

THE AGONY OF

by Muhammad
Zafrulla Khan

PAKISTAN

© MUHAMMAD ZAFRULLA KHAN

ERRATA

Foreword, para 3, line 2, delete "to".

Page 53, para 2, line 5, for "hold" read "held".

Pages 128-129: The paragraphs beginning: "On 13 February" and ending "all along been doing" should be transposed to page 130 and inserted before the last paragraph of that page.

Page 156, line 13, for "Holy the Quran" read "the Holy Quran".

Page 186, line 11, for "Tuesdays" read "Mondays".

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THE AGONY OF PAKISTAN

MUHAMMAD ZAFRULLA KHAN 1974

FOREWORD

In this "series of pensees", as a sympathetic critic who read the manuscript has described this booklet, the author has striven scrupulously to keep his own thinking in the background, except towards the end. The historial parts are presented objectively and are almost entirely documented from sources which could scarcely be characterised as sympathetic towards the concept of Pakistan. The author's purpose in those parts has been to sketch out some aspects of the struggle for and some of the travail accompanying the process of the achievement of Pakistan which have so far not been brought together in perspective.

The Great Divide, by H. V. Hodson and *Mission with Mountbatten* by Alan Campbell Johnson are almost autobiographical of Lord Mountbatten. Mr. Hodson undertook his great effort at the suggestion and through the encouragement of Lord Mountbatten. Mr. Johnson had been Lord Mountbatten's Press officer over a number of years.

Professor Rushbrooke Williams is the only one of the Western authors to who has written objectively without bias in his *East Pakistan Tragedy*.

Sir Penderel Moon's *Divide and Quit* sheds helpful light on some aspects of a subject which had so far continued obscure, namely, the last minute change in Partition Award which occasioned serious prejudice to Pakistan.

Looking Back, by Mr Justice Mehr Chand Mahajan, and a couple of other works by Indian authors could not be expected to be completely objective but cannot be possibly suspected of a bias in favour of Pakistan.

Muhammad Ali's *Emergence of Pakistan*, on the other hand constitutes a valuable historical survey which deals with the title theme in a masterly manner and coming from the pen of a devoted Pakistani Civil Servant, administrator and politician of long and varied experience fills a noticeable gap in the treatment of the title theme.

The author himself accepts complete responsibility for the concluding portions of this "series of pensees".

All references, unless otherwise indicated, are from the Holy Quran.

The manuscript was completed in November 1972 and speaks as of that date. The reader will find it helpful to keep that in mind.

London
November, 1973

ZAFRULLA KHAN

I

Beginning with the twelfth century of the Christian era progressively expanding areas of the Indian sub-continent came under Muslim rule, which was consolidated under the Moghul Emperors (1526–1857). A decline set in towards the close of the eighteenth century, and the last Moghul Emperor (who had been reduced to a mere symbol and exercised little authority) was banished into ignominious exile in 1857. He ended his days in obscure humiliation in Rangoon.

With the weakening of the Imperial authority the fortunes of the Muslims in India also suffered a continuous decline. In British eyes the main responsibility for the Sepoy Mutiny of 1857, since exalted into the Great War of Indian Independence, rested on Muslim shoulders, though in fact they had taken little part in it. During the remaining four decades of the century the non-Muslims basked in the warmth of British favour while the Muslims were accounted a disaffected, rebellious minority and received no better than step-motherly treatment at the hands of the British authorities.

Everything appears to have combined to induce in the minds of the Muslims an attitude of apathy and lethargy. Their divines helped to intensify this by their persistent preaching of hatred of the British and all their works. Contact with British officials and entry into educational institutions established by the Government were largely shunned. The learning of English was held to be tantamount to apostacy from the faith. The Muslims turned their backs on everything and chose just to sulk in their tents.

This augured ill. Indeed it spelled ruin in the long run. Sir

Syed Ahmad Khan was the first who, perceiving the dangers of the suicidal course upon which the Muslims at large were bent, braved the wrath of the orthodox divines and began the uphill task of persuading Muslims to have recourse to modern methods of education. He devoted himself towards establishing a first-class institution which, while providing adequate courses in all current subjects of study became a rallying point for the rising generation in respect of Muslim cultural values. The foundation was thus laid of the future Muslim University of Aligarh (1875).

Sir Syed Ahmad Khan succeeded in gathering around him a band of dedicated intellectuals like Mohsinul Mulk, Viqarul Mulk, Maulana Shibli, Altaf Husain Hali and others who rendered yeoman service to the cause that Sir Syed had so much at heart. He received a generous and enthusiastic response from the people of the Punjab in support of the College he had established at Aligarh.

Two of the early Principals of the College who made a valuable contribution towards fostering among the students a consciousness of *esprit de corps* and eager loyalty to their cultural values were Mr. Theodore Beck and Mr. (later Sir) Thomas Arnold. Their students always cherished affectionate memories of their association with them. Sir Thomas Arnold's *Preaching of Islam* is highly esteemed by orientalists.

In his speeches and writings Sir Syed stressed that the two main cultures of the sub-continent, Muslim and Hindu, had run parallel to each other for eight centuries, and had naturally not failed to act and react upon each other to some degree. But there had been no large-scale mixing and certainly no fusion producing an amalgam. One reason was that each derived from religion and between the two religions there was no meeting point. The result, according to Sir Syed, was that the Muslims and Hindus constituted two nations rather than two communities.

The smaller communities of Christians, Sikhs and Parsis, especially the two last, tended to coalesce on political issues with the majority. The Christians retained a measure

of independence, but they did not develop any distinctive culture. Thus the over-all political division, based on the respective cultural values, was between Muslims and non-Muslims.

The All-India Congress was organized in the eighties of the nineteenth century under the stimulus furnished by Mr. Hume, an English gentleman whose interest was centered in social values. Mr. Attlee, then Prime Minister of the United Kingdom, while speaking on the Indian Independence Bill in the House of Commons on 10 July 1947, observed: '...just as India owes her unity and freedom from external aggression to the British, so the Indian National Congress itself was founded and inspired by men of our own race...'. It inevitably soon assumed a political complexion. It always had a sprinkling of Muslim membership but has throughout been a mouthpiece and instrument of Hindu objectives and policies. By the turn of the century it had acquired considerable political importance, and thereafter it rapidly increased its influence and strength. The Viceroyalty of Lord Curzon instilled a degree of impetus into political thinking in India which augmented the prestige of the Congress and the esteem which began to be accorded to it among the small circle of politically conscious Indians.

The elective system of representation was introduced at the Municipal level during the Viceroyalty of Lord Ripon (1880-4). It was also tried to some degree in other public or semi-public institutions. Paradoxically, it revealed its unsuitability in respect of the conditions prevailing in India where group consciousness and group loyalty took precedence over any national sentiment. With rare, negligible exceptions Muslim experience of elections was that in a constituency in which non-Muslim voters were even slightly in the majority no Muslim had a chance of being elected. Their very vulnerable economic plight also laid them open to exploitation. This reduced the elective system to a mockery, so far as the representation of Muslim interests was concerned. The Muslims viewed the further

extension of the system with misgivings and began to cast about for some method of safeguarding their political and cultural interests in the changing conditions that loomed ahead.

This resulted in the establishment in 1906 of the All India Muslim League, through the efforts of His Highness the Aga Khan, the Rt. Hon. Syed Amir Ali, Nawab Salimullah Khan of Dacca and others. A deputation of Muslim leaders waited on the Viceroy Lord Minto (1905-10) and formulated a set of proposals designed to safeguard Muslim interests, chief among these being representation of Muslims on elected bodies through separate electorates. This device was put into effect in the Morley-Minto scheme of constitutional reforms and continued to be a feature of the Indian constitutional pattern till Independence.

The Muslim League became the main political organization of the Muslims of India and for a number of years confined itself to playing a constructive moderate role in safeguarding Muslim interests. For a time it was put into the shade by the Khilafat Movement and later it suffered from the rivalry of the All Parties Muslim Conference, but was revived and invigorated under the leadership of Mr. Jinnah from the late thirties onwards till it was acknowledged as the sole political representative of the Muslims.

Each stage in the constitutional advancement of India intensified the differences between Muslims and non-Muslims and widened the gulf between them. In this context it needs to be remembered that the juxtaposition in this struggle was between Muslim and Hindu. The gravitational pull of the overwhelming majority drew the smaller minorities, Christians, Sikhs, Parsis, etc., into its orbit as its obedient, though in some cases reluctant, satellites.

The gulf that divided Muslim and Hindu was cultural and was in its essence unbridgeable. Each derived its *raison d'être* from religion, and though some contacts had developed through the centuries between the adherents of the two systems these were slight and peripheral, being

mainly remnants carried with them by Hindu converts to Islam which tended to be toned down with the passage of time, rather than to serve as potential bridgeheads.

Muslim culture *vis-à-vis* Hindu may be described as open. Hindu culture is not only closed it is double-locked against Muslims. The caste system divides orthodox Hindu society into rigid compartments, yet the compartments have a peculiar communications system puzzling to and incomprehensible by the outsider. Despite the rigid divisions all castes are comprised within the fold of Hinduism. Even the untouchables, the lowest in the scale, euphemistically described as the scheduled castes, regard themselves, despite severe handicaps to which they are subject, as an integral part of Hindu society.

The Sikhs are considered first cousins by the northern India Hindu for social purposes, though the former do not so regard themselves. They are a well-organized community. Yet among urban Sikhs there are a large number of families some of whose members are Sikhs and some Hindus all professing and practising common cultural values.

The Parsis, Zoroastrians by faith, are a well-knit religious and cultural group and occupy a respected and influential position in the industrial and commercial sectors of Indian economy. Their number is small but their position in India is somewhat analogous to that of Jews in the United Kingdom.

The Christians no longer enjoy the reflected prestige that they fancied was attracted to them by virtue of their being co-religionists of the ruler during the British regime. Since Independence they have sought to identify themselves more and more with the majority, at least in their political outlook, and the ecumenical movement inside the Church has enabled them to win through to a strong autonomous position in the hierarchy. This is far more noticeable among the Roman Catholics than among the Anglicans. They have consolidated and strengthened their position in every respect both in Pakistan and in India, though with regard to

their missionary activities and the prospects of future growth they feel happier in Pakistan than in India. They are in a strong position politically in Kerala, the southernmost State of India where their numbers are substantial. There they form the spearhead of communism and have on two or three occasions been able to form and run the Provincial government for short periods in coalition with some other group.

To revert to the Muslim-Hindu juxtaposition in undivided India the approach of self-government made each community wary and apprehensive with regard to the future. It is easy to comprehend the grounds of Muslim fear. At the turn of the century the only Province which had a small Muslim majority in its population was the Punjab. The North West Frontier and Baluchistan were centrally administered areas and Sind was part of the Bombay Presidency. In Bengal the Muslims were in a minority, though approaching parity with the Hindus. In the other Provinces they were a minority. As compared with the caste Hindus they were backward in education and in consequence had a meagre representation in the administration and little share in commerce and industry, which were monopolized by the British and non-Muslims. The Muslims of the North West (including the Punjab) had a sizeable share in the armed forces on account of their strong physique and good fighting qualities; but all commissioned officers were British. Thus to the Muslim the prospect of a self-governing India meant perpetual Hindu domination and Muslim subservience with all the adverse consequences that might flow therefrom.

Was there any basis for Hindu apprehensions? The only apprehension the Hindu entertained concerning Bengal was that the proportion of the Muslims in the population was rising slowly but steadily. The Hindus of Bengal, however, attached little importance to this as they were in complete control of everything in the Province and did not visualize any change in this situation in the foreseeable future. Lord Curzon's partition of Bengal which set up the new Province

of East Bengal and Assam with its capital at Dacca did afford a breathing spell to the Muslims who were in a substantial majority in the Province but the measure aroused such violent and persistent opposition on the part of the Hindus of Bengal that it was annulled in 1911.

Apart from the Muslim-Hindu juxtaposition Bengal has always posed a problem for the rest of India. So it was before the arrival of the British so it was under the British and so it is today.

Lord Macaulay lived in Calcutta for a period. His description of the mind and character of the Bengali Hindu is undoubtedly a gross caricature but to have put it forward seriously and publicly he must have been provoked beyond endurance. He says:

‘What the Italian is to the Englishman, what the Hindoo is to the Italian, what the Bengalee is to other Hindoos, that was Nuncomar to other Bengalees. The physical organization of the Bengalee is feeble even to effeminacy. He lives in a constant vapour bath. His pursuits are sedentary, his limbs delicate, his movements languid. During many ages he has been trampled upon by men of bolder and more hardy breeds. Courage, independence, veracity, are qualities to which his constitution and his situation are equally unfavourable. His mind bears a singular analogy to his body. It is weak even to helplessness, for purposes of manly resistance; but its suppleness and its tact move the children of sterner climates to admiration not unmingled with contempt. All those arts which are the natural defence of the weak, are more familiar to this subtle race than to the Ionian of the times of Juvenal, or to the Jew of the dark ages. What the horns are to the buffalo, what the paw is to the tiger, what the sting is to the bee, what beauty, according to the old Greek song, is to woman, deceit is to the Bengalee. Large promises, smooth excuses, elaborate tissues of circumstantial falsehood, chicanery, perjury, forgery, are the weapons, offensive and defensive, of the people of the Lower Ganges.’ (Macaulay, *Essay on Warren Hastings*.)

The only anxiety of the Bengali was that his Muslim vassals should not be placed beyond the reach of his exploitation. This anxiety was not acute as there appeared little likelihood of this ever happening.

The main factor inspiring Hindu apprehension had a historical and geographical backdrop. Northern India had through four and a half centuries suffered from repeated invasions of Central Asian Muslim Chieftains till in the middle of the sixteenth century the strong central administration of the Moghul Emperors brought respite which lasted for a couple of centuries. By the time the Moghul empire entered upon its decline more than a quarter of the population of Northern India had passed into the fold of Islam and this process of cultural shift which offered a challenge to Hindu culture continued uninterrupted under the British. Gradually but inexorably it expanded over the whole of India, in varying degrees of intensity.

The central pillar of Hindu polity, therefore, was to contain this advancing tide and, where possible, to reverse it. It was feared that the Indian North West was but the spearhead of the inundation, the thrust behind which was furnished by Afghanistan, Iran and Turkey. Lala Lajpat Rai (a Hindu leader of the Punjab) in a letter addressed to Mr. C. R. Das (well-known Hindu leader of Bengal) in the late twenties observed: 'I am not afraid of the seven crores of Musalmans. But I think the seven crores in Hindustan plus the armed hosts of Afghanistan, Central Asia, Arabia, Mesopotamia and Turkey will be irresistible.' (*Foundations of Pakistan*, Vol. II, p. 336, by Syed Sharifuddin Pirzada.)

The Indus valley was the heart of ancient Bharat. Indeed the river and the valley bestowed its best known name upon the sub-continent: India; and, ironically, the valley of the Indus had become a Muslim citadel. This was a phenomenon the contemplation of which was anguish to the soul of the Northern India Hindu. His only solace was that the strength of the Muslim was in numbers alone, and that in every other respect the Hindu occupied a position of dominance in the greater part even of the North West. Commerce, industry, banking, money-lending, education were all largely under the control of the non-Muslim and the Muslim, struggle and strive as he might, could gain no firm foothold in any of these. In agriculture alone there

could be a chance of his holding his own against the non-Muslim provided he could be shielded against the rapacity of the village money-lender, invariably a Hindu. As late as 1901, the Punjab Land Alienation Act provided that agricultural land could not be transferred by an agriculturist to a non-agriculturist, nor could it be seized in execution of a court decree. This was a purely economic measure designed to safeguard all agriculturists (Muslim and non-Muslim) against the depredations of the money-lender. Yet it became a major factor of contention between Muslims and non-Muslims in the Province.

The University of the Punjab and its affiliated institutions were under non-Muslim control and were exploited largely for the benefit of non-Muslims. This imposed a double handicap upon the Muslims and with the passage of time the handicap tended to become progressively severer. It was not till the twenties of the century that a degree of Provincial autonomy introduced under the Montague-Chelmsford scheme of constitutional reforms afforded some relief to the Muslim. Under that system the first Education Minister in the Punjab, Sir Fazl-i-Husain (1921-26), carried through certain administrative measures that guaranteed 40 per cent admissions to Muslim students in the principal educational, technical and professional institutions maintained by the government. Considering that by then the Muslim proportion in the population of the Punjab was 55 per cent this was a very modest measure indeed, and yet it was hotly contested by the non-Muslims at every step.

The most galling experience of the Muslims of Hindu hostility was in the sphere of the administration of justice. It must be said that not all Hindu judicial officers were bigoted in the discharge of their judicial duties. Some of them were models of impartiality. On the other hand not all Muslims were free of that taint. Besides, senior British officials strove, on appeal, to apply a corrective as far as it was open to them to do so. From 1919 onwards, however, the very fountainhead was corrupted progressively over a

period of fifteen years in the Punjab. A very able but highly bigoted Hindu was elevated to the exalted position of Chief Justice of the Lahore High Court, and during his regime a Muslim could not look to the High Court with confidence that justice would be meted out to him. The British and some of the Indian judges adhered faithfully to their oaths of office but they were restricted and circumvented through various devices. The atmosphere in the High Court percolated down to and influenced the conduct of the subordinate judiciary. The Chief Justice controlled the promotion, prospects and careers of the judicial cadre; his favour was a guarantee of security and advancement, his displeasure spelt loss.

The Chief Justice also controlled appointments to the Bench of the High Court. During his tenure of office only such Muslims were elevated to the Bench who could be relied upon to be subservient to his will. On two occasions a Muslim judge was appointed from outside the Province, though there was no lack of able, competent Muslim lawyers in the Province. None of them, however, possessed the qualification that the Chief Justice considered essential.

Lest this should be accounted an overdrawn picture, attention may be drawn to a concrete phenomenon, every detail of which is verifiable from the record, which is even more astounding than the thesis set out above. In January 1927 the Chief Justice procured the appointment to the High Court Bench, as a permanent judge, thus superseding four additional judges, of Mr. Justice Tek Chand, undoubtedly one of the ablest and most capable judges who have adorned the Bench of the Lahore High Court or indeed any other High Court. Mr. Justice Tek Chand's tenure of office extended over a period of seventeen years. During this long term of office he built for himself deliberately and of set purpose a brilliant record unmatched in the annals of the Lahore High Court or the High Court of any civilized State. This record discloses that during his period of office this honourable judge, sitting alone or in Bench, did not decide *one single case* in favour of a Muslim

when the other party was a non-Muslim; nor did he ever decide a case to which both parties were Muslims in favour of the party that was represented by a Muslim lawyer if the other party was represented by a non-Muslim lawyer. In the latter class of cases certain non-Muslim lawyers would charge Muslim clients enormous fees on the guarantee that the case would be allotted to the Bench presided over by Mr. Justice Tek Chand and would be decided in the client's favour. The guarantee never failed to be fulfilled.

As the time of his retirement from the bench drew near he was faced with a personal problem. At that time a Judge who had retired from the bench of a High Court could not resume practice in the High Court or in any court subordinate to the High Court, nor could he practise before the Federal (Supreme) Court. Mr. Justice Tak Chand mentioned this difficulty to the Muslim Judge on the Supreme Court and asked him to persuade the Chief Justice and his other colleague on the Supreme Court to relax this rule in favour of Mr. Justice Tek Chand. At the instance of the Muslim Judge the Supreme Court abolished this rule so that on retirement from the Bench of the Lahore high Court Mr. Justice Tek Chand was free to take up such work in connection with the Supreme Court as he desired.

His concluding years were summarized by Mr. Justice Mehr Chand Mahajan:

'When I was spending the summer of 1952 in my Upper Dharamsala house I got a pathetic letter from Bakshi Tek Chand in whose house I resided during my school and college life in Lahore and who was not only a leading lawyer but also one of the ablest Judges of the Lahore High Court. He later became a Member of Parliament and as a member of various sub-Committees contributed largely to the making of the Constitution of India. Owing to blood pressure his health had deteriorated. He was now spending his summer in Dalhousie from where he wrote to me saying that whenever he met a friend he thought he would not meet him again. After writing this letter, he got a paralytic stroke. In 1955 his condition became very much worse, and he is confined to his bed in that condition for the last five years. It is very sad to see him in the state of helplessness and misery. That a

person who led a healthy and happy life, who rose to the highest position at the Bar and on the Bench, who served his people to the best of his ability, and whose heart always melted at the misery of his fellow beings, should suffer like this is a mystery which no one can solve.' (*Looking Back*, pp. 207-8.)

The juxtaposition between Muslim and Hindu was at its intensest in the Punjab, but was reflected in the other Provinces in varying degrees.

While the Muslim was anxious to safeguard himself in the constitutional pattern as it might emerge, the Hindu was anxious to reduce the Muslim into a position of subordination and to keep him there.

In the Montague-Chelmsford scheme of reforms (1920) the Provinces were granted a certain degree of autonomy under a system which became known as dyarchy. It worked with varying degrees of success in each Province, the outstanding instance being the Punjab, which marched forward rapidly under the fostering care and guidance of Sir Fazl-i-Husain, whose prolonged tenure of public office, for ten years in the Punjab and for five years at the Centre, left a permanent impress upon the political consciousness of the Muslims. It was due largely to his political acumen, devoted effort and watchful guidance that the Muslim representatives in the Round Table Conferences held in London (1930-2), and in their association with the Joint Select Committee of both Houses of Parliament (1933) led by His Highness the Agha Khan, were able to hold their own. In the scheme that emerged from these discussions and which was embodied in the Government of India Act, 1935, the Muslim position was considerably improved and strengthened as compared with that which had been established under the Government of India Act, 1919. So far as representation in the Provincial legislatures was concerned the greatest advance made by the Muslims was in Bengal. Under the earlier Act they had been able to secure only 40 per cent of the general seats in the Bengal Legislative Council, which, owing to a large number of special seats in that Council of which the Muslims could

not hope to win any, in practice worked out at 28 per cent of the total membership. Under the Act of 1935 the percentage of Muslim seats in the Bengal legislature rose to 48·8 of the total membership.

In the Punjab the Muslims secured a slight overall majority in the Provincial legislature. In the North West Frontier Province and in Sind they had comfortable majorities.

Everyone was now preparing for the final stage of transfer of control at the Centre from British into Indian hands. The Indian National Congress made desperate efforts to justify the national character to which it laid claim in its title, but had little success in the Muslim majority Provinces, though it had a small following in the North West Frontier. On the other hand the Muslim League was being revived under the dynamic leadership of Mr. Jinnah, who had at one time been an ardent Congressman and had served as Secretary-General of the Congress.

One of the safeguards provided in the interest of the minorities in the Act of 1935 was that Provincial Governors, who were to act in accordance with the advice of their Ministers in the administration of their respective Provinces, were invested with special powers to overrule their Ministers when they deemed such intervention was called for in the interest of a minority in the Province. In the Provincial elections of 1937, the first under the Act of 1935, the Congress obtained majorities in the seven non-Muslim majority Provinces, but refused to form ministries under the pretext that they apprehended that the Governors would nullify the responsibility of the ministries to their respective legislatures and destroy the effectiveness of their policies by their intervention on the ground of protecting the interests of the minorities. This brought about a deadlock, which was resolved only when in consequence of *pourparlers* extending over some weeks a gentlemen's agreement was arrived at that the Governors' special power would not be utilized to justify intervention in the day-to-day administration of the Provinces by the ministries. This in

effect meant the nullification of the safeguard by which the Muslims had laid great store, and demonstrated the futility in practice of statutory safeguards.

Having thus secured what amounted to a practical repeal of an irksome provision of the Act, the Congress proceeded to form ministries in the Provinces in which it had secured majorities. The Muslims who were sorely chagrined by their deprivation of a constitutional safeguard expected that the Congress would be willing, indeed would be anxious, to reassure them by inviting the Muslim League to form ministries jointly with the Congress in the Provinces in which the Congress had secured majorities. But Congress would have none of it. All it might consider would be appointing representatives of the Muslim League to Ministerial office provided the individuals selected would subscribe to and sign the Congress Creed. This meant in effect that such individuals would on accepting office cease to owe allegiance to the League and would become members of the Congress. This was utterly unacceptable to the League as it would amount to dissolution of the League in those Provinces and its absorption into the Congress.

One course was still open. The Congress could announce that the special power of the Governors to intervene in the interest of the minorities was an anomaly to which it could not reconcile itself, but that in the Provinces in which Congress ministries were being formed each Chief Minister would charge himself with safeguarding the interests of the minorities and that the Congress would expect the same from the Muslim League ministries that might be formed in other Provinces. If such an announcement had been followed by the minorities being given a fair deal in each Province, the political history of the sub-continent would have followed a very different pattern. The author recalls making a suggestion along these lines to a devoted Muslim congressman thirty years ago. His instant reaction was: 'You are very naïve. You look for fair-dealing and generosity to the Hindu.' Not only was this chance of reconciliation missed but Congress ministries proceeded to

undermine the League through the adoption of every conceivable device and stratagem and Muslims soon began to feel the weight and pressure of Hindu domination through the exercise of political power by the Congress.

The Second World War indirectly procured a breathing space for the Muslims in the Provinces ruled by the Congress. The Governor-General announced the entry of India into the War in support of the Allies. The Congress took umbrage at this on the ground that a decision on so momentous an issue should not have been taken without submitting it to the Central Legislative Assembly. As a protest the Congress Ministries in the Provinces resigned. The Muslims breathed a sigh of relief and celebrated the event by observing the day as Day of Deliverance. Congress rule in the Provinces (1937-9) insured for the Muslim League the total and enthusiastic support of the Muslims of the sub-continent and made the partition of the sub-continent inevitable.

As observed by the author of *The Great Divide*:

‘Between 1935 and 1946, even between 1942 and 1946, much had happened to make the task of holding India together by a national government with Dominion powers much more difficult. The way in which the Congress exploited its electoral success in 1937 was the first blow. Next, the war and all its consequences were a disaster for India’s progress to a united independence. The withdrawal of the Congress from provincial governments, its rejection of the Cripps Offer, and its Quit India campaign, set its cause back by years and gave an immense advantage to its opponents, above all the Muslim League.’ (p. 526.)

On 24 March 1940, the Muslim League in its Session at Lahore, under the Presidency of Mr. Jinnah, adopted a Resolution on the future constitutional structure of India, the crucial paragraph of which ran as follows:

‘Resolved that it is the considered view of this Session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions

which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority, as in the North Western and Eastern zones of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign.'

The resolution was moved by Mr. A. K. Fazlul Haq, Chief Minister of Bengal. The immediate reaction of Congress leaders was one of ridicule. They described it as a demand for the setting up of Pakistan. The word had not been mentioned during the whole course of the discussions in the Session of the League. It had gained a certain degree of currency among Muslim academic circles, and did not in its original concept include Bengal. Congress circles applied it to the Lahore Resolution of the League and it stuck on. The Muslims owe a great deal to the Congress.

In the summer of 1940 Hitler's armour, moving through the Netherlands and Belgium, carried all before it and occupied France. Britain's fall was considered imminent. Even the Congress leadership was scared and made public affirmations of their sympathy with and support of Britain and the Allies.

By autumn, however, it began to look as if Britain might succeed in maintaining its resistance against Nazi aggression till the United States was drawn into the war on the side of the Allies, which might prove to be the means of deliverance of the West from the threat of Nazi domination. Congress leaders took heart and reverted to their attitude of indifference towards the war and non-cooperation in the war effort. This was affirmed during the debates on the Supplementary Budget Estimates in the Central Legislative Assembly in November 1940. The Leader of the House, a Muslim, who was also Minister of Law and of War Supply, exposed this inconsistency and also made a clear pronouncement on behalf of Government on its policy with regard to India's advance towards Independence.

