's decision meant that "Pakistan will not have to cede any territory to India." "The lives lost in the Rann in the spring of 1965 were not in vain," he added.

On the night of February 19, 1968, Radio Pakistan announced that the tribunal 'has given Pakistan important elevation points in the Rann of Kutch. These are Dhara Banni, Chhad Bet and Kanjarkot.'

*Dawn* described what the award meant in concrete terms: "Border line in the award map rationalises the Indo-Pakistan frontier, and several enclaves projecting into the former Sind territory have been given to Pakistan. Most significant of these are the inlets in either side of Nagar Parkar, near the eastern terminal of the award line. The area awarded to Pakistan extends up to Badraja Kot and the region of the Rahimki

Bazar, including Piro], Valo Kun as well as Dhara Banni. The boundary around Dhara Banni and Chhad Bet will be a straight line drawn from or through certain basic points."

(*Dawn's* statement is absolutely wrong. The old boundary line in the middle sector was quite straight. Lagergren to please Pakistan as an ally of the West curved this straight line and carried it eight miles southward over a front of about 30 miles into Indian territory. On both ends of the demarcation line also he granted Pakistan several Indian enclaves to straighten Pakistani line, while Indian areas still remain surrounded by Pakistan on three sides.)

The entire Pakistani Press told its readers that the Kutch award was a victory for Pakistan. It said India had grabbed territory belonging to Pakistan in Kutch. This wrong had been righted by the international tribunal. The Urdu Press in particular attributed this triumph to the statesmanship and superior diplomacy of President Ayub Khan.<sup>6</sup>

### Why India lost the Kutch Case

1. India's idealistic foreign policy based on moral principles and platitudes has kept this country isolated without any support from any quarter.

2. India's defeat by China in 1962 deprived us of all prestige in the international sphere.

3. The Government of India had foreclosed its manoeuvrability or the exploration of avenues for any corrective action against the tribunal's verdict for having agreed in the Ceasefire Agreement of June 30, 1965 that "the decision of the Tribunal shall be final and binding on both parties" and it "shall not be questioned on any ground whatsoever."

4. The Chairman of the Tribunal, the Swedish Judge Gunnar Lagergren was a supporter of the Anglo-American views on Indo-Pakistan problems, his country being a member of NATO. During the Indo-Pakistan War of September 1965, Sweden was clandestinely supplying arms and ammunition to Pakistan. The Swedish "Norma" factory at Aatmo-fors sent a truck carrying 700,000 rounds of light weapon ammunition. It crossed Denmark and was proceeding to Frankfurt for shipment to Pakistan. It was refused entry into West Germany at Travemunde on September 12, 1965.<sup>7</sup>

5. Pakistan's nominee on the Tribunal belonged to Iran, a fellow member of the CENTO and RCD, which supplied to Pakistan during its war with India enormous quantities of arms and oil.

6. India's nominee belonged to a neutral country, and was impartial to both the parties. His judgment was the only judicial pronouncement in the award.<sup>6</sup>

7. Pakistan was given sovereignty by the British. It could not get more than it received from the British. The Government of India should have relied purely on British delineation of the Sind-Kutch boundary. If Pakistan had attacked India, it was the bounden duty of the Government to defend this country with all its might. Under no circumstances, whatsoever, should it have referred the question of India's sovereignty to foreigners. Ignoring the British boundary line between Sind and Kutch the Government of India collected huge mass of material to prove its original title. Pakistan had no authoritative material of its own. It built its case on the material supplied by India to the tribunal and which was critically examined by Pakistan's best legal brains. The tribunal therefore completely ignored the old British boundary line, and examined the material to establish quite a new and fresh title to the rival claims of both the parties. At p. 135, the Chairman of the Tribunal says: "In adjudging conflicting claims by rival sovereigns to a territory, all available evidence relating to the exercise of such rights, and to the discharge of such duties must be carefully evaluated with a view to establishing in whom the conglomerate of sovereign functions has exclusively predominantly vested."

8. The *Organiser*, New Delhi, in its issue of March 3, 1968 on page 1, assigns further reasons:

(i) India's Agent, Lokur, a retiring Law Secretary "was no kind of authority on international law".

(ii) Deputy Agent Krishna Rao "spent more time flying to and fro than preparing the case." He "shuttled between Delhi and Geneva some nineteen times."

(iii) The Government of India engaged other Indian lawyers, one of whom "made money by drawing both, a daily allowance and a foreign allowance. And yet another worthy came away as soon as he had stayed long enough in

Geneva to improve his health."

(iv) At the time of Dadra and Nagar Haveli case against Portugal before the International Court at the Hague, India had engaged eminent lawyers, authorities on international law like Guggenheim Waldock and Sir Frank Soskice. The World Court conceded that Portugal had a theoretical claim to the two enclaves but held it could not use Indian territory to reach them. In the case of Kutch no lawyer of world fame was engaged.

(v) The *Organiser* concludes that the Government of India "denied that any Kutch documents were missing. Fact is that the very Instrument of Accession of Maharaja of Kutch was missing—and GOI had to request the Maharaj-kumar to sign a fresh copy."

9. The award was motivated by the desire of the tribunal to bring about peace between India and Pakistan. This the tribunal was not required to do. Its duty was to decide whether the territory claimed by Pakistan belonged to it or not. It had no justification to award Indian areas to Pakistan on the ground that they were land-locked by alien territory. It was also inadmissible in international law. The tribunal acted on other considerations than those of international law. It aimed at avoiding and eliminating chances of constant friction and feud between India and Pakistan by rewarding the aggressor alone and punishing the aggrieved. Even in the majority decision of the tribunal it was admitted that two inlets were Indian territory of Kutch, but they were given to Pakistan to bring about peace. The Government should have filed a review before the tribunal itself.

10. The Government of India did not claim from Pakistan territories formerly belonging to Kutch but now forming a part of Sind. Alexander Burnes, Assistant Resident in Kutch, in the twenties of the nineteenth century wrote: "The Raos, or Princes of Cutch, possessed at one time military stations in three different places of Sind,—Budeenu, Ballyaree, and Raomaka-bazar,—". His brother James Burnes in *A Narrative of a Visit to the Court of Sind*, 1828, states: "The Raos of Cutch had at no distant periods three tannas in the Dominion of Sind, viz., Ballyaree, Raoma-ka Bazar and Badenna, their right to which was undisputed."<sup>10</sup>

Captain Charles Walter, Assistant to the Political Agent, in *Brief Sketch of the History of Kutch*, 1854, Selections from the Records of Bombay Government No. XV, New Series, 1855 edition, on p. 107 writes: "Deokurn Sett ..carried an army into Parkur and established a Thanna at Veeravow, to punish the Sodas who had made incursions into Kutch..., built a fort at the town now called Rymaka Bazar, and extended the Rao's influence in that quarter."

The Gazetteer of Bombay Presidency, Vol. V, 1880 at p. 140 says: "Not content with securing the safety of province, he spread the Rao's name and power by carrying an army into Parkar, and, leaving a post there, overawed the Sodhas and put a stop to their raids....Devkarn...to secure the lands he had won, built a fort at Rahim-ki-bazar."

The Chairman of the Tribunal in the concluding paragraph of his judgment also hints at it:

"At no point between the two Termini shall the alignment of the boundary as above described be such as to include in India territory not claimed by India, as defined by the depiction of India's claim line on Map A".<sup>11</sup>

### The Government of India approved the Award

Prime Minister Indira Gandhi said that the claim made by India had been substantially accepted by the Tribunal. The Yugoslav Judge, Bebler, had upheld India's claim completely. The arguments put forward by India were upheld even by the other two members of the tribunal. She said all the three Pakistani contentions were rejected by the tribunal: (1) that Sind had continuous jurisdiction over the area; (2) the median line, and (3) the principle of nearness of shores. The tribunal had accepted the basic argument of India that the Rann was Kutch territory. Referring to the inlets given away to Pakistan under the award, Mrs. Gandhi said she shared the disappointment of the nation. She said the award should be accepted in the interest of peace and friendly relations with Pakistan.<sup>12</sup>

Neither the Indus Water Treaty nor the Nehru-Noon Pact nor the Tashkent Declaration had brought about the desired friendship. The same way the implementation of the award will not give India peace. Sometime after the award Pakistan

started digging for oil in the Rann and carrying away buffaloes grazing in Indian territory.<sup>12a</sup>

At the Congress Parliamentary Party meeting, Prime Minister said that certain remarks by the Chairman of the Kutch Tribunal indicated that the award was made on political considerations. She admitted that the award had gone against India in certain respects. She did not rule out the possibility that extraneous considerations might have influenced some of the tribunal recommendations.

A Government spokesman declared:

(1) India has not lost the case. The tribunal treated the case as one of realignment of the border and not as a dispute involving large-scale territorial claims.

(2) The tribunal rejected 90 per cent of Pakistan's claims in terms of territory. Pakistan launched its military adventures not for border demarcation nor for bare 350 square miles but for grabbing 3,500 square miles. The *Organiser* observed: "The Government of India's attitude reminds us of the person who, after having lost his nose in a fracas, kept bragging to friends that victory after all had been his, because the ruffians who wanted to sever his head could get away only with his nose."<sup>13</sup>

(3) Not only for the sake of Indo-Pakistan amity but even in India's larger national interests the award must be implemented.

If tomorrow Pakistan invades India and claims the whole country, does the whole of India then become a "disputed territory"? Would this claim justify conferment on Pakistan of some border states like Panjab, West Bengal or Assam?

### The Union Law Ministry

The Union Law Ministry gave out the following conclusions:

1. Implementation of the Kutch award did not involve any cession of territory and it was a simple issue of border demarcation.

This view appears to be wrong. One of the State Supreme Courts in the United States defined cession as follows: "The territory of a foreign government may be acquired by 'cession', which involves the transfer of sovereignty by means of an agreement between the 'ceding and acquiring

States', or by 'conquest' which is the taking of possession of territory of an enemy by force, and hence a transfer of sovereignty only if the conquered territory is effectively reduced to possession and annexed by the conquering state".<sup>14</sup>

2. The Government could implement the award by means of a legislative measure to be introduced in Parliament under Article 3 of the Constitution.

3. Article 3 empowers Parliament to increase or diminish the area of any State and alter the boundaries of any State. It would only elicit the opinion of the legislature of the State whose boundaries are to be affected. Under this Article only a reference was to be made to the Gujarat Vidhan Sabha, and its opinion sought within a specified period. Whatever its opinion might be, the Parliament could enact the law by a simple majority. The two-thirds majority essential for a constitutional amendment was not needed.

4. The Supreme Court's opinion was not relevant in the Kutch case. The Government was not obliged to amend the Constitution as it had to do in the case of Berubari, following the Supreme Court's verdict. This view also was not justified. The area involved in the transfer of Berubari was only 8.75 square miles. This being a case of cession, the amendment of Constitution was necessary.

### The Indian Parliament

On, February 20, 1968, Prime Minister Indira Gandhi and Deputy Prime Minister Morarji Desai told the Parliament that the Government was irrevocably committed to implement the award and it must stand by the commitment. Madhu Limaye, Samyukta Socialist Party, sought an adjournment of the debate on the President's address on the ground that the award was at variance with the assurances given to Parliament by the late Prime Minister Lal Bahadur Shastri. From the Jan Sangh benches, A.B. Vajpayee and Balraj Madhok wanted an assurance that Pakistan would not be allowed forcibly to occupy the territories awarded to it by the Tribunal and that Parliament should have an opportunity of discussing the award's details fully. The Jan Sangh Parliamentary Party executive demanded the resignation of the Government for its 'disastrous' handling of the Kutch affair. The Opposition

onslaught for the day ended in the Lok Sabha with the admission of a Jan Sangh no-confidence motion. The Jan Sangh and SSP members charged the Government with having gone back on the promise of Shastri that all that was to be done in the Rann of Kutch was the physical demarcation of the boundary. The Congress benches throughout cheered the Government.

Prime Minister Indira Gandhi categorically declared in Parliament on February 23, 1963 that India would honour its commitment in regard to the Kutch award. Replying to the Lok Sabha debate on President's address, she said it would be a sad day "if we did not honour our international commitment."

On February 27, 1968, the opposition in Lok Sabha moved a resolution of no-confidence against the Government. It was a thrilling debate. Hardly ever before had the House heard so many outstanding speeches in a day. The most vigorous attack was made by Balraj Madhok (Jan Sangh), mover of the motion, in one of his best speeches. He charged the Government for repeated surrender of Indian territory to the enemies. Madhu Limaye (SSP) concurred, and in a business-like speech asked the Government to secure popular verdict on the award through a referendum. Nath Pai (PSP) and Acharya Kripalani (Independent) agreed to the suggestion. Hiren Mukherjee (CPR) declared that the award was "false, wrong and perverse". M.L. Sondhi (JS) shouted agitatedly towards Swaran Singh: "He is the culprit," for having admitted that the Kutch border was under dispute. The Defence Minister listened to all the criticism without protest.

Unlike Jan Sangh, the SSP, the PSP, the Dravida Munnetra Kazhagam, the two Communist Groups and the Swatantra Party felt that the award was binding on India. But they all found the Government guilty of mishandling the Kutch issue.<sup>15</sup>

On February 28, 1968, the opposition motion of no-confidence in the Government was defeated in the Lok Sabha by 203 votes to 75.

M.C. Chagla former Chief Justice of Bombay High Court and lately Minister for Education and then for External Affairs speaking in the Rajya Sabha on February 21, 1968, said he had no doubt in his mind that the award would not stand a judicial scrutiny and would be set aside "in five minutes", because



it was based on extraneous considerations. It was political in nature and not legal. He was astounded that trespassers had been rewarded by it only because they had trespassed. Enclaves had been gifted to Pakistan on the basis of the amazing argument that they were surrounded by Pakistan territory. He warned the Government against going to international courts or tribunals where "judges were not judges but politicians." "The best justice we can get is from our own strength and not from looking to any international tribunal or the Security Council whether it is a question of Kashmir or any other territory," he said.

On March 5, 1968, Raj Narain, SSP, placed a motion in Rajya Sabha that the award be scrapped. The other motion was moved by S.S. Bhandari, JS, and six others who sought a discussion on the award. On the first day Chagla said that the issue should be looked at from legal, political and international aspects. Legally, any award rendered in excess of the powers conferred on the judicial authority was null and void. It was clear that the Kutch tribunal had exceeded its authority, and therefore the award was null and void. There were several instances where the disputing countries repudiated the award as the arbitrators had exceeded their jurisdiction.<sup>16</sup>

Another jurist member P.N. Sapru (Congress) agreed with M.C. Chagla that the international tribunal in its award on Kutch had "*disregarded and gone beyond*" its terms of reference. "One of the reasons why I hesitate to reject the award is that we need to have friendly relations with Pakistan and solve our dispute with it." Sapru disclosed he had suggested to the late Prime Minister Shastri "*during private conversations*" that the Kutch dispute should not be referred to the tribunal.<sup>17</sup>

Intervening in the two-day debate Prime Minister Indira Gandhi said the question of any constitutional amendment for implementation of the award did not arise since it did not involve transfer of territory. Raj Narain's motion was rejected on 6 March by 63 to 17 votes.<sup>18</sup>

### The English Daily Press of Delhi

The English daily press of New Delhi toed the official line. The headlines from the Delhi papers of February 20, 1968,

stated: "Most of Rann stays with India" [*The Times of India*]; "90 per cent of Rann India's says Tribunal" [*The Statesman*]; "Pakistan Gets 300 Sq. Miles, Claimed 3,500" [*The Indian Express*]; and "Pakistan Gets 10 p.c. of area claimed by it" [*Patriot*]. Of Delhi's five English papers, *The Hindustan Times* alone reported the fact: "Tribunal Gives 300 sq. miles of Rann of Kutch to Pakistan". The following day it adopted the tone of the other dailies and in a leading article praised the award as "basically and substantially in favour of India", and commended the method of arbitration "to resolve our conflict with China."<sup>19</sup>

### The Kutch Award should have been rejected

The Kutch award should have been rejected on the following grounds:

1. Under certain circumstances the international law permits an arbitral award to be rejected. L. Oppenheim, an authority on International Law, says: "An arbitral award is only binding provided the arbitrators have in every way fulfilled their duty as umpires, and have been able to arrive at their award in perfect independence. Should they have been bribed, or not have followed their instructions, should their award have been given under the influence of coercion of any kind, or should one of the parties have intentionally and maliciously led the arbitrators into an essential material error the award would have no binding force whatever."<sup>20</sup>

In the light of this definition the award was not binding on us.

2. In several cases various countries rejected arbitral awards as the arbitration tribunals had exceeded their power of jurisdiction. (a) In 1831 in the case of the North Eastern Boundary Dispute between the United States and Canada, King of Holland's decision was rejected as both the parties claimed the King had exceeded his powers.<sup>21</sup> (b) In a boundary dispute between Bolivia and Peru, the award of the President of Argentina in 1909 was not accepted by Bolivia. (c) The Chamizal Award on a boundary dispute between Mexico and the United States in 1911 was turned down by the latter although the special agreement stated that "the decision of the Commission, whether rendered unanimously or by majority vote

of the Commissioners, shall be final and conclusive upon both Governments, and without appeal." (d) In the boundary dispute between Costa Rica and Columbia, the special agreement provided that the "decision of the arbitrator whatever it may be, shall be considered as a perfect and obligatory treaty between the High Contracting Parties and shall be final." Costa Rica protested against a part of the award and the matter had to be gone through all over again.<sup>22</sup>

3. The award of the Chairman of the Tribunal was in excess of jurisdiction. He did not confine himself to the terms of reference given in the Indo-Pakistan Agreement for Cease-fire in the Rann of Kutch. Its Article 3, Part (C) Section (ii) states that recourse to the tribunal will be had "for determination of the border in the light of their respective claims and evidence produced before it." The tribunal was not authorised to import other considerations for determining the existing boundary. The tribunal should have decided the issue on the state of facts as it then existed and not on what the state of facts it ought to be. If the words "in the light of their respective claims" were not clear to the tribunal and appeared ambiguous the Chairman should have ascertained from both the parties as to what they understood by these words. The tribunal would have easily found out whether the parties intended a settlement according to strict principles of law, or as a matter of convenience. There was no justification whatsoever for its self-assumed role of a peace mission as the following sentence in the judgment shows:

"The considerations of promoting peace and stability in this region compels the recognition and confirmation that this territory, which is wholly surrounded by Pakistani territory, also be regarded as such."

an incentive to aggressive powers to seize forcibly the lands of their neighbours. Dhara Banni and Chhad Bet formed an integral part of Kutch. Some Pakistanis were allowed to graze cattle in these areas and were charged grazing fees. The Chairman while handing over this territory to Pakistan ignored maps and other legal considerations, and decided the issue on the consideration of intense activity. This could not be the basis of a claim for territory. "Activity" by itself does not give a legal right to territory unless its legitimacy has been acknowledged by the legal owner. Without such acknowledgment or acquiescence the indicated activity is nothing more than a *trespass*. Even when it is not a *trespass*, it cannot displace a legal title. In 1959 there was a land dispute between Belgium and the Netherlands, known as the Frontier Lands Case. The matter was referred to the International Court of Justice. The Court rejected the Netherlands contention that acts of sovereignty performed by local Netherlands officials in the disputed areas could displace Belgium's title declaring that these acts were "of a routine and administrative character."<sup>23</sup>

5. Since the award was not unanimous, it was not binding. The acceptance of the majority decision was not provided for in the special agreement of June 30, 1965. The majority decision had lost the right to be treated as an award.