The British attitude was that the constitutional pattern of independent India was a problem too complicated to be handled and resolved during the War, when all Britain's

thinking and effort were wholly absorbed by the life and death struggle which it was compelled to wage. The Leader of the House pointed out to the Viceroy that this did not hinder a public announcement that India's independence was the objective of British policy, to be followed up by such concrete administrative measures as could be adopted within the existing constitutional framework. The Viceroy professed himself responsive to the suggestion and requested guidance concerning possible concrete measures.

At the turn of the century the Central Government of India on its executive side, continued to be modelled largely on the pattern which had been adopted by the East India Company in the seventies of the eighteenth century when Warren Hastings was appointed first Governor-General of the British possessions in India. The Viceroy's Cabinet (its official designation being the Governor-General's Executive Council) was composed of six civilian Members and the Commander-in-Chief who was in charge of the Defence portfolio. The Viceroy presided over the meetings of the Council. Decisions were taken by majority vote. In the case of an equal division the Viceroy had a casting vote. For instance, if the Viceroy, the Commander-in-Chief and two civilian Members were of the same view, the matter was determined accordingly by the casting vote of the Viceroy. The Viceroy had no authority to overrule a majority of the Council. That authority was vested in the Secretary of State for India, through whom the Government of India was responsible to the British Parliament, and who could, in the discharge of that responsibility, overrule even a unanimous decision of the Council.

Up to 1909 the Membership of the Council was entirely British. The first Indian Member, Sir S. P. Sinha (later Lord Sinha of Raipur in Bengal) Advocate-General of Bengal, was appointed in that year. In 1921 the number of Indian Members of Council was raised to three, one of whom was always a Muslim. So that henceforth the position became that if the three Indian Members were of the same view on a particular matter and the Viceroy agreed with them the

matter was determined accordingly, with the help of the Viceroy's casting vote, if needed. Thus a more liberal spirit began to be infused into the deliberations and determinations of the sanctum sanctorum of the Viceroy's Cabinet. This manifested itself very perceptibly during the Viceroyalty of Lord Willingdon (1931-6), who was a man of wide and warm sympathies and possessed a liberal outlook. During the first four years of his viceroyalty his Muslim colleague was Sir Fazl-i-Husain.

Despite the declared policy of the Congress of non-cooperation in the war effort, the Hindu commercial and industrial interests, that were hand-in-glove with the Congress and were its mainstay so far as funds were concerned, cooperated eagerly and enthusiastically in the industrial aspects of the war effort, which were directed and fostered by the Ministry of War Supply. Nor was there any lack of response to recruitment to the armed forces on the part of the martial classes. The clamour kept up by the Congress politicians, however, was construed abroad as an index of serious disaffection and a striking concrete gesture was needed as an earnest and proof of British good faith in the matter of rapid implementation of the pledges concerning Indian independence, once victory in the war had been achieved.

The Muslim Member of the Executive Council urged upon the Viceroy that the minimum needed was that the Council should be enlarged so as to be composed of an overall majority of Indians. On the Viceroy's recommendation His Majesty's Government agreed and from September 1941 onwards Indian representatives had a preponderant voice in the central administration of their country. A representative of British commercial interests in India, Sir Edward Benthall, was included in the enlarged Council.

Within a year of the enlargement of the Council the same Muslim (who had, in the meantime, accepted a seat on the Bench of the Supreme Court of India) submitted a Memorandum to the Viceroy in which he urged forcefully that

the time had come when the entire Council should be composed of Indians and should function as a Cabinet, under a gentlemen's agreement that the Secretary of State would not veto a decision of the Council except in a case which was likely to prejudice the security of India. The Viceroy forwarded the Memorandum to the Secretary of State and the author of the Memorandum was summoned to London for consultation. He arrived there in the first week of January 1943 and stayed on till the first week of March.

Consultation over the proposals contained in the Memorandum was carried on with Sir John Anderson (Governor of Bengal, 1932-7, Lord Privy Seal in 1943 and later Lord Waverly), Sir James Grigg (Finance Member of the Viceroy's Council, 1934-9, Secretary of State for War in 1943) and Sir Findlater Stewart (Permanent Under Secretary of State for India, 1930-9, on Special Duty in connection with the War at Norfolk House, St. James Square, in 1943). Each of these gentlemen was eminent in his particular field, had intimate knowledge of conditions in India, was marked on account of the sanity of his views and the sobriety of his judgment. Sir James Grigg reported to the Prime Minister. He had been his Private Secretary when Mr. Churchill had been Chancellor of the Exchequer and possessed his confidence. Sir Findlater Stewart briefed the Secretary of State for India (Mr L. S. Amery) and Sir John Anderson undertook to support the Secretary of State when the matter came before the Cabinet.

This was perhaps the most anxious and demanding period of the war and progress in the consultation was slow, but at last agreement was reached and, so far as London was concerned, all the 'i's were dotted and all the 't's were crossed, even to the extent that Sir A. Ramaswami Mudaliar, the seniormost Member of the Viceroy's Cabinet would in effect have the status and authority of a Prime Minister and Head of Government, though not the style and title thereof. All that remained and was awaited was the Viceroy's final assent. As luck would have it Mr. Gandhi chose just that moment to announce one of his recurrent

fasts unto death whereupon three Indian Members of the Viceroy's Council, Sir Homi Mody (Bombay), Mr. M. S. Aney (Central Provinces) and Mr. Sarkar (Bengal) resigned from the Council as a gesture of support for Mr. Gandhi's stand. The Viceroy interpreted this as lack of a sense of responsibility on the part of men to whom power was proposed to be committed under the scheme agreed upon in London, and advised that to embark upon it in the middle of the war would involve too grave a risk. The author of the Memorandum thereupon returned to his judicial duties in the Supreme Court at Delhi.

'Much else in the story of British rule in India, especially the chapter on provincial self-government, shows that real political power, once offered, is rarely refused, and once shared is rarely resigned by any who share in it. It is a fair conclusion that, if Britain could have demitted more power sooner, the forces holding Hindus and Muslims and others together at the Centre would have had a stronger chance of success, and the rising forces of division would have been forestalled.

'Though the constitution of 1935 was a great act of state, it was behind the times, and by 1939 it was much further behind than when it was first conceived. The opportunities of a new sharing of power in India that were presented by the outbreak of war and again in 1940 were wasted for want of courage or imagination, and of understanding of Indian facts and feelings in high British places.' (*The Great Divide*, pp. 525-6.)

But the author of the Memorandum did not give up. He was President of the Indian Institute of International Affairs which was affiliated to the Royal Institute of International Affairs, Chatham House, St. James Square, London. He led the delegation of the Indian Institute to the Commonwealth Relations Conference at Chatham House in February 1945. At the opening sitting he summarized India's contribution to the war effort and its constitutional position as follows:

'The principal changes that have taken place in India since 1938 are mainly related to the war. The war has brought to India a forcible and vivid realization of her own strategic importance, and indeed of her potential strategic domination in all the vast

area of oceans and lands that lie between Australia and the west coast of Africa. Early during the war, long before Pearl Harbour, India had become the principal base of supplies in that area.

'The entry of Japan into the war served still more to emphasize India's vital position in that respect. India has not only proved to be one of the main sources of supply in respect of primary products and raw materials, but has, through the rapid mobilization of her manufacturing capacity and industrial resources, become the principal arsenal of the United Nations in that part of the globe.

'Some idea of India's great effort in this respect may be gathered from the fact that during the last five years, from being a debtor country, India has converted herself into a creditor nation with large sterling balances. In respect of man-power also, India's effort has been no less remarkable. Without the aid of any measure of compulsion whatsoever, she has succeeded in putting into the field two and a half million men, largely officered by their own nationals, who have given and are giving a splendid account of themselves in many theatres of the war. If need arose, this number could easily be doubled and perhaps even quadrupled, and India will in that eventuality have called out only $2\frac{1}{2}$ per cent of her total population.

'The contribution that India has thus made towards preserving the liberties of the nations of the Commonwealth and safeguarding the future peace of the world has not been achieved without creating serious ferment in many directions. The repercussions on India's economic life have been grave, but are also full of beneficent possibilities. Both the supply effort and the man-power drive have created a much larger number of technical and skilled personnel than India has ever possessed before though the number still falls grossly short of its potential requirements.

'This is a very welcome change which should go a long way towards helping India in her efforts to balance her economy in the post-war years. But the repercussions are not confined to the economic sphere—indeed they are making themselves felt very strongly in other directions. India is growing impatient of her political dependence on Great Britain. Her sense of disappointment and frustration in the political field is being aggravated by the fear that she may be relegated to a position of inglorious obscurity in the post-war arrangements, the proposals concerning some of which will form the subject-matter of discussion in this Conference.

'The appreciation of India's position in this behalf may, perhaps, be helped by instituting a comparison between India and China. China is to-day freely recognized as one of the four big nations upon whom will devolve the principal responsibility for safeguarding world peace and shepherding and directing human effort into beneficent channels after the horrors of the war have been brought to a close and the miseries engendered by it have to some degree been softened. India does not compare unfavourably with China in respect of population or area. India is the home of four hundred million human beings, one-sixth of the total population of the world.

'I have no desire to disparage China in any respect, nor do I wish for one moment to discount an iota of the praise and admiration justly due to that great country for her heroic resistance to Japanese aggression during the last eight years, but it will, I am sure, be freely recognized that in respect of natural resources and their development, manufacturing capacity, industrial potential, technical and mechanical skill, capital investment, literacy and higher education in the arts and sciences, communications, public health and veterinary services, the maintenance of law and order and the administration of justice and a host of similar matters, India stands far ahead of China, whatever may be its position *vis-à-vis* the United Kingdom, the United States and the U.S.S.R. What is it then that makes the claim of China to be ranked among the great nations irresistible and makes the same claim on behalf of India unacceptable and unentertainable? China no doubt possesses an ancient culture, but so does India, and China will be the first to acknowledge the debt that it owes to India in the cultural field.

'It may be said that China's claim is admitted on account of its potentialities, but India's potentialities are, I venture to submit, even greater. It may be objected that India suffers from divisions and conflicts, but the divisions and conflicts in India do not threaten to prove more intractable than the differences that divide the Communists and the Kuomintang in China. Though often made a victim of aggression, India has throughout her long history never been guilty of aggression herself. She is no less willing and eager than China to assume and is in a far better position than China to discharge adequately the obligations that her inclusion among the great nations, a position to which she is justly entitled, might entail. Is not then the distinguishing feature between China and India only this, that for good or for ill, China

stands on her own political feet, contending against the storms that have threatened and may threaten to overwhelm her independence, while India is politically dependent upon Great Britain?’

and concluded with the warning:

‘Statesmen of the Commonwealth, does it not strike you as an irony of the first magnitude that India should have two and a half million men in the field, fighting and struggling to preserve the liberties of the nations of the Commonwealth, and yet should be a suppliant for her own freedom? How long do you think will she be prepared to wait? India is on the march. You may help her, or you may hinder her, but none shall stop her. India shall be free; within the Commonwealth, if you will let her and accord her the position that is justly her due; without the Commonwealth, if you will leave her no alternative.’

The same evening the delegates to the Conference were entertained at dinner by His Majesty’s Government at Claridges Hotel. Lord Cranbourne presided and, with the exception of the Prime Minister, all members of the Cabinet were present, among them Lord Simon, the Lord Chancellor, and Mr. Attlee, Deputy Prime Minister, who was to be Prime Minister in less than six months. In the course of his reply to the toast of the guests proposed by Lord Cranbourne, the leader of the Indian delegation observed:

‘Some concern has been expressed in certain quarters regarding the part that Great Britain is to play in post-war arrangements for security. There has been a note of anxiety, perhaps even of pessimism, running through some of the speeches and writings on the subject. I cannot help feeling that a satisfactory solution of the Indian problem would serve more than any other single factor to allay apprehension and anxiety on that score. Would it be too much to hope that this Conference might be able to furnish some guidance in that respect? I am aware that the best minds in this country fully appreciate the tremendous importance of that question, and some of them are engaged in grappling with it. Nevertheless, it would be a matter of great satisfaction and gratification and would indeed be a great achievement if this

Conference could throw some light on the problem and give a lead towards its solution. The attitude of His Majesty's Government appears to be that they having announced their policy regarding India, it is up to India now to make the next move. I do not deny that the responsibility for the next move does rest upon India, but failing a move from that direction, is Great Britain released from all further liability concerning India? In the interest of the United Kingdom itself, in the interest of the Commonwealth, and I will make bold to add in the interests of world peace and security, the situation must not be permitted to deteriorate any further.

'The strains and stresses imposed by the war upon the United Kingdom have not prevented her from making big strides in many directions. She has not been too timid to tackle tremendous and intricate problems of social security at home, and is now engaged upon rearing an admirable structure of social security. In the matter of the Colonies, she has furnished a new orientation to the whole question, and has set herself and the other Colonial Powers a new objective in that field. Herself she is already moving out of strength towards achievement of that objective. In the sphere of foreign relations she has struggled through to an understanding with the United States, and what is still more satisfactory, with the U.S.S.R. Is she content to accept defeat only in the case of India?

'I am not unmindful of what are known as the Cripps Proposals, but whatever their merits, they have failed to resolve the deadlock. Is no further effort to be made by the United Kingdom? May I appeal to you, who are gathered here from all parts of the Commonwealth, to bring constructive minds to bear on this problem with the solution of which are bound up so many grave and important matters bearing upon post-war arrangements, so that when victory is achieved, which consummation happily seems to have been brought so much nearer in this month of February 1945, the Indian question may also have been settled. Surely that is well worth striving for.

'The problem, as we all know, is both difficult and complex. The various parties in India have taken up mutually exclusive and irreconcilable positions. I have only one suggestion to put forward to-night. Would it not be feasible for His Majesty's Government to announce that it would be prepared to implement any agreed settlement that might be put up on behalf of India, within a period of one year from the cessation of hostilities against Japan, but that failing such a settlement within that period, His Majesty's Government would itself place before Parliament proposals

concerning the future constitution of India, designed to place India on a footing of complete equality with the Dominions? It would have to be made perfectly clear that the solution that His Majesty's Government may arrive at would only be provisional, and would continue in force only so long as Indians themselves were not agreed upon an alternative. When an alternative is agreed upon, it would take the place of the provisional constitution. Any decision that His Majesty's Government may arrive at with regard to this provisional constitution will no doubt fail to give complete satisfaction, inasmuch as the claims of every one of the parties in India would have to be subjected to a good deal of pruning to make them fit into any workable constitution. But I am not without hope that, if His Majesty's Government were to take this responsibility upon its own shoulders, it would either result in accelerating agreement among the parties in India or in persuading them to accept and work the constitution framed by His Majesty's Government over a long enough period to discover in what respects it was susceptible of improvement.

'I would beg you earnestly to forgive me for taking up so much of your valuable time over India, but this matter of a settlement between Great Britain and India lies very close to my heart and that which lies so close to one's heart is bound to well up on an occasion like this. Believe me, issues far more momentous and vital to the future of peace and civilization hang upon a solution of this problem than is perhaps being appreciated at this moment.'

These two speeches made within a few hours on the opening day of the Commonwealth Conference were given wide publicity and created a stir in British political circles. Within a few days the Viceroy (Lord Wavell) was called to London for consultation and the last phase of India's march towards Independence was inaugurated. Mr. Nehru and some of his principal colleagues were at the time interned in the Fort at Aurangabad in the Deccan, South India.

The Parliamentary election of July of that year returned the Labour Party to power. The Speech from the Throne on the opening of Parliament on 15 August, announced:

'In accordance with the promises already made to my Indian peoples, my Government will do their utmost to promote in conjunction with the leaders of Indian opinion the early realization of full self-government in India.'

That pledge found fulfilment on 15 August 1947; a tragic fulfilment.

The brief summary set out in the preceding pages would bear out, *inter alia*, that while the Congress and the Muslim League in their struggle for freedom were fast approaching deadlock, Muslim leadership as represented in the Viceroy's Cabinet from 1935 onwards was deeply concerned with speeding India along towards Independence in the hope that Muslim interests might yet be adequately safeguarded within an Independent India. It would also prove that the charge frequently voiced by Hindu leaders that during this phase the Muslims were concerned solely with safeguarding their own interests and were indifferent towards India's struggle for freedom is utterly unwarranted and has no foundation.

II

His Majesty's Government had committed itself to Indian Independence and was now faced with the immensely difficult and complicated task of settling the method and pattern thereof.

The Federal Scheme embodied in the Government of India Act of 1935 had expired under the deadweight of the intransigence of the Princes and had now been abandoned as being beyond revival. The great question mark on the constitutional horizon of India was: United or Divided?

The British naturally took just pride in the political and economic unity that India had achieved for the first time in its history under British auspices and were anxious to pass it on as their most valuable legacy to an Independent India. His Majesty's Government and more particularly the Prime Minister, Mr. Attlee, who had taken a keen interest in Indian affairs ever since his two visits to India in 1927 and 1928 as a member of the Simon Commission, were eager to explore every possibility which might bring about agreement between the Congress and the Muslim League on the basis of an undivided India. Casting about for the means of such exploration the Prime Minister decided to despatch a Mission to India composed of three of his colleagues in the Cabinet, Lord Pethick-Lawrence (Secretary of State for India), Sir Stafford Cripps (President of the Board of Trade) and Mr. Alexander (First Lord of the Admiralty) and charged them with the task that he had in mind.

The Mission arrived in India in the spring of 1946 and, despite the handicaps under which it had to operate, it produced, after repeated and intensive discussions and

exchanges of views with political leaders and outstanding personalities and consultations with the Viceroy, a scheme, since known as the Cabinet Mission Plan, and invited the Congress and the Muslim League to accept it. To the surprise and relief of everyone both signified their acceptance. The author of *The Great Divide* described the Congress acceptance of the Plan as 'destructively qualified' (p. 37).

The Plan proposed the setting up of three autonomous zones, the North East (comprising the provinces of Bengal and Assam), the North West (comprising the Punjab, the Frontier, Baluchistan and Sind) and the centre (comprising the remaining Provinces). These zones would be knit into a Federation responsible for Defence, Foreign Affairs, Currency, Communications and Federal Finance. At the end of ten years the first or second zone, or both, could opt out of the Federation and become independent. If the first zone exercised this option the Province of Assam could opt out of the zone and remain part of the Federation.

During the negotiations with the Cabinet Mission the President of the Congress was its most eminent Muslim member, Maulana Abul Kalam Azad, subsequently Minister of Education in Prime Minister Nehru's first Cabinet. He conceived that with the acceptance of the Cabinet Mission Plan by the Congress and the Muslim League his task had been achieved and he resigned from the Presidency of the Congress. He sponsored and supported the election of Mr. Nehru as his successor in that office. This he subsequently described in his Memoirs as the greatest blunder of his political career. Mr. Nehru was elected President of the Congress and proceeded forthwith to interpret away the Cabinet Mission Plan.

Considering that the Cabinet Mission Plan offered the last chance of preserving the political unity of India, it is necessary to be clear as to where the responsibility rested for frustrating its implementation.

The following extracts from *The Great Divide* furnish the answer.

'... it is a matter of historical fact that the Cabinet Mission plan for attaining constitutional freedom, which would have retained the unity of India in the shape of a federal centre with limited but vital powers, had in June 1946 been accepted by the Muslim League and rejected, in effect though not in precise form, by the Congress;' (p. 161).

'The Congress Working Committee's resolution accepting the Cabinet Mission's plan subject to their own destructive interpretation was ratified by the All-India Congress Committee at Bombay on 6th July 1946 by a big majority, Pandit Nehru had just taken over the Presidency of the Congress from Maulana Azad.' (p. 162.)

'At the final session of the All-India Committee, and afterwards at a Press conference, Pandit Nehru declared that the Congress had not accepted any plan, long or short; it had committed itself to participation in the proposed Constituent Assembly, but to no more. The Assembly would be a sovereign authority, and the grouping scheme would probably never function;' (p. 162).

'Asked at the Press conference whether he meant that the Cabinet Mission's plan could be modified, Nehru replied that the Congress regarded itself as free to change or modify the plan in the Constituent Assembly as it thought best.' (p. 163.)

'Whether this public and contemptuous rejection of the whole implied basis of the Cabinet Mission's plan, as a delicate compromise between All-India nationalism and Muslim separatism, was a hard-headed recall to realities or a crass error of political judgment, its outcome was predictable. Mr. Jinnah at once protested against "a complete repudiation of the basic form on which the long-term scheme rests", and demanded that the British Government should make it clear beyond doubt that the Congress had not accepted the scheme. Ministers in London failed to grasp the proffered nettle. In debates in Parliament on 18th July Lord Pethick-Lawrence emphasised that the parties, having agreed to the Statement of 16th May, could not go outside its terms in the Constituent Assembly, and Sir Stafford Cripps explained that the right of provinces to opt out of the groups could be exercised only after the first elections under the new constitution, when the matter could be made a straight election issue: but these footnotes to the plan implicitly assumed that it was accepted in the spirit and the letter as a means of reconciliation between rival parties and communities. This was not the fact. The plan was at best a formula on the basis of which

co-operation could begin, step by step, if the spirit had been willing, or alternatively if an unwilling spirit had been relentlessly fought by exercise of imperial authority.

'Mr. Jinnah and the League were not mollified. The All-India Council of the League passed a resolution at a meeting in Bombay on 27th July, proclaiming with chapter and verse that the Congress intended to use its majority to upset the clear intentions of the Cabinet Mission's plan in the Constituent Assembly, revoking the League's acceptance of the statement of 16th May, authorising the Working Committee to draw up a plan of "direct action", and calling upon all League members to renounce any titles received from the Government. Though many a rumour of reprieve was to keep hope alive among the friends of the condemned, this was the death sentence on the Cabinet Mission's plan.' (pp. 162-3.)

'To the failure of the Mission many causes contributed: their own method and terms of reference, the obduracy of Indian political leaders in staking the lesser cause against the greater, the utter elusiveness of Mahatma Gandhi. But while the hope still lingered the fatal blow was struck by Jawaharlal Nehru, in the speech in which he made clear that the Congress would accept the plan only to destroy it, by seeking to demolish the system of grouping of provinces which was its essence. Muslim confidence in compromise could hardly survive such a wound.' (p. 527).

Efforts at resuscitation of the Plan proved futile. Confidence could not be restored as Mr. Nehru had made it clear repeatedly and unequivocally that the Congress was not willing to carry out the Plan in good faith. The Viceroy (Lord Wavell) tried hard to persuade Congress leadership to declare that they would carry out the Plan in the letter and the spirit but to no purpose. The following dialogue between the Viceroy and the two topmost Congress leaders set out by Mr. Mosley in his *Last Days of the British Raj* is revealing:

'The Cabinet Mission's plan for Indian independence had been based on the idea of a Federal India based on three Groups: A (Hindu dominated), B (Muslim dominated) and C (with a slight domination in favour of the Muslims). The most important element in India would, of course, be Group A, controlled by an

overwhelming majority of Hindus, which would always be more powerful than Groups B & C.

'This was an arrangement which the Muslim League had accepted until Nehru's maladroit repudiation of the grouping scheme. Nazimuddin now proposed that Congress should make a declaration. They should announce that they had accepted the Cabinet Mission Plan not as they interpreted it, but as the Cabinet Mission had intended it. They should also guarantee that no minorities in the Groups should be allowed to opt out of them before the ten-year period specified by the Cabinet Mission Plan. The scheme, in other words, should be given a chance to work.

'In these circumstances, Nazimuddin told Wavell, the Muslim League might reconsider its rejection of the scheme and decide to come into the interim Government.

'Wavell put the question frankly to Gandhi and Nehru: "Will you give me the guarantee the Muslim League is asking for?"

'He was almost immediately plunged into the most difficult argument he had ever had with Gandhi, who chose this day to be at his most polemical and devious. Here was a saint who could, in his ashram, dispense great wisdom and counsel tolerance, understanding and the necessity to give rather than take. But on this evening he spoke purely and simply as a Congress politician.

'"Give me a simple guarantee that you accept the Cabinet Mission Plan," asked Wavell.

'"We have already said that we accept it", replied Gandhi, "but we are not prepared to guarantee that we accept it in the way that the Cabinet Mission set it out. We have our own interpretations of what they propose."

'Said Wavell: "Even if those interpretations differ from what the Cabinet Mission intended?"

'Replied Gandhi: "But of course. In any case, what the Cabinet Mission Plan really means is not what the Cabinet Mission thinks but what the interim Government thinks it means."

'Wavell pointed out that the interim Government's opinion, as things were at the moment, would almost inevitably be pro-Congress and anti-Muslim League, since the League was boycotting the Government. How could it be unbiased?

'Gandhi replied that he was not concerned with bias. He was simply concerned with the legal basis of the discussion. Legally, this was a matter for the interim Government to decide. Once the interim Government was in power, such matters as the Muslim League's ambitions and artificial anxieties could be voted upon;

but not before.

“But don’t you see,” exploded Wavell, in an unusual burst of temper, “it will be a Congress Government! They are bound to be lacking in impartiality.”

Pandit Nehru interrupted at this point. “You misunderstand the composition of the Congress Party, your Excellency, not, I may say, for the first time. The Congress is not pro-Hindu or anti-Muslim. It is for all the peoples of India. It will never legislate against the interests of the Muslims.”

‘Replied Wavell: “But whose Muslims, Pandit Nehru? Yours, the Congress Muslims, the so-called stooges? Or those of the Muslim League? Can’t you see that the necessity of this moment is to satisfy the Muslim League that you are not trying to do them down? It is a moment—possibly the last we have—to bring the League and the Congress together. And all I ask is a guarantee. Will the Congress commit itself to a declaration, a declaration which will satisfy the Muslim League and assure the continuation of a stable and unitary government?” He reached into his drawer and pulled out a paper. “This is what I have in mind”.

‘The declaration ran thus: “The Congress are prepared in the interests of communal harmony to accept the intention of the statement of 16 May (the Cabinet Mission statement) that provinces cannot exercise any option affecting their membership of the sections or of the groups if formed, until the decision contemplated in paragraph 19 (vii) of the Statement of 16 May is taken by the new legislature after the new constitutional arrangements have come into operation and the first general elections have been held.”

‘Gandhi handed it over to Nehru, who read it through and said:

“To accept this is tantamount to asking Congress to put itself in fetters.”

‘Wavell replied:

“So far as the Cabinet Mission Plan is concerned, that is what I feel you should do. When Congress accepted the Cabinet Mission Plan in the first place, I cannot believe that you did so not knowing its implications. If so, why did you accept it at all? The plan for dividing the country into groups was implicit. You cannot now turn round and say that you did not realize that is what was intended.”

‘Ghandi: “What the Cabinet Mission intended and the way we interpret what they intended may not necessarily be the same.”

“This is lawyer’s talk,” said Wavell. “Talk to me in plain English. I am a simple soldier and you confuse me with these legalistic arguments.”

‘Nehru: “We cannot help it if we are lawyers.”

‘Wavell: “No, but you can talk to me like honest men who are interested in India’s future and welfare. Dammit, the Cabinet Mission made its intentions as clear as daylight. Surely we don’t need to go to law about that or split legal hairs, either. As a plain man, the situation seems to me simple. If Congress will give me the guarantee for which I ask, I think I can persuade Mr. Jinnah and the Muslim League to reconsider their refusal to join the interim Government. We need them in the Government; India needs them, and, if you are seriously concerned over the dangers of civil war—and you must know as well as I that the danger is great—then you need them too. In the circumstances, I feel that it would be unwise, even perilous, if I allowed Congress to form an interim Government on its own.”

‘Gandhi: “But you have already announced that the Government will come into being. You cannot go back on your word now.”

‘Wavell: ‘The situation has changed. As a result of the killings in Calcutta, India is on the verge of civil war. It is my duty to prevent it. I will not prevent it if I allow Congress to form a Government which excludes the Muslims: they will then decide that Direct Action is the only way, and we shall have the massacre of Bengal all over again.”

‘Nehru: “In other words, you are willing to surrender to the Muslim League’s blackmail.”

‘Wavell (with great heat): “For God’s sake, man, who are you to talk of blackmail?” (*The Last Days of the British Raj*: pp. 42–4).

‘The British Government decided to make one final effort at bringing about agreement on the basis of the statement of May 16, and invited the Viceroy (Lord Wavell), two representatives of the Congress, two of the League and one of the Sikh community to London. On 2nd December 1946, Lord Wavell, together with Nehru, Jinnah, Liaquat Ali Khan and Baldev Singh arrived in London. As a result of these discussions in the first week of December 1946, the British Government found that all these efforts to persuade Nehru to accept the plain meaning of the statement of May 16 were in vain. The deadlock was complete.’ (*The Emergence of Pakistan*, p. 90.)

Congress obduracy thus compelled the British Prime Minister, however reluctantly, to contemplate the possibility of partition. He began a study of a new policy and to look out for a dynamic personality who could be relied upon to carry it into effect. The personality he chose was Lord Mountbatten who was offered the succession to Lord Wavell and accepted the offer on certain conditions. These conditions included that he should be permitted to select his own staff to go out with him, that the statement of policy to be made by the Prime Minister in Parliament should be cleared with him, that the Prime Minister's Letter of Instructions to him should be agreed to by him.

'... Lord Mountbatten not only approved the public terms of his own appointment and the confidential directive he received but very largely drafted them. He almost literally "wrote his own ticket".' (*The Great Divide*, p. 199.)

'Finally he demanded a condition without precedent: he must have full powers to carry out the policy with which he was entrusted, without constant reference to or interference by His Majesty's Government in London. "But you are asking to be above the Secretary of State!" exclaimed Sir Stafford Cripps. "Exactly," said Lord Mountbatten. "But," said the Prime Minister, "the Secretary of State will only send you instructions on behalf of the whole Cabinet. Surely you are asking for plenipotentiary powers above His Majesty's Government." "I am afraid I must insist," replied Lord Mountbatten: "How could I possibly negotiate with the Cabinet breathing down my neck?". He stood firm on his demand, and finally Mr. Attlee and the Cabinet agreed also to this condition, which was of indispensable value to the Viceroy in all his negotiations with the Indian leaders.

'A few days after Lord Mountbatten arrived in India, Pandit Nehru asked him: "Have you by some miracle got plenipotentiary powers?" "Why do you ask?" said the Viceroy. Nehru replied: "You behave quite differently from any former Viceroy. You speak with an air of authority as though you were certain that what you said would never be reversed by H.M.G. in London." "Suppose I have plenipotentiary powers, what difference would it make?" Nehru's answer was prophetic: "Why then you will succeed, where all others have failed."' (*Ibid.*, p. 201.)

The degree to which the Prime Minister was prepared to subserve Lord Mountbatten is well illustrated by the following incident which took place within less than a fortnight of Lord Mountbatten's assumption of his office.

'The prospect, as seen from London, of India's forsaking her Commonwealth allegiance gave rise at this stage to a revealing episode. The British Government decided, without reference to the Viceroy, to cancel the invitation to India to become a member of the Commonwealth Advisory Committee for Defence and to exclude Indian officers from future Imperial Defence College courses, and sent a telegram to that effect to the Indian Defence Department on or about 4th April. To this procedure Lord Mountbatten took "the gravest possible exception"; in a conversation with Field Marshal Auchinleck he used the words "absolutely amazed" and "unbelievable", and although the Commander-in-Chief tried to soothe him about the practical effect he cabled a strongly-worded protest direct to the Prime Minister. This drew from Mr. Attlee an unequivocal apology and a promise not to let it happen again. Not often can a British Prime Minister have offered such humble words to a Governor-General of India.' (*The Great Divide*, pp. 304-5.)

The Prime Minister's statement to Parliament was made on 20 February 1947. It contained two vital points.

'1. His Majesty's Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power into responsible Indian hands by a date not later than June 1948.

'2. If it should appear that such a constitution (as proposed by the Cabinet Mission) will not have been worked out by a fully representative Assembly before the time mentioned... His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.' (*The Great Divide*, p. 199.)

'This statement, in the context of Indian politics, was thus an open licence for Pakistan in some form or other.' (*Ibid.*, p. 200.)

'The creation of Pakistan, and the transfer of power well before the end of 1947, were implicitly but plainly written in the statement of 20th February.' (Ibid., p. 203)

The reference to 'the existing Provincial Governments' in the statement was, however, disturbing from the point of view of the Muslim League. The Punjab was the very heart and centre of the future Pakistan, yet despite a Muslim majority in the Punjab Legislature, the Provincial Government was not a Muslim League Government. The Chief Minister, Sir Khizar Hayat Khan, himself a Muslim, and professing support for the Muslim League demand of Pakistan, headed a coalition Government supported in the Legislature by a majority composed largely of non-Muslim members. Hitherto he had resisted Mr. Jinnah's efforts to have a Muslim League Government installed in the Punjab. His stand had been that the administration of the Province was a concrete and current day-to-day responsibility which should not get involved with the constitutional problems with which the political leadership of the country was wrestling. The Prime Minister's statement of 20 February, however, foreshadowed that the Provincial Governments, or some of them, might, in a certain contingency be drawn into the centre of the constitutional controversy. If this happened the position in the Punjab could occasion serious embarrassment to the Muslim League and operate as a handicap on Mr. Jinnah's efforts to secure a reasonable settlement.

This line of reflection induced the Muslim Judge of the Supreme Court to address an earnest appeal to Sir Khizar Hayat Khan, that the contingency foreshadowed in the Prime Minister's statement made it incumbent upon him to tender the resignation of his government and thus terminate a situation the continuation of which might hold up progress towards a settlement. Sir Khizar Hayat Khan's response was favourable. He invited the Judge to go to Lahore so that all aspects of the problem might be calmly examined between them before the irrevocable step was taken. The Judge complied with the request and in consequence

Sir Khizar Hayat Khan, after discussions with his cabinet colleagues and the members of his party in the Legislature, tendered the resignation of his government and advised the Governor to send for the leader of the Muslim League party in the Legislature and invite him to form a government. This action on the part of Sir Khizar Hayat Khan gave a tremendous boost to the Muslim League in the Punjab and greatly strengthened Mr. Jinnah's hands in the ensuing negotiations.

Lord Mountbatten went out to India after having secured 'plenipotentiary powers' for himself from His Majesty's Government, thus putting himself above that Government. He 'not only approved the public terms of his own appointment and the confidential directive he received but very largely drafted them. He almost literally wrote his own ticket.' Thus the constitutional future of India and the destiny of 500 million human beings was committed into the hands of one individual. No single individual had ever been invested with such authority, burdened with so heavy a load of responsibility.

What manner of man was he? What, if any, were his predilections? Who were his coadjutors and advisers? How were they motivated? In what manner did he acquit himself in the discharge of his unique responsibilities?

That he possessed an outstanding personality is beyond question. According to H. V. Hodson,

'Lord Mountbatten possessed in high degree: courage, resilience, personal charm, freedom from pomposity, readiness to listen, an out-giving personality.

'He had, of course, defects as well. He was impetuous, and without such steady counsellors as Lord Ismay or V. P. Menon he might have made mistakes which he actually avoided: some of the most debatable of his actions may be traced to a certain impulsiveness, the counterpart of an astonishing speed of decision and adaptability to new events.... Like many another great leader, he had, too, a streak of vanity which made him over-sensitive alike to praise and to criticism. It is hard not to see in the contrast between his relations with Mr. Jinnah and with Pandit

Nehru a counterpart of the difference between the cold argumentation and the affectionate hero-worship that the two men presented to him.' (*The Great Divide*, pp. 530-1.)

Allan Campbell-Johnson mentions Lord Mountbatten's 'vanity over minor achievements' (*Mission with Mountbatten*, p. 112) and his susceptibility to flattery. 'Mountbatten remarked today that his concern over Nehru was that he might find himself slipping unwittingly, by sheer force of circumstances, into a state of mind when he could be actually influenced by adulation and flattery. Mountbatten added that he himself knew what this danger was—it was one of the reasons why he wished to revert to a subordinate position to go to sea again.' (*Ibid.* pp. 256-7.)

It so happened that the courtship between Lord Mountbatten and Mr. Nehru had started a year before Lord Mountbatten's arrival in India as the last British Viceroy.

'Lord Mountbatten's first and only previous encounter with Pandit Jawaharlal Nehru may have had some bearing on later political events. In March 1947 Pandit Nehru decided to pay a visit to Singapore. He was then a private citizen, a leading member of the Indian National Congress which had achieved a sweeping victory in the non-Muslim seats in the elections a couple of months previously. His impending arrival was notified to Lord Mountbatten, Supreme Allied Commander, South-East Asia Command, with the report that everything was being done to play down this unsettling visit by a nationalist politician, and that Pandit Nehru was being neither officially received nor allowed to meet Indian troops. Lord Mountbatten instantly ordered these plans to be reversed. Here, he said, was a man who wielded great influence in an India that had been promised constitutional freedom, who might indeed become India's first independent Prime Minister. It was of the highest importance not to antagonise him, but rather by treating him with friendliness and respect for his political eminence to influence him, so far as might be, to speak and act moderately during his visit and establish a good relationship with Armed Forces. The military and civilian officers concerned loyally carried out the Supreme Commander's wishes. Receptions were

organised. Pandit Nehru addressed large gatherings of military personnel as well as civilian meetings, and had a friendly interview with Lord Mountbatten.' (*The Great Divide*, p. 213.)

This interview had apparently been quite intimate.

'It was a most successful and happy encounter. I was present on the occasion of it, and it was quite clear that the two men made a deep personal impression upon each other.' (*Mission with Mountbatten*, p. 30.)

Later as Governor-General Lord Mountbatten had to deal with Mr. Nehru's demand that the Indian National Army trials be stopped and existing sentences quashed. In approaching this problem,

'Lord Mountbatten started with the advantage of having had a "preliminary round" with Pandit Nehru on the latter's visit to Singapore, when he persuaded the Indian Leader to cancel his intention of laying a wreath on the I.N.A. memorial. He had then told Pandit Nehru: "The I.N.A. were not politically conscious heroes fighting for their country but cowards and traitors who betrayed their loyal friends. The people who will serve you well in your national army of the future are those who are loyal to their oath; otherwise if you become unpopular a disloyal army may turn against you." Pandit Nehru saw the force of this but said that for political reasons he must ask for the trials to be stopped.' (*The Great Divide*, p. 205.)

When Lord Mountbatten, as Governor-General, met Mr. Nehru for the first time on 24 March, 'he was impressed by his sincerity' (*Ibid.*, p. 232). 'Pandit Nehru struck me as most sincere.' (*Ibid.*, p. 214.)

'At the end of the interview, as Nehru was about to take his leave, Mountbatten said to him, "Mr. Nehru I want you to regard me not as the last viceroy winding up the British Raj, but as the first to lead the way to New India". Nehru turned, looked intensely moved, smiled and then said, "Now I know what they mean when they speak of your charm being so dangerous."' (*Mission with Mountbatten*, p. 45.)

There developed between the two men

‘during the negotiations of April and early May 1947 a closer personal relationship than between the Viceroy and any other political leader, Hindu, Muslim or Sikh, and that this understanding, especially on Pandit Nehru’s side, had much to do with the Congress acceptance of the plan for the transfer of power, followed by its comparatively smooth implementation between 3rd June and 15th August, with the request for Lord Mountbatten’s appointment as Governor-General of independent India, and with the course of subsequent events. It was certainly a very important part of the background to the Viceroy’s “hunch” in showing Pandit Nehru, who was staying with him in Simla, the first plan for the transfer of power as amended by the Government in London, a dramatic episode that changed the fate of nations.’ (*The Great Divide*, p. 214.)

It is, however, not easy to reconcile oneself to Hodson’s appraisal of Mr. Nehru that he

‘... had always seemed to need a stronger figure to give him confidence, a wiser or more self-assured man whose judgment would guide or confirm his own: in the early days it was his father Motilal Nehru, for most of his life it was Mahatma Gandhi, in Cabinet and in Congress politics in these crucial days it was Sardar Patel—when they did not quarrel—and now in major affairs it was to be Mountbatten himself.’ (*The Great Divide*, p. 215.)

As witness:

‘... Lord Mountbatten told his staff that he had “an absolute hunch” that he ought to show the re-drafted plan to Pandit Nehru, who was staying as his private guest at Mashobra, the Viceregal retreat in the hills above Simla, in strict confidence, and get his personal reactions. His staff argued against this, on the ground that it was a breach of the principle of keeping the different party leaders equally informed, or uninformed; but his “hunch” was so strong, and his experience in South-East Asia Command had given him such confidence in his occasional intuitive decisions, that he acted upon it. Taking Pandit Nehru aside just before his guest was going to bed that evening, he gave him a copy to read on the understanding that the Prime Minister would merely advise

him as a friend as to its likely reception by the Congress.' (*The Great Divide*, pp. 295-6.)

Next morning

'... a letter arrived from Pandit Nehru which the Viceroy described as "a bombshell of the first order". The Indian Prime Minister had no doubt that Congress would reject the proposals in the plan, and that they would provoke deep resentment throughout India.' (*Ibid.*, p. 296).

'Lord Mountbatten was not only dismayed. He was baffled.' (*Ibid.*, p. 297.)

'The explanatory talks between Pandit Nehru and the Viceroy came later in the day. When Lord Mountbatten received the "bombshell" he did not waste time in wringing his hands. After seeing that Nehru's letter was forthwith telegraphed to London, he sent an A.D.C. to fetch Mr. V. P. Menon, his Reforms Commissioner, who was at the moment closeted with Nehru himself. The Viceroy's foresight in bringing Menon to Simla was now to be bountifully rewarded. The fateful hour found a man and an idea to match it.' (*Ibid.*, p. 299.)

Who was this *deus ex machina*? Lord Mountbatten had selected his own staff.

'... this team of advisers had one glaring omission: it contained no single Indian. . . any Indian was, of necessity, Muslim or non-Muslim, and the problem that the Viceroy faced was dominated by the communal split. . . Lord Ismay had pointed out to Lord Mountbatten that he would be continuously dealing with the Indian leaders himself. They could not object to a purely British staff but they would be intensely suspicious of any Indians not of their community whom the Viceroy enlisted.' (*Ibid.*, p. 208.)

In Delhi Lord Mountbatten 'began to feel the need of a real Indian mind, and enquired who might be available' (*Ibid.*, p. 209). Sir George Abell, his Private Secretary, mentioned that the Reforms Commissioner, Mr. V. P. Menon, was an Indian. 'But of course he was a Hindu, and was known to have particular connections with the Congress leader Sardar Vallabhbhai Patel' (*Ibid.*, p. 209). Lord Mountbatten 'began by inviting Menon to tea, and took a

liking to him. Thereafter his appreciation grew, and more than once he sent for Menon without warning for a talk alone in his study or even in his bedroom. Eventually—not without some influence by Lady Mountbatten . . .—Menon was brought into the daily staff discussions shortly before completion of the first draft plan, and Lord Mountbatten took him to Simla in May when he had retreated there after sending Lord Ismay with the plan to London. Thereafter it was Menon who did more than any other Indian, save three or four political leaders of the first rank, to construct the new nation. . .'. (Ibid., p. 209.)

'Nothing, of course, could change the fact that he was a Hindu, and as such suspect to the Muslims: his close touch with the Congress, through Sardar Patel, was also known, and invaluable as it was to the Viceroy it affected his impartial position, especially later after the constitutional plan had been agreed and the Government of India virtually split into two halves. Lord Mountbatten, however, had realised his worth and it was to Menon that he turned when catastrophe stared him in the face upon Pandit Nehru's vehement rejection of his plan.' (Ibid., p. 300.)

What was the solution propounded by Menon? 'The key to this was the early demission of power to two Dominions.' (Ibid., p. 300.)

Menon had not experienced a sudden brain wave. Immediate demission of power on the basis of Dominion Status was Vallabhbhai Patel's solution of the *impasse* facing the Interim Cabinet. Lord Mountbatten himself had contemplated a similar plan in April. On 5 April he recorded a conversation with Field Marshal Auchinleck. 'I then gave the Commander-in-Chief a rough outline of one of the many alternative solutions for the future set-up in India that were revolving in my mind. A feature of this scheme was the almost immediate offer of Dominion or Commonwealth status to India.' (Ibid., p. 305.)

'At his daily staff meeting on 19th April, Lord Mountbatten laid down six principles or objectives which the staff members were to observe in forming ideas for his guidance on a plan for the

transfer of power. One of these, which he characterised as “the most urgent question”, was “to grant some form of Dominion Status as early as possible”. And on the following day he ordered “Planning for the grant of Dominion Status possibly by January, 1948, to continue concurrently with plans for the main decision.” (Ibid., p. 305.)

On 22nd April he had a long talk with Mr. V. K. Krishna Menon.

‘I suggested to him a solution along the lines he himself had raised last time, namely, Dominion Status before June 1948, so as to avoid the necessity of having to make any declaration when we left, and thus leave India within the Commonwealth. My proposal was that . . . Pakistan and Hindustan should be declared independent Dominions, with a Central Defence Council, a single army (pending partition) and with myself at the head of the Central Defence Council and as Governor-General of the two Dominions on a constitutional basis.’ (Ibid., pp. 243–4.)

To proceed with V. P. Menon’s plan.

‘When Menon dined with the Viceroy that night, having meanwhile used his private channel of communication with Sardar Vallabhbhai Patel, Lord Mountbatten had completely recovered his cheerfulness and self-confidence; for Pandit Nehru had told him that the new plan drafted in great haste by Menon during the day—he was instructed at lunch-time and given until 6 p.m. to complete the draft on which the end of the Indian Empire was to depend—would not be unacceptable to the Congress. The next morning there was a remarkable telephone conversation between Pandit Nehru in Simla and Sardar Patel in Delhi, most of the actual talking being done (because the line was bad and the principals found it difficult to communicate) by Mr. V. P. Menon and Mr. V. Shankar, Patel’s Private Secretary. Pandit Nehru was persuaded that the Dominion Status plan was acceptable but was worried about how to get it through the Congress; to which Patel instantly replied: “Leave that to me. That is my business.”’ (*The Great Divide*, pp. 308–9.)

Vallabhbhai Patel had achieved his purpose.

What was his purpose? It was to confront Mr. Jinnah and the Muslim League with the prospect of a ‘truncated’ or

‘moth-eaten’ Pakistan, to be set up in such haste that the very speed of the process would strangulate it at birth, thus forcing the Muslim League to sue for reunion with India on terms to be dictated by India.

The dice had all through been heavily loaded against the concept of Pakistan. Lord Mountbatten often referred to the Muslim League demand as ‘this mad Pakistan’.

‘To the eyes of most British people in 1947, as to those of most Indians, the partition of the sub-continent was a deplorable end to the Indian Empire. The Unity of India, more complete and secure than under any Indian raj in history, was a cause of just British pride. One strong central government, one system and rule of law, one network of communications and economic intercourse, one army and other forces keeping one frontier within which peace and order reigned—these were great creations which the British profoundly felt ought to be bequeathed to Indian democracy when their own control was handed on. Up to the last moment, when within a few weeks of the fateful decision Lord Mountbatten could write of “this mad Pakistan”, partition seemed, to most of the British concerned, essentially an evil to be averted if possible.’ (*The Great Divide*, p. 523.)

‘Equally schizophrenic was the policy of His Majesty’s Government. Their double personality was to some extent, but not entirely, identified with the attitudes of the Secretary of State and Sir Stafford Cripps, on the one hand, and the Viceroy, Lord Wavell, on the other. Ministers in London, with their closer personal contacts with the Congress than with the Muslim League, their ideological commitment to democracy and majority rule, their sense of near-success in their arduous mission to India, rudely broken by the League’s repudiation of its acceptance of their plan and adoption of direct action, felt that the co-operation of the Congress must have priority, and that the pledges to Muslims and other minorities must be honoured under that umbrella.’ (*Ibid.*, p. 183.)

Even before his appointment as Viceroy Lord Mountbatten had the reputation of being pro-Hindu and anti-Muslim League. After the announcement of the appointment, Lord Ismay ‘said he was seeing Churchill but had no great hopes of calming him down. He felt there was a danger of an issue being made of Mountbatten’s selection

as a pro-Hindu and anti-Muslim League appointment.’
(*Mission with Mountbatten*, p. 23.)

‘... Lord Mountbatten shared the feeling of most British people involved in pre-independence India that the breach of Indian unity, which had been the great pride of the Raj, was a sad ending forced on him by ugly necessity, rather than an act of statesmanship justified by its own merits’. (*The Great Divide*, pp. 395–6.)

The Prime Minister’s Letter of Instructions to him started with:

‘It is the definite objective of His Majesty’s Government to obtain a unitary Government for British India and the Indian States, if possible within the British Commonwealth, through the medium of a Constituent Assembly, set up and run in accordance with the Cabinet Mission’s plan, and you should do the utmost in your power to persuade all Parties to work together to this end, and advise His Majesty’s Government, in the light of developments, as to the steps that will have to be taken.’ (Ibid., p. 545.)

But the Cabinet Mission’s plan had been killed beyond repair by Mr. Nehru and the Congress. Mr. Liaqat Ali Khan’s reply to Lord Mountbatten’s question was:

‘“Since my dealings with the Congress members of the Interim Government, I have come to realise that they are utterly impossible people to work with, since there is no spirit of compromise or fair play in them. . . . If Your Excellency was prepared to let the Muslim League have only the Sind Desert, I would still prefer to accept that and have a separate Muslim State in those conditions than to continue in bondage to the Congress with apparently more generous concessions.”’ (Ibid., p. 224.)

Mr. Jinnah spoke to the same effect:

‘The whole basis of the Cabinet Mission plan had been that it would be worked in a spirit of co-operation and mutual trust: now, nearly a year later, the atmosphere had become seriously worse, and it was clear that in no circumstances did Congress intend to work the plan in accordance with the spirit or the letter. India had

passed beyond the stage at which any such compromise solution could possibly work.' (Ibid., p. 225.)

To this there could be no reply. To the end Lord Mountbatten 'strove for unity on some such lines as the Cabinet Mission had planned, but the more he strove the clearer it became that this solution was dead' (Ibid., p. 247). Congress leadership now shifted to another tack. Mr. Patel told the Viceroy that Mr. Jinnah:

'... would accept the Cabinet Mission plan only when the force of circumstances gave him no alternative. The British had repeatedly made the mistake of giving way to Jinnah in order to save his face. In his view, as soon as the Viceroy announced the prospective partition of Bengal, the Bengali Muslims would break from the League in order to preserve the province as a whole, and the same might possibly follow in the Punjab. Accordingly Sardar Patel thought there was a real chance that Mr. Jinnah would either be forced to come to terms or be overthrown by the League.' (Ibid., p. 235.)

'Maulana Abul Kalam Azad had told the Viceroy that if he were to announce the partition of Bengal it was highly likely that the Muslims of Bengal would separate from the League; he thought it was possible, though slightly less likely, that the same would happen in the Punjab.' (Ibid., p. 245.)

'Mr. Jagjivan Ram expressed what Lord Mountbatten described at the time as "the very wise view" that if the Muslims were allowed to do what they wanted, particularly if their goal was restricted by the partition of the Punjab and Bengal, they would find their Pakistan quite unworkable and would voluntarily join the Indian Union.' (Ibid., p. 245.)

That started Lord Mountbatten on his effort to wean away Mr. Jinnah and the Muslim League from insisting on partition by threatening them with a 'moth-eaten' Pakistan. Lord Mountbatten urged that if:

'... he accepted the arguments for partition as applying to all India, logic compelled him to apply them equally to the Punjab and Bengal. Mr. Jinnah admitted the apparent logic of this but begged Lord Mountbatten not to give him a "moth-eaten Pakistan". The demand for partitioning Bengal and the Punjab

was all a bluff on the part of the Congress to frighten him off his claim for Pakistan. But he was not so easily frightened, he said, and the Viceroy would be making a sorry mistake if he fell for the Congress ploy.' (Ibid., pp. 226-7.)

'I am afraid', Lord Mountbatten wrote, 'that I drove the old gentleman quite mad.' (Ibid., pp. 227.)

'Mr. Jinnah again appealed to the Viceroy not to give him a "moth-eaten" Pakistan, and again was most distressed by the Viceroy's insistence that the logic of partition, if applied to India, must be applied also to the provinces, that is to say, the Punjab and Bengal.' (Ibid., p. 225.)

All this logic was bandied about back and forth. Mr. Jinnah 'rejected most strongly the partition of Bengal and the Punjab, but was not to be put off by the threat of it.' (Ibid., p. 231).

Thus the new element in Menon's Simla plan was not Dominion Status for two Dominions. That had already been repeatedly canvassed. It was the *immediate* demission of power which was insisted upon by Sardar Patel in the sure conviction that it would mean a still-born Pakistan. Early during their talks Lord Mountbatten had asked Mr. Nehru,

'... what if he were to tell Mr. Jinnah that he would be granted his Pakistan—would that not bring him down to reality? Nehru agreed that it might be possible to frighten Mr. Jinnah into co-operation because of the shortness of the time available before partition must be completed.' (Ibid., p. 232.)

Here the short period in contemplation was till 30 June 1948. How much more potent might the threat prove, if this period were to be reduced to a bare two months as insisted upon by Mr. Patel! According to V. P. Menon:

'... the broad outlines were that the Muslim majority areas should be separated from India and that the transfer of power should be to the two Central Governments of India and Pakistan, on the basis of Dominion Status, each having its own Governor-General. The Viceroy remarked that whereas it seemed to him that it would

be a fairly easy matter . . . to transfer power at a very early date on a Dominion Status basis to the Union of India, there would for some time to come be no authorities in Pakistan to whom power could be transferred. I assured him that this problem would not present any insuperable difficulty and that we could find a solution. Nehru . . . said that it was desirable that there should be a transfer of power as soon as possible on a Dominion Status basis.' (*The Transfer of Power in India*, p. 360.)

' . . . subsequently in Simla he (V. P. Menon) had an opportunity of putting Patel's condition for accepting Dominion Status. The condition was that power should be transferred in two months time.' (Mahatma Gandhi, *The Last Phase*, vol. II, p. 154.)

In May 1949, speaking in the Indian Constituent Assembly, Sardar Patel stated:

'I agreed to partition as a last resort when we would have lost all . . . Mr. Jinnah did not want a truncated Pakistan but he had to swallow it. I made a further condition that in two months time power should be transferred.' (*Indomitable Sardar*, p. 124.)

Lord Mountbatten himself appreciated that Menon's plan might prove destructive of Pakistan. In his staff meeting in Simla on 9 May 1947, discussing the administrative difficulties involved in partition he observed:

'He appreciated the many administrative difficulties particularly those facing Pakistan but those were inherent in the situation anyhow. "What are we doing?" he asked. "Administratively, it is a difference between putting up a permanent building, a nissen hut or a tent. As far as Pakistan is concerned, we are putting up a tent. We can do no more."' (*Mission with Mountbatten*, p. 87.)

'Early in March 47, Mr. Churchill, speaking in the Debate in the House of Commons on the Labour Government's statement of 20th February 1947 had said, "This Government by their latest action, this fifteen months' limitation, cripple the new Viceroy and destroy the prospect of even going through the business on the agenda which has to be settled". He had added, "but at least let us not add by shameful flight, by a premature hurried scuttle—at least, let us not add to the pangs of sorrow so many of us feel, the taint and smear of shame"' (Ibid., p. 28.)