6. The Government of India's fear of losing international reputation by rejecting the award was groundless. Such decisions were rejected before by several countries without losing friends or prestige. Y.B. Chavan's warning that alternative to this award would be war also had no foundation. Wars are not invited, they are rather thrust upon nations. Had Pakistan any ground to attack us in 1965? In spite of India's declaration to accept the award Pakistan is ready for another attack. We cannot go on satisfying Pakistan's hunger for Indian territory. Appeasement will never pay. Such fear would encourage Pakistan to encroach on Indian territory more and more.

7. Prime Minister Lal Bahadur stated in Rajya Sabha on August 19, 1965:

"I would also like to make it clear that the tribunal would not be called upon to lay down a new boundary between India

and Pakistan. The tribunal's sole task would be to identify and to determine that boundary between India and Pakistan in this sector, after partition and after the accession of the State of Kutch to India. Moreover, such identification or determination would have to proceed solely on the basis of evidence produced and not on the basis of any other considerations."

As Pakistan never protested against this statement, the Government of Pakistan was clearly bound by it. In the light of this precise statement there was no room for the tribunal to rest its conclusion on the basis of "equitable considerations" or on the requirement of "peace and stability in the region." In doing so Lagergren clearly exceeded his powers.

8. The international arbitration agreements are either special or general. General agreements include words like equity and justice as authorised grounds of decision. Arbitration agreements of a special character are decided according to the evidence laid before the arbitration body. In such a case the court or the tribunal cannot go beyond the evidence and legal rules.

9. The British boundary line has now been rejected by the tribunal and a new boundary line is created. The Government of India's acceptance of the award will have far reaching consequences on India's sovereignty with regard to Indian territory already seized and further claimed by China.

### Gujarat's agony

The discontent generated by New Delhi's acceptance of the Kutch tribunal's award was real and deep-rooted. Every citizen of India was unhappy over it. But the agony of the people of Gujarat was intense. When the news of the award was first received, there was sudden resentment. Opposition leaders in the Gujarat Assembly despatched an urgent telegram to the Prime Minister requesting her not to "surrender an inch of the country's territory." The telegram emphasized that the people of Gujarat would "never forgive the Central and State Governments" in case of surrender of land to Pakistan.<sup>25</sup>

There were angry scenes in the State Assembly. An adjournment motion was turned down by Speaker R.T. Leuva. This led to pandemonium in the House. The opposition then walked out. The Mayor of Municipal Corporation, Ahmed-

abad, turned down the adjournment move. Himmatsinhji of Kutch said at Bhuj: "This is a black day in the history of India and of Kutch in particular." He blamed the Congress leadership for the loss of territory. Bhuj and other places in Kutch observed complete hartal on February 20, 1968. About a hundred members of Jan Sangh demonstrated and shouted slogans in Ahmedabad. In the Assembly there was a two-hour discussion on the award. Thakorebhai Desai, Minister for Panchayats, expressed the shock of the people of Gujarat. Chief Minister Hitendra Desai emphasized that the Government certainly shared the feelings of the members of Opposition. He said it was a "national problem" and he was leaving for New Delhi to "acquaint the Centre with the feelings of the people of Gujarat." One Ahmedabad newspaper gave extensive quotations from a number of official Gazetteers and other documents to stress the fact that the Rann of Kutch had all along fallen within the Western India States Agency under British rule and was never a part of the Sind province.

On February 28, 1968, all opposition members, except one, walked out of the Gujarat Assembly in protest against the Kutch award. In response to a call by the all-parties action committee complete hartal was observed, and shops, business houses, cinemas and schools remained closed in Baroda, Ahmedabad, Bhuj, Anjar, Gandhidham and other towns of Kutch.<sup>26</sup>

Maharao Madansinhji of Kutch in a letter to President Zakir Husain on March 9, 1968, expressed "frustration and sorrow" on the Kutch award.<sup>27</sup> Six members of the All-Gujarat Kutch Award Protest Committee claimed on March 11, 1968 that 230 out of 300 village panchayats of the Kutch district had passed resolutions denouncing the Kutch award.<sup>28</sup> For the third time since the Kutch award was announced, there was hartal throughout Kutch district on March 19, 1968. The Kutch Ladat Samiti had called for the observance of the day as "protest day" throughout Gujarat. The call evoked a favourable response at Anjar, Gandhidham, Mandvi, Nakhratnana, Rapar and Bachau.<sup>29</sup> The Samiti decided to observe hartal on the 19th of every month described as the 'mourning day' to protest against the award.<sup>30</sup>

### The Communist Party

The Central Secretariat of the Communist Party of India also protested against "the unprincipled and politically motivated award of the International Tribunal on the Indo-Pak dispute over the Rann of Kutch". It continued: "The majority members of the Commission have violated their political responsibility in awarding Chhad Bet and certain other areas to Pakistan on political and geographical grounds". It further added: "The Chairman of the Commission, Gunnar Lagergren, is a known Anglo-American agent and another member was provided by Iran, the CENTO ally of Pakistan. Bebler was in a minority". But it appealed to "all the left, democratic, progressive and secular parties and forces in the country" to accept the award,<sup>31</sup> and both parties dissociated themselves from the campaign against the Kutch award.

### Samyukta Socialist Party

A procession of Samyukta Socialist Party workers on March 11, 1968, assembled at No. 7, Gurdwara Rakabganj Road, the house of the late Ram Manohar Lohia. The processionists marched towards Rashtrapati Bhavan to present a memorandum to the President opposing acceptance of the Kutch award. As the procession reached the roundabout of Talkatora Road and Pant Marg, they were stopped by police and were reminded of the prohibitory order in force. The demonstrators did not disperse and insisted on submitting the memorandum to the President. They were immediately taken into custody and driven to the Parliament Street Police Station. Among those arrested were 49 SSP workers, including three women and five MPs. The MPs were Raj Narain, Ravi Roy, Arjun Singh Bhadoria, Nihal Singh and Kameshwar Singh.

The memorandum said the Government's decision to accept the Kutch award was against India's interests and was unconstitutional. It demanded rejection of the award. If the Government implemented the award, the SSP would launch an agitation against it, the memorandum said.<sup>32</sup>

### The Kutch satyagraha

Three national political parties—the Jan Sangh, the Sam-

yukta Socialist Party, the Praja Socialist Party and the Gujarat unit of the Swatantra Party and Hindu Maha Sabha joined on February 26, 1968 in opposing Government's acceptance of the Kutch award. They organized an Anti-Kutch Award Conference at Bhuj, the capital of Kutch on April 19 and 20. The Kutch march was to begin on April 21. All this was to take place under the auspices of "Kutch Bachao Samiti". A reception committee with Biharilal Antani, member of Rajya Sabha, was formed. Indulal Yagnik, M.P., Jan Sangh leader Atal Bihari Vajpayee and Socialist MPs Madhu Limaye and Nath Pai arrived there. For the Kutch march volunteers from Gujarat, Maharashtra and South India started coming to join the march and to attempt entry into the prohibited area on the border. Volunteers from Bihar, Uttar Pradesh and other parts of North India were to go to Delhi to join the demonstration before the Parliament House.<sup>33</sup>

The satyagrahis travelled by rail to Bhuj, the rail terminus. They covered 48 miles from Bhuj to Khavda by bus. Eleven miles from Khavda, the wastes of the Rann start, where no roads or villages exist. In the rainy season, this stretch of Kutch is inundated by sea water. The volunteers had to trudge a desert of 50 to 60 miles from Khavda to the Indo-Pakistan border to Kanjarkot. The satyagrahis were to congregate at village Dharamsala. Zero hour was eight in the morning. The symbolic defiance of the ban against the entry into prohibited areas of the Rann was a mile away across the Bandi bridge. Every volunteer picked a handful of earth at this place, smeared it on his forehead and all shouted in a chorus: Kanjarkot belongs to India and not to Pakistan. Chhad Bet is ours and so is Dhara Banni".

Arif Beg, 31-year-old Madhya Pradesh Minister for Co-operation and a member of SSP arrived in Ahmedabad on April 15 to participate in the proposed Kutch satyagraha. He said that the entire Muslim population in the country was prepared to sacrifice its life for the motherland. He declared that Indian soil could not be compromised and the Indian Government had failed to take stern action to resist incidents like Lathitilla, Berubari and Kachchathivu.<sup>34</sup>

On April 17 the Government of Gujarat warned satyagrahis against the rigours of travel through the Rann. "First of all,



no water is available and the sand in the desert is very hot and sand-storms are not infrequent. It is difficult to find road tracks in the Rann and one is likely to be misled by mirages.

"The possibility of sun-stroke is also very great. There is no habitation for miles and miles and neither any food nor transport or any medical assistance is available.

"All these circumstances make travel through the Rann difficult and hazardous."<sup>35</sup>

On April 19 all markets, business establishments and other public institutions remained closed in border areas of Kutch.<sup>36</sup>

The first batch of 175 volunteers belonging to JS, SSP, PSP and the Hindu Maha Sabha who took part in the Kutch satyagraha on April 21 were arrested near Khavda and later released at Gandhidham and other places where they were taken in State Transport buses by police. The volunteers included a batch of 11 women who were released immediately after their arrest. Among the arrested satyagrahis were four Lok Sabha members and one Rajya Sabha member. They were Nath Pai, Hem Barua, both PSP, Madhu Limaye, Raj Narain and Arif Beg, all SSP and Jagannath Joshi, JS.

On April 22 ninety-one volunteers courted arrest near Khavda, this being the second day of their agitation. A group of six arrested women was brought to Bhuj and released. The remaining volunteers were remanded in judicial custody upto April 29 and sent to Bhuj sub-jail.

On April 23, apart from volunteers of political parties, 18 students of Bhuj also courted arrest. In all 126 volunteers including 14 women were arrested near Khavda. The party-wise composition of the satyagrahis was: Jan Sangh 71, PSP 22, SSP 15, students 18.<sup>37</sup>

On 24 April 91 volunteers including 25 students of Bhuj courted arrest by defying the order banning entry into the Rann of Kutch. On 25 April, the fifth day of agitation 148 volunteers were taken into custody. This process continued until the Rann was flooded by sea water in May.

On April 24 a conditional offer to withdraw the present satyagraha was made by SSP leader Madhu Limaye, MP, if the Government of India agreed to seek the opinion of the Supreme Court on whether the implementation of the Kutch award would require a constitutional amendment. Under Section

143 (1) of the Constitution, the President of India could seek the opinion of the Supreme Court in such matters.<sup>22</sup>

The Kutch satyagraha was condemned by the English daily press almost all over the country. *National Herald*, New Delhi, in an editorial on April 21, 1968, said: "It is true that the Kutch Award was not in full favour of India, and she has to part with some 300 square miles of her territory. It is also true that the award was more of a political than legal nature. Since the Government of India had committed themselves to abide by the award, there is no point in rejecting it. Commitments by the Government should be honoured; or else who will respect the country." The paper severely reprimanded the parties participating in it. "Their aim is mischievous, as their tactics are absurd." "They are trying to create the impression that theirs are the only patriotic parties and preservation of the country's territorial integrity is their sole responsibility", it said.

*Patriot*, New Delhi, on April 21, 1968, in an editorial entitled 'Stunt' said: "The Government decided to accept the Kutch Tribunal's award because of the international commitment undertaken on behalf of the country. The Government, the two Communist parties and nationalist opinion generally, are convinced that the award is based on political considerations. But rejection of the award would mean not only unjustifiable repudiation of a commitment but will be contrary to all the efforts that have so far been made to achieve good neighbourly relations with Pakistan".

*The Indian Express*, New Delhi, on April 23, 1968, in an editorial under the heading "Kutch melodrama" wrote that the parties "would be well advised to end their satyagraha in Kutch. Their continued defiance of the ban imposed by the Union Government on entry into the Rann will help nobody, and the agitation might even peter out if it is not called off soon. The Government was justified in imposing the ban. In proceeding to implement the Kutch tribunal's award, the Government is honouring an international commitment endorsed by Parliament".

*The Free Press Journal*, Bombay, on 23 April, 1968, in an editorial entitled "Sand politics" wrote: "Public opinion in this country was indeed outraged by the award of the Kutch

**Tribunal.** There is valid ground to believe that the award was political and not judicial. But when all is said and done, the country stood committed to accept the award of the Tribunal. After a healthy nationwide debate, the Government of India took a stand on the matter. It is unbecoming of opposition parties today to try and thwart this stand."

*The Hindu*, Madras, on 24 April, 1968 in an editorial captioned "An Ill-advised Agitation" said: "Every citizen of India, the Prime Minister included, is no doubt as unhappy over the International Tribunal's Award on the Rann of Kutch as the Jan Sangh, the Praja Socialist Party, the Samyukta Socialist Party and the Gujarat State unit of the Swatantra Party profess to be. But there is no honourable course open to the country but to accept it gracefully."

*The Northern India Patrika*, Allahabad, on 26 April 1968, in an editorial under the heading "Kutch Satyagraha" wrote: "The discontent generated by New Delhi's acceptance of the Kutch tribunal's award is real and deep-rooted, but this is not an issue which should be kept alive with a view to assailing the Congress Government. One must confess that except in Gujarat where the wound is still fresh and bleeding, the unfortunate settlement has been accepted as a necessary evil and the general tendency is to treat the matter closed. To keep the fire burning cannot serve any useful purpose at this stage; the Government of India cannot repudiate the decision which it made with the concurrence of Parliament."

### **Plea to stay operation of Kutch Award**

Several persons tried through writ petitions and memoranda to get the operation of Kutch award stayed. A writ petition challenging the validity of the Kutch award was filed in the Delhi High Court on March 7, 1968. M. Rama Rao, the petitioner, asked for a writ of certiorari and quashing the award as the three-member international tribunal had exceeded the powers vested in it by the India-Pakistan agreement of June 30, 1965. He said the agreement was to determine and demarcate and thereby ascertain in the Kutch-West Pakistan area "the boundary where it is" and not to invent a boundary or to determine the boundary as "it ought or should be".

The petition said the tribunal while coming to the conclusions, had imported the concepts of "fairness and reasonableness", "suitability and practicability" of the international boundary which could hardly be the basis for determining a disputed boundary under international law in the absence of any specific mention in the agreement.

The tribunal had ignored all the documentary evidence and had come to an erroneous conclusion based on "political and extraneous considerations", the petition added.

Rao also filed a stay petition restraining the Central Government from giving effect or taking any steps to implement the award.<sup>39</sup>

On March 13, 1968, the Division Bench of the Delhi High Court consisting of Justice I.D. Dua and Justice T.R.V. Tatachari dismissed the writ petition filed by Rama Rao challenging the constitutional validity of the Kutch award. The court order said: "We do not propose to interfere at this stage as no ground has been made out on the writ side for the court's interference".<sup>40</sup>

On May 15, 1968, three writ petitions were dismissed seeking to restrain the Government of India from implementing the award. The Delhi High Court held that for its implementation no constitutional amendment was called for. The court upheld the Government's contention that there was no question of cession of territory and the boundary determined by the international tribunal settled the dispute as to where the boundary between the two countries lay. The verdict thus gave a legal sanction to the tribunal's award so far as India was concerned.

On May 15, 1968 Praja Socialist, Samyukta Socialist, Jan Sangh and several Independent members of Parliament submitted a memorandum to President Zakir Husain urging him to "stay" the operation of the Kutch award and refer all issues pertaining to it to the Supreme Court under Article 143 of the Constitution. The memorandum said that the President as *Head of State and custodian of the Constitution* should immediately intervene to "prevent the fraud" on the Constitution.

Describing the Government affidavit before the Delhi High Court as a "perfidious document," the MPs said that the Government could not "cede" 300 sq. miles of the Indian terri-

tory, without an amendment of the Constitution. But it is so obvious that with its depleted majority in Parliament the Government cannot get the Constitution amended without opposition support. Apparently, the Government had won a law suit by a "cooked up mendacious affidavit" but it had showed up India to the world as a self-confessed aggressor. The affidavit had seriously damaged the prestige of the country.

The MPs reaffirmed that the India-Pakistan boundary in Kutch had never been in dispute and that Kanjarkot, Chhad Bet, and Dhara Banni which were proposed to be ceded to Pakistan had always been part of Indian territory and such a cession cannot be made without necessary amendment of the Constitution.<sup>41</sup>

On July 15, 1968, the Supreme Court granted special leave to Maganbhai Ishwarbhai Patel, an advocate of Ahmedabad, to appeal against the order of the Gujarat High Court, rejecting in limine his writ petition challenging the Kutch Tribunal award.

Appearing for the petitioner, Purushottamdas Tricumdas, and I.N. Shroff urged that the award was without jurisdiction and void for the reason that the reference of the Kutch dispute to the international tribunal was made by the Government of India without appropriate legislative authority.

Granting leave to appeal against the High Court's order, Chief Justice M. Hidayatullah simultaneously admitted a writ petition under Article 32 of the Constitution filed directly before the Supreme Court by a Kanpur advocate, Manikant Tiwari, challenging the Kutch award on varied grounds.

The Chief Justice refused to stay implementation of the award observing that the whole Kutch area was under water after the rains and "nobody was likely to enter the area to earmark the boundaries in accordance with the award."

The court, however, agreed to an early hearing of the appeal and the linked writ petition and directed that they should be listed for hearing in September 1968.<sup>42</sup>

On August 26, 1968, the Supreme Court admitted a writ petition challenging the implementation of the Kutch award. The petitioner, Shiv Kumar Sharma, argued that the award was illegal and could not be enforced as the Rann of Kutch was an integral part of India. This was clear from the

Bombay Reorganisation Act of 1960 and from the late Prime Minister, Lal Bahadur Shastri's statement in Parliament in 1965. As no territory of the country could be transferred without amending the Constitution, implementation of the award would be illegal, the petitioner said. The court issued notice to the Union Government of India to show cause why the implementation of the award should not be stayed.<sup>43</sup>

The Constitution Bench of the Supreme Court on September 23, 1968, refused to grant stay of operation of the Kutch Award. On December 4, 1968, the Supreme Court admitted a writ petition filed by Madhu Limaye, MP, against the implementation of the Kutch award. Limye's writ petition, and several other earlier appeals and writ petitions questioning the implementation of the Kutch award were all dismissed.

### Implementation of the Award

The first link in the implementation of the award was the July 1967 agreement.<sup>44</sup>

The tribunal's judgment said the officials of both Governments should meet in New Delhi within two weeks of the verdict to set up machinery for demarcation. In case of disagreement either Government would report immediately to the tribunal, and both sides were to report every four weeks to the tribunal on progress towards carrying out the decision.

In consequence officials of the two countries met in New Delhi on March 4, 1968. They worked out procedural details regarding demarcation of the Indo-Pakistan boundary on the Rann of Kutch. On 5 March they declared that preliminary work for demarcation would start towards the end of March 1968 and would be completed by May 1969. At their final meeting on 6 March, they decided that demarcation should simultaneously start from its western and eastern extremities. Lt. Col. T.S. Bedi and M. Rafique were the officers in charge on behalf of India and Pakistan respectively for the demarcation work.