III

On 3 June 1947 Prime Minister Attlee announced the scheme of partition. The die was cast. Independence for India, partitioned into two Dominions. How was partition to be carried out?

The Provinces of the Punjab and Bengal were to be divided between Pakistan and India. Contiguous Muslim majority areas were to form part of Pakistan; contiguous non-Muslim majority areas were to be included in India. In carrying out the demarcation of boundaries, regard was also to be had to 'other factors', which were not specified. Two Boundary Commissions were to be set up, one for the Punjab, one for Bengal, each composed of four High Court Judges, two Muslim, two non-Muslim. In case of deadlock, which was inevitable, an agreed umpire would make the award, which would be binding. Subsequently it was agreed that Sir Cyril Radcliffe, a practising British lawyer, should be the Umpire.

Were the two Dominions to have a common Governor-General, in the person of Lord Mountbatten, at least to start with?

Lord Mountbatten took over as Governor-General on 24 March 1947. His first meeting with Mr. Gandhi was a week later. Lord Mountbatten recorded that in this meeting Mr. Gandhi 'showed no inkling of getting down to business. . . . We had progressed on the path of friendship.' (*The Great Divide*, pp. 220-1). They met again the next day and Mr. Gandhi propounded his own solution of the constitutional problem:

'He added another proposition which took the Viceroy even more aback: that he, Lord Mountbatten, should stay on indefinitely as a

“servant of India”, at the head of an independent Indian nation. The Viceroy was flattered by this tribute alike to his acceptability and to his readiness for self-sacrifice, but pleaded his naval career and his private obligations. Mr. Gandhi felt he would change his mind when the time came.’ (Ibid., p. 222.)

Mr. Gandhi was right. He had sown the seed; it germinated rapidly. Only three weeks later Lord Mountbatten suggested to Mr. Krishna Menon a solution, namely, two independent Dominions with himself as Governor-General of the two Dominions on a constitutional basis (Ibid., pp. 243–4.)

The Congress were not only willing but were eager to have him as Governor-General of both Dominions, and failing that as the first Governor-General of independent India. That in itself was strong indication that the arrangement would work to the advantage of India and to the prejudice of Pakistan. Enough has been set out in the preceding pages of this survey to establish that Mr. Nehru directly in person and Sardar Patel through Mr. V. P. Menon, the Constitutional Adviser of the Viceroy, were throughout in the inner counsels of the Viceroy. Under the new conditions the Governor-General would have to act on the advice of his Prime Minister, Mr. Nehru, in the case of India, and no difficulty need have been anticipated. There was perfect accord between the two. Each could, with advantage, lean upon the other and draw strength and support from the relationship.

How would it work on the Pakistan side? With Lord Mountbatten as Governor-General of Pakistan, he would have to work with Mr. Jinnah as his Prime Minister, or as ‘officiating Governor-General’, when the Governor-General himself would be in Delhi (*The Great Divide*, p. 331). What were the relations between Lord Mountbatten and Mr. Jinnah?

Their first meeting was on 5 April 1947. Lord Mountbatten’s immediate reaction was: ‘My God, he was cold. It took most of the interview to unfreeze him.’ (*Mission with Mountbatten*, p. 56). Mr. Jinnah and his

sister were to dine with the Mountbattens that night. The dinner was postponed to the following evening as Lord Mountbatten felt 'he could not sustain another session with him the same day.' (Ibid.).

'Writing immediately after that same initial interview, Lord Mountbatten described Mr. Jinnah as "frigid, haughty and disdainful". If, however, Lord Mountbatten found Mr. Jinnah infuriating it is likely that Mr. Jinnah was equally infuriated by Lord Mountbatten.' (*The Great Divide*, p. 216.)

'Mountbatten wrote of Jinnah's "megalomania": and there did seem sometimes a maniac streak to his obsession with power and his inordinate pride. . . . He often felt he had worsted Jinnah in a political argument without yet gaining an inch of ground, to have used his best persuasion yet to have made no headway at all.

'On the other hand, when the argument was on legal or constitutional points Jinnah was almost always right— . . . To the end, the underlying relationship between the two men was one of contest. . . .' (Ibid., p. 218.)

' . . . in the subsequent relations between the two men there was little to exemplify that sympathetic diplomacy of which Lord Mountbatten was so brilliantly capable, and which he might have been expected to exercise with particular care upon so crucial a figure. Indeed it is obvious from the Viceroy's own contemporary accounts of their dealings that they often exasperated each other, and, without ever breaking into conflict, found no basis for mutual understanding.' (Ibid., pp. 215–6.)

Nevertheless Mr. Jinnah offered a compromise solution which was more practical and realistic than Lord Mountbatten's proposal of a common Governor-General of the two Dominions on a constitutional basis. Such a Governor-General could act only on the advice of his respective cabinets and would continuously run into situations of conflict between the two Dominions, which he would have no power to resolve. His efforts at mediation could be frustrated by the obduracy of one side or the other.

'The Viceroy's mind was running on the lines of having, in the shape of a common Governor-General, a supreme constitutional authority who could bridge and settle by mediation the conflicts

and issues inevitably arising between the two Dominions.' (*The Great Divide*, p. 329.)

Mr. Jinnah was 'urging that he should definitely stay on to see the interim phase through in the capacity of a unifying Head of the two States'. (*Mission with Mountbatten*, p. 115).

'Mountbatten's first assumption was that Jinnah also had in mind a common Governor-General but only when he was in London did it become apparent that Jinnah wanted three Governors-General, one of India, one of Pakistan and one, Mountbatten himself, in an overall position as Supreme Arbitrator for the division of assets, most of which of course are in India.' (*Ibid.*, p. 118.)

This 'was quickly ruled out by the British Government as impracticable.' (*Ibid.*, p. 115). One fails to appreciate why such an arrangement, if agreed to by the parties, could not be adopted. The Supreme Head's mediatory efforts would be supported by his constitutional authority to pronounce a decision on each issue that might arise. The mere fact that he was invested with this authority would render its exercise unnecessary in most cases. Lord Mountbatten was, however, unwilling to reconcile himself to the assumption of such authority. He argued with Mr. Jinnah

'...vigorously and tried for a compromise solution: that whenever the common Governor-General was not in Pakistan—which would be by far the greater part of the year, since partition work under his auspices would have to proceed in Delhi—there should be an "officiating Governor-General"—who would presumably be Mr. Jinnah. Inserting this device in the draft Bill, he was able to say after slipping off for consultation, would have the support of Congress leaders. But Mr. Jinnah categorically refused to accept it. Lord Mountbatten, reporting to the Secretary of State two days later, described this conversation as a "bombshell". He could not forbear to show his wounded and hostile reaction.

'Jinnah solemnly assured me that he realised all the disadvantages of giving up the common Governor-General, that his one ambition was that I should stay on as Viceroy, or overall Governor-General, to see the partition through, but he was unable

to accept any position other than that of Governor-General of Pakistan on 15th August.

'I asked him, "Do you realise what this will cost you?" He said sadly, "It may cost me several crores of rupees in assets," to which I replied somewhat acidly, "It may well cost you the whole of your assets and the future of Pakistan." I then got up and left the room.' (*The Great Divide*, p. 331.)

'Early in Lord Mountbatten's considered despatch to the Secretary of State on his discharge of the Viceregal office from April to mid-August 1947 he refers to his first talk with Mr. Jinnah in Delhi and observes: "It was clear that this was the man who hold the key to the whole situation." That was true, and to recognise it was perspicacious.' (*Ibid.*, p. 215.)

'There can be no doubt where, between the two Dominions, Lord Mountbatten's heart lay. His closest relations in day-to-day politics had been with Pandit Nehru and Sardar Patel rather than Mr. Liaquat Ali Khan. Mr. Jinnah, with whom no more than anyone else had he been able to establish any personal intimacy, had not been a member of his Government. The official Indian advisers whom he trusted most were also Hindus, whereas his principal Muslim friend and go-between, the Nawab of Bhopal, was more a problem in India than a pillar of Pakistan. For Mahatma Gandhi the last Viceroy had a real if wary affection. Such personal relationships influence a man's political attitude.' (*Ibid.*, p. 395.)

The Prime Minister, Mr. Attlee, moving the Second Reading of the Indian Independence Bill in the House of Commons, in July 1947, observed:

'It had been intimated to us that it would be most convenient to all concerned to have one Governor-General for both of these Dominions in the initial stages, and, for some time, we proceeded on this assumption. It has recently become clear, however, that the Muslim League was in favour of a separate Governor-General to be appointed for Pakistan.' (*Hansard*, 10 July 1947, column 2449.)

and said a little later,

'Great benefits to the future of the whole continent of India would have followed from his appointment as Governor-General of both

the new Dominions. However, this is not to be.' (Ibid., column 2450.)

One wonders how little in touch with the realities of a situation a person in so responsible a position as the Prime Minister of a great country can be. The reply to his observations was furnished by Lord John Hope in the course of the debate on the same day. His father, the Marquess of Linlithgow, had been Viceroy of India (1936–43) and he himself had visited the country on several occasions thus having a more vivid knowledge of the conditions prevailing there than had the Prime Minister whose personal visits had been made twenty years earlier (1927–8) and whose later sources of knowledge were confined almost entirely to official despatches and private communications from Congress leaders. His closest adviser on Indian Affairs was Sir Stafford Cripps who was an ardent supporter of the Congress. On this question of a Common Governor-General Lord John Hope observed:

'... in my view, it is very lucky indeed that in fact there is not to be one Governor-General for the two Dominions. I do not know how Lord Mountbatten, with all his range of talents, would be able to take the advice of the Ministers of India, as it is now to be called, on the one hand, and contrary advice on the same subject from the Ministers of Pakistan. I think that his situation would have been very near to that of Gilbert's Lord Chancellor in *Iolanthe* who got into difficulties when he wished to marry one of his wards. Luckily that difficulty has been solved.' (*Hansard*, 15 July 1947, columns 252–3.)

Mr. Attlee considered Mr. Jinnah's self-nomination 'a piece of egotism'. (*The Great Divide*, p. 335).

Some Pakistanis have, on occasion, indulged in the speculation whether the major difficulties with which Pakistan, simultaneously with its coming into being, was confronted *vis-à-vis* India could have been avoided if Mr. Jinnah had been agreeable to the arrangement proposed by Lord Mountbatten. It is obvious that Congress leaders desired it eagerly, in the conviction that the processes of

partition would work out smoothly and the problems to which they were bound to give rise would be resolved without any prejudice to their interests and to their advantage as far as it was humanly possible under the joint Governor-Generalship of Lord Mountbatten. They had taken his measure early and had not found him wanting, as the preceding brief narrative amply bears out. They were not anxious to make matters easy for Pakistan. Quite the contrary.

'The Qaid-i-Azam's utterances at the time suggest a genuine desire for Indo-Pakistani friendship, which was decidedly in the interest of the smaller country, and an end to inter-communal conflict, which could only endanger the nascent nation and jeopardise the great Muslim minority still left in India. But the awakening on the morrow of partition was for many in Pakistan as painful as it was for Indian nationalists, perhaps more painful. Pakistan they had, but it was the "moth-eaten" Pakistan that the Qaid-i-Azam had scorned; purchased at the price of vivisectioning the two historic Muslim dominions of Bengal and the Punjab, it was but two spaces on a map, without a natural frontier along the new dividing lines, without a ready capital, without the apparatus of national government or much trained skill to exercise it, a weak and feeble infant, a dry-mouthed end to a romantic dream. Even so, India and the Hindus had yielded it not in friendship but grudgingly under coercion. They were feared to be hoping for its death and ready to damage it in every way. The fight to get for Pakistan her share of the assets in British India in money and material was still only half-fought. Amid such feelings of disillusionment and fear there was little soil in which reconciliation could prosper.' (*The Great Divide*, p. 402.)

The arrangement so ardently desired by Lord Mountbatten, if agreed to by Mr. Jinnah, would have broken down inside a month; as witness what happened to Field Marshal Auchinleck, the Supreme Commander.

'On 26th September Lord Mountbatten sent Field Marshal Auchinleck a letter which he described as probably the most difficult that he had ever had to write in his life:

"As you know, I have always held the view that it was absolutely essential in the interests both of India and of England that you

should remain at the military helm, not only until the transfer of power, but also until the reconstitution of the Armed Forces had been substantially completed. You have proved a tower of strength: and I do not know what I should have done without you. I have, as you know, always tried to fight your battles with the greatest vigour against all criticism, from whichever quarter it may have come.

"I admit that I was anxious as to what your position would be after the transfer of power: but when the Joint Defence Council accepted my proposal to make you Supreme Commander in charge of a Supreme Headquarters, I hoped that we had succeeded in devising an arrangement which would satisfy the desire of both the new Dominions to have forces under their own operational control, with effect from August 15, and which, at the same time, would ensure central administrative control over all the forces in the sub-continent of India during the process of reconstitution. I had hoped, in particular, that your own position was safeguarded by the fact that you were not to have any operational control, and that, even in the administrative field, you would be carrying out the directions of the Joint Defence Council.

"Alas, my hopes were very soon shaken. . . .

"There is no doubt in my mind that Indian Ministers resent the fact that at the head of the Supreme Headquarters there should be a man of your very high rank and great personal prestige and reputation—so immeasurably superior in these respects to their own Commander-in-Chief. I should be a poor friend if I did not admit that this resentment, which was initially directed against your position, has inevitably turned against yourself. . . .

"I have argued the case with the Indian leaders at great length. I have pointed out that you have no operational command over the Armed Forces of either Dominion, and that Lockhart, Elmhurst and Hall are responsible solely to the Indian Cabinet. I have explained that everything that you do in the administrative field is subject to the approval of the Joint Defence Council. I have emphasised that you are responsible to His Majesty's Government for all the British officers now serving in India, as well as for the British troops who are awaiting withdrawal. I have reminded them of your unparalleled services to India and to the Indian Army, and of the deep personal regard which they entertained for you in the past.

"I am sorry to say that I have completely failed to convince them . . . and the point has now been reached when I can no longer

prevent them from putting up an official proposal to the Joint Defence Council that the Supreme Headquarters should be abolished. . . .

"The discussion of a proposal of this kind in the Joint Defence Council would be absolutely deplorable. . . .

"But, above all, my dear Claude, I should simply hate to contemplate a discussion if your great name became the subject of bitter controversy, and in the course of which imputations might be made which, though palpably unjustified, could not but cast a slur on your reputation and prestige. This must be avoided at almost any cost and I can see only one way out of the dilemma. . . .

"... my suggestion is that you should yourself write a letter to me as Chairman of the Joint Defence Council proposing the winding up of Supreme Headquarters as soon as the major units have been transferred to their respective Dominions and its replacement by an organisation with a less high-sounding title and headed by much less high-ranking officers..." (*The Great Divide*, pp. 508–10.)

In his farewell letter to the Field Marshal, Lord Mountbatten wrote:

'... No one could have done more for India over an entire life's career devoted to her Army and nobody contributed more to help find a peaceful and acceptable solution. I hope you will not let the fact that impartiality is no longer respected by many Indians make you feel that you have somehow failed—history will show very much the reverse. . . .' (*Ibid.*, p. 511.)

IV

In view of the controversies generated by the awards of Sir Cyril Radcliffe, it would be of some interest to know how agreement was reached on his appointment as Chairman of the two Boundary Commissions.

‘Two alternative forms of arbitral commission were debated by Lord Mountbatten with the political leaders. Mr. Jinnah originally favoured asking the United Nations to nominate three members of each Commission, to sit with expert assessors from India. Pandit Nehru argued that this would involve intolerable delay and that the choice of Commissioners might in the end be quite unsuitable. Agreement was eventually reached on the second scheme suggested: each Commission would have an independent chairman and four other members, all High Court Judges, two nominated by the Congress and two by the League. Failing to agree on a chairman, the party leaders asked the Viceroy to seek a nomination by His Majesty’s Government. The name of Sir Cyril Radcliffe, who had earlier been suggested as chairman of the Arbitral Tribunal, proved fully acceptable, and at Mr. Jinnah’s instance he was made Chairman of both Commissions. . . .’ *The Great Divide*, p. 346.)

This account is not quite complete. Mr. Jinnah had also proposed that ‘three Law Lords from the United Kingdom be appointed to the Boundary Commission as impartial members. But he was told that the Law Lords were elderly persons who could not stand the sweltering heat of the Indian summer . . . had it not been for the decision to transfer power within two months the Qaid-i-Azam could have insisted that his suggestion be accepted. As it was Mountbatten persuaded him to accept an English lawyer.’ (*The Emergence of Pakistan*, p. 204.)

It is thus clear that though the nomination was ostensibly by His Majesty's Government, in effect it was Lord Mountbatten's choice and, as usual, he was able to put it through.

Sir Cyril Radcliffe was allotted a most difficult, complex and delicate task. That he had little knowledge and less appreciation of its complexities could work in both directions. He would approach it with an open and impartial mind. But an open and empty mind would demand being filled, and the source or sources from which it were filled would not fail to sway it.

'The Commissions were set up on 30th June, and on 8th July Sir Cyril Radcliffe arrived in India. After staying in New Delhi for a couple of days he visited Calcutta and Lahore, where the Commissions had already started their work. Unable to attend the simultaneous public sittings of both Commissions, he attended those of neither, but studied the daily record of their proceedings and all material submitted. His base was a house on the Viceregal estate in New Delhi, the Viceroy having decided that it would be improper for the Commission chairman to stay at Viceroy's House, where he might be thought to be under Viceregal influence.' (*The Great Divide*, p. 347.)

The naïveté of the concluding sentence will be appreciated.

'In Bengal, Sir Cyril perceived that the demarcation depended upon the answers to certain basic questions, which he cited. Of these, probably the three most important were:

1. To which of the two States was the City of Calcutta to be assigned, or was it possible to divide the City between them?
2. If Calcutta as a whole must be assigned to one State, what were the latter's indispensable claims to territory such as adjacent river systems on which the life of the city and port depended?
3. Who was to have the Chittagong Hill Tracts, with their small Muslim minority but their intimate physical and economic association with East Bengal?' (*Ibid.*, p. 348.)

Did Lord Mountbatten have any views on any of these questions? In his Staff Meeting on 25 April, among the various points raised by Lord Mountbatten 'were forebodings about the future of Calcutta. He felt the

Muslims would be bound to demand a plebiscite for it and that its fate would become a major issue. It would, however, be most undesirable to lay down the procedure of self-determination here, which might well give the wrong answer' (*Mission with Mountbatten*, pp. 71–2). It is clear that Calcutta going to Pakistan would, in the Viceroy's view, be 'the wrong answer'. It could be said that the mere fact that the Viceroy felt that way did not stand in the way of Sir Cyril coming to a contrary conclusion independently on his own; that he decided in favour of Calcutta going to India has no more significance than two intelligent minds working along parallel lines and arriving at the same result. Unfortunately the matter does not rest there.

In the first week of July Lord Ismay took the final plan of partition to London for the British Government's approval. Under this plan 'Eastern Bengal and West Punjab were to go to Pakistan and Western Bengal (which was to include Calcutta) and the Eastern Punjab were to go to India.' (Lord Ismay, *Memoirs*, p. 420).

'... the Muslim League was kept completely in the dark regarding this crucially important part of Mountbatten's plan to hand over Calcutta to India. Indeed as Mountbatten knew very well, a partition plan, which openly incorporated the Congress condition about Calcutta going to India, had no chance of being accepted by the Muslim League. All that the Muslim League was told was that the issue of Calcutta was being left to the boundary commission to decide.' (*The Emergence of Pakistan*, p. 208.)

On 13 January 1950 the Bengal National Chamber of Commerce, the Indian Chamber of Commerce and the Bengal Chamber of Commerce gave a joint address to Sardar Patel. In the course of his reply to the address Sardar Patel stated: 'we agreed to partition because we saw the alternative was worse. Therefore we agreed to it, but at the same time we made a condition that we can only agree to partition if we do not lose Calcutta.' (*The Statesman*, 16 January 1950; *The Hindu*, 16 January 1950; *Transfer of Power*, published by the Pakistan Institute of International

Affairs, 1966, p. 391.) Lord Mountbatten's estimate of Sardar Patel was 'a man of honour whose word was his bond'. (*The Great Divide*, p. 350.)

Can it be questioned that a commitment had been made that Calcutta would go to India and that Sir Cyril Radcliffe, through his award, honoured the commitment? It is not suggested that Lord Mountbatten told Sir Cyril what he should do, nor indeed was it necessary, as will become clear as the sorry tale unfolds.

Sir Cyril Radcliffe arrived in Lahore on 14 July and asked the representatives of the parties to meet him and the members of the Punjab Boundary Commission at 11 a.m. on the 15th, when he outlined to them the procedure that the Commission would follow. They were told to file their written statements by noon of 18 July and to be ready to start their oral submissions on the 21st. He himself would not sit with the Commission but the written statements of the parties and a record of their oral submissions would be forwarded to him as soon as they became available and these he would study carefully. When the representatives of the parties had left, Sir Cyril, in the course of his conversation with the members of the Commission, mentioned that he intended to make an aerial survey next morning. The Senior member of the Commission enquired whether the Commission would have any means of finding out what impression his projected air survey had left on his mind. Sir Cyril suggested that two members of the Commission might accompany him. When the party gathered at the airfield next morning the trip had to be abandoned as the sky was heavily overcast with dust. On enquiry by the Muslim member what their schedule would have been the pilot told him that his instructions were to fly due east to the point just beyond Pathankot where the river Ravi debouches into the plains and then to follow the course of the river westwards to a point in the Lahore district where he was to veer to the left in a south-westerly direction. Once over Ferozepore he was to veer to the right and return to Lahore.

This information caused the member great uneasiness.

This was not to be a general aerial survey, this was to be an inspection of a definite boundary line. Returning to Lahore he went over to the senior member of the Commission (Muslim) and communicated the information to him, which upset him equally.

The cause of their uneasiness was patent. What was the purpose of the proposed aerial survey? Sir Cyril had arrived in Delhi on 8 July. He had stopped there only for a couple of days, had then gone to Calcutta and on to Lahore, arriving there on the 14th. The parties had not yet submitted their cases to the Commission. Their written statements were to be submitted on 18 July, and their oral submissions would commence on 21 July. Sir Cyril was not yet aware of the respective claims of the parties. Where had he picked up this line of aerial survey? What was its significance? Who had briefed him?

If this was to be the boundary line it would leave the Gurdaspur Pathankot and Batala Tehsils of the Gurdaspur district in India. The Gurdaspur district was a Muslim majority district and in the notional partition carried out for administrative purposes had been included in West Punjab. If the unit for the purpose of determining contiguity was to be a Tahsil and not a district, the Gurdaspur and Batala Tahsils were Muslim majority Tahsils. Their inclusion in India would be contrary to the terms of reference.

They decided that the senior member should proceed immediately to Delhi and apprise Mr. Jinnah of this development, and suggest that he should ask for an explanation of the why and wherefore of the survey. If a satisfactory explanation was not forthcoming the two Muslim members would resign from the Boundary Commission. Mr. Jinnah on being apprised of the situation refused to let them resign and the Commission proceeded with its futile exercise.

On behalf of the Muslim League it was argued that the only feasible and practicable unit for the purpose of demarcating contiguous Muslim and non-Muslim areas

would be a tahsil (sub-district). Had this yardstick been applied the Gurdaspur and Batala tahsils of the Gurdaspur district, the Ajnala tahsil of the Amritsar district, the Ferozepore and Zira tahsils of the Ferozepore district and the Nakodar and Jullundhur tahsils of the Jullundhur district, all Muslim majority areas contiguous to Muslim majority areas included in Pakistan, should also have been allotted to Pakistan.

‘On August 8, 1947, I went from Delhi to Karachi for a day to consult the Quaid-e-Azam and Liaquat Ali Khan about the Indian proposals for the treatment of the national debt. Before I left Karachi to return to Delhi, Liaquat Ali Khan told me that the Quaid-e-Azam had received disturbing reports about the likely decision on the Punjab boundary, particularly in the Gurdaspur district. He asked me, on my return to Delhi, to see Lord Ismay and convey to him, from the Quaid-e-Azam, that if the boundary actually turned out to be what these reports foreshadowed this would have a most serious impact on the relations between Pakistan and the United Kingdom, whose good faith and honour were involved in the question. When I reached Delhi, I went straight from the airport to the Viceroy’s House where Lord Ismay was working. I was told that Lord Ismay was closeted with Sir Cyril Radcliffe. I decided to wait until he was free. When, after an hour, I saw him I conveyed to him the Quaid-e-Azam’s message. In reply Ismay professed complete ignorance of Radcliffe’s ideas about the boundary and stated categorically that neither Mountbatten nor he himself had ever discussed the question with him. It was entirely for Radcliffe to decide; and no suggestion of any kind had been or would ever be made to him. When I supplied Ismay with details of what had been reported to us, he said he could not follow me. There was a map hanging in the room and I beckoned him to the map so that I could explain the position to him with its help. There was a pencil line drawn across the map of the Punjab. The line followed the boundary that had been reported to the Quaid-e-Azam. I said that it was unnecessary for me to explain further since the line, already drawn on the map, indicated the boundary I had been talking about. Ismay turned pale and asked in confusion who had been fooling with his map.’ (*The Emergence of Pakistan*, pp. 218–19.)

‘Early in August Lord Ismay was given a strongly worded oral

message from Mr. Liaquat Ali Khan that if Gurdaspur District in the north of the punjab or any large part of it were allotted to India this would be regarded as a most serious fact by Mr. Jinnah and the Pakistan Government. If it turned out that such an award was a political rather than a judicial decision, it would amount to so grave a breach of faith as to imperil future friendly relations between Pakistan and Britain. . . . Lord Ismay replied that the Viceroy had nothing to do with the Boundary Commission.' (*The Great Divide*, p. 349.)

The Emergence of Pakistan is mentioned in *The Great Divide* at page 352, but the author makes no reference to the tell-tale line marked on the map in Lord Ismay's room. This line corresponded to the instructions given to the pilot for the aerial survey which Sir Cyril Radcliffe had intended to make on 16 July.

On 8 August Sir George Abell, Private Secretary to the Viceroy, wrote a letter to Mr. Abbott, Private Secretary to the Governor of West Punjab, Sir Evan Jenkins, who had asked for a forecast of the Punjab award in order that he might make his administrative dispositions. This letter read as follows:

'I enclose a map showing roughly the boundary which Sir Cyril Radcliffe proposes to demarcate in his award, and a note by Christopher Beaumont describing it. There will not be any great change from this boundary, but it will have to be accurately defined with reference to village and *zail* boundaries in the Lahore district.

'The award itself is expected within the next 48 hours, and I will let you know later about the probable time of announcement. Perhaps you would ring me up if H.E. the Governor has any views on this point.' (*The Great Divide*, p. 352.)

The author of *The Great Divide* has commented that 'It was normal practice in India to give advance information to Provincial Governments of the contents, or likely contents, of reports liable to cause disturbances'. (Ibid., 352).

One or two features of this correspondence are worthy of note. Sir Evan Jenkins approached the Private Secretary to the Viceroy in the confidence that through him he would be

able to obtain a forecast of the award. Sir Evan Jenkins was Governor of West Punjab (after the so-called notional division of the Province, for administration purposes, into East and West). The Governor of East Punjab was Sir Chandulal Trivedi (Hindu) who was equally concerned with the 'administrative dispositions' that would be entailed by the award. It is to be presumed that in conformity with the 'normal practice' the information supplied to Sir Evan Jenkins was at the same time also supplied to Sir Chandulal Trivedi. Both of them were under the administrative control of the Government of India, which was headed by Mr. Nehru. There was no Pakistan yet.

The map that accompanied Sir George Abell's letter to Mr. Abbott showed that the boundary line would conform to the line drawn on the map in Lord Ismay's room, subject to a precise definition of 'village and *zail* boundaries in the Lahore district'. The award itself was expected within 48 hours, that is to say, on 10 August at latest. Its formal submission to the Viceroy was delayed till the 13th, it was not published till the 16th. What, if anything, of importance transpired between 8 and 13 August?

Prior to 8 August Sir Cyril Radcliffe had separate conversations with the members of the Punjab Boundary Commission in Simla. According to the Muslim members though he listened patiently and courteously to their presentation of the considerations in support of the inclusion of the Gurdaspur district in Pakistan he gave no definite indication of his own views on the subject. They were thus apprehensive that the greater part of the district might go to India as indicated in his proposed plan of aerial survey which he had intended to carry out on 16 July. When they sought to raise the question of the allotment of the two tahsils of Ferozepore and Zira to Pakistan they were told at once that this needed no argument. As Muslim majority areas contiguous to the main Muslim majority block there could be no question but that they must be included within Pakistan. Thus up to 8 August the award followed the line marked on the map in Lord Ismay's room.

The final stage opened in Delhi. Who were the *dramatis personae*? Sir Evan Jenkins, Governor of West Punjab, had been deeply opposed to partition of the Province, but had to acquiesce in it. (*The Great Divide*, p. 210.) When Sir Khizaar Hayat Khan had resigned on 3 March Sir Evan 'after going through the procedure of inviting the Nawab of Mamdot, as leader of the Muslim League, to form a Government, went into Section 93'. (Ibid., p. 272). That is to say, he took over the administration of the Province.

'When Sir Evan Jenkins talked with the Viceroy on 14 April during the Governor's Conference, he reported that Sir Khizaar had offered, in order to save all the turmoil of elections (which in the Governor's opinion would give the Muslim League a small overall majority), to lead his Unionist Muslims into the League and so enable them to form a Government. Lord Mountbatten and Sir Evan agreed that a communal Government would only make matters worse, and that Section 93 administration must continue.' (Ibid., p. 273.)

Sir Evan was anxious to save the Sikhs from the disastrous consequences of their insistence upon the partition of the Province and at one time he wrote to the Viceroy:

'I believe there is quite a lot in the claim of the Sikhs... for a share in the Canal Colonies of the West and the Giani's idea that the Montgomery district should be allotted to East Punjab is by no means as ridiculous as it sounds.' (*The Emergence of Pakistan*, p. 212.)

Lord Mountbatten himself had sympathy with the Sikhs but could not see how, in the case of a partition of the Province, the integrity of the Sikhs could be maintained. At his press conference on 4 June, in answer to a question whether any provision had been made in the partition plan to keep the integrity of the Sikh people intact he observed:

'...they wanted the Punjab to be divided into predominantly Muslim and non-Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came

to me as a tremendous shock, as I like the Sikhs and am fond of them and I wish them well. I started thinking out a formula to help them but I am not a magician.' (Ibid., 210.)

Another *deus ex machina* to help out the Sikhs became available in the person of Major Billy Short.

'Major Short was a "dug-out" officer of the XI Sikh Regiment and a great Sikh enthusiast—destined over the next few years to plead their cause in vain. He had come to the Punjab in the summer of 1940 in consequence of a series of disquieting incidents among Sikh elements of the armed forces, which had culminated in April 1940 in the refusal of the Sikh squadron of the Central India Horse to embark at Bombay for the Middle East. A considerable flutter had been caused in Army H. Qrs.... At Short's suggestion he and a number of officers specially selected for their experience of Sikhs ... were posted in the main areas of recruitment and required to stimulate sustained and co-operative efforts by the civil and military authorities to allay Sikh disquiet and to induce a healthier attitude among the Sikhs towards the war and recruitment. Short was one of these Civil Liaison Officers ... with his base at Lahore. Short at Lahore covering also Amritsar and the Central Punjab Districts and with influential friends in the Sikh State of Patiala was in a key position.... He threw himself into his work with enthusiasm and was soon accepted by leading Sikhs and not least by the Akalis, as a friend and well wisher.' (*Divide and Quit*, pp. 32–3.)

In the crisis that the Sikhs were facing Baldev Singh, a Sikh leader, and a colleague of Mr. Nehru in the interim Government, sent a cable to Major Short who was then in the United Kingdom, asking him 'to come out and help smooth matters'. (Ibid., p. 86.)

Lord Ismay, another supporter of the Sikh cause, anxious to help them, had gone to London with Allan Campbell Johnson on 7 July and flew back to Delhi on the 20th. 'On our journey back we are taking with us Major Billy Short, who has a very great influence with the Sikhs. He was attached to the Cabinet Mission and was at Baldev Singh's right hand last December. He will not be a member of the Viceroy's staff as such, but will be seconded to advise

Ismay, who has deep and well founded forebodings about Sikh reactions in the Punjab.' (*Mission with Mountbatten*, p. 136.) 'Phrases like "the poor Sikhs, what can we do for them?" were continually used by Ismay and others on Mountbatten's Staff.' (*The Emergence of Pakistan*, p. 212.)

'I... was in Delhi for about a week during the last 10 days of July... I had several talks with Menon himself and with other members of the Viceroy's Staff... I did, however, express my certainty that the Sikhs would turn upon the Muslims in East Punjab and take a fearful revenge for the March happenings... During my stay in Delhi Major Short arrived from England in response to Baldev Singh's request to him to come out. He realised at once that the time had passed for thinking of a Sikh-Muslim rapprochement. All he could do for the Sikhs was to plead for drawing the dividing line in the Punjab sufficiently far to the West to bring some of the colony lands within India. With all my sympathies for the Sikhs I did not think that on merits this could be done. To include within India any of the Punjab colonies would mean shifting the line so far west that the city of Lahore and large tracts of country in which Muslims were in the majority would fall on the Indian side. On the agreed basis the dividing line must necessarily fall between Lahore and Amritsar. In various discussions in Delhi with Short and V. P. Menon I stuck to this view. Menon wanted to know whether by any juggling with the line the danger of disturbances could be diminished? I did not think so. I said that after all that had happened in March '47 the Sikhs were bent on attacking the Muslims wherever they felt themselves to be superior and a shift of the line in their favour would not now deflect them.' (*Divide and Quit*, pp. 94-6.)

It should be remembered that apart from the two tahsils being a contiguous Muslim majority area the only other factor appertaining to this area was that it included the headworks of the Sutlej Valley project which controlled the distribution of the waters of the two Punjab rivers, Beas and Sutlej. Eighty-three per cent of the waters passing through the headworks were to irrigate large areas in Pakistan and the remaining seventeen per cent flowed into the State of Bikaner which was contiguous both to Pakistan and to India and the decision of whose ruler on the question of

accession to Pakistan or to India might well be influenced by the fact that the canal taking off from these headworks was the only source of irrigation available to Bikaner. Would this factor induce any reaction on the part of Mr. Nehru on learning that the headworks would pass under the control of Pakistan?

The substance of the difference between the map that was enclosed with Sir George Abell's letter of 8 August to Mr. Abbott 'and the award, was the transfer to India of the two tahsils of the Ferozepur district. On or about 11 August Sir Evan Jenkins received a cypher telegram reading "Eliminate Salient". He correctly understood this to refer to the Ferozepur area. The two tahsils in question were not thought by him to be of any great significance, but they were subsequently regarded as highly important for Pakistan for military and irrigation water reasons.' (*The Great Divide*, p. 353.)

Two comments are called for. What was the basis of the correct understanding of Sir Evan Jenkins that the two words of the cypher telegram, 'Eliminate Salient', had reference to the Ferozepur area, unless since the receipt of Sir George Abell's letter of 8 August communication had passed between the two with reference to the Ferozepur area in which the area had been designated as the 'Salient'?

Secondly, it is not possible to accept the suggestion that 'the two tahsils in question were not thought by him to be of any great significance'. The area involved, comprising *inter alia* the district headquarters in the city of Ferozepur and the sub-district headquarters at Zira would alone make it of considerable significance. But when it is remembered that it also included the headworks of one of the major irrigation projects of the Province upon which depended the prosperity of a large sector of West Punjab, the significance is enhanced manifold. Indeed the modification in the boundary line thus carried out was not only of considerable significance, it was crucial, as was demonstrated by the subsequent behaviour of India, made possible by this modification.

About the time that Sir Evan Jenkins received the cypher telegram reading 'Eliminate Salient' Sir Penderel Moon received a telegram from Major Short, who was still in Delhi, which read: 'Your line has it.' 'This told me approximately where the line would run and gave the assurance that Lahore would come to Pakistan.' (*Divide and Quit*, p. 96.)

The meaning of this obviously is that from this laconic telegraphic message received from Major Short, Sir Penderel Moon was able to appreciate that the boundary line marked on the map in Lord Ismay's room would not be deflected further west so as to include the Lahore and Montgomery districts in India but that the two tahsils of the Ferozepur district included in Pakistan according to that line had been transferred from Pakistan to India. In other words, the 'juggling' with the boundary line which had been mentioned and considered several times between V. P. Menon, Lord Ismay, Major Billy Short, Sir Penderel Moon and others had finally assumed the shape of the transfer of the Ferozepur area from Pakistan to India.

Under pressure from the Congress the Sikhs had insisted upon the partition of the Province, though they should have known that this would mean a disruption of their community. Then they began to cast about for means and devices to alleviate the consequences of their own demand. They asked to be allotted some of the richest Muslim majority areas in the newly irrigated districts of West Punjab. This, ridiculous as it was and sounded, was not so considered by Sir Evan Jenkins, who conveyed this view to the Viceroy.

As early as 8 April Sir George Abell had expressed himself in these terms: 'The crucial question was: Is the Cabinet Mission plan dead? Tell Jinnah what he will get if he refuses it. He won't be reasonable till this has been clarified.' (*Mission with Mountbatten*, p. 58.)

On 25 June there was a family dinner party 'to celebrate Mountbatten's forty-seventh birthday. Mieville spoke to me in very strong terms about the delay over any decision on

the Governor-General issue and considers to be, apart from anything else, rank discourtesy, on the part of Jinnah, who continues to play the role of Delphic oracle and deal in riddles.' (Ibid., p. 123.)

On 2 July, having failed to persuade Mr. Jinnah to agree to a common Governor-General for the two Dominions, Lord Mountbatten had told him: 'It may cost you the whole of your assets and the future of Pakistan' and had then got up and left the room. (*The Great Divide*, p. 331.) The author of *The Great Divide* opines this may have left 'some lingering resentment of Mr. Jinnah's frustration of his hope of becoming Governor-General of both Dominions and of presiding over their joint destiny in the initial, formative months of their freedom'. (*The Great Divide*, p. 396.)

In the second week of August the drama was approaching its *finale*. So far as the Punjab boundary line was concerned everyone in Delhi and Sir Evan Jenkins in Lahore were concerned about the Sikhs. Was some alleviation of their situation possible?

On being apprised of the proposed boundary line did Sir Evan Jenkins suggest its modification by eliminating the Ferozepur salient, thus transferring the Ferozepur and Zira Tahsils from Pakistan to India?

Was it Major Short's idea, who was still sitting in Ismay's office in a disconsolate mood for there was really nothing he could do to help the Sikhs (*Divide and Quit*, p. 96)? Had Sir Penderel Moon injected it into his mind? Moon was in Delhi when Short arrived with Lord Ismay in the capacity of an adviser on Sikh reactions.

If, as is most likely, Sir Chandulal Trivedi had advised Mr. Nehru on the proposed Punjab boundary line, how did Mr. Nehru react?

Once the two dominions had been established and the boundary awards had been made a Tribunal was set up for the division of assets. The Tribunal was composed of one member nominated by Pakistan, one nominated by India and a neutral chairman, Sir Patrick (now Lord) Spens who, up to the date of Independence, had been Chief Justice of

India and was considered by both parties a very suitable chairman of the Assets Tribunal.

Among a host of matters that were referred for decision to the Assets Tribunal was a claim by India for compensation which was based on the allegation that there had been greater development and exploitation of the water resources of the Punjab in what was now West Punjab and was part of Pakistan, than in that portion of the Province which was now East Punjab and formed part of India. It was contended that the development of the irrigation system had been carried out by application of the common resources of the Province and that to the extent to which development in West Punjab was in excess of that in East Punjab, having regard to the proportionate share of each part of the Province, East Punjab (India) was entitled to compensation from West Punjab (Pakistan). It was further contended that compensation should be assessed not on the basis of the book value of the assets involved in terms of the cost at the time when the development took place, but on the basis of the value of the assets at the time of Partition. The representatives of Pakistan and India before the Tribunal were the two respective Attorneys-General. Both made a submission to the Tribunal that it should proceed to settle this matter on the assurance given by each representative on behalf of his government that the existing supply of waters would continue undisturbed and uninterrupted and would not be interfered with. The Tribunal heard the contentions of both sides and the arguments advanced in support thereof and upheld both contentions of India and proceeded to assess compensation in accordance therewith. The day following that on which the Tribunal made its award India stopped all flow of water into Pakistan through the Ferozepur headworks, claiming that as the Upper Riparian State it owned all water flowing through its territories and that it was entitled to divert the total quantity which used to flow down through the headworks into Pakistan.

The situation thus created by India's arbitrary action,

contrary to the assurances given on its behalf by its representative to the Tribunal, was for West Pakistan of the utmost gravity. On its protest the Prime Minister of India offered to restore the flow of waters through the Ferozepur headworks on a temporary basis provided Pakistan would agree to deposit every year, in a bank to be specified by India, in escrow, an amount, as determined by India, equivalent to the price of the waters which would flow from the Ferozepur headworks into Pakistan. This arrangement was to be without prejudice to the legal position of either party but obligated Pakistan to explore means of substituting from its western rivers the supply of water which India might progressively reduce from the Ferozepur headworks. Pakistan had no choice but to accept this offer which was embodied in what is known as the Agreement of 4 May 1948.

The terms and character of this Agreement made it obvious that it was designed as a temporary measure of relief while the parties would seek to adjust the difference between them over their legal rights through negotiations and, failing that, through third-party determination either by way of good offices or mediation or by way of arbitration or judicial decision. Pakistan having made the initial payment as determined by the Prime Minister of India, then sought to persuade India to agree to some method of settlement of the legal questions involved. To its great surprise India took up the position that the Agreement of 4 May 1948 had determined the whole matter and that nothing further needed to be done in respect of the problem. This position was obviously untenable. The Agreement was without prejudice to the legal rights of the parties and by its very nature it had put into effect a temporary device. The amount which Pakistan was to deposit in escrow every year could not be paid over to India or returned to Pakistan except on the basis of the final determination of the legal rights of the parties. India's position was that Pakistan should explore and investigate means of substituting the water which India would progressively withdraw from

flowing through the Ferozepur headworks so that in the course of a few years India might be enabled to utilize the whole of the flow of the two rivers, Beas and Sutlej, for its own purposes. Among other suggestions made by Pakistan, it invited India to submit the legal questions involved to the International Court of Justice for adjudication. India declined to do so on the ground that it had no doubt whatever that as the Upper Riparian State it was entitled to utilize the entire flow of water through these rivers as they ran through its territory and that there was thus no legal question to be resolved.

About this time Mr. David Lilienthal, who had been chairman of the Tennessee Valley Authority and was currently chairman of the Atomic Energy Commission of the United States of America, had occasion to travel to the sub-continent and took the opportunity of flying over that portion of the Indus Valley which would be affected by the continuance of this dispute between the two Dominions, as they then were. On his return to the States he set out the impressions that he had conceived during his flight over the area in an article which was printed in the *Saturday Evening Review*. He warned that the continuance of the dispute would, within a few years, turn vast areas of West Pakistan into desert, ruin the economy of West Pakistan and expose large sections of its population to utter privation and misery. He suggested that the International Bank for Reconstruction and Rehabilitation should offer its good offices and the services of its technical experts to the two States to bring about a settlement of the dispute, provided the governments concerned should agree that the settlement should proceed on the bases: (a) that existing uses will be safeguarded, and (b) that provision for further development of the Indus Valley from the waters of the Indus and its tributaries should be made through the construction of dams, reservoirs and link channels, the cost of which should be borne by the two States in proportion to the benefit to be derived by each from such development.

The Bank made an approach to both governments along

the lines suggested by Mr. Lilienthal and after certain qualifications and assurances had been made and exchanged the two governments agreed to work out the suggested plan under the auspices of the Bank. The technical and scientific investigation in which both sides participated, along with the Bank experts, and which was checked up at every step, took a number of years. At last an agreement was reached on the various heads which would be worked into a treaty embodying a final settlement.

It was agreed that India would progressively divert determined quantities of the waters of the two rivers to its own uses, but would pay the cost of the works and channels that Pakistan would have to carry out and construct for the purpose of diverting corresponding quantities of water from its western rivers to the east in substitution for the waters to be diverted by India. These works could be so designed as to provide for Pakistan's expanding needs for irrigation facilities but the additional cost thereby involved would be borne by Pakistan.

Great credit is due to the Bank and its officials who continued their efforts with great patience, forbearance and understanding and did not let the beneficent objective be frustrated by the attitudes that one or the other, or both, parties adopted from time to time and which, if they had not been suitably and equitably adjusted, would have defeated the whole purpose of the Bank's endeavours. At the penultimate stage a difficulty arose which bade fair to thwart everything. When the approximate cost of the works that would be needed to effect a transfer of the volume of water from Pakistan's western rivers to the east so that the water of the eastern rivers may be utilized by India had been estimated, India professed inability to provide the cost that it was under obligation to meet under the terms of the Agreement. The Bank, at this stage, made an approach to the governments of interested, sympathetic States who worked out with the Bank a system of grants and loans which would enable India to discharge its obligation and which India found acceptable. The treaty was then put

through and its provisions are being progressively worked out in the form of dams, reservoirs, link channels and other works needed for the carrying out of the purposes of the treaty.

It will thus be appreciated that Sir Evan Jenkins, a Punjab civilian, a very wide-awake officer possessing great administrative experience and ability could not have thought that the transfer of the two Ferozepur tahsils from Pakistan to India was not 'of any great significance'. The wording of the cypher telegram of 11 August 'Eliminate Salient' is strong evidence that after the receipt of Sir George Abell's letter of 8 August which enclosed 'a map showing roughly the boundary' which Sir Cyril Radcliffe proposed to demarcate and from which there would 'not be any great change' Sir Evan had proposed or had been apprized of a proposal to modify the boundary line so as to transfer the two Ferozepur tahsils from Pakistan to India and that the proposal was described as the elimination of the salient.

* * * *

It would be futile to attempt a description or summary of the inhuman violence with which the partition was accompanied in the Punjab, and the untold misery and suffering that it inflicted upon millions. The Muslims and the Hindus were both largely caught by surprise and suffered on a large scale. The Sikhs were well organised and had made their plans and preparations in advance and in consequence suffered comparatively less in the holocaust and contributed more towards it.

The wounds inflicted by the partition have not all been healed by time. Some became running sores. Agreement upon the method of sharing the waters of the Indus Valley rivers took twelve years. Its implementation is a continuing process.

V

The problem of Kashmir still keeps Pakistan and India poised against each other. Three times have the armed forces of the two been locked in combat over Kashmir, and the problem is no nearer solution yet. This is an issue which has directly or indirectly led to all the phases of hostility between the two countries during the last quarter of a century.

The partition of British India was carried out on the basis of contiguous areas of Muslims and non-Muslims. This did not involve Indian States. Section 7(b) of the Indian Independence Act, 1947, provided:

‘(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise. . . .’

This meant that on the lapse of suzerainty an Indian State could accede to either Dominion or could remain independent. This is confirmed by the following extract from the Debate on Indian Independence Bill in the House of Lords:

‘[Viscount Templewood] . . . “Now I come to the third of the questions with which I am attempting to deal, the question of the relations between British and Indian India—the India of the States, the India that comprises a third of the territory of the Indian sub-continent, and a quarter of the whole Indian

population. We on this side of the House have again constantly urged the need for taking into the fullest and most sympathetic account the future of the Indian States. We have felt that we were under grave obligations to them. Time after time the Indian States have helped us in the hour of our country's need. We feel that we are under an obligation to them at the present moment for another reason.

"As a result of the partition of India, the Indian States are being forced into this dilemma: shall they, or shall they not, join one or other Dominion, each of which is fundamentally based upon communalism? Hitherto, speaking generally, the Indian States have been substantially free of communal bitterness. When in 1930 they made the offer to enter an Indian Federation, I remind noble Lords, it was a federation for the whole of India, and it was to be assumed that, in a federation of the whole of India, communalism would not be a prominent factor. The position today is very different, when they are asked to join one or other of the two Dominions each of which is founded upon communalism. I think it is sufficient to make that observation to show that we are under a very definite obligation to offer our best services to them in the most sympathetic way, and to make it as easy for them as possible to come to a free choice as to what they should do when they have had sufficient time for deliberation.

"I was very well satisfied with what the Prime Minister in another place said upon this subject. He made it quite clear that they should be absolutely free to make what choice they wished. The Secretary of State today made it equally clear that no pressure was to be put upon them. At that stage of his speech I was completely satisfied with what he said, but when he came to deal later with the question of passports he made use of words that caused me a certain amount of disquiet. If I understood him aright, he said, 'We do not intend to recognize any States as international entities.' I would ask whether that statement refers only to the temporary period when there are these complications with passports, and so on, or is it meant to be a declaration of Government policy for all time?"

"The Earl of Listowel: "would the noble Viscount like an answer to that question now?"

"Viscount Templewood: "Please."

"The Earl of Listowel: "I was making a statement of Government policy as it is at this moment, and I am sure the noble Viscount would not expect me to answer now a question the

answer to which must depend on events that no one can foresee at the moment."

'Viscount Templewood: "Then I understand the noble Earl to say that the question of recognition is a question that is left open for the future. I do not know what else it could mean from what he has just said."

'The Earl of Listowel: "We shall, of course, consider the position that will arise after the States have settled their future relationship with the Dominions, and all these problems will fall to be considered at that time. I am sure the noble Viscount will appreciate that I cannot go any further than that at this moment."

'Viscount Templewood: "I do not wish to embarrass the noble Earl at all, but let me be clear about the matter, because this is a very important point. I do not wish to press that the Government should, here and now, make a statement as to what should be the exact relations with an Indian State that eventually finds itself unable to join one or other of the Dominions, but what I want to be quite clear about is that the question is left open to be considered on its merits when such a position arises. Is that so?"

'The Earl of Listowel indicated assent.

'Viscount Templewood: "Then I am quite satisfied. . . ."
(*Hansard*, House of Lords, Debate on Indian Independence Bill, 16 July 1947. col. 823-5.)

Though this was the position in constitutional theory, everyone concerned realised that it could not be given practical effect. The only choice a State had was to accede to one Dominion or the other and this was to a large degree dictated by its geographical position and the communal composition of its people. It could, for instance, be assumed that a State contiguous to India with a majority of non-Muslims among its population would accede to India, and that a State contiguous to Pakistan with a majority of Muslims among its population would accede to Pakistan. Wisdom prescribed that course. But the situation in respect of some of the States was complicated by the factor that the Ruler of the State belonged to one community and a majority of the people of the State belonged to the other. For instance, the Rulers of Bhopal and Junagadh were Muslims but a majority of their people were non-Muslims.

The same was the case with Hyderabad. All three were not only contiguous to India but had no contiguity with Pakistan. Junagadh being a coastal State had access to Pakistan by sea. On the other hand the Ruler of Kashmir was a non-Muslim while a large majority of its people were Muslims. Along the greater part of its boundary it is contiguous to Pakistan. Its two rivers flow into Pakistan, its two major roads and its solitary railway line run into Pakistan. Sir Cyril Radcliffe's award provided it with a certain degree of access to India. A feature peculiar to Kashmir is that to the east and north it has contiguity through high mountain ranges with Tibet and China.

Of these States the Ruler of Bhopal after some attempt at clarification of the terms of accession acceded to India. The Ruler of Junagadh acceded to Pakistan. The Government of India protested, *inter alia*, on the ground that Pakistan's acceptance of the accession of Junagadh was contrary to the very basis of the partition of India, namely, that only Muslim majority areas would be included in Pakistan. Simultaneously it announced that so far as India was concerned it would adhere to the principle that where the Ruler of a State belonged to one community and a majority of its people belonged to the other, the question of accession must be determined in accordance with the wishes of the people. Later, India marched its forces into Junagadh and, while in military occupation of the State, staged a so-called plebiscite and announced the accession of the State to India.

Negotiations with the Nizam of Hyderabad revolved around the question that while the Nizam was willing to establish a relationship with India by treaty on the same terms as he was being offered on the basis of accession, he was not prepared to sign an Instrument of Accession. India put an end to this constitutional quibble by annexing the territory by force.

After the British East India Company had taken over the Punjab from the Sikhs Raja Gulab Singh, the Dogra Chieftain of Jammu, who had secretly helped the British against the Sikhs, demanded a reward from the Company

for the valuable services that he had rendered to it. He was asked what he would wish to have and he demanded 'all that hill country lying between the rivers Ravi and Indus'. He was told that on his side he would be required to make a contribution to the Company towards the expenses of the campaign against the Sikhs. Eventually a bargain was struck which was embodied in the Treaty of Amritsar of 1846, signed on behalf of the Company by Lord Lawrence, Governor-General of India, whereby this huge territory, loosely defined as just set out, was ceded by the British to Raja Gulab Singh in return for a contribution of 7.5 million Rupees.

Lord Lawrence himself subsequently described this transaction as follows:

'... by a very questionable stroke of policy, which had been arranged beforehand and which has brought woes innumerable on the happy Kashmiris ever since, we handed it over to the Dogra Rajput, Gulab Singh, who paid us down at once in the hard cash which he had stolen from the Lahore Durbar'. (UN Security Council, *Official Records*, Third Year, Nos. 1-15, p. 337.)

A little later Lord Lawrence referred to:

'The iniquitous arrangement by which Kashmir and its ill-fated inhabitants were to be transferred without their consent, as though they were so many logs of wood, to Gulab Singh, a Dogra Rajput who had nothing in common with them.' (Ibid., p. 338.)

On 7 January 1848 Lord Lawrence wrote to Gulab Singh:

'My friend I am about to take departure for Europe, and I am anxious, before I leave India, to address Your Highness with the freedom and sincerity of a friend anxious for your welfare and, above all other considerations, for the happiness of the people committed to your charge by me when I signed the treaty of March 1846. Your Highness is aware of the principle by which the British Government is guided in its treaties with Eastern Princes, where cessions of territory are involved—that whilst it will scrupulously fulfil all its obligations for the protection of its ally, it never can consent to incur the reproach of becoming indirectly

the instrument of the oppression of the people committed to the Prince's charge. If the aversion of the people to a prince's rule should, by injustice, become so universal as to cause the people to seek his downfall, the British Government are bound by no obligation to force the people to submit to a ruler who had deprived himself of their allegiance by his misconduct.

'If the British Government, by its treaties with neighbouring princes and proximity of its own forces on the frontier, can so far protect the prince as to enable him the more securely to apply all his forces to the oppression of his subjects, such a state of things would be still more repugnant to the feelings of the British Government because it would indirectly prevent the people from rising and redressing their own wrongs.

'In no case, therefore, will the British Government be the blind instrument of a ruler's injustice towards his people, and if, in spite of its friendly warnings, the evil of which the British Government may have just cause to complain be not corrected, a system of direct interference must be resorted to which, as Your Highness must be aware, would lower the dignity and curtail the independence of the ruler.' (Ibid., pp. 338-9.)