Joint Indo-Pakistan teams and equipment needed by them to undertake the work of demarcation on the ground reached its destination before March 25, 1968. Detachment officers of the two sides met on March 25 at Bhilgaon and two other points along the Kutch-Sind border. By May 15, 1968, on

the spot survey of the border had been made, the longitude and latitude of the places where the boundary pillars were to be fixed had been determined, existing control points along the border were checked, new control points were decided upon and control pillars were erected. The number of control pillars on either side of the boundary was about 30. They were meant to act as a guide in the actual alignment of the boundary determined by the tribunal. Construction on all control stations along the border was started on April 5, 1968 by the Public Works Departments of the two sides. Along 300 miles of the border 1200 boundary pillars were to be erected and each side was to provide 600 pillars. Between May 15 and September 30 the area became unapproachable due to rains and flooded sea water. During this period, the final co-ordinates of the control pillars were worked out. Demarcation teams of both sides met in Dehra Dun to discuss and determine the positioning of border pillars. The two sides had already agreed on the size and specification of the pillars. Wherever there was a bend on the boundary a pillar was to be erected there. Inter-visibility between the pillars was to be ensured.

The second round of talks between the officials of India and Pakistan on the demarcation was held in Rawalpindi in September, 1968. The officials reviewed the first phase of the demarcation work completed by May 15, 1968. A programme for second and final phase was drawn up. The entire work of demarcation on the ground including the preparation of maps was expected to be completed by May 1969.<sup>45</sup>

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## Foreign Powers and Press on Kutch

### The United Nations

India informed the Security Council of Pakistan's forcible occupation of a part of Indian territory south of Sind-Kutch border and the attack by Pakistani army regulars on the two police posts at Sardar and Vigokot on 9 April. B.N. Chakravarty, India's Permanent Representative to the United Nations handed a note to the Council's President on April 11, 1965. The Indian note gave a brief account of the strong protest India had lodged with Pakistan, demanding immediate vacation of the aggression and compensation for the loss of life and property caused by Pakistan's unprovoked attack on the two Indian posts.<sup>1</sup> Separate letters were also addressed to the members of the Security Council.<sup>2</sup>

The Permanent Representative of Pakistan at the United Nations gave a reply on April 19, 1965, to Chakravarty's letter of 11 April. On April 28, 1965, in a letter to the President of the Security Council, Chakravarty said that the Pakistani letter "distorts facts and makes baseless allegations. It seeks merely to weave out a story which has no relation to facts and attempts to cover Pakistan's aggressive actions." He continued that "Pakistan's aggression is continuing and at the present moment, further acts of aggression by Pakistani armed forces designed to aggravate the situation are taking place on Indian territory." He added that "the Pakistani attacks were launched at a time when discussions were going on both sides in Karachi and New Delhi between the representatives of the two Governments. ...the discussions undertaken by Pakistan with India were merely a pretence and that Pakistan has no desire to seek a peaceful solution and is determined to continue

its aggression against India."<sup>3</sup>

On April 26, 1965, U.N. Secretary General, U. Thant, said in New York he did not believe the outbreak of hostilities between India and Pakistan would "escalate" into an extended war.<sup>4</sup>

In another letter delivered to the President of the Security Council on May 3, 1965, on Pakistan's armed aggression in Kutch, Chakarvarty stated: "Pakistan has chosen to mount an armed attack on a territory over which it has admittedly never exercised possession and over which Pakistan in fact acknowledges India's possession. Pakistan thus stands self condemned as having used force for changing the status quo in order to push its spurious territorial claims. This is contrary to the United Nations Charter and is in violation of the ground rules under the Indo-Pakistan Western Border Agreement of 1960. Pakistan's behaviour, in fact amounts to unabashed and open aggression on Indian territory."

After giving details of the Pakistani aggression and India's attempt at peaceful negotiations, the Note concluded: "From what has been stated above, it is clear that Pakistan's claims do not have a shred of legitimacy on any basis in historical evidence. They only reflect Pakistan's greed for territorial expansion which it seeks to satisfy by military force."<sup>5</sup>

The Permanent Representative of Pakistan on May 7, 1965 addressed a letter to the President, Security Council, containing baseless accusations against the Government of India. While replying to these charges, Chakravarty stated: "The aggressive intentions of Pakistan have manifested themselves in a continuous series of violent incidents and shooting in various parts of the Indian border, on the borders between the Assam State of India and East Pakistan, between the Tripura State of India and East Pakistan, between West Bengal State of India and East Pakistan, between Rajasthan State of India and West Pakistan and on the cease-fire line in Kashmir. These provocative incidents are daily on the increase."<sup>6</sup>

On July 21, 1965, Chakravarty wrote to the President of the Security Council: "The Government of India does not accept the so-called 'chronological account' of events as given by the Permanent Representative of Pakistan which is not factually correct. I do not, however, consider it appropriate at this

stage to refute the Pakistani version of events leading upto the armed clashes since an agreement has, as you are aware, been happily reached between the two Governments in regard to the steps to be taken by both sides for the settlement of differences over the boundary. For the same reason, my Government does not deem it necessary now to go into the historical and administrative basis of India's unquestionable sovereignty over the entire Rann of Kutch."<sup>7</sup>

### The Western Powers

Pakistan, on the whole, limits its role in foreign policy to what strictly concerns its own interests. It does not seek to assert its independent personality merely to uphold moral causes and principles. It therefore manages to avoid friction on issues where its own interests are not at stake. In addition to this, Pakistan has a military alliance with the United States, and is a partner of the West in two military pacts, SEATO and CENTO. Pakistan entered these pacts not to contain Communism but merely to qualify for military aid to strengthen its posture against India. Luckily for Pakistan, the Communist monolith began to show cracks. The nature and practice of Communism outside China started changing rapidly. In some parts of the world, particularly in South and South-East Asia, Russian interests are no longer in diametric opposition to those of the West. In consequence Pakistan enjoys the confidence of all the world powers. It has the open support of China in its border forays against India. It possesses the tacit support of Britain, United States, Russia and several other Western powers. When Pakistan was attacking India at various places in the Rann of Kutch in April 1965, Soviet Russia invited Pakistan's President Ayub Khan for a State visit. Not to speak of any denunciation of the Pakistan attack, the Soviet leaders justified Ayub's action. At Tashkent Russia made a secret pact with Pakistan and exerted pressure on poor Shastri who succumbed to it. Afterwards Pakistan's Air Force Chief Air Marshal Noor Khan, and a Pakistani military delegation in 1966 visited Russia. Ayub and a team of military officials paid a second visit to Russia in 1967. Moscow on its part sent a high-powered trade delegation to Pakistan in 1966 and followed it up with a visit by Premier Kosygin in May 1968.

Kosygin is the first Russian Premier to visit Pakistan. He was accompanied by General Sidorovic, the chief Soviet official who decided on arms deals with foreign countries. On this occasion Moscow agreed to meet Pakistan's demands for arms, tanks and aircraft. It amounts to strengthening a country which has publicly proclaimed India to be its only enemy.

As regards India, Britain never forgave her for being free and thereby heralding the liquidation of the British Empire on which the sun had never set, and for supporting Egypt in the Suez campaign. Its independent foreign policy offends both Britain and the United States. Russia is also discarding India slowly but steadily for its failure to come up to Russian expectations both at home and abroad. Consequently, it has been the policy of all big powers to keep tensions between peoples of this region alive so as to assume the role of mediators, and meddle in the internal affairs of countries which accept their help.

Pakistan was clearly the aggressor in the Rann of Kutch. Yet neither Washington nor London nor Moscow in their efforts to restore peace pinpointed Pakistan as the aggressor. On the contrary, they significantly and characteristically sought, as usual to equate Pakistan and India without making any distinction between the aggressor and the aggrieved. The pattern of Anglo-American and Russian approach for mediation follows a certain formula. This is invariably accepted by India and rejected by Pakistan. It is gradually whittled down approximately to Pakistan's demands. When India raises some objection, it is denounced as being a difficult and impossible country to deal with. This gambit is religiously repeated. A suspicion lurks in the mind that the U.S.-British bloc and Russia were not unaware of the sinister move of Pakistan to grab Kashmir by creating trouble in Kutch.

When serious fighting broke out between India and Pakistan in the last week of April 1965, Britain and the United States became active behind the scenes. On April 28, 1965 the British High Commissioner, John Freeman, met the Prime Minister and later called on the Foreign Secretary. The U.S. Ambassador, Chester Bowles, met the Foreign Minister, Swaran Singh. The attention of the U.S. Government was drawn to the use of American tanks by Pakistan in the Rann.

India took quite a serious view of the situation for the reason that if Pakistan was allowed to get away with the use of tanks in one sector, it was bound to use it in other sectors, particularly in Kashmir. India reminded the U.S. Government about the solemn assurances given by General Eisenhower and Dulles while they were in office. Nothing came out of these protests.

The Pakistani attack failed to be met promptly and properly for two reasons. The Government of India wasted time and energy in convincing the British that their own maps established Indian authority over the Rann of Kutch. Secondly, it allowed itself to be lulled into inaction by trying to induce the Americans to accept responsibility for the abuse of their arms aid. Neither the British nor the Americans could be persuaded about facts already known to them. Both of them were inclined to live with the Indo-Pakistan conflict having *obvious sympathy for Pakistan*.

### The Western Press

The attitude of the Western Press did not differ much from the official policies of the leading Western Governments. The British and American Press regarded Pakistani misconduct in Kutch as a by-product of its dispute with India over Kashmir. There was a feeling that if Kashmir was handed over to Pakistan, Indo-Pakistan relations would be bright sunshine thereafter. This is the kind of misconception that led to the betrayal of Czechoslovakia which was supposed to be the last territorial demand of the Nazis. *The fact is ignored that Pakistan is a discontented State which tries to raise its national morale by making claims to Indian territory.* The Western Press on the whole in its enthusiasm championed the cause of Pakistan without any regard for the merit of the issues involved. Though an aggressor, Pakistan was not only equated with India but represented as the aggrieved party by the British Press. The concern shown in the Indian Parliament for self-defence was represented as "war hysteria". Grave concern was expressed over the dangerous possibilities of the clashes in the Rann of Kutch by numerous correspondents of Western countries present in New Delhi, though they were fully aware of Pakistan's aggression. The Western

Press assumed the bogus air of being impartial and objective.

### Britain

One of the central objectives of British foreign policy is the prevention of the rise of any single Asian country in the Indo-Pacific region so as to be able to challenge British supremacy at least in diplomatic power. She is therefore determined to see that the Indian Union breaks up into a number of parts. It is from this point of view that Britain favours Pakistan and China. Another reason is that the Muslim League which has been in power in Pakistan since 1947 always supported the British in the United India against Hindus. It also gave full support to Anglo-American bloc during World War II, while the Indian National Congress went to jail. Few people in India realize how important these war time events were. All the world powers believe that if India were to lose territory in Kutch, Kashmir, Assam and other places, she would only grumble but would acquiesce. This is the main reason for the general support Pakistan gets almost from all non-Indians.

There is no dearth of expert knowledge in Whitehall about the Pakistani claims to Indian territory based on historical and legal aspects. The Commonwealth Relations Office was also fully conversant with maps that were drawn up before 1947, showing the boundaries of the former State of Kutch and the province of Sind. Yet the British Government declined to comment on the merit of either country's claim. The British having been intimately connected with Indian affairs, their opinion is generally accepted everywhere all the world over.

### *British Prime Minister's statement*

Prime Minister Harold Wilson on May 5, 1965, made the following statement in the House of Commons:

"On Monday, April 26, I authorised our High Commissioners to express to President Ayub and Mr. Shastri the profound concern of the British Government, the hope that an early ceasefire could be achieved and our readiness to help in any way we could. I followed this by a personal message to both Mr. Shastri and President Ayub on April 28.

"Following a further series of exchanges, I received replies

from both the President and Prime Minister, which have led to statements which they have issued today to the effect that neither side will take any action to aggravate the situation.

"There is good reason to think that the fighting has in fact come to a stop as a preliminary to a ceasefire and a settlement of this whole question.

"I am still in close contact with President Ayub and Mr. Shastri and will, of course, report to the House if there are any further developments."

On May 5, 1965, Harold Wilson told the House of Commons that he was in no position to say where the responsibility lay for the outbreak of hostilities between India and Pakistan.<sup>3</sup>

### *Commonwealth Relations Secretary*

The British Commonwealth Relations Secretary, Arthur Bottomley, while returning from a visit to Malaysia, Australia and New Zealand was interviewed at Dum Dum airport on the night of May 4, 1965. His observations are given below:

1. When a member of the Commonwealth is threatened by any power, Britain will help her with other Commonwealth countries. In case of a dispute between the two Commonwealth countries, it was upto them to lay arms.

2. As regards the situation in the Rann of Kutch, the British good offices had been offered. It was now left to the Governments of India and Pakistan to decide. He was not clear in his reply.

3. When pointed that SEATO arms were used by Pakistan against India in her eastern border, Bottomley said that all sorts of arms came into SEATO and used in different areas. "We cannot go on inspecting arms everywhere", he replied.

4. He declined to comment on the historical position of Kutch.

5. On the question of Sino-Pakistan relations, he said that every country had the right to associate with any nation and it was up to her to decide how far she should go. He did not think it incompatible for Pakistan to remain in the SEATO and have close relations with China. He cited example of Britain having trade and other relations with China and Soviet Union.<sup>4</sup>

### The B.B.C.

In the beginning of the Indo-Pakistan conflict in Kutch, the British Broadcasting Corporation, tried to maintain an impartial attitude by giving both the Indian and Pakistani versions without any comment. This enraged Pakistan, as it expected a favourable report for being an ally of Britain. *Dawn* of Karachi on April 30, 1965, under the headline "B.B.C. showing bias in India's favour-coverage of events in Kutch", wrote:

Pakistan has been astonished and annoyed by the distinctive partisan role being played by the British Broadcasting Corporation in its coverage of the current happenings in Rann of Kutch.

They have noted with resentment that almost all BBC broadcasts on the issue during the past fortnight have betrayed a definite bias in favour of India and against Pakistan. While the bellicose statements of Mr. Shastri, Mr. Chavan, Sardar Swaran Singh and other Indian leaders—and even the Hindu Maha Sabha resolutions calling for a full-fledged war against Pakistan—have received generous attention in these broadcasts, the categorical denials and other important statements issued by Pakistani spokesman have been treated in an indifferent and noticeably casual manner.

Political circles are wondering why the Pakistan Government has not given this serious matter the attention it deserves and why no protest has so far been lodged at the appropriate diplomatic level.

### Instances

Given below are a few of the many instances of the BBC's biased attitude:

On April 10, the day after the Indian forces under the cover of artillery fire attacked Pakistan's border patrols, the BBC quoted the Indian Home Minister, Mr. Nanda, as announcing that Pakistani forces "attacked an Indian police post on the Kutch-Sind border."

Pakistan Government's complaint that the Indian Government had deployed its army in the area since January, was completely ignored. Instead, the next day, it gave the Indian version that troops were being moved to relieve the police. It



"To take refuge in this sort of patriotism is to claim that disputed barren territory is worth more than the lives of one's fellow-countrymen."<sup>12</sup>

Earl Russell deliberately told a lie that India used tanks in the Rann of Kutch. It was not India but Pakistan which sent U.S. Patton tanks into the Rann of Kutch.

### The British Press

Pakistan's first probings into the Rann were not considered significant and attracted little attention by the Government, press and public in Britain. No attempt was made to *find out* the reason or analyse the causes. When the first Pakistani tank attack in the Rann was announced in Delhi, British papers took notice and even the Government felt concerned about it. The British correspondents' reports were guarded. They felt it was only one side of the story. Attacks by Pakistan announced by the Indian spokesman were qualified as "alleged", and other statements were described as "claims."

As the fighting progressed, some of the British correspondents crossed over to Pakistan. Their reports and also from other correspondents already present there began to come from Karachi. By this time the slight tinge of impartiality also began to fade. British correspondents claimed to have discovered a "mass of data" to back up Pakistan's historical claim to all the territory north of the 24th parallel. Reuter "exhausted most of its qualifying adverbs and adjectives". The agency's correspondent reported on 28 April that Pathans and Punjabis were holding Biar Bet "firmly". The *Daily Telegraph* correspondent reported without hesitation that a Pakistani gun "scored a direct hit on an Indian camp". President Ayub was hailed as the "lone voice of reason" in the Indian sub-continent. A sharp contrast was made between the absence of tension in Karachi and the prevailing "war hysteria" in New Delhi.

Nearly all the British papers which commented on the Kutch fighting, in varying degrees of understatement, acknowledged that Pakistan's recent frontier excursions might be due to Chinese instigation. "The actual frontier issue would hardly have led to fighting on this scale at this time without the influence of outside factors and the most obvious of these is the recent display of cordiality between China and Pakistan",

wrote the *Daily Telegraph* editorially on 27 April.

The British were not ignorant of what the Pakistanis were aiming at. Diplomatic correspondents said that by its actions in Kutch, Pakistan was obviously aiming to bring pressure on India at a moment when it thought India was weak in order to make her reopen the Kashmir issue. As for the Rann of Kutch boundary, the facts were well known but they were deliberately set aside. There was an occasional admission that the international boundary along the edge of the Rann plateau was the same boundary as existed between the old Bombay and Sind States. The atlases published in Britain after independence clearly gave this as the international boundary between India and Pakistan. Regarding the weapons used by Pakistan, it was admitted that American arms were used in the fighting. There was an occasional mention in the Press that Pakistan joined the Western alliances and obtained arms from the United States for use against India.

Pakistan's non-participation in SEATO actions and its decision not to join in the "Seahorse exercise" of SEATO in the China Seas and Pakistan's equivocal attitude towards Indonesian confrontation of Malaysia which was defended by Britain, made no impact on British mind. *The Times*, the *Telegraph* and the *New Statesman* started preaching to India on the need to be patient and not to play into China's hands, as if it was India which was doing so. Pakistan's turning down of British proposals on the Kutch ceasefire and its insistence on Pakistani terms appeared inconspicuously only in two morning papers, the *Daily Telegraph* and the *Daily Mail* on 30 April. Another interesting point was that the reports from Rawalpindi and Karachi spoke of "international attempts to arrange a ceasefire", or the "ceasefire terms suggested by the Prime Minister, Mr. Shastri". They did not explain that it was British Prime Minister's proposals that had been rejected.

When it became known that India had not accepted Ayub formula for a ceasefire, a great deal of concern was expressed. India was accused of adopting the "belligerent attitude". If India had spurned the British mediation efforts, there would have been an outcry about India's "isolation and intransigence". There was a clear tendency to let off Pakistan as lightly as possible. This attitude was wide-spread. It had "percolated

put out Indian pieces under the guise of impartiality. Actually they whitewashed Pakistan and condemned India's stand.

In an editorial entitled "Back from the Brink" *The Times* on July 2, 1965, plainly admitted that British opinion by and large favoured Pakistan: "It was an Indian axiom—not devoid of truth—that the British tended to be pro-Pakistan and anti-Indian".