'One of the incidents of oppression which came later to the notice of the Government of India was so described in a letter dated 16 May 1865 from the officiating Under-Secretary to the Government of India, to the Secretary to the Government of the Punjab and its dependencies. This is paper No. 414 which states:

"Sir, I am directed to request that a copy of the correspondence with the Commissioner of Rawalpindi concerning the woman from Jammu whose tongue had been cut off, referred to in entry No. 26 in the abstract of the proceedings of the Lieutenant-Governor in the Political Department, for the week ending 6 May, may be submitted for the information of the Governor-General in Council."

'The Security Council may be curious to hear what was the offence of this woman. This woman's offence was that she had bitten a cow. Then she was brought before the Prince, and an order was given to the effect that the woman's tongue should be cut out, her hair shorn off, and she, herself, exhibited through the five districts as a warning to others.' (Ibid., p. 340.)

The region is famous for its beauty. The people of Kashmir are also famous. Their high artistic talents are

attested to by their products in silk and woollens, wood carvings and silver chasing, which are known and appreciated all over the world.

'What is not fully known is the depths of misery to which they have been reduced by a century of unmitigated tyranny and oppression under Dogra rule until it is difficult to say which is the greater tragedy for a Kashmiri: his life or his death. Death often provides release from the unbroken chain of suffering, misery and privation which begins in the cradle and ends only in the grave.' (Ibid., p. 64-5.)

On the partition of India, Hunza, Gilgit and some neighbouring outlying valleys, all of which had nominally acknowledged a shadowy suzerainty on the part of Kashmir State and the people of which were all Muslims, broke away from Kashmir and became part of Pakistan. Their very inaccessibility became their shield and they were in effect written off by Kashmir.

On the question of accession the Mahajara would not make up his mind. His Prime Minister, Mr. Ram Chandra Kak, a Kashmiri Brahmin like Mr. Nehru, advised him to accede to Pakistan. Mr. Gandhi, who visited him about that time, expressed violent dislike of his Prime Minister. The Maharani, a lady from the Kangra district of the Punjab, urged the Maharaja to get rid of Mr. Kak and to appoint in his place Mr. Mehr Chand Mahajan, Judge of the East Punjab High Court, who had been the Hindu Member of the Boundary Commission and belonged to the Kangra district.

In view of India's repeated and vehement affirmations that at no stage did India try to influence the Maharaja's choice in the matter of accession, the following account by Mr. Mehr Chand Mahajan, of the manner of his appointment to the office of Prime Minister of Kashmir, would be of interest:

'I accepted the offer and saying that as soon as I was released by the Government of India and given leave and permission to serve the State, I would come and take up the office of Prime Minister, I then left for Delhi.

‘In Delhi in company with Sardar Baldev Singh, the Defence Minister, I saw Sardar Patel, the Home Minister on 19th September. He not only encouraged me but practically ordered me to accept the offer and asked me to proceed to Srinagar at once. He said he would grant me eight months’ leave due to me. I was also given permission to take up service in the Kashmir State which he thought was in the interest of India in the circumstances that had arisen.

‘I also met Pandit Jawaharlal Nehru, the Prime Minister of India, and I told him the terms on which the Maharaja wanted me to negotiate with India. The Maharaja was willing to accede to India and also to introduce necessary reforms in the administration of the State. He, however, wanted the question of administrative reforms to be taken up later on. Panditji wanted an immediate change in the internal administration of the State and he felt somewhat annoyed when I conveyed to him the Maharaja’s views. Pandit Nehru also asked me to see that Sheikh Abdulla was set free.

‘I was advised to see Mahatma Gandhi and I went to pay my respects to him. I had an hour’s talk with him. He said he had no desire to liquidate the Maharaja or to do any harm to him and that if possible this State should accede to India and that the administration should have a democratic set up. I communicated to the Maharaja the wishes of Pandit Nehru and also conveyed to him the gist of the talks I had with the Indian leaders.

‘I left Delhi for Amritsar where I took up my duties as a Judge of the East Punjab High Court. . . .

‘On arrival at Amritsar, I sent an application through the Chief Justice to the Governor asking for eight months’ leave due to me and asking for permission to serve elsewhere. Sir Chandu Lal Trivedi, it seemed, was in no hurry. He probably did not know that the Government was interested in the matter. Meanwhile I was receiving urgent letters from the Maharaja to join at once as the situation in the State was getting complicated every day.

‘On the midnight of 10 October, 1947 when I had retired to bed an urgent telephone call came from Sardar Patel asking me why I was not proceeding to Srinagar and telling me that I should do so at once. I told him that I had received no orders from the Governor either about my leave or about the permission to serve elsewhere. It seems that Sardar Patel immediately rang up the Governor asking him to grant me leave and permission to serve elsewhere. Sardar Patel again rang me up at about 1 a.m. in the

morning asking me to come immediately to Delhi in the plane of Lady Mountbatten who was in Amritsar that day. During the early hours of the morning, a telephone message came from the Governor granting me eight months' leave with permission to take up employment in the State with effect from 10th October. It was followed by a telegram:

"Leave for eight months with permission to take up employment in an Indian State sanctioned from tenth October. Question whether leave allowances are admissible under Rules will be decided later. Governor."

'Lady Mountbatten very graciously allowed me to travel with her in the plane to Delhi. I reached Delhi on 11th morning. There I called on Sardar Patel, Pandit Jawaharlal Nehru, Mahatma Gandhi and Lord Mountbatten. I had an hour's talk with Lord Mountbatten. He very clearly told me that my position was unenviable and that he did not know what advice I should give to His Highness. He resented his Highness's attitude to him when he had visited the State earlier as the Maharaja had refused to meet him for discussing the question of accession. I guessed that his view was that Kashmir had no alternative but to accede to Pakistan, though he said that as Governor-General of India he would be very happy if I advised the Maharaja to accede to India. He asked me to see Mr. Menon in whom he had great confidence. He asked his A.D.C. to take me to Mr. Menon whom I found in company with the late Mr. Shyamprasad Mukherjee. Both of them advised me to bring about the accession of the State to India anyhow.' (*Looking Back*, pp. 126-8.)

On terminating his term of office as Prime Minister of Kashmir in the first week of March 1948, Mr. Mahajan agreed to go to Bikaner as Prime Minister. Sardar Patel 'told me that I had his permission to join the service of Bikaner for the time being, but he gave me a warning that I had now to deal with a Rajasthan prince and that I should be very careful and prudent in conducting the affairs of the Bikaner State'. (*Looking Back*, p. 179.) His leave from the East Punjab High Court was due to expire in the first half of June.

'The Maharaja was very keen that I should continue in Bikaner for at least six months more, but Sardar Patel did not like me to

serve the State after the expiry of my leave in June 1948. On the 18th of May 1948, Sardar wrote the following letter to the Maharaja:

“Thank you for your letter of the 14th May 1948 regarding the services of Mr. Justice Mahajan. The question primarily concerns the East Punjab Government. It is rather awkward for a judge of a High Court to be away from duty so long in the service of another State. It was with some difficulty and great deal of reluctance that the Punjab Government agreed to his going to Kashmir on the last occasion. I am doubtful that they would take kindly to this suggestion now. Moreover he was released for Kashmir for strategic and tactical reasons and therefore the ordinary rules and practices had to be set aside. I am doubtful if in your case I could urge the same consideration. I am sure you will appreciate my difficulties in sponsoring this proposal, but, of course, if Mahajan can persuade the East Punjab Government to agree, I shall have no objection.”

‘Lord Mountbatten was a great friend of the Maharaja and through him, he again approached Sardar Patel twice for my stay for a few months more in Bikaner but Sardar Patel did not agree.’ (Ibid., pp. 187–8.)

It would thus be clear that the procuring of Kashmir’s accession to India had throughout been one of Sardar Patel’s principal objectives of policy. Mr. Justice Mahajan was one of the instruments employed for the achievement of that objective. Sardar Patel was not disappointed.

The Maharaja

‘... reposed implicit faith in my judgement and not once did he decline to accept my advice. I gave him unquestioned loyalty and did what I could to maintain his prestige and position in the State. After the raid and the collapse of the State forces, he was absolutely dependent on India for saving the State. India could dictate to him whatever terms she liked and he offered no resistance. At the initial stage, I was able to secure from the Prime Minister of India and Sardar Patel a position for him similar to the one that the Maharaja of Mysore was to hold in his State. Before the raid I had been assured by Sardar Patel that the Maharaja of Kashmir would, in his constitutional status, occupy the same place as the Nizam of Hyderabad. At the time the Nizam

was offered very attractive terms but he was riding the high horse and wanted to carve for himself an independent State. If the Government of India and Pandit Jawaharlal Nehru had stuck to the terms of the letter they had given to me at the time of accession and had given to the State a constitution on the then proposed Mysore model, the Maharaja's position would have been quite secure and Sheikh Abdulla would not have been able to displace him and become practically the autocratic ruler of the State. Of course, as elsewhere, the Maharaja's rule would have been short-lived and with other princely States, Kashmir would have been absorbed in India ultimately. In the correspondence that followed, the Prime Minister gradually tried to dilute the Mysore model, leaving the Maharaja merely as a constitutional figure-head, I strongly resisted this attempt. We wanted to hold the Prime Minister of India strictly to his promise. He was trying to back out of it on the ground that the circumstances had completely changed since that promise was made.' (Ibid., pp. 173-4.)

'About the end of February, I was invited on telephone by the Prime Minister's Secretary to come to Delhi. I went there. Prime Minister Nehru, Mr. Bajpai and Sir Gopalaswamy Iyengar proposed that the Maharaja should issue a declaration appointing Sheikh Abdulla as his Prime Minister, leaving me with the dignified, but empty, title of Dewan. It was thought that such a declaration would strengthen the hands of India in the Security Council where the matter of accession of Kashmir was pending.' (Ibid., p. 171.)

The disturbances in Kashmir were an aftermath of the happenings in the British province of Punjab and in the Indian States in Punjab, like Kapurthala, Faridkot and Patiala and some States further south and east, like Alwar and Bharatpur, etc., in which the Muslim majority in Kapurthala and the Muslim minorities in the other States were either massacred or from which they were expelled by the use of ruthless force. This raised a genuine apprehension in the minds of the Muslim majority in the State of Jammu and Kashmir that unless the ruler acceded to Pakistan the same fate would be meted out to them which had been meted out to the Muslims of the States just mentioned and others in India. They started an agitation calling upon the

ruler to accede to Pakistan and this brought upon them the fury of the State troops of the Maharaja under his directions. The situation was summed up by Sheikh Abdullah in a statement made by him and published in the *Statesman* of 22 October.

‘Speaking at a reception today, Sheikh Abdullah, the Kashmir Nationalist leader, pleaded for time to consider which dominion the State should join. “In the meantime”, he said, “our friends could help us to attain our freedom from autocracy.” He also went on to say, “Muslims, on the other hand, had learned of the fate of Muslims in Kapurthala, where, despite their majority, they had been wiped out. Not a single Muslim would be found in that State now. The same fate had been meted out to them in Alwar, Bharatpur, and Faridkot, where the Muslim population had either been killed or expelled, but obviously the fear was that the same thing might be enacted in Kashmir.”’ (UN Security Council *Official Records*, Third Year, Nos. 1–15, pp. 68–9.)

‘Sheikh Abdullah said that the present troubles in Poonch, a feudatory of Kashmir, were caused by the unwise policy adopted by the State. The people of Poonch, who suffered under their local ruler and again under the Kashmir Maharaja, the overlord of the Poonch ruler, had started a people’s movement for the redress of their grievances. It was not communal. Kashmir State sent its troops, and there was panic in Poonch. But most of the adult population of Poonch, he explained, were ex-servicemen in the Indian Army with close connections with the people in Jhelum and Rawalpindi—these are places in West Pakistan.

‘They evacuated their women and children, crossed the frontier, and returned with arms supplied to them by willing people. The present position was that the Kashmir State forces were forced to withdraw in certain areas.’ (Ibid., p. 68.)

In the meantime there were complaints by the Prime Minister of Kashmir that Pakistan was not fulfilling its part under the Standstill Agreement which Kashmir had entered into with Pakistan in the matter of supplies and postal services, etc., and there were complaints on the part of Pakistan of large-scale massacres of Muslims within the State. The Pakistan Government suggested that a senior official of the Foreign Office at Karachi should go to

Kashmir and discuss these matters on the spot with the Prime Minister of the State. When the Joint Secretary of the Foreign Ministry arrived in Srinagar for the purpose the Prime Minister of the State refused to see him. On 15 October the Prime Minister of Kashmir requested an impartial enquiry into the happenings in the State. Pakistan telegraphed its acceptance, asked the Prime Minister of Kashmir to nominate their representative and intimated that on being informed of the name of their representative Pakistan would name its own representative. Nothing further was heard in this connection from the Prime Minister of Kashmir.

These two attempts having been frustrated the Pakistan Government invited the Prime Minister of Kashmir to come down to Karachi to discuss matters. This was turned down.

It was then suggested that a conference should take place at Lahore, in which the Governor-General of Pakistan, the Prime Minister of Pakistan, the Governor-General of India, the Prime Minister of India and the representatives of Kashmir should participate. It was expected that the Conference would convene on 29 October but as on that date the Prime Minister of India was not well enough to be able to travel from Delhi to Lahore the Conference was postponed to 1 November. The Prime Minister of India was still unable to attend and the idea of the Conference had to be abandoned. But Lord Mountbatten, the Governor-General of India, came to Lahore to preside over a meeting of the Joint Defence Council and certain conversations took place between him and the Governor-General of Pakistan, Mr. Jinnah. The upshot of the conversations was that the following proposals were made by the Governor-General of Pakistan to the Governor-General of India for the consideration and acceptance of the Government of India:

'1. To put an immediate stop to fighting, the two Governors-General should be authorized and vested with full powers by both Dominion Governments to issue a proclamation forthwith, giving forty-eight hours' notice to the two opposing forces to cease fire.

The Governor-General of Pakistan has no control over the forces of the Provisional Government of Azad Kashmir or the tribesmen engaged in the fighting, but he will warn them in the clearest terms that if they do not obey the order to cease fire immediately, the forces of both Dominions will make war on them;

2. Both forces of India and the tribesmen to withdraw simultaneously and with the utmost expedition from Jammu and Kashmir State territory;

3. With the sanction of the two Dominion Governments, the two Governors-General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State, and arrange for a plebiscite without delay under their joint control and supervision.' (Ibid., pp. 90-1.)

No reply was received from the Government of India but the Prime Minister of India made a broadcast statement on 2 November which he subsequently claimed was a reply to the proposal of the Governor-General of Pakistan. Reporting to the Prime Minister of the United Kingdom in a telegram the Pakistan Government summed up the situation as follows:

'Pandit Nehru's broadcast indicates clearly that the India Government intend to complete their occupation of Jammu and Kashmir and get entire control over its territory, under the superficial, attractive slogan that ultimately the fate of Kashmir will be decided by the people of Kashmir. Pandit Nehru has even avoided the use of the word "plebiscite" and has spoken of a "referendum", which might mean anything. After the India Government have established complete mastery over the territory of Jammu and Kashmir, the holding of a plebiscite or referendum will be purely a farce.

'In the meantime, feelings throughout West Pakistan and tribal territories are running very high and will soon get beyond all control. After the ghastly massacres in East Punjab, it is impossible to expect the people to witness patiently a tragedy on an equal scale in Jammu and Kashmir.

'Very little news of Jammu is allowed to reach the outside world, but the situation there is extremely grave. According to our information, thousands of Muslims are being massacred every day. In Jammu city itself, 90,000 Muslims are bottled up and are in imminent peril of their lives. The problem is so inflammatory

and dangerous that it requires an immediate solution. All this was fully impressed upon the Governor-General of India in the talk that the Governor-General of Pakistan had with him.

'The Pakistan Government are convinced that the only solution which will avoid further bloodshed, and bring peace to Jammu and Kashmir and get a free verdict of the people of the State and restore friendly relations between the two Dominions, is that proposed by the Governor-General of Pakistan. Immediacy is essential. Every day that passes counts and makes the situation more and more dangerously grave. I once more urge upon you to take immediate action without a moment's delay, or else the consequence will be beyond control and most disastrous, having much wider repercussions not only in this sub-continent, but throughout the world.' (Ibid., pp. 91-2.)

On 10 November 1947 the Prime Minister of Pakistan addressed another telegram to the Prime Minister of India stating:

'If I had been fit enough to travel, I should have come to Delhi, but unfortunately I am still confined to bed. I therefore invite you to come to Lahore at an early date convenient to you for a discussion of outstanding questions and hope that you will be able to accept this invitation.' (Ibid., p. 93.)

The Prime Minister of India replied that he would be too occupied during the next few days to respond to the invitation.

In the event the problem was submitted to the Security Council of the United Nations by India on 1 January 1948. Discussion before the Security Council on the problem started in the middle of January and continued till 11 February when the Security Council, having heard detailed presentations by the representatives of India and Pakistan, having discussed all aspects of the problem, having obtained through its President further information and a certain degree of guidance as the result of the discussions held by the President with the representatives of the two States parties to the dispute, was about to vote on a resolution a draft of which had been communicated by the President of the Council to the representatives of both

States on 6 February. At that moment the representative of India requested an adjournment because the delegation of India had received a direction from its government to return to Delhi for consultations. The matter as it stood at that stage of its consideration by the Security Council was summed up in the observations submitted, among others, by the representative of the United Kingdom, the representative of Colombia and the representative of Belgium which had culminated in the proposals of 6 February which were communicated to the representatives of India and Pakistan. These observations were as follows:

Mr. Noel Baker (United Kingdom): 'I am very glad that we are now entering upon this debate on the substance of the settlement which, we hope, will be reached in the question of Kashmir. I am grateful for the speeches of those representatives who have preceded me, and for those of the representatives of India and Pakistan with which the discussion opened. . . .

'It is my conviction that raids and incidents will continue to occur until the question of Kashmir has been disposed of by the Security Council. Several incidents were cited here of which I have heard accounts given by both sides, and on which I have received independent reports. I could give an explanation of what occurred. . . . The explanation would show that in reality the incidents were due to an overriding fear. And, so long as fear dominates the minds of the peoples in that area of the Punjab and of Kashmir, incidents will continue and the situation will remain extremely grave.

'We have embarked on the discussion of the substance of the question as to how we can stop the fighting, and I hope that we shall not cease to deal with this subject until we have evolved a scheme which will do the job. I have the greatest sympathy with the viewpoint from which the representative of India started. . . . Nevertheless, we must stop the fighting and we must stop it soon.

* * *

'The representative of India quoted an article from *The Times* of London of 26 January. It is a very remarkable article. . . . Taken as a whole, what does it say? It says that unless the Security Council reaches a solution of the Kashmir question which seems just to all, we shall not only not stop the fighting, but

we shall provoke a far worse conflict than now exists because we shall bring down a new influx of the tribes.

'I say with all conviction that the representative of India is quite right when he says that in getting a settlement, Pakistan must take strong action in this matter; that the Security Council must make it possible for Pakistan, in conjunction with India, to do so. We want a real total stoppage now, without further bloodshed, without more killing of the insurgents, whose votes, after all, we want in the plebiscite when it comes, our aim being to secure a responsible government, as the representative of India has stated. We must get such a scheme. The question is how to do it.

* * *

'The Members of the Security Council already have made a good many suggestions as to what is needed. We have spent our leisure moments, such as we are allowed in this hospitable city, in reading the verbatim records of our discussions up to now. In the verbatim record of the 235th meeting, held on 24 January, we find proposals concerning the conditions of the plebiscite. We find proposals that the plebiscite should be organized by and under the authority of the Security Council. We find proposals that there should be an interim administration recognized as free from the smell of brimstone, not involved in the present fighting, and as impartial and perfect as two great countries like India and Pakistan can make it. We find proposals for adequate arrangements for émigrés to come home, arrangements that will give those émigrés confidence that they will be all right when they get home, arrangements which will induce them to start on their journey homeward, arrangements for the freedom of the ballot, arrangements for the maintenance of order under the law. We find proposals with regard to all those points.

'In this debate we have had further elaboration with regard to some of those proposals. I am in broad agreement with what has been said by members of the Security Council. I do not believe we shall avert a war unless we can get a scheme founded on the propositions which have been put forward.

'Of course, the vital part of this, the part to which everything else leads, is, as the representative of China so rightly urged just now, and as the representative of Argentina urged with great force yesterday, the plebiscite itself. . . .

'I repeat, as so many others have said before, that if the combatants are now to cease the carnage, they must know what is

to happen when they do. They are risking their lives because they believe it is better to die than to surrender. We have to remove the basis of that belief. The plebiscite is the vital part of the whole settlement. It was suggested yesterday—and I have the exact words—“that the conduct of the plebiscite was not really the business of the United Nations; that it did not really concern the United Nations; that, after all, the holding of it was a matter for the Government and the people of Jammu and Kashmir”.

‘If the arguments presented by the members of the Council prevail—as I hope they will prevail—every member of the Security Council should now agree that the plebiscite is really a matter of vital interest to every nation in the United Nations for whom we speak. The plebiscite is the culminating instrument by which the fighting can be stopped. It is the means by which we can create stable conditions in which an assured peace for the years to come shall be established between India and Pakistan; it is the means by which we hope to avert a conflict which will involve 400 million people.

‘This plebiscite must inspire confidence in everybody, including those who are now fighting. We have all stated it before. The representative of India said at our 239th meeting the day before yesterday that the two parties interested in the Kashmir question are Pakistan and the insurgents in Kashmir. Therefore we have to satisfy these two parties. What the Security Council does must seem fair to these two parties. It must also seem fair to the Government of Pakistan, to the insurgents, to the tribesmen, to the Government of India, to the other inhabitants of Jammu and Kashmir, and to the outside world. . . .

‘I hope we shall consider the concrete proposals put forward by the members of the Security Council to end the carnage, to get the tribesmen and the other intruders out of Kashmir, to restore order and maintain it when it has been restored, and to organize the plebiscite and ensure by fair and impartial interim administrative arrangements that the plebiscite is properly conducted.’

* * *

Mr. Van Langenhove (Belgium) (translated from French): ‘May I point out that, during this debate, neither of the two draft resolutions which I had the honour to submit to the council has been opposed in principle. . . .

'The parties have brought their dispute regarding the accession of Jammu and Kashmir to India before the Security Council. They are of the opinion that this question should be settled by an impartial plebiscite, and they anticipated that the Security Council would intervene to that end.

* * *

'I think that the Council is justified in expressing the opinion, which emerges from several of the statements made during the discussion, that a plebiscite organized under the Security Council's auspices is necessary in order to create and strengthen the belief that the plebiscite will faithfully reflect the will of the people of Jammu and Kashmir; that such a belief would be the best means of persuading the foreign elements which have penetrated into Jammu and Kashmir to withdraw, and the indigenous population itself to put an end to all acts of violence and hostility; and lastly, that the Governments concerned should henceforward co-operate to that end.

'The opinion I have just expressed, which I believe is that of most of the members of the Council, is embodied in the resolutions which I, as Belgian representative, submitted to the Council in order, as I said at the time, to facilitate the discussion. These resolutions are not immutable and are open to adjustment in the light of the discussion which has just taken place.

'However that may be, the opinion which they express is impartial; it answers the desire to restore harmony and to foster trust and co-operation between the parties. It is inspired by the friendly feelings of the members of the Council towards India and Pakistan alike, a fact which I am sure is appreciated by the representatives of these two States. It is this equal friendliness which is responsible for the atmosphere in which the Council is considering this matter, an atmosphere which has hitherto been absent from our proceedings.'

India's request for an adjournment came as a great surprise to the Council but it had no choice in the matter and after some discussion of the request further consideration of the matter was adjourned.

The Indian delegation went back to Delhi.

Up to that point the representatives of the U.S.S.R. and the Ukraine had taken no part in the discussions in the

Security Council and had abstained on each occasion when a vote had been taken.

‘The India Government, however, was grievously disappointed by the reception of its appeal to the Security Council, which it had naïvely hoped would at once take India’s part, without reserve, as the victim of aggression. Its representative proved no match, as contending Counsel, for Pakistan’s Sir Muhammad Zafrullah Khan. When the Security Council started showing signs of favouring Pakistan’s proposal for a neutral administration in Kashmir while a plebiscite was prepared, Pandit Nehru told Lord Mountbatten that he now bitterly regretted going to the United Nations.’ (*The Great Divide*, p. 469.)

Lord Mountbatten in his report to the Secretary of State observed:

‘Pandit Nehru said that he was shocked to find that power politics and not ethics were ruling the United Nations Organization and was convinced that the United Nations Organization was being completely run by the Americans, and that Senator Warren Austin, the American representative, had made no bones of his sympathy for the Pakistan case. He considered that the United Nations Organization did not intend to deal with the issue on its merits but merely to help Pakistan against India. He said that he thought that Mr. Noel Baker (the Secretary of State for Commonwealth Relations and the leader of the United Kingdom Delegation) had been nearly as hostile to India as Senator Warren Austin, except that he had been more polite and had wrapped up his phrases in more careful language. . . .

‘During the first half of February, I made repeated efforts to persuade Pandit Nehru and Sardar Patel that it was not true that power politics and not ethics were ruling the attitude of most of the members of the Security Council to the Kashmir issue. But in this I was not successful. The belief spread during the first part of February, being founded on the assumption that the United Kingdom wished to appease the cause of Muslim solidarity in the Middle East, and that the United States wished to rehabilitate their position *vis-à-vis* the Arabs after their advocacy of partition in Palestine.

‘This interpretation of events at the United Nations Organization became coupled with feelings of bitterness towards His Majesty’s Government in the United Kingdom and deep

suspicion of the United Kingdom Delegation in New York. Mr. Noel Baker became particularly "suspect" . . .

'Simultaneously an impression was starting to gain ground in India that the only two members of the Security Council who were likely to look with sympathy on her case were U.S.S.R. and Ukraine. . . .' (Ibid., pp. 469-70.)

'Lord Mountbatten now became involved in a double diplomatic effort, which he pursued over many weeks with his usual energy and skill; on the one hand to temper the British Government's attitude, at least so as to give more visible recognition of the force of India's case, and to reconcile their explanation, from London, of their attitude and what Mr. Noel Baker was saying at Lake Success; and on the other hand to persuade Pandit Nehru that British policy was not anti-Indian and that there was some reason and not mere prejudice or power politics behind the Security Council's debates. He was only moderately successful on either score, though he did dissuade his Prime Minister from withdrawing the Indian delegation from Lake Success and from rejecting outright the Security Council's resolution.' (Ibid., pp. 470-1.)

The Pakistan delegation at the Security Council found the adjournment of the debate, as requested by India, embarrassing. It was not known how long the adjournment might last. Should the Pakistan delegation await in New York the return of the Indian delegation, or should it return to Karachi? In the latter case the Indian delegation might prolong its absence from New York and thus create an impression that it was not keen on pursuing the matter before the Security Council. On the other hand it was pointless and somewhat ridiculous to mark time in New York awaiting the pleasure of the Indian delegation. Mr. Mohammad Ali, Secretary General of the Pakistan Cabinet, who was assisting the Foreign Minister in New York, suggested that the Foreign Minister should move to London as almost certainly the *venue* would now be shifted to London as Mr. Nehru would be busy pulling strings through Lord Mountbatten to induce Prime Minister Attlee to modify the stand taken by the United Kingdom on the question before the Security Council. The Foreign Minister

accepted the suggestion and both of them flew to London where the Foreign Minister asked to see the Prime Minister and Mr. Ernest Bevin, Secretary of State for Foreign Affairs. The latter said to him: 'I agree with you that we should continue our support of the proposals now under consideration before the Security Council, but on Indian affairs Cripps has the ear of the Prime Minister and he has been at the Prime Minister. I understand you are seeing the Prime Minister this afternoon. All I can say is: I wish you luck.' The Foreign Minister told Mr. Mohammad Ali that this meant a shift on the part of the United Kingdom.

In the afternoon he saw the Prime Minister and his suspicion was confirmed. Mr. Attlee was evasive, and canvassed several possibilities and modifications which might help to reconcile India to the draft proposals before the Security Council. Some of these were incorporated into the amended draft which was submitted to the Security Council after the return of the Indian delegation to New York in March and was adopted as the Resolution of the 21 April 1948. Mr. Phillip Noel Baker was not happy over these modifications and no doubt told the Prime Minister as much. Soon after the close of the debates before the Security Council he was shifted from the Ministry of Commonwealth Relations to the Ministry of Fuel and Power and was later dropped from the Cabinet, thus augmenting the list of casualties of the Kashmir Affair, which is not yet finally closed.

Despite the modifications thus secured India was not altogether pleased with the Resolution. It did not accept it but intimated its willingness to receive the United Nations Commission on India and Pakistan (UNCIP) which was set up by the Resolution and was composed of Argentina (nominee of Pakistan) Belgium, Colombia, Czechoslovakia (nominee of India) and the United States. Once the Member States composing the Commission had nominated their representatives the Commission met in Geneva and started its study of the voluminous documentation of the case. It did not arrive on the sub-continent till the beginning of the

second week in July.

In the meantime certain developments had taken place in the situation in Kashmir. India's stand as it emerged in the course of the debates before the Security Council had been that Pakistan should be directed by the Council to stop giving aid and comfort to the tribesmen who had flocked in to the State of Kashmir for the purpose of fighting and to persuade them to withdraw, whereafter India would take appropriate steps to ascertain the wishes of the people of Kashmir on the question of accession. To this the Security Council had refused to accede.

In reaction to the attitude adopted by the Security Council India decided to seek a military solution to the problem of Kashmir and preparations for a strong offensive went forward. Sir Douglas Gracey, the Pakistan Commander-in-Chief, submitted an appreciation to the Prime Minister (who was also Defence Minister) towards the end of April which showed that Indian preparations foreshadowed an advance into Azad Kashmir territory which would constitute a threat to the security of the headworks of the Upper Jhelum system and the neighbouring areas of Pakistan. He urged that Pakistan Army units should be deployed into the area to help hold the line against the threatened Indian advance. This was done early in May. When UNCIP arrived in Karachi it was immediately apprised of this development.

The Commission busied itself with an intensive study of the different aspects of the problem and held frequent discussions with the representatives of the two Governments in Karachi and Delhi. Eventually it presented a draft resolution to the two Governments on 13 August 1948, dealing with the problem of demilitarization of the State. The Chairman of the Commission, Dr. Josef Korbel of Czechoslovakia, furnished to the two Governments clarifications of different paragraphs of the resolution. The Government of Pakistan urged that the draft resolution should proceed to spell out a framework for the holding of a plebiscite to enable it to decide whether it considered the

resolution satisfactory. Just over four months later the Commission presented to the two Governments the draft of a second and supplementary resolution which set out a framework for the holding of a plebiscite. In the last week of December the two Governments signified to the Commission their acceptance of the two resolutions. Thereupon the Commission urged the two Governments to agree upon a cease-fire in Kashmir and in consequence a cease-fire was agreed upon as from the midnight of 31 December 1948. The second resolution of the Commission was formally dated as of 5 January 1949. The Commission then proceeded to determine a cease-fire line on the ground, which was settled by agreement of the parties.

Under Part III of the resolution of 13 August the Council had next to formulate a scheme of demilitarization within the framework set out in Part II of the Resolution. It called upon the parties to submit their respective proposals to that end. By then the tribesmen had withdrawn from the State of Kashmir and the Commission was satisfied on that score. The scheme of withdrawal had to provide that Pakistan should begin the withdrawal of its forces and as soon as this was notified to the Commission, India should start a withdrawal of its forces. Thereafter the withdrawal on both sides was to proceed in a synchronised manner so that neither side would at any time be at a disadvantage, till all Pakistan forces on the Azad Kashmir side and the bulk of Indian forces on the other side had been withdrawn. The military representatives of both sides submitted their proposals to the Commission. India made a condition that their proposals were not to be divulged to Pakistan, or even to the Security Council unless an agreement was arrived at. On studying India's proposals the Commission came to the conclusion that they did not offer a basis for an agreement within the framework of the Resolution. In its report to the Security Council the Commission stated that in its view the Indian proposals did not comply with the Resolution either qualitatively or quantitatively. This held up all further progress towards implementation of the Resolution.

The Commission also reported that it felt that it had exhausted its usefulness in the affair and that the further stages should be committed to a single representative of the United Nations. The Security Council took note of the report of the Commission, recorded its appreciation of the efforts of the Commission and its achievements and appointed Sir Owen Dixon, Judge of the High Court of Australia, as United Nations Representative in the affair of Kashmir. Sir Owen went over to the sub-continent and held discussions in Karachi and Delhi and came to the conclusion that the Prime Minister of India was not likely to agree to any conditions that would make a plebiscite in Kashmir truly fair and impartial.

On receipt of his report the Security Council, after hearing the parties, appointed Dr. Frank P. Graham, an ex-Senator of the United States, as United Nations Representative in the Kashmir affair. In the meantime Fleet Admiral Chester W. Nimitz, United States Navy, had, with the agreement of the parties, been nominated by the Security Council as Plebiscite Administrator in Kashmir.

Dr. Graham made several efforts to secure agreement of the parties on the question of the withdrawal of troops from Kashmir. Each time after ascertaining the views of the parties on tentative proposals that he presented to them he submitted his report to the Security Council, disclosing how much difference there was between the parties over his proposals. The normal pattern became that Pakistan, though not quite satisfied with Dr. Graham's proposal, would signify its acceptance and India would reject it. Each time Dr. Graham submitted his report the Security Council heard both parties, thanked Dr. Graham for his efforts and requested him to continue them. Five reports of Dr. Graham were disposed of in that manner. His sixth and last report was not even discussed by the Security Council. In the meantime, Admiral Nimitz had resigned as Plebiscite Administrator and in due time Dr. Graham died. Two more casualties of the Kashmir case.

Dr. Graham's problem had been to determine what

constituted the 'bulk' of India's forces in Kashmir which India was under obligation to withdraw from Kashmir in terms of UNCIP's resolution of 13 August 1948. The Foreign Minister of Pakistan, wearied of India's evasions had at one time suggested a solution to the Security Council. India had submitted to UNCIP a scheme of withdrawal of what it considered the 'bulk' of its forces in Kashmir. This scheme had not been made public. The Foreign Minister of Pakistan submitted that his Government was willing to take a chance. Let India leave in Kashmir what it had represented to UNCIP was the 'bulk' of its forces, and withdraw what according to it was the lesser part of them. India declined.

In 1950 India sponsored a plan for the setting up of a Constituent Assembly in Kashmir. Pakistan raised the matter in the Security Council as one likely to impair progress towards the holding of a fair and impartial plebiscite on the question of accession. In reply Sir B. N. Rau, India's Permanent Representative at the United Nations (subsequently a Judge of the International Court of Justice) made the following statements to the Security Council on behalf of the Government of India:

'Accordingly, provision was made in the Indian Constitution for a constituent assembly for settling the details of the question of the Kashmir constitution. Will that assembly decide the question of accession? My government's view is that, while the constituent assembly may, if it so desires, express an opinion on this question, it can take no decision on it.' (U.N. Security Council, *Official Records*, Sixth Year, 536th Meeting, 9 March 1951.)

and again:

'Some members of the Council appear to fear that in the process the Kashmir constituent assembly might express its opinion on the question of accession. The constituent assembly cannot be physically prevented from expressing its opinion on this question if it so chooses. But this opinion will not bind my Government or prejudice the position of this Council. I have already said this as the representative of the Government of India in this Council and I can do no more than to express my regret that, in spite of the

statements which I have made on behalf of my Government, the references to the constituent assembly in the preamble to the joint draft resolution should have been retained in the revised draft.' (Ibid., 538th Meeting, 29 March 1951.)

A Constituent Assembly was set up and it purported to adopt a resolution in support of the accession of the State to India. Thereafter it became a part of India's case that the resolution constituted a free expression of the will of the people of the State on the question of accession.

Gradually, India's representatives in the Security Council, led by Mr. Krishna Menon (Defence Minister of India) began to repudiate their obligations and undertakings. They had taken the measure of the Security Council and saw no harm in defying it. On one occasion Mr. Krishna Menon went so far as to affirm that the Prime Minister of India had never employed the phrase 'plebiscite' in connection with Kashmir. The representative of Pakistan cited a dozen instances to the contrary from the record. In reply Mr. Krishna Menon merely repeated his affirmation more emphatically!

Mr. Krishna Menon also began to assert that the passage of time had eroded the binding character of UNCIP's resolutions pretending that delay in implementation of the UNCIP Resolutions was due to Pakistan's default in carrying out its obligations under them. He affirmed that under Part II of the resolution of 13 August 1948 Pakistan had to withdraw all its forces before India could be called upon to withdraw any of its forces. It is worth noting that as soon as differences had arisen concerning the interpretation of UNCIP's resolutions President Truman and Prime Minister Attlee had, in a joint telegraphic message, suggested to both Governments to seek the solution of the differences through International arbitration. Pakistan had signified its readiness to do so. India declined on the ground that this would amount to a breach of its sovereignty. This notwithstanding that Article 51(d) of India's Constitution lays down, as a directive of State

policy, that India shall 'encourage settlement of international disputes by arbitration'.

On three separate occasions Pakistan has offered that the parties should agree that the International Court of Justice be requested to spell out the obligations of the parties under the UNCIP resolutions, after considering all factors relevant thereto, and that each should then co-operate by carrying out its own obligations to the utmost. Each time India declined.

The dispute is a continuing cause of tension between the two Governments, has three times erupted into large-scale fighting, and is a permanent threat to the peace of the region, indeed to international peace. Wisdom, sanity and the welfare of all the peoples of the sub-continent demand that the parties concerned should agree upon adopting and setting in motion a procedure that should result in a just and fair solution acceptable not only to Pakistan and India, but also, and primarily, to all the people of the State itself.

All other differences between Pakistan and India, some of them prickly and difficult, are capable of being handled and resolved through normal diplomatic processes, once this explosive issue is finally and satisfactorily settled.

VI

Such were the travail and pangs of Pakistan's birth. So far as human effort was concerned it was largely one man's achievement, that of Mr. Mohammad Ali Jinnah, whom a grateful people refer to and remember as Quaid-i-Azam, the Great Leader. He had given his all to secure a homeland for the greater number of Muslims of the sub-continent. By the time the consummation was achieved his health was shattered. He survived the setting up of Pakistan for just over a year. His principal lieutenant, Liaquat Ali Khan, first Prime Minister of Pakistan, fell a victim to the assassin's bullet just over three years later. The loss of these two top leaders with their tremendous prestige, their wisdom and moderation combined with firmness was grievous and irreparable. It left Pakistan even more vulnerable internally than it already was externally by virtue of its geographic juxtaposition combined with India's hostile attitude and its military occupation of Kashmir.

Liaquat Ali Khan's successor in the office of Prime Minister, Khwaja Nazimuddin, was a venerable gentleman possessing a charming personality and all the softer virtues like kindness, courtesy, hospitality and the estimable trait of personal integrity. But he was sadly lacking in the sterner stuff so indispensable in a statesman and administrator. He was in constant need of someone at hand upon whose strength he could lean and upon whose judgment he could rely. He had held high public office in undivided Bengal and was the first Chief Minister of East Pakistan. There he was upheld by his much abler, cleverer and more sophisticated younger brother, Khwaja Shahabuddin. When the elder brother succeeded Mr. Jinnah as Governor-General of

Pakistan, the younger brother's counsel, advice and guidance were still available to him, as the latter had become Minister of the Interior at the Centre. Shortly after the former became Prime Minister the latter was appointed Governor of the North West Frontier Province and his place as the intimate counsellor of the Prime Minister was taken by Mr. Fazlur Rahman, the Commerce Minister, also from East Pakistan.

Between Khwaja Nazimuddin as Governor-General and Liaquat Ali Khan as Prime Minister the constitutional properties were scrupulously observed. On Khwaja Nazimuddin becoming Prime Minister the Governor Generalship went to Malik Ghulam Mohammad, hitherto Minister of Finance, who was no longer in a state of robust health, but was still a very forceful personality. Between the two the centre of power and policy-making began to gravitate towards the stronger personality. The Governor-General insisted upon strict compliance with the letter of the Constitution and the Prime Minister, even with the counsel of the Commerce Minister to guide and support him, could not muster enough strength and guile to uphold its spirit, as established by practice in other Dominions. The juxtaposition boded ill. It certainly did not tend to strengthen the administration or to bolster its prestige.

As members of the Cabinet began to perceive a decline of confidence between the Governor-General and the Prime Minister, direct access to the Governor-General without the knowledge of the Prime Minister began to develop and the Governor-General himself, perceiving that this would lead to a weakening of the authority of the Prime Minister and of the Cabinet, took the opportunity of reminding the full Cabinet that not only a crisis of confidence between the Members of the Cabinet was developing but also that the Members of the Cabinet individually and the Ministry as a whole appeared to be getting out of touch with the people and public opinion. He made a strong suggestion that the Prime Minister should consider a reshuffling of the Cabinet so as to restore full confidence between the members *inter*

se and between the Cabinet and the Prime Minister. The Prime Minister may have considered this an unwarranted attempt on the part of the Governor-General to persuade him to adopt a course which he did not consider justified and was unwilling to pursue, but, be that as it may, he showed no inclination to act upon the suggestion. Matters continued to drift till the spring of 1953 when there was widespread rioting in Lahore and some disturbances in Karachi and other places in support of a demand that the Foreign Minister should resign or should be dismissed on account of some of his views on matters of belief and doctrine which were regarded as unorthodox. The Governor-General, feeling that the Prime Minister had, through his vacillation and failure to deal firmly with the situation, contributed to the crisis into which the country had been drawn, demanded from the Prime Minister the resignation of the Ministry which the Prime Minister refused to submit and on his refusal the Governor-General dismissed the Ministry. He called upon Mr. Muhammad Ali Bogra (East Pakistan) who was then Pakistan's Ambassador at Washington and happened at the moment to be in Karachi, to form a government. Mr. Muhammad Ali proceeded with the task immediately and presented a list of his proposed colleagues to the Governor-General. The members of the new government were sworn in by 8 p.m., the preceeding Ministry having been dismissed at 4 p.m.

The new Prime Minister was a younger and more energetic person than his predecessor and for a time the Governor-General and the Prime Minister were able to carry on in reasonable accord. The Governor-General, however, urged by his longer administrative experience and wider outlook on affairs, was eager to tender advice which may sometimes not have fitted in with the Prime Minister's thinking or his temperament. In a year's time differences began to come up to the surface and between the Governor-General on the one hand and the Constituent Assembly on the other, the Prime Minister, who was naturally keen on

strengthening his position in the Assembly, began to find constant admonitions from the Governor-General, though perhaps directed towards the same end, somewhat irksome. Matters came to a head in the autumn of 1954 when the Governor-General took the drastic step of revoking the Constitution and dissolving the Constituent Assembly.

Thus in little more than seven years from the establishment of Pakistan the machinery of constitutional administration ground itself to a halt. There followed a period of four years of confusion in which Mr. Sikander Mirza, who had proved himself an extremely capable political officer in the Frontier Province during the British regime, and had, after the establishment of Pakistan discharged the duties and responsibilities pertaining to the office of the Secretary, Ministry of Defence, to which he was appointed, with efficiency and credit, and who was invited by Malik Ghulam Mohammad to take over as Head of State, began to indulge in a series of manoeuvres which resulted in the political atmosphere at the top becoming very much like a succession of rounds of musical chairs. The Head of State encouraged the formation of new parties and of new ministries and at the same time busied himself with upsetting them and driving them out of power. This state of affairs provoked the taking over of power by Field Marshal Mohammad Ayub Khan in 1958.

He announced his disgust with all the political manoeuvring that had been going on and set about vigorously to clean out the political stables. During the first five years of his administration everything appeared to look up and there was a general feeling of contentment and satisfaction. Some of the worst abuses which had crept in yielded to the radical measures that were adopted for their eradication and the common man on the whole was better off and felt happier under his regime than had been the case under his immediate predecessors. The administration was respected at home and began to acquire prestige in international circles.

The Field Marshal's experiment with grass-roots

democracy which was ushered in by a great fanfare and which in the beginning raised eager hopes, soon lost its glamour and his Basic Democrats proved no better than the old type of politician while suffering from the added disadvantages of ignorance and lack of experience. The system did, however, succeed in raising a certain degree of political interest among the masses but yielded little of the healthy fruit that was expected of it.

After having condemned the old type politicians up hill and down dale, not without considerable justification, the Field Marshal, unfortunately, let himself be persuaded to accept the leadership of one of the political parties and thus laid himself open to the same kind of temptation which he had so vigorously condemned in the politicians. He made himself vulnerable in the same manner, though perhaps not to the same degree, as those whom he had earlier condemned.

This, by itself, may possibly not have proved too harmful, or the harm might have been circumscribed and kept within endurable limits, but, unfortunately, he began to develop extreme sensitiveness to criticism and built round himself a phalanx of willing and completely responsive advisers which isolated him from public opinion, the trends of political thinking and needs and the mounting surge of dissatisfaction with the regime and its favourites. In the middle of all this he suffered a stroke which happily did not incapacitate him but certainly made him lose grip so that henceforth he began to retreat where hitherto he had contrived to march forward.

During the early years of his regime two beneficent trends had made themselves manifest which were largely the results of his vigorous policies and dynamic personality. There was a marked all-round improvement in the economic sphere which was being continuously sustained. Also, greater and greater attention was devoted to the economic uplift of East Pakistan so that the proportionate improvement in East Pakistan became even more marked than in West Pakistan.

With the slackening of his grip over the administration corruption and cognate abuses had begun to rear their heads as high and in some cases even higher than under the immediately preceding regimes. The glamour of the earlier years was quickly overspread by gloom and a feeling of hopelessness and helplessness set in. The Field Marshal made last-minute efforts at arresting the current but found that it had set in too strongly to be stemmed by him in his weakened state of health. In the end he felt himself compelled to hand over power to General Yahya Khan who lacked all political and administrative experience. Though he made sincere efforts at restoring a system of healthy democracy to which he might transfer power, he let himself be caught helplessly in the maelstrom of political currents and ambitions from which he could find no way of deliverance. The curtain thus rose upon the final tragic scene.

East Pakistan, divided from West Pakistan by a thousand miles of Indian territory, has an area of 54,000 square miles compared with 306,000 square miles of West Pakistan and a population of roughly 70 million compared with West Pakistan's 60 million. It is the most densely populated region of the earth. Except for the Chittagong Hill Tracts, the country is flat, riverine. It forms the delta of the Ganges and the Bramhaputra, the two largest river systems of the sub-continent. The soil is alluvial, there are frequent inundations and the coastal tract is periodically subject to violent cyclones causing heavy damage.

West Pakistan has large desert areas in Sind and high mountainous and a sub-montane plateau in the north-west. The plateau is comparatively dry but fertile and reaches an elevation of 2,000 feet above sea level. While irrigation is the great need of the West, drainage and flood control are the main problems of the East. At the time of Independence there was little industry on either side. The principal agricultural product of the East, raw jute, found its way into West Bengal (India) for processing and export. Its tea was exported direct. The East was deficient in food grains,

rice being the staple diet. Cotton, wheat and sugar cane were the principal products of the West.

The climate of the East was hot and humid, that of the West hot and dry. The north-west enjoyed a spell of exhilarating weather during the four winter months, cold nights, with freezing temperatures for about six weeks in December and January, and sunny invigorating days. The monsoon rains, July to September, were supplemented during the winter with canal irrigation from the rivers, the Indus and its tributaries.

The physique of the people of the two regions was determined by the climate and the food, the last being largely the product also of the climate acting upon the soil. The language of the East was Bengali, common to East and West Bengal (India). Urdu was better understood in the district of Sylhet (originally part of Assam) than in the rest of East Pakistan, except in Dacca, the capital. Doctrinal beliefs and forms of worship were shared throughout East and West, but the social pattern and habits in the East were closer to those of West Bengal (India) than to those of West Pakistan.

The geographical juxtaposition between East and West Pakistan rendered the relationship between the two extremely tenuous. This fragility was intensified by the lack of friendliness between India and Pakistan. Some of the adventitious factors added to the delicacy of the situation. The administrative capital being placed in the West resulted in a preponderance of West Pakistan representation in the staff of the Central departments below a certain level. In the higher levels West Pakistanis already had a near monopoly. In addition, they were called upon to man the higher rungs of the East Pakistan administration to a large degree, as the representation of East Pakistan in the All-India Services at the time of Independence was sparse indeed. This deficiency could only be remedied slowly. Besides, owing to the long distance involved, the expense of the journey, and differences of language, climate, food and habits a complex began to emerge that East Pakistan was governed by West

Pakistan.

Add to this that to begin with the armed forces were drawn almost wholly from the West and this imbalance was also not susceptible of a rapid adjustment. Paradoxically, it proved easier to step up recruitment of East Pakistani personnel to the officers' grades than into the ranks.

In the earlier years attention in both regions had to be concentrated on urgent and insistent needs that involved the very survival of the State and little regard could be had to regional appointments. Needs had to be filled with resources wherever they could be found or procured from. In a situation of that type the region that is already in a position of comparative advantage tends to forge ahead somewhat faster than the one more handicapped, and unless appropriate correctives are studied and are effectively applied the gulf between the two grows steadily wider. The juxtaposition presents a challenge which wise and courageous statesmanship can ill afford to ignore.

This was recognized on both sides and adjustments were made in a spirit of accommodation. East Pakistan, with its larger population, agreed to parity of representation in the Constituent Assembly which also functioned as the Central Legislative Assembly. Capital and skill were persuaded to move at some risk from West to East Pakistan inspired by a spirit of fraternal sympathy and service rather than selfish exploitation. Civil servants in senior grades were glad to render devoted service to East Pakistan and won the esteem and affection of those whom they served. Travel between the regions was made easier, quicker and cheaper through air services being subsidised. Facilities for air travel inside East Pakistan were multiplied.

With the advent of the military regime in October 1958, economic development in East Pakistan began to move at a faster pace than in West Pakistan, at least so far as the public sector was concerned. One helpful element in the situation was that by that time the infra-structure had been strengthened and the absorptive capacity of East Pakistan had increased. East Pakistanis themselves could be heard

affirming that Dacca was expanding beyond recognition.

This does not mean that there was no criticism, no cause of complaint, no dissatisfaction, no desire for change, no room for improvement. There was plenty of each and more. There were rumblings and growls, the crazy apple-cart swayed and creaked, on occasion it seemed on the point of being upset, but it managed to recover its balance and to carry on.

Slowly, however, the seeds of suspicion, some scattered internally and some thrown across the borders from near and far, began to sprout. The soil proved fertile and the growth was luxuriant.

The question of language was not wisely handled. History shows that a people will stoutly resist any attempt to persuade or force it to make a linguistic switch, and that any such attempt may do great harm. The problem of Bengali and Urdu was complicated by the additional factor of a diversity of scripts. Urdu is written in the Persian script which is simplified Arabic script. Bengali script is akin to Hindi script. East Pakistani Muslims who studied the Quran had to acquire familiarity with the Arabic script. Bihari refugees in East Pakistan were familiar with Urdu and used it as their vernacular. A majority of the people of Sylhet knew some Urdu and the divines throughout East Pakistan felt at home in Urdu.

If trust and confidence could have been maintained and fostered in other spheres the natural trend in the linguistic situation would have been a slow and gradual extension of familiarity with the Urdu script among the Bengali-speaking sector and a larger participation in the use of Bengali and in the adoption of East Pakistani social and cultural ways and habits by non-Bengali elements. This healthy and beneficent trend could have been left to follow its course at its own pace. Unfortunately, the advocates of Urdu attempted a hothouse growth and tried to force the pace. The attempt inevitably boomeranged with disastrous results in many spheres.

Suspicion bred mistrust and consumed goodwill.

Disruptive elements began to lend a ready ear to the whispers of those who had been opposed to the very concept of Pakistan and of those who now disapproved of its policies and attitudes. The authorities rooted in and anchored to West Pakistan even when warned or made aware of sub-surface currents and ferment in East Pakistan chose to shrug them off as of little consequence. The ostrich buried its head deeper and deeper in the sand.

Adverse factors could be classified in a variety of categories. Some derived from the geographical juxtaposition and called for the persistent application of strong and vigorous correctives. Some had their roots in hostility and ill-will which could be wisely countered through practical demonstration of sympathy and goodwill. Others were myths which could be exploded by a clear presentation of the facts. Some resulted from misunderstanding which could be removed through frank explanation. Nothing of this was attempted, or very little and that very late. A tragic complex of suspicious lack of confidence on one side and pathetic over confidence on the other set in.

When in consequence of information gathered by Military Intelligence in East Pakistan news was published of the Agartala Conspiracy and the proposed trial of the alleged offenders, West Pakistan was dazed and shocked in disbelief of such a possibility. The tragic events of 1971 placed the matter beyond any possibility of doubt or disbelief. Indeed the principal person concerned gloried in the coming true of his dream.

One of the persistent myths has been the alleged economic exploitation of East Pakistan in the interests of West Pakistan. Some figures may be of interest.

Between 1948 and 1970 the Government of Pakistan made Rs. 15,266 million available as development loans, Rs. 8,419 million to East Pakistan and Rs. 6,847 million to West Pakistan.

During the first decade East Pakistan's feeble infrastructure and low absorption capacity did not permit it to

share equally in foreign loans. From 1958 onwards the situation improved steadily in favour of East Pakistan.

From 1960 to 1969 East Pakistan contributed Rs. 8,051 million gross to Central revenues. Of this Rs. 3,884 million (48 per cent) was refunded to it as its share of provincial allocation. The corresponding figures in case of West Pakistan were a gross contribution of Rs. 22,371 million, refund Rs. 4,000 million (18 per cent).

The East Pakistan Industrial Development Corporation, government owned, carried out a number of industrial projects in which nearly a billion rupees were invested. Incidentally, the only steel mill in Pakistan was established at Chittagong and the only newsprint plant was set up at Khulna, both in East Pakistan.

<i>Revenue receipts</i>	<i>1947-48 (Rs. millions)</i>	<i>1969-70 (Rs. millions)</i>
East Pakistan	169	1789
Dacca municipality	1.6	16.3
Chittagong municipality	0.75	15
	<i>1947</i>	<i>1970</i>
Jute mills	None	55 (processing 3 million bales of jute)
Cotton mills	5	44 (raw cotton supplied by West Pakistan)
Post offices (approximate)	3,000	over 6,000
Telephones	3,000	over 50,000
Roads (high type)	240 miles	2,400 miles
Roads (low type)	none	1,400 miles
Ports (capacity) Chittagong	500,000 tons	4.7 million tons
Ports (capacity) Chalna	not established	over 2 million tons
Airports	In 1947 there were only two small airports, one in Dacca, one in Chittagong. By 1970 dozens of airports and airstrips had been constructed across East Pakistan and the airport at Dacca had been greatly expanded to handle jet planes.	

VII

From the moment of his assumption of power in March 1969 General Yahya Khan was committed to the creation of conditions which would make the restoration of constitutional government possible. He proclaimed his purpose repeatedly, and speedily set in motion procedures and processes for the achievement of that purpose. Looking back it might appear possible to charge him with proceeding too rapidly rather than with lack of speed.