Only two papers showed commendable boldness in calling spade a spade. Paula Wiking writing in *The National Herald* under the title "Field Day for Distortion" on May 10, 1965 courageously censured *The Times* and *New Statesman* for their continued anti-Indian tone. He said:

As was to have been expected, the Pakistan incursion into the Rann of Kutch has become the signal here for the usual kind of distortion of Indian views and motives, accompanied by all the usual careful simulation of impartiality. *The Times* started it a week ago, with a despatch from its Delhi correspondent, in so offensive a tone that an official of India House here complained to the diplomatic affairs editor of the paper. The official in question, telling me this in a casual conversation, said he had hoped the correspondent, having made himself seriously non grata in India, would forthwith be recalled by his paper. A naive hope, surely! The editor made the customary propitiatory cluckings, and though my India House acquaintance succeeded in convincing himself that the paper must at the very least have sent a stern cable to its employee in Delhi, there was not the slightest sign of repentance in his ensuing despatches.

Pethaps, worst of all was the effusion coming from the pen of a self-styled friend of India, Kingsley Martin, who also claims a close friendship for many years during his lifetime with Jawaharlal Nehru. Following the current fashion, he, too, under a cloak of incorruptible impartiality, refuses to look at the facts, equates India with Pakistan in a sneering comment that there "seems little to choose between the rival follies of this dispute", and ends up with the peremptory admonition to India, that she "cannot afford to have both Pakistan and China as enemies."

I have come to the conclusion that this continual needling of India is something more even than the grudge

against the "brightest jewel" for escaping from the crown. Certainly there are the stubborn remnants of this feeling too. But overlaying it is, I am convinced, an even tougher resentment of India's non-aligned stand, a reluctance to accept the changing world of today and a tendency actually to regard India less as a non-aligned power than as one already anti-Western, and in the Communist group. Kingsley Martin himself nearly says as much in his concluding sentences, in which, after a lordly rebuke that "India appears to place a quite exaggerated trust in the Soviet Union", he warns her against any hope that Russia will do anything to help her against Pakistan, he said.

*The Mail on June 12, 1965, under the heading 'Impudent Offer' said:*

Pakistan has informed the Security Council that she "is ready to submit the Rann of Kutch dispute to impartial arbitration or adjudication as laid down in the U.N. Charter". It is to be hoped that the members of the Security Council will not be taken in by this palpable trickery. The "U.N. Charter" is being invoked by a country which has violated it *times without number and which treats the U.N. Observers in Kashmir with unconcealed contempt*. If there was a real dispute about the Rann of Kutch, and if Pakistan was a respecter and upholder of U.N. ideals as she unctuously poses, she would have signified her readiness to submit the dispute to "impartial arbitration or adjudication" before she marched her troops and drove her U.S. donated tanks into the Rann. It will be observed that there is no mention in the letter to the Security Council about vacating the aggression that has been committed. That is the only test of Pakistan's good faith, and Pakistan is not prepared to submit to it. She will continue to be in unlawful occupation of another's territory while the tedious process of "arbitration or adjudication" goes on.

Another sentence in the letter to the Security Council lays bare Pakistan's true intentions and motives. It reads: "A similar gauge of good faith by the Government of India would lead to the settlement, not only of this question, but also all other disputes, including Kashmir." In other words, having employed every means to obtain a U.N. decision in her favour over Kashmir, and failed, Pakistan has now decided to com-

mit aggression elsewhere in India and raise as many "disputes" as she can and ask that all of them, "including Kashmir", should be referred to "arbitration or adjudication". It would be a perversion and distortion of the purposes of the U.N. Charter to seek to apply it to "disputes" of the kind that Pakistan has raised over the Rann of Kutch. However, it would be a waste of time for India to be answering every false and fallacious argument that Pakistan puts forward in the U.N. The whole of Kashmir belongs to India just as the whole of the Rann of Kutch belongs to her. Part of Kashmir has been in the unlawful occupation of Pakistan for many years. India should eject Pakistan from the miscalled "Azad Kashmir" and annex it to Indian territory. Such is the only valid reasoning in present circumstances and, what is more such is the only argument that Pakistan understands.

The Times, London

April 10, 1965.

*Shots Fired on Indian Border*

*Post Attacked By Pakistan*

*Both Sides Suffer Casualties*

*Dangerous Area Involved*

*From our own correspondent Delhi, April 9*

Firing broke out early today between Indian and Pakistan forces on the border between Kutch and Sind and there were casualties on both sides. The dispute in this sector of the border is essentially different from those that usually inflame the frontiers of India and Pakistan and is far more dangerous.

As a rule the flurries of firing that occur on the borders, especially between East Pakistan and India, result from local differences about the precise position on the ground of a border that is mutually agreed on the maps; but in this case the alignment of the border is disputed and sovereignty in an area of some 3,500 square miles is involved.

(It gives an account of the various claims and statements made by both.)

### **Wide Effects**

In some diplomatic circles here there is an inclination to see in this new trouble evidence of Pakistan's intention of

keeping up pressure on India wherever possible to make sure that the essential dispute over Kashmir is not forgotten.

The danger, however, in this situation is not so much what might happen in the Rann of Kutch between soldiers but the cruel repercussions on the religious minorities of both countries, the Hindus in East Pakistan and Muslims in India. Many in India will conclude that one expression of the partnership between China and Pakistan is co-operation to harass India on her borders.

12th

Delhi, April 11

As the week end has intervened there has been no further Government statement here since Mr. Nanda's announcement of the incident on Friday (April 9) evening, but the Home Minister, taking up a martial posture in Calcutta called yesterday on the nation "to rise as one man" to meet the threat.

#### Indian Troops in position on Border:

Clamour for show of strength

From our own correspondent

Delhi, April 11

According to the accounts given here, the Pakistan attack on Friday (April 9) was delivered by a full Army brigade against a post held only by Indian armed police. The police beat back the first attack but later withdrew from their post which, it appears, the Indian Army has not attempted to retake.

A precisely opposite account of the incident is being given in Pakistan, where it is said that the Indian Army attacked in force and was beaten back leaving dead and prisoners.

Concluding para on "*More Firing on Pakistan-India Border*":

One of the most mysterious things in a puzzling affair is the apparent failure of the Pakistanis to move into the post upon

15th

**Pakistan Refused to begin Talks***"Preconditions" set by India**From our own correspondent**Delhi, April 14*

Pakistan has refused to begin talks on the situation in the Rann of Kutch or to enter into a ceasefire under what it judges to be the preconditions set by Mr. Shastri. There were no reports of further fighting on the border there today, but there is speculation here that the Government of India may be withholding information about actions in the Kutch sector, and with any diplomatic safety exists at least temporarily barred there is great danger of the local military confrontation getting out of hand.

The 'preconditions', if they are such, were set in an intervention by the Prime Minister in Monday's (April 12) discussion in Parliament. He said that Kanjarkot was unchallengeably Indian and that at the talks India would insist upon Pakistan vacating it. Otherwise the talks could not continue.

So far as Kanjarkot is concerned, the Pakistani claim is that for at least seven years it has regularly been visited by their patrols, that it is well inside their territory, and that it was made a permanent post early this year only in reaction to Indian probing into the area. Delhi maintains that Kanjarkot is on the Indian side of the border and has described this and other Pakistan moves in the Rann of Kutch as aggressive.

The Indian Army appears to be operating from a markedly disadvantageous position, with its lines of communication to the disputed border through difficult marshy country, while Pakistan has a much firmer military footing. The political danger appears to be that the Indian Army will once again be publicly committed to tasks that are in the local context beyond its capacities—as it was when Mr. Nehru declared that Chinese troops would be thrown back over the Tangla Ridge in the North East Frontier Agency.

The domestic political consequences of such a development, and especially of any admitted defeat, however local, of the Indian Army, would be most serious. If there have been any

setbacks in the Rann of Kutch in the past few days the Indian Government will have been well advised to keep the bad news to itself.

21st

From our own correspondent

Delhi, April 20

In statements here and diplomatic explanations of the situation, the Indian Government is saying that there can be no controverting the Indian position, that the border between the old princely state of Kutch and Sind always ran where Indian maps show it, that is along the northern limit of the Rann. Cartographers have not been so absolute, however, and a number of atlases (for example, *The Times Atlas of the World* and *The Oxford Atlas*) show this section of the border as disputed and mark both versions.

23rd

Delhi, April 22

Chavan, the Defence Minister, told Parliament today that there had been shelling from both sides of the border with Pakistan along the Rann of Kutch, and that the Indian Army was patrolling vigorously up to the border.

26th

*The Times* on April 26 in a very neutral editorial said the similarity between the Kutch and Ladakh positions must strike any commander. Can the same really be worth the candle? In the Rann of Kutch, floodwaters will soon make troop movement impossible, though the Pakistanis can sit in Kanjarkot if not dislodged before the monsoon. The Indians will have to fall back. Kanjarkot adds nothing to Pakistan's military security.

The Indians see their disadvantage. They ask themselves why the Pakistanis (like the Chinese) exploit it. It may be to keep Pakistan's case on Kashmir before the Afro-Asian world ahead of the Algiers Conference; it may also be to ensure that Commonwealth Prime Ministers discuss Kashmir in June, as they did last year. Both sides use such flare-ups to claim that the other is misusing its Western arms supplied for other



or has superior might but both give a handle to mischief-makers. Meanwhile, bloodshed irrigates a new crop of hatred. The need is mediation.

[This mischievous observation rested on the traditional Conservative policy of equating India with Pakistan on all issues. India should have supplied correct information to foreign Powers in order to counteract such propaganda. The U.S. Government had a plain duty in this regard. It should have warned Pakistan, and told the world openly that she had been warned against using American arms in the border conflict.]

Karachi, April 25

The Pakistan Defence Ministry early today denied an Indian report that Pakistan had used tanks in a new attack in the Rann of Kutch. Reuter

### Threatening build-up on Indo-Pakistan border

Mr. Shastri issues a warning

From our own correspondent

Delhi, April, 25

After scattered but sharp fighting in the Rann of Kutch yesterday between Indian and Pakistan troops the area is reported to be relatively quiet today, but it was claimed here that intelligence report showed that Pakistan was mobilising all her armed forces.

In the fighting on Friday (23 April) and yesterday three Indian positions came under heavy shelling and a fourth at a point about five miles inside the Indian-claimed territory was attacked by infantry supported by tanks. The Indian troops stood their ground under the first attack, according to accounts given here, but today it was disclosed that this point known simply as Point 84 had been evacuated. The Pakistan troops had not occupied it, however, but had withdrawn to their original positions.

27th

All Indian Forces put on Alert

Armour used in New Pakistan Attack

From our own correspondent

Delhi, April 26

Another Indian position in the Rann of Kutch is reported

to be under heavy Pakistan attack today.

Late yesterday afternoon Pakistan forces attacked it under cover of smoke, their infantry covered by three tanks and three armoured personnel carriers.

That attack was held, but Mr. Chavan said it had been renewed early today in brigade strength and with a sizable force of armour.

#### *Successive Blows*

It begins to look as if Pakistan is successively concentrating forces to knock out separate positions which the Indian Army has been taking up towards the northern limit of the Rann. While statements in Karachi give an opposite picture of the fighting so far as provocation is concerned, it was admitted there yesterday that Pakistan troops had taken retaliatory action.

28th

Delhi, April 27

Chavan, the Minister of Defence, told Parliament today that between 13 and 16 Chinese divisions were concentrated along India's northern border with Tibet. He said the Chinese had built modern airfields, improved others and constructed emergency landing strips in various parts of Tibet—Reuter.

India puts its casualties at 65

Fighting spreads into Pakistan

*Fears of Communal Violence*

From our own correspondent

Delhi, April 27

Pakistan has declared that it will accept no ceasefire while Indian troops are in the northern half of the Rann, and has disclosed that its immediate military objective is to eject Indian forces from the patches of high ground in that part of the Rann before the seasonal flooding begins next month.

The Indian Government maintains that the whole of the Rann is Indian territory and that its troops are fighting accordingly.

The fighting has already spread from the Rann into Pakistan proper, and a defence official here tonight said that Pakistan tanks and vehicles moving inside Pakistan territory

were being shelled. At a great disadvantage of terrain, the Indian Army plainly could not afford to allow its opponents to mount attacks from north of the Rann unmolested.

### American Tanks

According to the spokesman tonight casualties have been about 65, including wounded and missing, on the Indian side, and an estimated 300 on the Pakistan side. If those figures are accurate, they do not reflect the size of the forces committed on both sides and suggest that so far each has been concentrating on attacks on the forward posts of the other, and that the main forces on both sides have not been used.

### Pakistan's Claim

The accounts of the fighting given here and in Karachi are quite opposed. It was said here tonight that apart from Kanjarkot, the post at the western end of the disputed territory, and a force north of Biar Bet, there were no Pakistani troops on Indian territory. Pakistan claims, however, to have established a salient 10 miles deep into the Rann, from which it is mounting attacks east and west to clear the Indian forces from their positions on the patches of high ground. If Pakistan has used her local advantages to gain the upper hand in the Rann by then the Indian Government will be urged here and tempted, too, to hit back elsewhere along the long frontier with West Pakistan.

### Deceptive Calm

In Delhi the atmosphere is remarkably calm. There is none of the public excitement that there was at the time of the border war with China. However, in my opinion the calm is deceptive for if the present fighting with Pakistan spreads or goes badly for India there will be a great danger of repercussions here in attacks on the Muslim minority. The same fear must arise for the fate of the Hindu minority in east Pakistan.

30th

Pakistan Forces Pressing Forward in the Rann  
From our own correspondent Delhi, April 29  
Accounts given in Delhi today of the continuing fighting

of demarcating the boundary in accordance with well-settled and well-established dividing line between the old province of Sind and the state of Kutch.

Mr. Shastri's unequivocal statement was read out from a prepared text and indicated a hardening of attitudes since President Ayub's talk of total war. Mr. Shastri said: We on our part have been greatly restrained not because we are unprepared to meet President Ayub's challenge, but because we feel that reason and sanity should prevail over aggression and bellicosity.

Mr. Shastri's speech went down well in the House, where members warned the Government against any compromise which sacrificed the nations' territorial integrity.

7th

From our own correspondent Karachi, May 6

With no articulate opposition to contend with and a well-trained press, President Ayub is in a political position as advantageous as was the Pakistan Army militarily in the fighting in the Rann. The general feeling in Pakistan is that in a limited military bout India has been given a thrashing and everyone here seems now to be ready, if not to shake hands, at least to get out of the ring and take off the gloves. What is seen here as an Indian attempt to annul a just Pakistan claim by force having been thwarted, the dispute can now be referred to any reasonable method of settlement.

For all the assumption here of local victory one of the few hopeful elements in the situation is that the Indian Army in the Rann of Kutch, in fact, was not defeated—where one side has the consciousness of victory and the other lacks the feeling of defeat, settlement should not be difficult. The Indians, aware of their local disadvantages, avoided the mistakes of the campaign against the Chinese in the north-east in 1962 and made no attempt to hold valueless ground against attack by superior forces.

11th

From our own correspondent Delhi, May 10

Behind the resistance here to the idea of adjudication is the fear that if that is the conclusion of the dispute over the

Rann the next problem will be Kashmir. Pakistan might begin a local war on the ceasefire line and then, when everyone was suitably horrified by the thought of that war becoming general, offer to accept adjudication of the Kashmir dispute.

19th

Delhi, May 18

Indian casualties in the Rann fighting announced today were : Police, 8 killed, 10 wounded, 20 missing. Army, 7 killed, 31 wounded, 17 missing.

Indian forces buried 34 Pakistan is dead after the attack on border post, and the total Pakistan casualties are estimated here at about 300.

July 1, 1965

Mr. Wilson, the Prime Minister, told the House of Commons yesterday that India and Pakistan had negotiated a ceasefire in the Rann of Kutch. This, he said, might prove to be a first step towards a general improvement in relations between the two countries. Mr. Wilson said :—

“I am happy to inform the House that the Indian and Pakistan Governments have announced the signature of an agreement for a ceasefire and the restoration of the status quo in the Rann of Kutch as on January 1, 1965, and on the arrangements for the determination and demarcation of the border in that area.

“In implementation of the agreement arrangements have been made, pending the final determination and demarcation of the border for police patrolling by both sides in the Rann of Kutch area. These arrangements will help to avoid any risk of further clashes occurring in the area after troops on both sides have withdrawn.

“I am glad to say that both President Ayub and Mr. Shastri made it clear to me that, when the agreement was completed, they would at once instruct their troops to withdraw from their present advanced positions along the Indo-Pakistan border, in the confidence that this would also contribute to the reduction of the present tension between the two countries.”

### Opposition's Praise

Mr. Wilson paid tribute to the "wisdom and statesmanship" of President Ayub and Mr. Shastri.

Mr. Duncan Sandys welcomed the agreement on behalf of the Opposition, and asked the Prime Minister to convey to the British High Commissioners in Delhi and Rawalpindi the House's appreciation of the valuable part they had played.

Mr. Wilson replied: "I am sure the whole House will realise the tremendous difficulties that the two Commonwealth statesmen concerned faced, and therefore how statesmanlike was their decision in coming to this agreement. As I said on a previous occasion, every praise is due to both High Commissioners who got agreement on the main elements; and it was not until last week that we were able to get near the completion of it."

He acknowledged, too, the work of the Commonwealth Relations Office, but emphasized that the agreement was above all a tribute to the desire of President Ayub and Mr. Shastri whatever the difficulties they had to face in their own countries, to secure an effective peace.

### Mixed reception in Delhi for Ceasefire signing

Delhi, June 30

Two different kinds of public reaction were seen here today after the signing by India and Pakistan of the agreement for a ceasefire on the Kutch border. While many heaved a sigh of relief that at last there is hope of a reduction of the tension between the two countries, which at one stage took them almost to the brink of war, the Hindu extremist party, the Jan Sangh, and left-wing socialists have denounced it as a betrayal of national interests and staged demonstrations.

They are opposed to India's agreement to vacate certain posts lying within what she claims as her territory, to Pakistan's patrolling of a track also lying within it, and to accepting international arbitration on a matter relating to her sovereignty over her territory,

In an editorial entitled "Back from the Brink" *The Times* on July 1, 1965 praised the statesmanship shown by Shastri and Ayub Khan in reaching an agreement over the Rann of Kutch.

With the parliamentary democracy to manage Shastri, said the paper, had the harder task.

"But even if the ownership of this bleak tract is settled", the editorial continued, "it may not lead to any improvement in relations generally. The mere fact that dispute had arisen over such worthless territory shows how deep the feeling is, and how little it is related to actual territory. For future British mediation there may be slightly more hope, if only because the old stereotype has lately taken something of a knocking.

"Shifts of opinion, of Governments and of alignments have done much to quench this suspicion. The Rann of Kutch will have helped still more. Good may therefore still come out of this sad affair. Nothing is more needed in the Indian sub-continent today than the existence of some trusted mediator to whom both countries can turn in times of need."

Geneva, July 11, 1967

Commenting on the final phase of the Rann of Kutch Tribunal proceedings at Palais des Nations, Geneva, the London *Times* today said: "Mr. Wilson's success in persuading India and Pakistan to accept international arbitration over the Rann of Kutch territory aroused the hopes that the protracted and costly Kashmir dispute may also be resolved through similar machinery, but this idea was not accepted."

*The Observer*, London, April 18, 1965

### Now Shastri hits out at Pakistan

From Cyril Dunn, New Delhi, April 17

Under the mounting pressures of the Indo-Pakistan border disputes, Mr. Shastri has at last been obliged to speak aggressively. In two speeches at Allahabad yesterday the Indian Prime Minister warned Pakistan not to push India too hard, notably in the latest a gigantic alluvial tract annually area of conflict, the Rann of Kutch converted by the mid-May monsoon into one of the world's biggest swamps.

As things are, the one heartening thing about the dangerous situation on the Rann of Kutch is that the Indian Army has not so far taken major offensive action though conditions would seem to be in its favour. It has not attacked the advance post

set up by the Pakistan Army at Kanjarkot.

This is little more than the tumbled ruins of an old fort on the flat and naked surface of the Rann. It could scarcely be difficult for the Indians to dislodge the Pakistanis and force them back into the sand dunes of Sind rather less than a mile away.

It is assumed here that tension on the Rann was created by last week's attack by units of the Pakistan Army on an Indian border police post there. Pakistan is evidently claiming that she was provoked by a combined Indian Army and Navy exercise on the Rann and the adjacent Arabian Sea. But those who suppose that Pakistan is deliberately stirring things up—not only in Kutch but also far over to the East in Cooch Behar and in the hill tribal areas adjoining Assam and including Nagaland—are asking themselves why.

25th New Delhi, April, 24

An Indian official spokesman said a Pakistani attack was repulsed today in the Rann of Kutch area of the border. Three Pakistani tanks were destroyed.

Pakistani troops had also opened heavy shelling at three other points on the Kutch border. Indian forces had fired back effectively.

The Pakistani attack, in "infantry brigade strength" took place at about 30 miles east of Kanjarkot. Pakistanis used tanks.

May 2, 1965

By our Commonwealth Correspondent

Pakistan's President told India in a broadcast that her policies could lead to a general and total war.

In his broadcast, President Ayub Khan said: "India has now threatened us with further aggression in a battleground of her own choice. Does she realise that this will mean a general and total war between India and Pakistan with all its unpredictable consequences? How can such a reckless and provocative statement be made by highly responsible persons? If such a situation is forced on us nobody can expect us not to meet the challenge."

Rejecting India's accusations of naked aggression, he



countered that "if we had wanted to commit aggression we would have chosen a better area than the mud flats of the Rann of Kutch. And there were better occasions—for instance, after their defeat at the hands of the Chinese."

The Indians regard this statement as rubbing salt into wounds that have not yet healed.

### *Frontier fuse*

Neither is without fault. India's obstinacy over Kashmir and elsewhere is maddening to her neighbour; while Pakistan's tough talk and military stance looks alarming to India.

It should be clear that until India seriously tackles her frontier quarrels with all her neighbours she will never be able to feel secure behind her borders. As against this, it must be accepted that border changes, however justifiable, ought not to be sought by force. Unfortunately, force will be used unless India shows a greater willingness than in the past to negotiate seriously.

### *3rd*

#### **3-Power move to settle Indo-Pak dispute urged**

London, May 2 (AP)—The *London Observer* said in an editorial today that major diplomatic effort should be made by Britain, and possibly the United States and Russia, to persuade India and Pakistan to resolve their differences.

The newspaper said: Relations between India and Pakistan are now giving genuine cause for alarm. The conflict over the useless Rann of Kutch is only another step towards irreconcilable hostility between these two powerful neighbours.

Everything possible must be done to prevent the point being reached where neither side will talk to the other except at the end of a gun-barrel: the position into which they are now manoeuvring themselves.

While a ceasefire in the Rann of Kutch is of immediate importance, what is more urgent is that a major diplomatic effort should be made to persuade both countries to rethink what their real interests are. Britain could initiate this process. But it may need greater weight than her—possibly that of both America and Russia—to achieve results.

In an article from its correspondent in New Delhi, the

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In an article from its correspondent in New Delhi, the

*Observer* said that Britain's new High Commissioner to India, John Freeman, has been playing a key part in trying to stop an all out war between India and Pakistan.

16th

### Indpak's danger

There is a danger that both India and Pakistan may be lulled into a false sense of security by the end of the fighting in the Rann of Kutch. For the skirmishing there was not the cause, but a symptom, of the tension between the two countries. The tension remains, centred on the unresolved conflict over the future of Kashmir. Next time trouble breaks out, it may be in Kashmir itself—and then disengagement may be very much more difficult.

It should be the aim of both countries to avoid what could be a disastrous confrontation over Kashmir. Unfortunately there is little sign that Indian opinion is sufficiently alerted to the risks. The blustering talk of some Indian politicians over Kutch, the rearrest of much imprisoned Sheikh Abdullah, suggest that the need for conciliation is insufficiently realized.

Is it too much to ask India to use the time available to avert another and graver crisis? This means returning to the policy, begun in the last months of Pandit Nehru's life, of seeking seriously, an accommodation with Pakistan over Kashmir.

[It is clear the *Observer* knew that Pakistani invasion of Kashmir was in the offing.]

New Statesman London Weekly

April 30, 1965

"India, Pakistan and Sanity" *Kingsley Martin*

Ayub Khan, who has always been a lonely voice of reason in Pakistan, describes this border war as 'a useless quarrel' which can be settled by negotiations.

Behind all this is India's intense animosity to China.

Passion has been intensified by Ayub Khan's frontier agreement with China. One can see no reason why he should not make a settlement with his great and dangerous neighbour about a frontier which he has in fact administered since 1947.

It would seem beyond discussion, if India really fears Chinese aggression, for her not to have strained every nerve to reach a settlement with Pakistan. India cannot afford to have both Pakistan and China as enemies.

There is now grave danger of communal outbreaks against the Muslims all over India.<sup>19</sup>

### The Daily Telegraph

May 2, 1965

From our special correspondent New Delhi, Saturday  
Main theories

Three main reasons have so far been given for last fortnight's tragic-comic programme of Not So Much a War, More a Way of Strife. These are :

1. Peking is the mastermind behind Pakistani action. There have been reports of "collusion" to help the Chinese attack on India along her northern border.
2. There is said to be oil in the Rann. Even if there is, Indian officials have said, there is no reason to suppose that commercially significant quantities can be found.
3. The most startling theory is that Pakistan is convinced that the Indians are secretly ready to explode a crude nuclear device and that there are two possible places where a *khadi* bomb could be tested.

One is the Rann of Kutch, bare, unpopulated, wasteland, and the other the deserts of Rajasthan.

These areas are contiguous, and close to populated Pakistani provinces. The inevitable fallout would be wafted north by adverse breezes.

### Delhi Seeks Pakistan-U.S. Split

From our special correspondent New Delhi, Saturday

India is preparing herself to withdraw from the Rann of Kutch fighting zone so as to plunge the wedge deeper between the already estranged Americans and Pakistanis.

While Pakistan continues to establish her obvious military advantage on the higher northern shores of the Rann—pronounced *Rum*—the Indians stake all on film strips of American tanks and weapons being used on the other side. First

pictures of American medium 45 Patton tanks were released this week with an unusual burst of advance publicity.

Now all Indian diplomatic guns are trained on one objective: to force the Americans to stop giving military aid to the pro-Peking Pakistanis.

*The Daily Telegraph* said in an editorial that if in the months allowed for the elaborate process of arbitration to establish the frontiers the passions raging over more deep seated disputes could be allayed the argument over the Rann—"a desolate Tom Tiddler's ground, which for juridical purposes Pakistan regards as a lake and India as a swamp"—might come to be regarded as "a storm in a cartographer's tea cup."

The editorial concluded "But so long as India and Pakistan, with Russia and China looking over their shoulders, gnash their teeth over Kashmir, every minor squabble is dangerous."

5th May

### Pakistan Loses Her Fear of India

*Rawle Knox on what is at stake in the Rann of Kutch.*

Basically, it has been another case of India belatedly discovering her own frontiers. To a lay lawyer India's claim to the whole of the Rann of Kutch looks considerably better than Pakistan's theory that the northern half of it is disputed territory.

However, Pakistan is willing for the issue to go to arbitration and this is a matter that could easily be adjudged by neutral experts for there is a wealth of historical evidence. Pakistan's offer to go to the World Court is encouraging. India and Pakistan usually prefer to quarrel rather than risk being put in the wrong.

When it all began India found Pakistan in occupation of territory in the Rann which she considered her own, as were the Chinese in Ladakh. As in Ladakh, India pushed her posts further and further forward, behind those of the intruders, until the Pakistanis, like the Chinese before them, became concerned about the safety of their rear and gave the Indians a sharp and bloody reminder.

The resultant furore, the accusations and counter-accusations, the appeals to the Americans and to high heaven have

obscured the basic fact that this is just another border dispute between two neighbours who seem determined *not* to get along with one another.

This time there were more casualties and therefore more fuss, but the pattern remains the same. The "almost war" with which Mr. Shastri found himself confronted, the battle triumph of Pakistan consisted of three short sharp actions, conducted at battalion strength or lower. (There is hardly room to station more than two companies on the irregular little mud platform that is Biar Bet, the scene of Pakistan's most famous victory.)

### Sand Salt

Nobody wants the Rann of Kutch whether it is the dreary waste of salt and sand of today or the useless expanse of sea water it will be in a fortnight, when the monsoon blows.

It is extremely unlikely that there is any oil. An American Company, Sun Oil, had been test drilling off the shore of the Rann, where it considered prospects better than in the Rann itself. Sun Oil gave up in despair shortly before the current fracas began.

About the only people who need the Rann of Kutch are herdsmen on the borders of Sind, in Pakistan, who let their cattle wander down to graze on the coarse grass of such islands in the desert as Chhad Bet, where now Indian and Pakistani troops are watching one another.

Yet the incident has its importance. It may cause the Americans to take a new hard look at the military aid they are giving to both India and Pakistan. Pakistan has never concealed that she considers her only serious threat is from India.

At the original SEATO Conference, in Manila in 1954, Pakistan carried the day in insisting that the alliance must be against all aggression. Whereupon the late Mr. Dulles added a testy little rider that as far as the United States was concerned it means only Communist aggression.

Only the other day Foreign Ministry spokesman said Pakistan still expected her SEATO allies to come to her assistance if India attacked. After Hyderabad, Kashmir, Junagadh and Goa, Pakistan can at least make out a case for apprehen-

sion. If she always expected SEATO to defend her it must have been fairly clear to the Americans that any arms they supplied to Pakistan were going to be used, if need be, against India.

At the same time, as President Ayub Khan repeated last Saturday it is absurd to suppose Pakistan could launch a major war against India with any hope of success. So that it may reasonably be argued that any arms supplied to Pakistan are indeed for defence. Arms supplied to India by Britain and the United States since the winter of 1962 are also for defence against China. There is no doubt at all that Pakistan found evidence of their use at Biar Bet.

By agreement with the United States both India and Pakistan may use the weapons they are given "in legitimate self-defence." Since neither India nor Pakistan, by their own accounts, is ever the aggressor in any border incident, these arms are obviously going to be used anywhere.

The Americans may well ponder this before they go on supplying both countries on the present scale. The more guns there are, the likelier they are to be used. And the Rann of Kutch will not be the last of such border incidents.

Biar Bet may mark the coming of age of Pakistan, the shedding of many infant fears. The calm that has been maintained in the country over the past few weeks, in face of near-hysterical statements by responsible Indian leaders, has been remarkable for almost 18 years. Pakistan's foreign policy has been based on fear of India. The fear may have been groundless—as the Indians always insist it is—but it was very much there.

Biar Bet was no Waterloo, but suddenly it is no longer possible to frighten the Pakistani child by frightening him with the Indian equivalent of "Boney."

President Ayub has consistently counselled restraint, and he has halted his troops when they could have followed up a long way. He has made it clear to both his own countrymen and foreigners that he has not taken this course from fear, but, because he wants to do everything to avoid a war that would, economically, destroy both India and Pakistan.

Since President Ayub returned from Peking the Indians



have seen Chinese "advisers" behind every bush in Pakistan. Crying "China" activates Indian goosepimples reminding the Indians that they are in the throes of an emergency they had forgotten, and it also ensures a sympathetic hearing in Washington.

The troupes of badminton and pingpong players from Peking who seem to arrive in Pakistan almost every day contain no gunnery experts or masters of subversion; or if they do they are most carefully watched by President Ayub's police. The Chinese are not even allowed to circulate their literature in Pakistan except through the Foreign Ministry in Karachi which means that it goes largely uncirculated.

### No Longer Pariah

The Chinese Embassy in Karachi during these last troubled days has appeared much less well-informed than most about events in the Rann of Kutch, which Chinese correspondents were refused permission to visit while their Western colleagues went.

What Pakistan's new friendship with China has done is to give her an astonishing new access of confidence. When India was the voice of the Afro-Asian world, and Pakistan was something of a pariah in SEATO, the country passed through its worst years of frustration. Now with the Chinese smiling behind him President Ayub can afford to be tough with India—even tough with America so long as it pays.

He has made peace with Afghanistan and has secured his back door. Pakistan's uncompromising attitude in the Rann of Kutch is a product of this new sense of security, not of any secret pact with Peking. In 1956, for instance, when India, then beginning to probe forward in the Kutch, pushed Pakistani police from a post on Chhad Bet they had been occupying since independence in 1947, there was a little fighting and a Pakistani protest.

When confident India herself protested a little later that a Pakistani plane had violated her airspace by flying over Chhad Bet. Pakistan forgot, in her reply, to mention that she considered Chhad Bet her territory.

It is very different now. Pakistan, rightly or wrongly, feels she has been pushed around by India for far too long

and she has the confidence not to take it any longer.

In recent incidents this confidence might well be better described as over-confidence. Pakistan has been trying to do a little pushing round of her own, and this is a turn of events that needs watching.

If India was adamant when she talked to Pakistan from a position of political strength, she can hardly be less so now, that this position is weaker. Mr. Shastri may not have the command either at home or abroad that Mr. Nehru had: that is all the more reason why he cannot afford to yield an inch.

The Indian Parliament was in session while the Rann of Kutch crisis raged and Mr. Shastri was prodded into stronger words than he can ever have dreamed of using by the twin gods of opposition and his own party's chauvinists.

President Ayub was under no such handicap, and even if the Pakistani Assembly had been sitting he now has it pretty well under control.

#### Arbitration Answer

India has spilt her milk of kindness. She was never magnanimous when she might have been. Today, if Pakistan tries her beyond endurance, she has no redress left but the ultimate sanction of war. India still has the big battalions, but now her only way of winning is to use them.

To this the Pakistanis would answer that if India wants peace she has only to make a few reasonable concessions, first and foremost on Kashmir. Mr. Shastri cannot make concessions: in fact President Ayub well understands Mr. Shastri's position, but does not regard it as part of his job to prop up the Indian Prime Minister at the expense of his own popularity.

The obvious solution appears to be international arbitration, and it is interesting to find Pakistan offering this again this week over the Rann of Kutch. It is no good India and Pakistan sitting down together at the conference table because they never agree, and never have any intention of agreeing. Perhaps Pakistan should have lost at Biar Bet. President Ayub could, with difficulty, have taken a defeat and even a small victory might have given Mr. Shastri courage of his certainly pacific convictions.

But until the generation of Hindu and Sikh Punjabis who

hanker after their lost Lahore has gone, until there are politicians in power in Delhi who were never maddened by trying to deal with Mr. Jinnah and his Muslim League, there will never be peace on these frontiers.

On the reverse of the medal there has to be a Pakistani Government that does not believe that any Hindus are bound to cheat in any negotiation.

It is not easy for outsiders to help. The Russians could, for both countries accord them distant, almost mystical respect, but the Russians have not got the political responsibility to try.

The British will certainly get their fingers burned in the present attempt at mediation, but it will have been worth it and, as far as Indo-Pakistani quarrels are concerned British fingers have grown fairly numb anyway.

[This is how the British mind works against India, and in favour of Pakistan and China. They will never forgive India for the liquidation of British Empire.]

### The Yorkshire Post

Commending Wilson's "brilliantly successful" peace-making efforts, *The Yorkshire Post* on July 1, said: "The democratic structure of India makes the Shastri Government particularly vulnerable to public opinion of all shades—the ill-informed, the well-informed, the well-intentioned and the malicious. This is something that President Ayub Khan must always take into account when political passions are inflamed by border incidents. On the other hand, there can be little genuine improvement in relations between the two countries until the Kashmir problem is solved, and it is to be hoped that both sides will make a serious endeavour to solve it, if necessary with outside assistance. Now that China is getting the bomb it is more important than ever that India and Pakistan should be able to trust each other.

Pakistan is a key country in the Western defence system. India must face these facts. Pakistan has been forced into a closer relationship with China and could be forced into a closer one still. The Western Powers, and Russia too for that matter, can offer no guarantees, nuclear or otherwise, that do not cover Pakistan or as acceptable to Pakistan, India will remain diplo-

matically and strategically vulnerable to Chinese pressures so long as Pakistan thinks she has grounds—flimsy or otherwise—to fear or distrust India.

And Pakistan must face these facts: the West needs Pakistan, but must also defend India. Moreover, the advantages arising out of good relations with China now would mean nothing to Pakistan if Chinese aggression in other parts of the world was to succeed. The time has come for Pakistan and India to understand that their true interests lie in finding a sound basis for mutual trust, and to act on this understanding. Mr. Wilson has opened a door.

*The Economist, London Weekly*

May 1, 1965

#### Barren Battle [Editorial]

It is not just a question of demarcating an agreed boundary. India says the boundary lies along the north edge of the Rann. Pakistan says that, since the Rann is flooded every year, the boundary should lie down the middle. The Pakistanis add that this border was in dispute, between Sind province and Kutch state, long before independence and partition. This is true, and it invalidates the claim the Indians make, as they do over their Chinese frontier that there has never been any argument about the boundary.

The big difference in the Rann is that both Sind and Kutch were before 1947, under the same British authority. Pre-partition maps therefore should be as authoritative as any map can be, and the more so, one would think, if they concede the area in question to the princely State of Kutch rather than to Sind, which was under direct British rule. This is what pre-partition Survey of India maps do. They show the whole Rann as part of Kutch; that is, today, as part of India.

The explanations that Pakistanis offer are mainly variations on the old and untrue theme that the Indians are a gang of rabid expansionists.

Up to Thursday, when the first word came about truce talks, even a ceasefire had been blocked by a dispute over the talks that should follow it. The Pakistanis said, incorrectly, that New Delhi had laid down preconditions.<sup>14</sup>

## India and Pakistan Storm in a Saltpan

From our India correspondent

India and Pakistan seemed to be headed for a showdown over the Rann of Kutch this week. New Delhi placed its armed forces on alert on Monday in response to intelligence reports that mobilisation had been ordered in Pakistan. Pakistan stoutly denied anything of the kind. But certainly the regular troops and armour of both sides were locked in battle. Karachi reports say India has committed 16,000 to 20,000 men to the area. The Pakistani build-up, according to American news agencies, includes the movement of two squadrons of F-86 fighter bombers. Clearly each side had put itself in readiness for a full-scale confrontation, even while appealing to the other for a ceasefire, on its own terms.

Yet, as seen from New Delhi there is no reason for a territorial dispute at all. The border was well-defined in pre-partition maps, although not demarcated on the ground. Pakistan claims however that there was a jurisdictional dispute, and argues that the Rann, which gets flooded during the monsoon, should be treated as an inland lake and divided half and half.

Pakistan has until now never seriously pursued this claim. It was raised for the first time in 1956 but only in relation to some particular landmarks. Nothing more was heard until 1958, when it featured in talks between the two Prime Ministers.

Mr. Nehru said then that India thought there was no dispute because nothing had been heard after 1956. But, he added, this was also a matter to be "considered". Consideration was given at a conference in 1960. Both sides agreed to produce documents to substantiate backing their claims. India did so, but the matter rested there until January this year. Till April 9th the conflict remained confined to probing patrols, and an exchange of angry notes.

[A photograph—Indian troops in Rann of Kutch]

That day an Indian outpost, New Delhi claims, was overwhelmed by a Pakistani infantry brigade, and Mr. Shastri was obliged to order the army to take over operational control from the border police. [Here is a map "Rann of Kutch"]

Since then there have been ding-dong battles punctuated by peace overtures. Pakistan on April 13th proposed a ceasefire,

followed by a meeting to determine and restore the status quo before the current skirmishes, and then political talks to settle the boundary. India accepted this proposal, but at this juncture Mr. Shastri allowed himself to be bullied by clamorous Opposition parliamentarians into making statements that seemed to foreclose the disputed issues. Pakistan seized upon these to back out from its offer, and instead of April 23rd demanded the withdrawal of both sides, forces from the entire disputed area. This demand India refuses to concede: Mr. Shastri told Parliament on Wednesday that what Pakistan chooses unilaterally to call a disputed territory is in fact "indisputably and entirely our own".

The diplomatic stalemate was thus complete, though Britain and the United States are pleading with both countries for peace. Mr. Shastri's statement that he was ready to respond to their appeal was a sign of hope, even though he spoke in the same breath of preparing for other alternatives. He is obviously pressed for time: in a few weeks the monsoon will have made campaigning from the Indian side impossible. This explains the hint he threw out, in saying the army would have to decide its own strategy and deployment of possible moves elsewhere. Indian opinion has predictably rallied round him during the last week, though restraining voices could still be heard a few days ago. *The Times of India* has pleaded for an examination of India-Pakistan relations in their entirety, while the editor of *The Hindustan Times* in his signed weekly column on April 14th accused the home minister of working up hysteria over the Kutch incidents, which he said, had been blown up out of all proportion. Although the mood is now rapidly changing, few, barring the Hindu communal fringe, have stopped praying that a way out will still be found.

The question most anxiously asked in India is what makes Pakistan suddenly activate disputes in several border areas. Pakistan would say that it was only responding to Indian truculence. But by and large India wants to maintain the status quo while Pakistan wants it altered. Initiative for change is more likely, therefore, to come from Pakistan. One theory to which even Mr. Shastri seems to subscribe is that Pakistan and China, are acting in concert to test India's preparedness and determination. But, as the *Economic Weekly* of Bombay

said on April 17th, Pakistan's friendship with China is connected with the outstanding problem of Kashmir. Although India and Pakistan might yet find a way out of the Kutch stalemate, Kashmir's septic focus would still be there to spread poison in future.<sup>25</sup>

### No War Cries

From our Pakistan correspondent

The news from the Rann of Kutch has not upset tempers in Pakistan. There are no signs of tension, and no demands for aggressive action. Opposition leaders, many of whom persistently accused President Ayub Khan during the election campaign of quailing before India, have all remained quiet.

The press, of course, has interpreted the Kutch incidents as yet another proof of India's hostility towards Pakistan, but few shrieking headlines have appeared and there have been no war cries. Even *Dawn*—which usually reacts at once and with the greatest vehemence to the slightest Indian provocation—wrote its first editorial on the incidents nearly a week after the first shots were fired, and there was no attempt to make up for the delay by invective.

By and large, people seem to think the Government is acting as firmly as it should. They earnestly believe that India started the trouble, but there is little fear of a full scale war. In Lahore a few miles from the Indian border, there are no signs of public anxiety. The government seems anxious to keep public reaction within reasonable limits. In any event Indian reports of general mobilisation in Pakistan are quite unfounded.

The general impression here is that India has deliberately precipitated the crisis to divert attention from problems at home and to suppress growing separatist trends by conjuring up the menace of external aggression. Another aim, it is suspected is to secure larger arms aid from America by persuading Washington that Pakistan's friendship with China will tend to encourage it in aggression against India. This suspicion is strengthened by persistent repetition of Indian charges that Peking actually instigated the crisis. There is nothing to show that that is so. China has reason to relish any embarrassment India may meet. But Pakistan's rulers are not minded

to embark on a military adventure merely because communists, even friendly ones, advise them to.<sup>16</sup>

February 24, 1968

### **Petulant Victory**

The verdict handed down on Monday by the three-man tribunal on the Rann of Kutch dispute gave 90 per cent of the disputed territory to India. The balance of 320 square miles which goes to Pakistan includes the ruined fort of Kanjarkot, where the 1965 fighting started, the high ground of Chhad Bet and two areas adjoining the Nagar Parkar promontory.

Despite the broadly favourable verdict, some Indian reactions have been curiously peevish.<sup>17</sup>

### **New Commonwealth—London Monthly**

May 1965

#### **India-Pakistan in border clash**

*From our own correspondent*

During April, Indian and Pakistan troops clashed along the border in the Rann of Kutch, between Gujarat and Sind. Following an attack by what was apparently a Pakistan army brigade, India moved troops into positions to fortify the frontier. The attack is reported to have been made on a post manned by Indian armed police. This, however, is the Indian view.

The Pakistanis say that the Indian army attacked strongly but was driven back. The Pakistan Government called for an immediate and official discussion of the incident. The whole situation is further complicated by the fact that the border in this area is not clearly demarcated even though it is well known and traditional: it runs along the northern limit of the Rann.<sup>18</sup>

June 1965

### **India wants self-reliance**

Pakistan's thrust in the Rann of Kutch, followed by staking of territorial claims, has brought about an Indian unity.<sup>19</sup>

August 1965 Number 8, 1965

### **And After the Rann**

This is an agreement notable for its good sense and reality.



It came about also because of the 'honest broker' efforts of Mr. Arthur Bottomley<sup>20</sup> himself, and of Britain's High Commissioners in Karachi and New Delhi—but also because the Commonwealth Prime Ministers Conference brought Mr. Shastri and President Ayub together<sup>21</sup>.

### The United States

No military preparation in Pakistan is possible without the knowledge of considerable U.S. military staff attached to the Pakistani army almost at every level. President Johnson had invited Prime Minister Shastri to visit the United States on June 2 and 3, 1965. President Johnson was made aware of the preparations under way in Pakistan for full-blooded attacks on India first in Kutch and then in Jammu and Kashmir. Washington is firmly opposed to any move which might offend Pakistani opinion. The US knows that Pakistan is quick to anger. As for India, the greater the neglect, the more pliable her leadership becomes. For this reason decision was taken abruptly to call off the visits of Ayub and Lal Bahadur Shastri. On April 16 Johnson suggested postponement of Shastri's visit until the next fall. The Prime Minister cancelled his visit.

On April 27, B.K. Nehru, the Indian Ambassador in Washington told Phillips Talbot, Assistant Secretary of State, about the military situation in the Rann of Kutch. Dean Rusk, Secretary of State, then discussed the matter with President Johnson who was about to address his press conference. The President expressed concern about the border fighting between India and Pakistan, and said: "We are anxious to do anything and everything that we can do to see that peace is restored in that area and conflict is ended." It was with American support that the British Prime Minister Harold Wilson started peace negotiations with India and Pakistan.

In spite of Pakistan's increasing friendship with China, the United States was anxious to keep Ayub regime humoured and "well within the SEATO and CENTO alliances". American diplomats in Asian and African capitals vigorously put forward the extraordinary theory that beyond a certain stage Western protestations against Pakistan's collusion with China might push the Ayub Government even closer to China. So the US Government has been pursuing towards Pakistan a dual

policy of limited disapproval of its open comradeship with China and of continued readiness at the same time to assist it in every possible manner in fulfilment of the existing political and military alliances between the two countries. The Ayub regime cleverly and fully exploited these inhibitions in Washington to keep down the US military aid programme for India, if it could not block it altogether. Simultaneously it passed for a proportionate increase in American military assistance to Pakistan. India's request for a few squadrons of F-5 Freedom Fighters, high performance aircraft, to the USA was in consequence turned down.<sup>22</sup> The State Department was more anxious that India should not seize Pakistani territory to hold it as a "hostage" for the areas forcibly occupied by Pakistan.

With the same objective the US diplomats in New Delhi often talked "as if the Pakistani aggressors in Kutch and the Indian victims of the Pakistani attack are exactly on par."<sup>23</sup>

Only one American Senator Waysen Morse, the foreign aid critic, accused the administration of practices which could be loosely translated as a tendency to cling to outdated pacts like SEATO and CENTO of which Pakistan was the chief ornament. On April 29 he appended his view to the report of the Senate Foreign Relations Committee, on the Foreign Aid Bill: "Pakistan is busily making friendly gestures towards China indulging in its apparent true vocation of warlike manoeuvres on the borders of India."

"The latter, which has steadfastly refused to play the alliance games, is diverted from the necessary task of guarding its borders against Chinese incursions by the threatening posture of the US equipped Pakistan Army."<sup>24</sup>

### **Pakistan gave vested interests to US**

In the early stages of the Kashmir debates in the Security Council, Warren Austin, US representative, clearly accepted that Kashmir was legally a part of the Indian Union and there was no legal vacuum regarding its status. At that stage the US saw in a plebiscite not the means to resolve the issue of accession, but a method of resolving the quarrel between the two neighbours. Subsequently, Pakistan gave monitoring facilities to the US in Gilgit, a part of Kashmir occupied by it. The US at once changed its attitude, became a partner in the loot, and

started defending Pakistan.

The same trick worked out in the Rann of Kutch. India's Ambassador B.K. Nehru illustrated the absurdity of Pakistan's claims in the Rann of Kutch with the aid of maps produced by the US Army Map Service on the basis of the British map of the borders of Sind and Kutch before the partition. Pakistan sought to give a vested interest to the United States in the Pakistani control of the Rann of Kutch by bringing in the Sun Oil Company for prospecting oil.<sup>25</sup>

### The US inspection of Indian Army equipment

The US arms aid to India is only a fraction, approximately one and a quarter out of one hundred of what has been poured into Pakistan. Yet, inspecting teams of the United States frequently visited India to make sure that the US arms were deployed only on the borders with China and not where the Indian army units faced the Pakistani army. Apparently such precautions were not taken in Pakistan.

Brigadier General Tibbets and Colonel Williams of the United States Military Aid Mission in New Delhi visited the forward areas in the Kutch-Sind border to check the Pakistani allegations of misuse of US military aid. The American officers were allowed to go to any place in Indian territory to investigate whether Indian army was using American aid equipment. Towards the close of April 1965 they visited the fighting area. The US observers were convinced of the falsehood of Pakistani charge.<sup>26</sup> Selig S. Harrison of the *Washington Post* stated: "American military representatives who went to the combat areas found no evidence to support charges by Pakistan that India too is using US equipment."<sup>27</sup> India went out of its way to enquire of the Pentagon whether it had supplied to New Delhi items Pakistan described as having been used by India. The answer was a firm "no".<sup>28</sup>

### Pakistan uses American tanks

The use of American tanks and other weapons by Pakistan in the Rann of Kutch caused great misapprehension in India. Pakistan, on April 25, "categorically" denied having used tanks in Kutch or having deployed them in the area. On the production of the documentary proof by India, Pakistan admitted

on April 28 only to deploying the tanks in the area. In the face of this damaging admission Washington could not be taken in by Pakistan's claim that the tanks had not been used in furtherance of its aggressive designs in the Rann of Kutch.<sup>29</sup>

To the visiting American team of military experts were shown by the Indian Army empty cases of 90 mm shells fired by Pakistanis from American made Patton tanks. On April 29 B.K. Nehru produced in Washington at a news conference documentary proof—pictures taken by the Indian Air force—of American tanks being used by Pakistan in the Rann of Kutch. He pointed out that both President Eisenhower and President Kennedy had assured India that Pakistan would not be allowed to use American equipment against India. Pakistan was not trying to hide the use of US tanks from the correspondents who had been to Biar Bet. The Associated Press staff writer, Can Coggin, said that he saw "Pakistani tanks parked nearby". By Pakistani tanks he obviously meant the American supplied tanks.

Selig S. Harrison, the well-known correspondent of the *Washington Post* clearly stated: "The United States has given Pakistan 1.2 billion dollars in military aid since 1954 for the ostensible purpose of deterring Communist aggression. But on April 25, India produced evidence establishing to the satisfaction of the US military representative that Pakistan had deployed Patton tanks in Kutch combat areas. American correspondents travelling with Pakistan Army have reported seeing US tanks within 600 yards of the major battle site at Biar Bet." The correspondent further revealed that "Pakistan held back on permitting US Inspectors to go to the front line areas on its side of line until May 7. Authoritative sources state that Major General Robert Ruhlen, Head of the US military advisory group in Pakistan, found Patton tanks and other US equipment in the rear areas within Pakistan territory. It is understood that in forward areas where combat has occurred, he found tank tracks."<sup>30</sup>

Under America's Aid Laws, the Pentagon has full rights over the use of American arms—rights of inspection, rights of direction, and rights of withdrawal. After India's definite allegation and proof that Patton tanks and American recoilless guns had been used against India in Kutch, what did the US

Government do? It only applied to Pakistan for permission to inspect.<sup>31</sup> President Ayub admitted in a talk with the US envoy at Rawalpindi on May 4, 1965, that he had used tanks and recoilless guns in Kutch. He claimed it was his right to do so: He stated that he used the American tanks in self-defence.<sup>32</sup> The US arms were helping China to fight her battle against India. Apparently, the US valued her bases in Pakistan more than the loss of Indian territory either to Pakistan or China.<sup>33</sup>

### The US Press

Officially the US Press was neutral. But its techniques of "interpretative reporting" in news despatches encouraged the American reader to believe that Pakistan was basically right. The reporters linked events in the Rann of Kutch to the change in the designation of the Sadar-e-Riyasat to that of Governor. Every Indian statement was published along with the Pakistani reply. In many cases, the US correspondents adopted the most objectionable method of supplying replies themselves to Indian statements on behalf of Pakistan even before the Pakistani Foreign Office had framed an answer of its own. To quote an instance, India announced that fighting was taking place on Indian territory. This statement was reported along with a reply on behalf of Pakistan. It was stated that as the Rann of Kutch was flooded every year, the inland sea rule applied making half its territory Pakistani land.<sup>34</sup>

### The New York Times, April 26, 1965

*The New York Times* suggested that the UN consider the Rann of Kutch dispute between India and Pakistan "if they cannot find a way out by themselves". Commenting editorially, the *New York Times* said: "The UN still has a permanent mediator for Kashmir in Dr. Frank Graham. Either he or the Secretary-General could step in. The conflict holds great dangers for the world as for both sides."

*The New York Times* observed that the US was hardly in a position to offer its services as a mediator after President Johnson's abrupt cancellation of the visits by Indian and Pakistani leaders. It feared that "unless the fighting in the Rann of Kutch is quickly stopped it could spread to Kashmir".

*The New York Times* said that "the fog of war obscured the start of the fighting early this month on the unmarked border between West Pakistan and India, but it looks as if the Pakistanis were the aggressors."

The paper editorially referred to the Kashmir dispute and said that India had "blocked" the plebiscite that was to follow the ceasefire and Pakistan, left with a poor third of Kashmir, has been permanently aggrieved."

Special to *The New York Times*

Karachi, April 26

There is no possibility of Pakistan's accepting a ceasefire in the Rann of Kutch area as long as Indian forces remain north of the 24th Parallel, a spokesman for the Pakistani Foreign Office declared tonight. He denied an Indian charge that Pakistan had ordered a mobilization of her armed forces. The spokesman made it clear that Pakistan was determined to occupy high ground now held by the Indian forces before the monsoon turns those high points into islands. ... He said that Pakistan had established a salient that extended 10 miles south of the line Indians claim as the border.

*Indians Report Pakistani Raid In Border Area*

3,000—Man Brigade, Aided by Tanks, said to Attack Along 50—Mile Sector

*Shastri Sees Cabinet*

*He calls, situation 'Very Serious' in the Disputed Rann of Cutch Region.*

By Jacques Nevard

New Delhi, April 25

But all the officials at a press briefing refused to term the assault an act of war. By all accounts, however, it was the most serious fighting in the Rann of Kutch since hostilities broke out near the ruined mud fort of Kanjarkot in the marsh area on April 9.

27th

New Delhi, April 26

The Indian Army has been put on an alert and fighting

between India and Pakistan has been resumed. Defence Minister Y. B. Chavan said in Parliament that in view of the "serious situation" on the border and the reported "mobilization of the Pakistani Army", Indian troops had been recalled from leave and "certain other moves" also had been taken to meet the situation. He told the House that Pakistani forces yesterday had broken a brief lull with a massive attack on an Indian border post at Biar Bet six miles from the border on the Indian side.

In Parliament Chavan said some arms captured from the Pakistanis had been found to be of American origin and that they had been shown to American officials here. A United States Embassy spokesman said however that "we have not been given any weapons with any identifying marks to show they are of American origin."

The Pakistanis launched an attack on Biar Bet from the north with three tanks, three armoured personnel carriers and infantry—under cover of smokescreen, said Indian spokesman.

29th

New Delhi, April 28

Authoritative sources said here tonight that the United States had protested vigorously to Pakistan about the use of United States tanks in the Rann of Kutch fighting.

In Karachi a Foreign Office spokesman said Pakistani troops were consolidating their positions around the town of Biar Bet, which, the Government said was captured in fighting on Tuesday (27th April).

One Indian official described as "fanciful and incorrect" the Pakistan assertion that its troops had captured Biar Bet and had driven a salient almost to the 24th parallel. He said Biar Bet remained unoccupied as it has been since fighting on Monday.

The Christian Science Monitor  
(Boston)

April 27, 1965

*India glares at Pakistan*

By Sharokh Sabavala special correspondent of The Christian

## Science Monitor

### New Delhi

India and Pakistan are drifting toward a major military engagement in the Great Rann in Western India.

After 17 years of skirmishing and at least one undeclared war—in Kashmir—free Asia's two largest members are positioned for conflict ostensibly over unimportant desert acres.

The weekend's ugly Kutch clashes now are followed by another lull. Meanwhile, Indian intelligence asserts that Pakistan is mobilizing by land, sea and air.

Reported here, too, are new "incursions" across the Kashmir ceasefire line and the "Pakistani alert" along the eastern frontiers.

There appears also to be revived Chinese Communist activity on the edge of the North East Frontier Agency, scene of Peking's savage onslaught in 1962.

Indian sources further say that tanks and aircraft have been moved to Pakistan-Kutch border.

Denying mobilization, Pakistan says exactly the contrary. Newspaper headlines in both countries easily could be interchanged as well as official radio newscasts.

New Delhi is seeking to show the whole Rann of Kutch as lying outside the southern boundaries of Pakistani Sind since the India Independent Act of 1947.

### Sources quoted

Officials quote the pre-partition Imperial Gazetteer of India, the Gazetteer of the former British Indian Province of Sind, and maps of the former Surveyor General of India.

Pakistani documentation leads Rawalpindi to claim 3,500 square miles of the Kutch up to the 24th parallel.

Top Indian officials still are hoping that Pakistan has launched only a "nerveskrieg" which will not erupt into a "blitzkrieg". Their thinking is along the following lines as of now:

President Ayub, starting a new term, wishes to correct—while it's still possible—what he thinks is a growing military imbalance between his country and India.



### 'Tragic mix up'

From this it follows that the tension deliberately is being built up as a disincentive to the United States and other givers of military aid to India.

Pakistan is also alleged to have its eyes fixed on the upcoming Algiers Conference where it hopes to raise the Kashmir dispute as an issue.

One sector of opinion, however, insists that Rawalpindi is embarked on a common plan with Peking to secure the widest dispersal of Indian forces prior to a combined and final attack on Kashmir.

Pakistani spokesmen here believe the Indians are throwing up a "smokescreen" to divert public dissatisfaction with the Shastri Government.

April 30, 1965

#### *Kanjarkot riles Indian Military*

By Sharokh Sabavala

Special Correspondent of

*The Christian Science Monitor*

New Delhi

If the Indian Army is to recapture Kanjarkot, it may have to enter Pakistan soon.

A United States Army Service Map based on earlier British surveys shows this ruined fort just south of boundary between the Indian Rann of Kutch and the Pakistani Sind.

Since its occupation February 10 by paramilitary Pakistan Rangers, Kanjarkot has been escalated into a symbol of India's determination to safeguard its frontiers.

Situated on high ground along sand dunes which mark the international dividing line almost all along the Kutch-Sind length, it is otherwise of no strategic value to either side.

The same goes for the whole desolate, inhospitable 9,000 square miles of the Rann of Kutch.

This area derives its name from the Sanskrit word "irinam" meaning saltmarsh—saline, scrubby, .....

The Kutch onslaught is seen as the beginnings of escalation "from nibbling to gobbling".

May 3, 1965

The Rann of Kutch is one of the more worthless pieces of real estate to be found on this planet. It is under water half the year and is dust the rest of the time.

It is absurd that modern and reasonably intelligent governments could or should allow a dispute over such worthless property to become an angry and dangerous issue.

### Cold-war logic lost in Kutch

By Joseph C. Harsch, special correspondent of *The Christian Science Monitor*

London

The most dangerous new outbreak of trouble lies between: Pakistan, which is a member of a Western alliance but a newly close friend of Communist China;

And India which depends for its security on the United States and Britain and is under threat from Communist China yet loudly disapproves of the American and British position over Vietnam.

May 9, 1965

New Delhi reports an unusual build-up of troop strength within the borders of East Pakistan. This follows the occupation of a slice of the Rann land by West Pakistan troops in four weeks of off-and-on skirmishing with Indian troops...

...It feels increasingly threatened by Communist China which has already snatched from India several broad strips of territory within the Himalaya borderland. Of particular concern to India is the fact that China is developing a nuclear military capacity while India is not....

"Indeed, given the whole unfortunate history of the Kashmir dispute, might not Indian generosity in the Great Rann of Kutch be a wise and statesmanlike move? Economically the Rann is of little worth. But territorially it apparently is important to Pakistan. We recommend that New Delhi explore the possibility of reaching a generous agreement with its neighbour on the Rann land."

August 15, 1966

By Qutubuddin Aziz, Karachi

The three-man international tribunal for settling the Indo-Pakistani dispute over the Great Rann of Kutch met for the time in February 1966. It asked India and Pakistan to submit their detailed memorandums after a thorough inspection of the records relevant to the dispute.

Under arrangements between the two governments, teams of legal experts of India and Pakistan visited each other's capitals early in July 1966 and inspected musty records, British Indian Empire Gazetteers, and tattered old maps to cull evidence in support of their conflicting claims to about 3,500 square miles of territory in the Great Rann of Kutch. Pakistan submitted its final memorandum to the tribunal in the beginning of August 1966.

The Tribunal will reassemble in Geneva on September 15, 1966. The tribunal thenceforward will hear arguments on behalf of India and Pakistan in elucidation of their respective briefs.

Some of Pakistan's best barristers have worked with their government in drawing up the Pakistani brief for the tribunal. The new Foreign Minister, Sharifuddin Pirzada, was a senior member of the legal team which Pakistan had sent to Geneva last February to appear before the tribunal. His performance in this case raised him in President Ayub's estimation and it was one of the factors which brought him into the coveted foreign ministership.

The peaceful settlement of the Rann of Kutch dispute will be a great landmark in Indo-Pakistani relations. It could set the pattern for the settlement of other vexed disputes which harry peace in the subcontinent. This was also President Ayub's robust hope when he signed the Rann of Kutch agreement with India in June last year and assigned the settlement of the dispute to international arbitration.

*Newsweek*

May 10, 1965

*The Tiny War*

A tidal plain between India and Pakistan—an almost impassable salt water marsh all summer and a waterless desert all winter.

The chance of an oil strike is one of the reasons for the fighting in the arid Rann.

The Pakistanis' timing was diabolically shrewd because

India is weakened by recent food shortages and political factionalism and must at the same time deploy troops along her Tibetan border to guard against new incursions from the Red Chinese.

Inevitably, fighting broke out. From the beginning the Indians got the worst of it, a Pakistani officer said:

"They dropped their equipment and ran like hell".

Instead of attempting counterattacks of their own, the Indians last week seemed to concentrate their efforts on proving that the Pakistanis had attacked with U.S. built equipment.<sup>35</sup>

### Washington Post

May 11, 1965

On April 26 India produced evidence establishing to the satisfaction of U.S. military representatives here (Delhi) that Pakistan had deployed Patton tanks in Kutch combat areas.

Regarding Pakistan's counter charge that India was using American weapons, the *Washington Post* report said that "American representatives found no evidence that India too used U.S. equipment".

### Soviet Russia

Formerly the Soviet Government had never hesitated to see the Indian point of view. It always said that deliberate aggression had been committed against India in Kashmir. But since 1964 it maintained strict neutrality and did not say a word on the developments in the Rann of Kutch. On May 3, 1965 Alexei Kosygin, Soviet Prime Minister, said that Russia favoured peaceful settlement of border disputes such as Indo-Pakistan clash over the Rann of Kutch. He said Soviet sympathies "cannot be with those who perpetrate aggression".<sup>36</sup>

On May 8 the Soviet Union appealed to India and Pakistan to settle the conflict in the Rann of Kutch directly through talks without outside interference of any foreign power. The statement warned both Pakistan and India against "imperialist quarters". It said only these quarters were interested in instigating military conflicts or setting newly independent States against each other by acting through others.<sup>37</sup>

Alexei Kosygin on 14 May warned "those who are interested in provoking a conflict between India and Pakistan", without naming the Power he had in mind. In answer to Indian correspondent's questions at a reception Kosygin said that *the Soviet Union wanted India and Pakistan to have the best of relations*. He said : "In our view there are possibilities of settling the conflict in a peaceful manner." Kosygin added : War breaks out between you and Pakistan. Neither side would concede any territory to the other. There would be tremendous loss of life and destruction of property, and both countries would return to the same situation as before. I do not think there is any mutual hatred between the people of India and Pakistan. There is every possibility of solving the problem peacefully.<sup>28</sup>

### **Izvestia**

On April 28, 1965, the Soviet Government newspaper, *Izvestia* in its own news despatch under the heading, "An unjustified conflict" expressed concern at the Indo-Pakistan clash in the Rann of Kutch. It blamed both India and Pakistan for indulging in a "useless border conflict." The paper stated that Pakistan had moved its forces in the Kutch area which it considered "a disputed territory." This led to the conflict *between India and Pakistan*. It deplored the conflict in a place which had been quiet. It said the armed conflict between the two countries was causing concern in international circles. The paper declared that such disputes in Asia distracted world attention from American action in Vietnam. It felt that the West might try to gain something from the conflict. The paper warned against any British mediation *in the clash and accused Britain of sowing seeds of conflict between India and Pakistan*.<sup>29</sup>

### **The Communist China**

While remaining within SEATO and CENTO and despite Washington's sternest disapproval, Pakistan has been able to strengthen relations with China and Russia. It is a wonderful diplomatic achievement of which any country can well be proud. Opportunism is an essential ingredient of successful diplomacy. Statesmanship and opportunism go together.

The use of one or the other merely depends on whether a particular diplomatic move is approved or not.

The growing cordiality among Pakistan, China and Indonesia was motivated by a common hostility towards India. The triple axis was directed at the heart of India. All the three aimed at seizing Indian territory. China was intent on capturing Ladakh and NEFA, Pakistan on Kutch, Kashmir and Assam, and Indonesia on Andamans and Nicobars.

The strategy is to nibble at the fringes of Indian territory, occupying as much land as possible and then lay claim to its sovereignty. The danger lies all along the long border with these two countries. But the greatest threat is in the areas where population is sparse and communication facilities are less because of the nature of terrain. In Ladakh and NEFA the main problems are those of altitude, difficult terrain and extremity of climate. In Rajasthan and Kutch inaccessibility is due to the vast expanse of desert, lack of drinking water and poor means of communication and transport.

There were indications that the whole strategy and operational plans on the Indian border were prepared jointly by the military experts of Rawalpindi and Peking. It was then that the utility of Sheikh Abdullah for the Sino-Pakistan conspiracy against India was realized, and a role was assigned to him in the plot. Both the countries began concentrating their forces on Indian borders, and building roads and other lines of communication. The resemblance between the Chinese tactics employed on the Himalayan border and Pakistan aggression first in Dahanu and later in Kutch was too close to leave any scope for doubt. China inspired Pakistan's "pre-planned and calculated attack" in Kutch. The attack took place after Chou En-lai's visit to Pakistan. The Paris correspondent of *Amrita Bazar Patrika* reported: "According to political and diplomatic circles here, unprovoked Pakistani attack on Indian territory was probably master-minded by the Chinese."<sup>40</sup>

### Chinese support of Pakistani aggression

Defence Minister Y.B. Chavan told Lok Sabha on 4 May that the Chinese had massed 12 to 13 divisions and ancillary units on the Indo-Tibetan border. The Chinese experts were associated with military planning in East Pakistan.<sup>41</sup> The

Chinese Deputy Prime Minister, Chen Yi, on March 23, 1965, said at a reception held in Pakistan Embassy in Peking to celebrate the 'Pakistan Day': "China would always come to Pakistan's help whenever required." He also declared that his Government would extend all help for the "liberation" of Kashmir from the "Indian yoke".<sup>4</sup>

Chinese Official Hsinhua News Agency on behalf of the Chinese Government issued a statement on May 4, 1965, in support of Pakistan's aggression in the Rann of Kutch: "The position of the Indian Government on border disputes with neighbouring countries has been truculent and unreasonable and one of rejecting peaceful negotiations." It declared that "the Chinese Government and people fully sympathise with the support of solemn and just stand of the Pakistan Government". In conclusion it administered a note of warning: "We would like to advise the Indian Government to give primary consideration to the interests of the Indian people and to Afro-Asian solidarity, and hereby, settle its disputes with the neighbouring countries through peaceful negotiations. If, instead, it insists on having its own way and, playing with the fire, widens the armed conflict, it will certainly come to no good end."

This statement was more prompt and vehement than even the innumerable utterances of the Chinese Government on the grave situation in Vietnam. This was a demonstration of the aggressive partnership between the Chinese and Pakistan Governments against India. The Chinese statement contained a threat against India by saying that if the armed conflict was widened "the Indian Government will definitely come to no good end". This implied an open incitement to Pakistan to persist in its aggressive occupation of Indian territory in the Rann of Kutch under the umbrella of a Chinese military threat against India. It was a clear evidence of China's collusion with Pakistan against India. The Chinese Government alleged that India was carrying out the U.S. scheme of "making Asians fight Asians and disrupting Afro-Asian solidarity." In fact this was the role China had itself adopted. In committing aggression against India and in encouraging Pakistan to commit aggression against India, it was the Chinese Government that was destroying Afro-Asian solidarity and making Asians fight Asians. While paying

lip-service to Asian-African unity and the Bandung principles, the rulers of China were doing everything possible to subvert these principles. The Chinese Government assumed the role "to advise the Indian Government". As China and Pakistan were the aggressors against India, this "advice" should have been better addressed to itself and to the Government of Pakistan.<sup>43</sup>

*Dawn* of Karachi on May 5, 1965, came out in support of Chinese allegations against India. Under the banner headlines, "*Bid to implicate China deplored, Peking exposes Indian fabrication*", *Dawn* wrote:

Hong Kong, May 4: China today denied it had any connection with the recent Indo-Pakistan conflict over the Rann of Kutch border area and expressed full support for the right attitude of Pakistan.

The official "New China News Agency" said Indian Premier Lal Bahadur Shastri and other Indian leaders blatantly declared that China colluded with Pakistan in taking an aggressive and hostile attitude towards India, and that the present conflict was engineered by China behind the scenes. Such lies, the Chinese statement went on, "are sheer fabrication".

The Chinese Government expressed full support for the right attitude of the Government of Pakistan, which opposes Indian military expansionist policy and is campaigning for a negotiated settlement of the frontier dispute.

It said—"One: India has recently provoked armed conflict in Rann of Kutch on the Indian-Pakistan border in an attempt to forcibly occupy this disputed territory by armed attack. Pakistan took self-defence measures and suggested that both sides effect a ceasefire persisting in settling the border dispute through peaceful negotiations. However, the Indian Government went so far as to alert the three services and busily deploying troops to Rann. The Indian Navy carried out exercise in the sea off the area. The Indian side even threatened that military action against Pakistan would not be confined to Rann alone and that India was free to choose the time and place of attack. Meanwhile, Indian Prime Minister Shastri and other ranking Indian officials blatantly declared that China colluded with Pakistan in taking an aggressive and hostile attitude towards India and that the present conflict was engineered by China behind the scenes. News bulletins distributed by Indian



"having safeguarded their backdoor with China and feeling secure in Chinese friendship, the Pakistanis may be tougher about their frontiers with India than they have been in the past."<sup>47</sup>

Dannda's *London Evening Free Press* thought that "Pakistan's recent negotiations with China may have encouraged some move on India."<sup>48</sup> Another writer remarked: "Mr. Bhutto has spoken with enthusiasm of the 'positive' nature of Pakistan's link with China, asserting that it is helping to establish peace in the area. There is lot to be said for his viewpoint."<sup>49</sup>

### Other Countries

#### Singapore

Lee Kuan Yew, Prime Minister of Singapore, was one of the attending delegates at the 4-day conference of Young Asian Socialist Leaders. On May 9, 1965, the closing day of the Conference at Bombay, he said the Rann of Kutch incident typified an increase in conflicts between Asian national groups. He stated it could be safely assumed that all the delegates were cognisant of the fact of the use of US arms by Pakistan against India in the Rann.<sup>50</sup>

#### Malaysia

*Tamil Nesan* of Malaysia in an editorial administered a warning against Peking-Pindi collusion. It said: "Pakistan's close contacts with China put democratic countries in perplexity. It appears that Pakistan has this unwanted friendship with China due to her enmity with India. Having close contacts with it is the same as being to a snake."<sup>51</sup>

#### Hong Kong

*Dawn's* correspondent S.M. Ali, reported a comment published in the English daily *South China Morning Post* on April 23, 1965: "The Rann of Kutch scene of current border clashes between India and Pakistan was described as 'Asia's latest trouble spot'. After discussing the viewpoints of India and Pakistan on the dispute, the paper's editorial speculated that 'the quarrel, one of the most potentially dangerous between India and Pakistan since partition, is believed to have partly

influenced President Johnson into putting off the planned visits to Washington of President Ayub and Premier Shastri."<sup>52</sup>

In the same issue S.M. Ali published an article entitled "Kashmiri Crucible". Regarding India's "no-war" offer he wrote: "Nehru once offered her a 'no-war' pact. Pakistan's reaction has been cool primarily because it seems much wiser to secure lasting peace between the two countries by solving outstanding problems than to sign a document which may one day become completely worthless. Why furthermore should Pakistan sign a 'no-war pact' with India when Indian troops remain in occupation of Kashmir which, being a disputed territory, is legally as much Pakistan's as India's. How can there be a 'no-war pact' when there is an aggression on."<sup>53</sup>

The same issue had another article entitled "Confrontation on the Kutch" by Dilip Mukerjee of Calcutta. He wrote that Rawalpindi had gained new assurance and manoeuvrability, both militarily and politically, by making its peace with Peking. He then discussed four different approaches to solve India's border problems. Firstly, *The Times of India*, in an editorial on 20 April called for "Comprehensive assessment of India's relationship with Pakistan". It suggested that New Delhi's capacity to promote unity "would be strengthened rather than weakened if the deadlock on the Sino-India border dispute is broken. *The Statesman* and *The Hindustan Times* took the opposite view by emphasizing the need for a common approach within the subcontinent to the problems posed for Asia by Chinese expansionism. The third view was expressed on May 3 in an article by Frank Moraes, Chief Editor of *The Indian Express*. He pleaded for jettisoning non-alignment in order to forge closer ties with the USSR whose involvement in Asia was pictured as greater than that of Britain or the US. For a newspaper which generally adopted a strong anti-Communist line, there was indeed a remarkable policy shift. The fourth view was expounded by Jayaprakash Narayan. It urged striving for peace and friendship by making territorial concessions to both China and Pakistan, especially to the latter.

*Far Eastern Economic Review* in its issue of June, 3, 1965, reported what Bhutto said in Karachi on 9 May: "We have to

act now with cold determination to put an end to India's neocolonialist usurpation and tyranny."

### Iran

*Dawn's* correspondent Nasim Ahmed reported from Teheran on April 29, 1965: In exclusive interviews given to this correspondent Iran's Prime Minister Amiy Abbas Hoveyda told me that Iran favoured the solution of Rann of Kutch and other Indo-Pakistan disputes in the "best interests of Pakistan". Her Foreign Minister Abbas Aram declared in unmistakable terms that Iran would help Pakistan to its best. He emphasized that the three "brother countries" in RCD—Turkey, Iran and Pakistan—must stand by each other in all trials. Describing Pakistan as a "true friend and great ally", Aram said that "Pakistan can rely on Iran's support". He stated that this applied not only to the Rann of Kutch conflict but also to Kashmir and other disputes between India and Pakistan.

The Rann of Kutch conflict had been commanding headlines in the Iranian Press over the past week. The attitude of newspapers and political circles in Teheran was generally sympathetic to Pakistan and reflected the views expressed by Premier Hoveyda and Foreign Minister Aram.<sup>65</sup>

### Switzerland

J. Mayca, Foreign Editor of the *Bund* of Switzerland commented on Prime Minister's statement. Shastri had said that Pakistani attack in the Rann of Kutch had all the appearance of having been decided upon in agreement with Peking, especially as it had been launched soon after the Chinese delegation's visit to Karachi. The paper observed: "As a matter of fact, the suspicion is not far fetched as China is bound to be interested in the Indo-Pakistan dispute over Kashmir becoming worse and leaving either participant weakened."<sup>66</sup>

Another Swiss paper, *L Suisse*, published an article by its Foreign Editor, Mark Heyd. It stated: "With the tacit support of Peking, Ayub Khan is, perhaps, contemplating the big coup against an India economically enfeebled on the one hand and militarily threatened by China on her northern frontier".<sup>67</sup>

## France

*Le Croix* of France said: "Indians rightly feel that the Kutch affair could be a pretext for other attacks elsewhere and other aggressions, may be by Chinese."<sup>59</sup>

## Canada

Canada's *Times Journal* remarked: "Pakistan has a new friend in China and the Chinese in their present militant and belligerent mood are undoubtedly pleased to make use of any opportunity to embarrass India. Pakistan and China have embarked on a joint scheme to spread Indian forces as wide as possible as a prelude to a combined attack on Kashmir".<sup>60</sup>

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11. *The Times of India*, New Delhi, 8 May, 1965.
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17. P. 31.
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21. P. 377.
22. *The Times of India*, April 12, 1965, under the heading "India's Request for F-5 Fighters".
23. *The Statesman*, 30-4-1965, Political Commentary—Cabinet comes back to life for Kutch crisis, by Inder Malhotra.
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25. *Ibid*, 26-4-1965.

26. *The Hindu*, Madras, 2-5-1965.
27. *Indian Information*, June 15, 1965.
28. *The Indian Express*, New Delhi, 1-5-1965.
29. *The Statesman*, New Delhi, 29-4-1965.
30. *Indian Information*, June 15, 1965.
31. *Dawn*, reported on 14-5-1965 that "the State Department has not backed Indian charges that Pakistani forces had used US tanks".
32. *The Bharat Jyoti*, 9-5-1965.
33. *The Washington Post* said on October 18, 1968, that the United States was trying to help Pakistan buy 200 American-built Patton tanks abroad to bolster its defences against India. The U.S. barred direct shipments of American weapons to both India and Pakistan when the Kashmir war broke out in August 1965. Earlier this year the U.S. raised no objection to Italian sales to Pakistan of American supplied Patton tanks. But Italy, as well as Belgium, Iran and West Germany, who also have stocks of these tanks had reportedly not yet sold them to Pakistan for their own personal consideration. The *Post* said U.S. Ambassador to Pakistan Benjamin H. Oehlert had been urging the sale of the Patton tanks by other countries. The *Post* stated that since India was receiving tanks from Russia, it was felt in Washington that the U.S. had an obligation to restore the balance. Ambassador Oehlert argued that Russia or China would help Pakistan to re-arm if the U.S. did not. [Reuter, Washington, October 18; *The Hindustan Times*, 19-10-1968, p. 16, col. 3].
34. T.V. Parashuram in *The Indian Express*, New Delhi, 13-4-1965, under the heading, "U.S. sees with Pak bias".
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44. *Dawn*, Karachi, 5-5-1965.
45. *The Hindustan Times*, 18-4-1965; *Patriot*, 18-4-1965.
46. *Indian Information*, June 15, 1965, p. 316.
47. *New Statesman*, 30-4-1965; *Indian Information*, June 15, 1965, p. 316.
48. *Indian Information*, June 15, 1965, p. 317.
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57. *Ibid*.
58. *Ibid*, 316.
59. *Ibid*.

## Conclusion

India's literal acceptance of the award of the Tribunal was motivated by a strong desire to win Pakistan's friendship. In this object India is not going to succeed. Pakistan has rarely honoured its commitments and agreements made with this country. At the time of partition it was agreed that minorities on each side would remain in their homes as full citizens. Pakistan attached no importance to it. The non-Muslims in West Pakistan were afforded no security of person and property. They were either destroyed or driven out. On the contrary the Government of India strained every nerve to fulfil its obligations with regard to the Muslim population. The Hindus in East Pakistan are living as pariahs in a perpetual state of fear and terror. After the Kashmir War of 1947-48, Pakistan did not implement the condition laid down by the U.N. Commission that the Pakistan forces in Pakistan—occupied Kashmir should be disarmed and disbanded. Despite several agreements Pakistan has been constantly creating troubles on the East Pakistan—India border. Pakistan's record in regard to Kashmir ceasefire line is one of wanton and persistent violation. Its armed attack in the Rann of Kutch constituted the most flagrant violation of the Ground Rules under the 1960 agreement. The Kutch ceasefire agreement of June 30, 1965 was completely ignored when Pakistan invaded Jammu and Kashmir only one month later. The Tashkent agreement was never honoured either in letter or in spirit.

Pakistan had several objects in invading the Rann of Kutch. One was to find out the military preparedness of India and the other was to see the determination of its political leadership. Before launching a full-scale assault in Jammu and Kashmir, Ayub considered it necessary to try his new weapons and the fidelity of his friends. In a word it was a rehearsal in Kutch. *Dawn of Karachi* on April 29, 1965 said : "The morale of the Indian troops in occupied Kashmir was lowest as they have been suffering heavy casualties during

encounters with Azad Kashmir Mujahids.....Military training was being imparted in all schools and colleges in Azad Kashmir. Very soon every able-bodied person would be fully trained in the handling of arms."

Pakistan had the full diplomatic support of the Western bloc as well as the tacit help of Russia. It was on the lookout for a co-partner in actual fighting against India. The 1962 war on India by China showed the way. Pakistan immediately started drifting into the Chinese camp. By 1965 Pakistan had such close alliance with China that it considered itself in an impregnable position to have a trial of strength with India on the Kashmir front.

To a certain extent the Government of India was also responsible for strengthening the impression of its being weak and feeble. Externally, its policy of non-alignment left India friendless in the international field. Internally, it had neglected the barren and unproductive border regions. Aksai Chin was ignored for its dust and desolation, and the Rann of Kutch for being bare and bleak. China seized the former and Pakistan penetrated into the latter. Similarly Kachchathivu and Narcondam were declared by Government as being uninhabited, cactus-grown islands. The former is claimed by Ceylon while the latter is coveted by Burma. Susta is sought by Nepal.

India did not entrust the control of the borders either to the Ministry of Defence or to some other suitable organisation directly under the Centre. Swaran Singh, Minister for External Affairs, stated in Parliament on March 3, 1965 that "while the defence of the border was the responsibility of the Centre, its patrolling was left to the State Government as an administrative measure"<sup>1</sup>. India's two principal neighbours have placed on their side of the border forces which are thinly disguised sections of their respective armies. China describes its border troops as "Frontier Guards". Pakistan calls them Sind Rangers on the Kutch border and by other equally euphemistic names in other sectors. Besides their military character, the Chinese and Pakistani forces are also excessively trigger happy.

On the other hand, on our side of the border, we did not have even the best of our police force. At times such men and officers as had failed in normal police duties elsewhere were



sent off to serve their time on the border. In certain sectors the border force was the last refuge for unwanted policemen or a punishment posting for the disagreeable among them. On April 26, 1965, Prime Minister Lal Bahadur Shastri admitted in Lok Sabha that a police officer who was found wanting in Assam had been entrusted with the defence of Kutch border with the result that Pakistan laid an 18-mile-long road one to one and a half miles inside Indian territory unnoticed. The border police also lacked direction. There were too many fingers in this pie. The Central Ministry of Home, the Army authorities and the State Governments had a say in its functioning. The border police naturally suffered from conflicting loyalties and diverse pulls and pressures.

When Indian territory is either attacked or occupied forcibly either by China or Pakistan, the Government of India only sends a note of protest<sup>1</sup>. The protest note should follow after having thrown back the enemy from Indian territory. When U-2 spy planes of the United States, operating from their base at Peshawar were captured in Russia, Khrushchev told Pakistan Ambassador that in case of repetition Peshawar would disappear from the world map. The U-2 flights immediately came to an end.

In view of 1956 experience in Chhish Bet, the Government should have foreseen the possibility of Pakistan creating trouble there. It should have developed road communications to defend the area adequately. From Government's own sequence of events, it would be clear that trouble had started in May 1964. In January 1965, Pakistani intrusions had been noticed. On February 17 Kanjarkot was found deserted. It was in March that Pakistan occupied the Kutch border areas, and until April the Government of India had done nothing.

After bitter experience of having taken the Kashmir question to the United Nations which patted the aggressor and bullied the aggrieved, it was wrong to have made our territorial integrity in Kutch subject to arbitration. International tribunals seldom act as law courts. They decide cases more on political considerations than on legal grounds. Lawful borders of a country are always defended by the sons of the soil and never arbitrated by foreigners.

Prime Minister Lal Bahadur Shastri made the mistake of empowering the tribunal "for determination of the border"

instead of only demarcating it. The word 'determination' authorised the tribunal to draw altogether a new boundary line. Further the last section of the agreement provided that the decision of the tribunal would be binding on both Governments, and that it shall not be questioned on any ground whatsoever. Thereby the Government of India relinquished its right of appeal granted to contesting parties under arbitration by the Hague Court. The arbitration proposals accepted by India under Swaran Singh—Sheikh agreements of 1959 and 1960 had lost their validity when Pakistan attacked India in 1965 first in Kutch and then in Kashmir. The Government of India would have been perfectly justified in abrogating both these agreements.

While Pakistan lays claims to large areas of India in Kashmir, Kutch, Assam and Bengal, India does not seek any territory from Pakistan, not even our own lands forcibly occupied by Pakistan. In such a case there will be no end to Pakistani claims. India should make counter-claims for Pakistani territory, and should support her claims with military force. Only then can India maintain her integrity. If India had laid claim to Thar Parkar in Sind, Dhara Banni and Chhad Bet might not have been lost. It is possible that some area of Thar Parkar would have been awarded to India.

Our political retreats before China and Pakistan in particular and other countries in general are creating an impression that India is fast becoming the sick man of Asia to be kicked around by all and sundry.

In the field of publicity we were far behind Pakistan. Towards the end of March 1965 the Pakistan Embassy in Washington in a press release circulated a map of the Indian sub-continent, under the title "India before Independence and after Partition". In this map a large part of the Kathiawar Peninsula was shown as Pakistan territory. Pakistan-occupied Kashmir was depicted as proper Pakistan area, all coloured green. Jammu and Kashmir to the east of the ceasefire line was shown in lighter green colour designated as "disputed" territory<sup>3</sup>. On April 22, 1965 Pakistan brought out another map at Karachi. It showed Kanjarkot as Pakistani territory and the northern half of the Rann of Kutch as disputed territory. Copies of the map were circulated by the Pakistan Foreign Office among diplomatic

missions in Karachi. Pakistani newspapers published the map<sup>4</sup>.

Pakistan prepared false films depicting India as the aggressor and sent them for publicity in foreign countries. Only one example is given here for want of space

### FILM OF EVICTION

*Dawn*, Karachi, 24.4.1965. From S.M. Ali

Hong Kong, April 23

Last night thousands of television viewers in Hong Kong saw a documentary film showing large groups of Muslim refugees crossing into East Pakistan from West Bengal following Indian armed attack on East Pakistan border. This was followed by another short film, shot during the actual fighting on East Pakistan border, which showed the capture of an Indian soldier by Pakistani soldiers inside Pakistan territory. Both the films obtained by Hong Kong Rediffusion Television Company from the Pakistan Government were screened during the main newscast last night. This is the first time that India's aggression against Pakistan and the plight of the refugees fleeing India have received due publicity from the British-owned television network of Hong Kong.

N.C. Chatterjee, M.P., referring to Pakistani propaganda and periodical Press releases said at Calcutta on May 31, 1965 that they were "particularly damaging India, her honour and integrity". He stated that the Pakistan High Commission in India had been making persistent efforts to put forward their case forcefully. Its statements with regard to Kutch were well-written from Pakistani point of view. It had done its best to "tarnish India and to damage her case in an adroit manner". It must be admitted that Pakistani propaganda had been successful in Asia, Africa and Europe, he added. In his opinion this was largely due to the "lamentable lapse on the part of the Indian Government and its chancelleries abroad in putting forward India's case in proper perspective". Chatterjee suggested that proper attempts should be made by the Government of India to educate the world as to the correct facts in respect of her relations with Pakistan and India's image should be restored in the international field<sup>5</sup>.

In comparison with Pakistani publicity, India's perfor-

mance was ridiculous, inefficient and indecisive. Here no one seemed to have any clear idea as to what was necessary and where, when and how. In the Government there were many publicity departments. There was one for the External Affairs Ministry, another for the Defence Ministry, and a third for all the other Ministries. But the heads of these departments did not know the Government's mind, and they did not receive any policy guidance from anyone. Nobody knew what the purpose of publicity was. With regard to the fighting in Kutch, it was for the Central Cabinet, not the department of publicity, to decide from the beginning how the question had to be handled. Should the fighting be shown to the size of a major war? Should it be regarded as just another border intrusion, or should it be treated as something which was neither a major war nor a minor skirmish? The elaborate preparations made by the publicity departments in the beginning by way of Press advising, Press briefings, and daily statements on the progress of the fighting gave an idea that a major war was in progress. Suddenly, after a week, everything came to a stop<sup>6</sup>.

Partly the blame for India's failure to get a "good press" in Britain could be laid at the door of New Delhi's public relations machinery. The Pakistanis stole a march over India by taking Western correspondents to the scene of hostilities by helicopter. The fall of Biar Bet was conceded officially in New Delhi long after the British information media had published eye-witness reports from their correspondents in Karachi who had flown over the tiny indefensible mudheap island.

New Delhi constantly plugged the line that during the period of British rule the Rann undisputedly belonged to the Maharao of Kutch, but for nearly three weeks no maps were despatched to Indian missions abroad to establish the fact.

Even a little fighting deeply disturbed the equanimity of our political leaders. Under the heading "Pakistan's target is Indian Minds" by Prem Bhatia, *The Indian Express*, New Delhi, on April 28, 1965 was highly critical about the political stamina of our topmost leaders. It said: "Two days ago the newspapers in Delhi carried on their front page a photograph taken at Palam airport on the Prime Minister's return to the capital from Kathmandu. Mr. Lal Bahadur Shastri

was shown in the company of senior colleagues in the Cabinet obviously discussing the situation on the Kutch border. A more depressing picture has not been seen in the Indian Press for a long time, certainly not since the death of Mr. Nehru ..... But a funeral look is not necessary to convey to the public a sense of heavy responsibility. Ministerial reaction to the situation...has an immediate effect on the public mind."

Sometimes our heads of diplomatic missions abroad did not behave boldly. On June 11, 1965 the Indian High Commission in Ottawa, Canada, inserted a four page advertisement in the *Ottawa Citizen* at a cost of 2,000 dollars in foreign exchange. It contained nothing new. There were statements which had often been published in Pakistan and India, and in many other parts of the world. It contained no vilification of Pakistan or its leaders. When Ayub and Bhutto visited Ottawa, Pakistan used Canada's press for defaming India and her leaders. There was no tit for tat here, though the advertisement appeared on the occasion of Prime Minister Shastri's visit to Canada. It contained a pre-independence map of India on two pages. The first page was headlined "Pakistan's aggression in the Rann of Kutch". The last page said: "Pakistan's invasion of the Rann of Kutch in brigade strength is an act of naked aggression against India". It stated the recent clashes in West Pakistan—India border area "are the latest in the series of incidents which Pakistan has chosen to indulge in".

Like all parties which have a weak case and fear truth and facts, Pakistan High Commissioner, Sultan Mohammed Khan, expressed great indignation at it. He demanded that the Indian "Prime Minister ought to apologise" for its publication. He complained to Paul Martin, Canadian Minister for External Affairs: "I take strong exception to this and I am certainly going to report to my Government", he said. Pakistan had an agent in a Canadian newsman. At Shastri's press conference he expressed the Pakistani view and concern about marring the happy occasion of Prime Minister's visit. The Editor of the newspaper in which the advertisement appeared, had this to say about the issue the following day in his personal column: "What was unusual about the Indian advertisement in yesterday's *Citizen* was the bitter attack on a Government friendly to Canada, timed just before a conference when the heads of

all three Governments (the Commonwealth Prime Ministers' conference) are to sit down and discuss the pacification of the world among other lesser problems".

After originally accepting the invitation to attend a lunch by Shastri in honour of Canadian Prime Minister Pearson, the Pakistan High Commissioner later regretted his inability to be present in spite of the fact that Indian High Commissioner, B.K. Acharya, publicly denied authorising the advertisement on Kutch.<sup>8</sup>

*In the end it may be pointed out that for all times India and Pakistan cannot live as enemies. There is no escape from the reality that the two countries must eventually come to live peacefully together. The surest and the quickest way to achieve that end is to build our relations on absolute reciprocity. Pakistan will then understand us better and try to do to us as she would wish to be done by. India must drive out the notion from Pakistani mind that this country lacks either the will or the capacity to respond effectively to any aggressive move made by it. Appeasement has never paid anywhere in the world. The policy that we have pursued for twenty-two years has not produced any beneficial results. Our anxiety to win Pakistan's friendship has failed to normalise relations between the two countries. Even if a number of Kashmirs and Kutchs were given away to Pakistan, India-Pakistan friendship would remain as distant as it is today. The celebrated Iranian poet, Sheikh Sadi has said:*

*"Goend dushman bamulatfat dost nagardad balkeh tama dushmani ziyada kunad."*<sup>9</sup>

*[It is said that an enemy does not become a friend by appeasement, but his spirit of hostility grows greater.]*

Another fact to be borne in mind is that we can take nobody's goodwill for granted. Our best safeguard is to build up by increasing sacrifice and effort, a spirit of self-reliance. This will enable us to depend more and more for our security on our own strength. In all spheres, at all levels, and on all fronts, the habit of self-reliance needs to be stimulated. Further, resort to aggression and its easy condonation by world powers is unfortunately generating a spirit of cynicism which in the long run must undermine or may destroy respect for the rule of law. In that event there is still greater need for self-dependence.

*Sources and Notes*

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2. India's weak foreign and defence policy is having its repercussions elsewhere also. To give only one example, the Indian population in Guyana is now more than 50 per cent. The Muslims of Guyana, Surinam and Trinidad came from India and not from Pakistan. In Surinam up to 1962 before the Indian defeat by China, there was no Pakistani flag. A Hindu temple exists almost in every village, and so does a mosque where there is a Muslim population. The Hindu flag on temples was replaced by the Indian national flag. The Muslims immediately put up a Pakistani flag on every mosque. (Pandit Usharbudh, Assistant Professor of Sanskrit, University of Minnesota, USA, in *Organiser*, January 26, 1958, p. 12.)
3. *The Century*, New Delhi, March 27, 1965, p. 6.
4. *The Times of India* News Service, Karachi, April 22, 1965.
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8. Reuter, Ottawa, June 12, 1965; *The Hindustan Times*, New Delhi, 13.6.1965.
9. *Gullistan*, Persian text, p. 272.

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