In his broadcast of July 1969 he made specific reference to the dissatisfaction of the people of East Pakistan at their inability to play their full part in decision-making processes at the national level and in certain important spheres of national activity. He had already directed that the number of East Pakistani officials among the Secretaries in charge of Central Government Departments should be substantially increased and that the recruitment of East Pakistanis into the Armed Forces should be doubled forthwith.

In the same address he announced that his consultations with political leaders had shown that three main issues needed to be resolved as preparatory steps towards the transfer of power to the representatives of the people. He formulated these as: whether West Pakistan should be resolved back into the four Provinces, Punjab, Sind, Frontier and Baluchistan, of which it had been composed; whether parity of representation between East and West Pakistan in the Central Legislature which had hitherto been agreed upon by the two sides should be abolished and a system of representation according to population be substituted in its place; and how should power be divided between the Centre and the Provinces in the Federation of

Pakistan? He urged political leadership to seek agreement on these issues.

In November he declared that he felt there was enough understanding on these issues to enable him to pronounce upon them so that they could be taken out of the field of controversy and the elections could be proceeded with. West Pakistan was to be dissolved into its constituent units; elections would be held on the basis of adult franchise from constituencies of approximately equal strength; there would be a Parliamentary federal form of government with maximum autonomy for the Provinces consistent with the preservation of the integrity and solidarity of the nation as a whole. Fundamental rights would be guaranteed by the constitution and would be justiciable. The judiciary would be independent of the executive and would be responsible for safeguarding the Constitution.

These were courageous measures. The dissolution of West Pakistan, though a retrogressive step in the view of many, was a concession to the political leadership of the smaller Provinces which did not feel happy in association with the stronger and more advanced Punjab. The abolition of parity of representation in the Central Legislature between East and West Pakistan was in effect to shift the centre of political power from West to East. Combined with maximum autonomy for the Provinces it conceded in principle all that East Pakistan could reasonably demand, and more.

Curiously enough there had not been much guidance forthcoming on the part of political leaders on the manner of the transfer of power. The President promised to formulate a Legal Framework Order by the end of March 1970 which would set forth the procedure for the elections and the framing of the Constitution. He made it clear that the voting procedure to be adopted by the Assembly must be fair to the representatives of all regions of Pakistan.

The electoral rolls would be ready by June 1970 and the constituencies would then be finalised. The elections to the National Assembly would be held on 5 October 1970 and

the Assembly would be under obligation to complete the framing of the Constitution within 120 days of its first sitting, failing which it would be dissolved and fresh elections held. The major problem the Assembly would have to resolve would be the division of legislative and financial powers between the Centre and the Provinces.

The Legal Framework Order was duly promulgated on 30 March 1970 and was broadly accepted by all parties as a basis for the elections and as a working outline which the national Assembly could use as a guide.

A certain degree of excitement as the result of political activity which had been resumed with the revival of political parties on 1 January 1970 was natural and was to be expected. After the promulgation of the Legal Framework Order it was intensified both in East and West Pakistan, but while in West Pakistan, except for a few regrettable isolated incidents, it did not at any time assume the character of a violent campaign, in East Pakistan from the beginning of the year the Awami League seemed determined to suppress every kind of political demonstration except its own. Attempts of other parties or groups to hold meetings or take out processions were systematically frustrated by violence and strong-arm tactics, causing injuries to large numbers of persons, which occasionally resulted in death. Offices of rival political parties and of newspapers which opposed any part of the Awami League programme were raided, their furniture smashed and documents burned.

Although various aggrieved persons and parties registered formal protests at such tactics, nothing much was done to bring them to an end. The authorities in East Pakistan strictly obeyed the President's pledge of impartiality towards all political parties. Unfortunately the result was to give the Awami League virtually a free hand to crush their political opponents by strong-arm tactics and to establish their own claim to back 'the' party which was standing up for the rights of East Pakistan. As such, we found they enjoyed the support of many responsible citizens, who shrugged off their violent tactics as mere manifestations of

youthful, ebullient enthusiasm. My wife and I were unable to accept this point of view; to us, what the Awami League was doing to innocent political opponents was exactly like what Hitler's supporters had done to the aristocratic elements in Germany prior to the rise of Nazism. And there was the further danger, we thought that in a country like East Pakistan, mob violence is easier to start than to stop, and could quickly culminate in complete anarchy.' (*The East Pakistan Tragedy*, pp. 32-3.)

In his broadcast at the end of March 1970 the President reminded political leaders that it was their duty to use their influence to restrain their followers from having recourse to violence, but the reminder had little effect. At the end of July he warned that violence had not been eliminated, the divisions between the parties had become sharper and that the spirit of compromise was absent. He stressed the need of law and order and pointed out that the Martial Law authorities had deliberately limited their law-enforcement functions so as not to restrict political activity, and not out of any weakness. He reaffirmed Government's determination to ensure that the elections would be completely fair.

These broadcasts also summarized programmes that had been set in motion for the purpose of removing disparities between East and West Pakistan and promoting accelerated development of the more backward parts of the country. A comprehensive programme of flood control in East Pakistan recommended by the World Bank team costing 800 million dollars was announced for which foreign assistance was being mobilised.

Two natural disasters in rapid succession upset all calculations so far as East Pakistan was concerned. In September heavy floods caused widespread misery and suffering. Millions were rendered homeless and communications were badly disrupted. The President postponed the National Assembly Elections to 7 December and the Provincial Assemblies elections to 17 December. The Central Government and the East Pakistan Government busied themselves in doing

everything possible to provide relief wherever it was needed. In the midst of all this a terrible cyclone of unprecedented severity struck the coastal belt of East Pakistan on 12 November, causing half a million casualties and incalculable damage to property.

The magnitude of the disaster drew generous offers of help from every side.

'Foreign journalists flocked into Dacca as did representatives of various relief organizations. But in the heated atmosphere of political campaigning, these foreigners, for whom travelling to the afflicted areas was virtually impossible because all available means of communication were monopolized by the official agencies, fell an easy prey to the Awami League's criticisms of the Central and Provincial Governments. The disaster itself became just one more item in Sheikh Mujibur Rahman's hate campaign and the wildest stories were concocted to demonstrate the alleged heartlessness of the Central and Provincial military and civil officials. . . .

'In the course of two visits to Pakistan in the Spring and early Summer of 1971, I made it my business to enquire into such allegations as these. I found that the Defence Forces deeply resented them; they had worked day and night and to the very limit of their endurance, to bring relief. I found plenty of impartial testimony from foreign relief workers who had succeeded in getting into the field of operations about the sterling work that the Defence Forces had been doing; their devotion, I was told, was beyond all praise. . . .

'In point of fact, the efforts made by the authorities to cope with the disaster were both prompt and vigorous. Within a few hours of the end of the cyclone, Army medical teams arrived by helicopter at some of the worst-hit areas, such as Bhola and Hatiya Islands and Noakhali District. Detachments of the Corps of Signals fanned out to set up emergency wireless communications. An Army Operational Centre at once began work in Dacca to co-ordinate the activities of the military and the civil authorities. The Pakistan Navy at once went into action . . . and the Naval authorities in Chittagong worked out a comprehensive plan for landing such supplies where they were most needed. Many people found floating on rafts and logs were rescued and brought to

safety. The Pakistan Air Force joined in at once; all available transport aircraft were earmarked for relief work . . . In addition to the work of dropping supplies to outlying areas which neither the Army nor the Navy could immediately reach, the Air Force undertook the responsibility of receiving, refuelling, and providing technical assistance to the foreign aircraft which flew into Dacca in increasing numbers, bringing relief supplies. The President and a number of high officials of the Central and Provincial Governments toured the afflicted areas and encouraged those working at relief in their efforts.

* * *

‘Unfortunately all this good work received little publicity in the outside world; it did not provide as interesting “copy” for the foreign journalists in Dacca as the wild tales of callousness, robbery, maladministration and brutality which were assiduously circulated by the Awami League and its supporters. Such fabrications were uncritically accepted and cabled abroad. . . . Before very long foreign relief workers were able to visit the distressed areas as communications became restored; their tributes to the work of the Defence Forces remained relatively unnoticed—no doubt they did not provide a sufficiently dramatic “story”. Some foreign correspondents—their ranks were reinforced by a number who came to Dacca to cover the elections—duly reported the enormous effort which the authorities were making; but their despatches did not offset the bad impression which earlier messages had produced on the outside world.

‘The sufferings caused by the cyclone were . . . seized upon by Sheikh Mujibur Rahman and his leading henchmen as another item in the long catalogue of the alleged sufferings of East Pakistan at the hands of the Central Government and of the Western Provinces. The authorities were not only accused of making every possible mistake in the handling of the disaster; they were indicted both for neglecting protective measures . . . and for standing between East Pakistan and the help which was being so generously provided from abroad by stealing the supplies and embezzling the money. Both before and after the elections, the cyclone disaster was used as a powerful incitement to the campaign of hate against the Central Government and the West which was to produce such frightful sufferings in East Pakistan.’ (*The East Pakistan Tragedy*, pp. 36–9.)

The cyclone disaster affected eight National Assembly constituencies and twenty-one Provincial Assembly constituencies. The President, however, decided that, except in these constituencies, the elections should go forward as scheduled.

While political activity in West Pakistan had throughout been occupied with domestic problems and foreign policy and but for a few incidents was confined within the bounds of law and order, in East Pakistan it was marked by persistent coercion on the part of the Awami League and a bitter, virulent campaign of hatred against West Pakistan. Running through all the speeches and pronouncements of its leader 'was his indictment of West Pakistan as the sole author of everything that was wrong with East Pakistan. The Central Government, he thundered, was a mere tool in the hands of West Pakistan exploiters, who had robbed, and were robbing, East Pakistan of her capital, of her economic progress, of her foreign exchange, of her sons' right to jobs in the administrative and Defence Services, and of participation both in the conduct of national and local affairs and in the profitable industries built up in West Pakistan on the fruits of this "colonial-type" spoliation'. (Ibid, pp. 42-3.)

'Throughout the earlier months of 1970, he and his leading henchmen had travelled far and wide throughout East Pakistan—West Pakistan he did not bother about—establishing in the popular mind the image that he and the Awami League he headed were the sole real champions of the rights of East Pakistan; and that his Six Points were a charter which would make these rights secure for ever. His hearers believed that if they voted for him, all their economic troubles would be ended; that East Pakistan would become rich and prosperous, and that everyone would have adequate food, shelter and clothing.' (Ibid., p. 43.)

'There is one feature of Sheikh Mujibur Rahman's pre-election pronouncements that should be carefully noted. On no occasion did he demand or even hint at the secession of East Pakistan. One of his main appeals to the many voters who were whole-hearted supporters of the kind of Pakistan which Quaid-i-Azam had

founded, was that the Six Points would strengthen Pakistan by bringing the West and East regions to a new understanding of each other and by providing a basis for their more effective co-operation.' (Ibid., pp. 43-4.)

There has been no suggestion from any quarter that there was any interference on the part of the Government with the elections. But so far as East Pakistan is concerned there is considerable room for criticism of Government's attitude of *laissez faire* towards the aggressive and coercive activities of the Awami League. These activities were widespread and persisted throughout 1970. Their extent and character may be judged from one significant tell-tale factor. In the National Assembly elections in East Pakistan, despite the strong organization and discipline of the Awami League, and its apparently unlimited financial resources, only 57 per cent of the registered voters cast their ballots, of which 75 per cent were in support of Awami League candidates, so that its victory which gained for it 167 seats in a National Assembly of 313 derived from only 43 per cent of the East Pakistan electorate. Despite the resources of the Awami League and the wave of emotional enthusiasm that it had generated throughout the Province how is it that 43 per cent of the East Pakistan electors did not vote at all? The only explanation is that the Awami League volunteers took care that only their pledged supporters reached the polling stations. It is doubly significant that out of those who did manage to reach the polling stations as many as 25 per cent did not cast their ballots in support of Awami League candidates.

Be that as it may, the election gave the Awami League an overall majority in the National Assembly. The second largest party in the National Assembly was Mr. Zulfikar Ali Bhutto's Pakistan Peoples Party which had won 88 seats in the Assembly. In the East Pakistan Provincial Assembly the Awami League had secured 288 of the 300 seats. Thus the Awami League occupied a dominant position in the National as well as in the Provincial Assembly.

In the National Assembly it could look forward to strengthening its position still further by attracting the support of some of the independent members and of splinter groups or smaller parties.

The principal task facing the National Assembly was to frame the Constitution of Pakistan. The Legal Framework Order (President's Order 2 of 1970) on the basis of which the elections were held and which was broadly accepted by all political parties as a useful guide for the National Assembly, had laid down the Fundamental Principles of the Constitution in Clause 20, as follows:

'20. The Constitution shall be so framed as to embody the following fundamental principles:

(1) Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan in which the Provinces and other territories which are now and may hereinafter be included in Pakistan shall be so united in a Federation that the independence, territorial integrity and national solidarity of Pakistan are ensured and the unity of the Federation is not in any manner impaired.

(2) (a) Islamic ideology which is the basis for the creation of Pakistan shall be preserved; and

(b) the Head of the State shall be a Muslim.

(3) (a) Adherence to fundamental principles of democracy shall be ensured by providing direct and free periodical elections to the Federal and Provincial legislatures on the basis of population and adult franchise;

(b) the Fundamental Rights of the citizens shall be laid down and guaranteed;

(c) the independence of the judiciary in the matter of dispensation of justice and enforcement of the fundamental rights shall be secured.

(4) All powers including legislative, administrative and financial, shall be so distributed between the Federal Government and Provinces that the Provinces shall have maximum autonomy, that is to say maximum legislative, administrative and financial powers, but the Federal Government shall also have adequate powers including legislative, administrative and financial powers to discharge its responsibilities in relation to external and internal affairs and to preserve the independence and territorial integrity of the country.

(5) It shall be ensured that

(a) the people of all areas in Pakistan shall be enabled to participate fully in all forms of national activities; and

(b) within a specific period, economic and all other disparities between the Provinces and between different areas in a Province are removed by the adoption of statutory and other measures.

The Awami League in its Manifesto had proclaimed its Six Points as follows:

‘Pakistan shall be a Federation granting full autonomy on the basis of the six-point formula to each of the federating units:

1. The character of the Government shall be federal and parliamentary, in which the election to the Federal Legislature and to the legislatures of the federating units shall be direct and on the basis of universal adult franchise. The representation in the federal legislature shall be on the basis of population.

2. The Federal Government shall be responsible only for defence and foreign affairs and subject to the conditions provided in (3) below, currency.

3. There shall be two separate currencies mutually or freely convertible in each wing for each region, or in the alternative a single currency, subject to the establishment of a federal reserve system in which there will be regional federal reserve banks which shall devise measures to prevent the transfer of resources and flight of capital from one region to another.

4. Fiscal policy shall be the responsibility of the federating units. The federal government shall be provided with requisite revenue resources for meeting the requirements of defence and foreign affairs, which revenue resources would be automatically appropriable by the Federal Government in the manner provided and on the basis of the ratio to be determined by the procedure laid down in the Constitution. Such constitutional provisions would ensure that Federal Government's revenue requirements are met consistently with the objective of ensuring control over the fiscal policy by the Governments of the federating units.

5. Constitutional provisions shall be made to enable separate accounts to be maintained of the foreign exchange earnings of each of the federating units, under the control of the respective governments of the federating units. The foreign exchange requirement of the Federal Government shall be met by the

Governments of the federating units on the basis of a ratio to be determined in accordance with the procedure laid down in the Constitution. The regional governments shall have power under the constitution to negotiate foreign trade and aid within the framework of the foreign policy of the country, which shall be the responsibility of the Federal Government.

6. The Government of the federating units shall be empowered to maintain a militia or para-military force in order to contribute effectively towards national security.'

It is worthy of note that while the Six Points spoke of a Federation and of a federal and parliamentary government, and the leaders of the Awami League repeatedly affirmed in their election speeches that they were not seeking the disintegration of Pakistan or a change in its Islamic character, the campaign of hatred against West Pakistan continued to be pursued in its full virulence and bitterness.

In a public address at Narayanganj on 21 September 1970 Sheikh Mujibur Rahman stated: The Six-Point programme would be realized and at the same time neither the integrity of Pakistan nor Islam would be jeopardised. Speaking at Dacca on 24 September 1970 he described the elections as 'a referendum on the issue of provincial autonomy'. In an address at Sylhet on 6 November 1970 he explained that 'the Six Point programme only sought to ensure that in the Constitution East Bengal's interest would be safeguarded through regional autonomy'.

Mr. Tajuddin Ahmad, General Secretary of the East Pakistan Awami League, speaking at Narayanganj on 21 September 1970, affirmed that 'the realization of Six Points was very much linked with the integrity and solidarity of the country'. Mr. A. H. M. Qamaruzzaman, General Secretary All Pakistan Awami League, speaking at Rajshahi on 21 June 1970, stated: 'The relationship between East and West Pakistan is inseparable'. In a public address in Lahore on 27 September 1970, he categorically denied that his party aimed at splitting up Pakistan. Khondkar Mushtaq Ahmad, Vice-President, East Pakistan Awami League, stated in a public address at Feni on 20

March 1970, that the Awami League stood for 'a strong Pakistan' and that 'full regional autonomy would help maintain a strong nation'.

A glimpse or two at the other side of the coin. Sheikh Mujibur Rahman speaking at Hazari Bagh Park on 11 March 1970, wanted to know from certain West Pakistan political leaders whom he named 'how long would they take to refund the wealth of Bengal which they had looted through their masters', and he called on the Bengalis 'to rise to the occasion and completely eliminate the traitors and parasites from the sacred soil of Bengal'.

Mr. Tajuddin Ahmad announced at a public meeting in Dacca on 10 March 1970 that 'the flesh and blood of the Bengalis had been swallowed up by the exploiters and dacoits all these years and that they must be wiped out from the body politic of the country through the ensuing polls'. Speaking at another public meeting at Kapasia, Dacca, a day later, he unburdened himself of the following: 'A class of exploiters belonging to the Western region had sucked East Bengal for the last 23 years. The history of Pakistan was a history of conspiracy, a history of continuous oppression.'

In the middle of January 1971 the writer had an opportunity of meeting Sheikh Mujibur Rahman. This has been our only contact. He did not speak with any bitterness, and set forth his grievances soberly but firmly. I explained that though I was most keenly interested in the tremendous problems with which the country was faced, I held no rigid views, and was not *pro* or *anti* anything. I would, however, be glad to learn at first hand his views on one or two matters to which I attached importance.

I told him that the method of financing the Federal Centre with contributions from the Provinces advocated in the Six Points did not appear to me to be realistic or feasible. He said the Centre would have the power of taxing the Provinces, and the Central assessment would be a first charge on the revenues of each Province. I felt this was a purely verbal distinction which did not advance the matter

at all. There would be no remedy available in the case of an improvident or recalcitrant Province. He made no comment on this and I did not press the point.

I then mentioned that having lived abroad for a number of years I was concerned about Pakistan's image in the international sphere. This was determined in every case largely by the strength and stability of a State, and both these factors were primarily the responsibility of the Centre. The result of the elections had made him responsible for the Centre. Nor was this a mere fluke or passing phase. With the abolition of parity of representation in the Central Legislature East Pakistan would always enjoy a preponderance at the Centre. Did he not feel that a comparatively strong Centre would be a source of strength for East Pakistan and would, under the new conditions, help to eliminate the imbalance and disparities which he had complained of? His only response was a quizzical smile.

On 13 February the President summoned the National Assembly to meet at Dacca on 3 March. Mr. Z. A. Bhutto thereupon declared that he and the members of his party would not attend the session of the National Assembly unless some assurance was forthcoming from the majority party of its willingness to show reciprocity. 'I think we can work out something which will satisfy both of us. But if we are asked to go to Dacca only to endorse the Constitution which has already been prepared by the Awami League and which cannot be altered even an inch here or an inch there, then you will not find us at Dacca'. Sheikh Mujibur Rahman's response left no room for a compromise. On 21 February he announced: 'Our stand is absolutely clear. The Constitution will be framed on the basis of the Six Points'. The deadlock was complete.

In the course of his statement of 1 March 1971, the President observed:

'In the past few weeks certain meetings between our political leaders have indeed taken place. But I regret to say that instead of arriving at a consensus, some of our leaders have taken hard

attitudes. This is most unfortunate. The political confrontation between the leaders of East Pakistan and those of the West is a most regrettable situation. This has cast a shadow of gloom over the nation.

'The position briefly is that the major party of West Pakistan, namely, the Pakistan Peoples Party as well as certain other political parties have declared their intention not to attend the National Assembly session on the 3rd of March, 1971. In addition the general situation of tension created by India has further complicated the whole position. I have, therefore, decided to postpone the summoning of the National Assembly to a later date.

'I have repeatedly stated that a constitution is not an ordinary piece of legislation but it is an agreement to live together. For a healthy and viable Constitution therefore it is necessary that both East and West Pakistan have an adequate sense of participation in the process of constitution-making. Needless to say I took this decision to postpone the date of the National Assembly with a heavy heart. One has, however, to look at the practical aspects of such problems. I realised that with so many representatives of the people of West Pakistan keeping away from the Assembly if we were to go ahead with the inaugural session on the 3rd of March, the Assembly itself could have disintegrated and the entire effort made for the smooth transfer of power that has been outlined earlier would have been wasted.

'It was, therefore, imperative to give more time to the political leaders to arrive at a reasonable understanding on the issue of Constitution-making. Having been given this time I have every hope that they will rise to the occasion and resolve this problem. I wish to make a solemn promise to the people of Pakistan that as soon as the environments enumerated earlier become conducive to constitution-making I will have no hesitation in calling the session of the Assembly immediately. As for myself, I would like to assure my countrymen that I shall do everything in my power to help the political leaders in achieving our common goal with evenhanded justice which I have all along been doing.'

As President Yahya Khan had repeatedly stressed, I pointed out that the Constitution was not to be a mere piece of legislation; it would have to function as an organism which would not operate satisfactorily unless it registered a wide consensus of political thinking and was generally acceptable. He did not seem to differ and expressed his

willingness to enter into discussions with the leaders of all shades of opinion, with the sole exception of Khan Abdul Qayyum Khan. On my enquiring the reason for the exception he said: Abdul Qayyum Khan is an instrument of the Centre! I expressed the view that inviting Khan Abdul Qayyum Khan into consultation would not put any interest in jeopardy while failure to invite him would be invidious and would furnish him with a just grievance. On this he said he would consider the matter further.

Soon after leaving Sheikh Mujibur Rahman I had a talk with one of his close collaborators. He told me the Sheikh was not at all interested in the Centre. If an agreement could be reached on the Constitution the Awami League would form a government at the Centre, but the Sheikh would not take on the Prime Ministership. On my expressing some surprise at this I was informed that the Sheikh would not be willing to leave Dacca, as he was anxious to devote himself to the consolidation of the party. This left me somewhat puzzled at the time, but later events furnished an explanation.

From these meetings I came away with the impression that the Sheikh had not closed his mind altogether to a process of give and take in respect of the Six Points, but rapid developments thereafter convinced me that I had been mistaken. The first sinister indication was that addressing a huge party rally within a few days he sought to reassure his following with the words: 'Put your trust in me, I shall beat them down to their knees'. This was not the language of negotiation; it was the ultimatum of the strong arm.

President Yahya Khan advised the leaders of the political parties 'that they could usefully employ the period between their election and the first session of the National Assembly in getting together and arriving at a consensus on the main provisions of our future Constitution. This will call for a spirit of give and take, trust in each other and realisation of the extreme importance of this particular juncture in our history'. To give them time for this purpose he fixed March 25 as the date for the opening of the Assembly.

Mr. Zulfiqar Ali Bhutto and other West Pakistan leaders flew to Dacca to begin talks with Sheikh Mujibur Rahman, but the Awami League assumed an extremely militant mood. The tone and temper of Sheikh Mujibur Rahman's pronouncements concerning the Six Points also underwent a complete change. He insisted that every one of them must be embodied in the new constitution and those who did not agree with them could do what they liked about it. In his speeches and public utterances he referred to East Pakistan as Bangla Desh and there was no further mention of strengthening Pakistan and preserving its unity.

The talks between the leaders led nowhere. Sheikh Mujibur Rahman refused to visit West Pakistan for further talks or to meet the President. He sent the latter a message that if the Six Points were not accepted in their entirety rivers of blood would flow.

One aspect of 'the general situation of tension created by India' to which the President made reference in his statement of 1 March, calls for a brief explanation. On 30 January 1971 a Fokker Friendship aircraft of the Indian Airlines Corporation, on a routine flight from Srinagar to Delhi, was hijacked by two of the passengers and landed at Lahore airport. This confronted the Pakistan Government with an awkward situation. The hijackers represented themselves to be Kashmir Freedom Fighters. Their action created great public excitement in Lahore. They refused to leave the plane but were persuaded to release the passengers and crew, who were taken to the best hotel in Lahore, provided with clothing and other necessities and every comfort before being taken to the Indian frontier. Several of them later thanked the Pakistan authorities for the care and consideration which had been shown to them.

'The Indian High Commissioner was informed, was assured of the efforts of the Pakistan Government to return the plane safely, and was invited to send a representative to the spot if he so desired. But in the meantime, the two hijackers were acclaimed as popular heroes; they gave a Press Conference—one of them always remained on the plane—and asked for political asylum. Since the Pakistan Government have consistently refused to acknowledge India's occupation of part of Kashmir, holding that Kashmiris are

not Indian nationals, the request was granted.

'This action, and the reasons for taking it, hit India on a very sensitive spot; the reaction by Indian Press and public opinion was immediate and bitter. Pakistan was accused of engineering the entire incident. Threats were made to the lives of the Pakistan High Commissioner and his staff in New Delhi; and there were ugly mob demonstrations against Pakistan. The excitement in India was increased when the two hijackers, in the middle of the efforts of the Pakistan authorities to persuade them to leave the plane so that it could be returned to India, blew it up. The Indian Government announced that it held Pakistan responsible for the blowing up of the plane, neglecting the contention that the hijackers were neither Indian nor Pakistani nationals and thus not a Pakistani responsibility, and demanding compensation for the plane. Without giving the Pakistan Government time to reply, India unilaterally suspended all flights by Pakistani aircraft, civil and military across Indian territory between East and West Pakistan. The Pakistan Government protested strongly at what they regarded as a serious breach of international convention, and declined to give up the two hijackers to a country to which, in their view, the two men did not belong. They offered to settle the incident in a reasonable spirit of compromise. India did not agree; hostile demonstrations against Pakistani nationals persisted, and the ban on over-flying was not lifted. Anti-Muslim riots broke out in Ahmadabad and Baroda, and relations between the two countries became very strained.

'Nothing could have suited Sheikh Mujibur Rahman better than the imposition of this embargo upon the main communication-line between West and East Pakistan at the time when certain of his followers, and possibly himself, were working for a drastic weakening of the power of the Central Government.' (*The East Pakistan Tragedy*, pp. 50-1.)

Once the initial excitement in West Pakistan had subsided public opinion began to speculate whether the hijacking of the plane and the ban on over-flights which followed were as spontaneous as they had been represented. This speculation was reinforced by a letter from Sheikh Abdullah addressed to Mr. Jaya Prakash Narayan which was published by the *Indian Express* of New Delhi on 15 February 1971. In the course of this letter Sheikh Abdullah

observed:

'The recent unfortunate events in the sub-continent have further exacerbated the already strained relations between the two neighbours. The story, however, does not end with the hijacking and blowing up of the plane. The important question is on whom to fix the responsibility. The revelations made since the incident, by the responsible quarters, have raised grave doubts in my mind and perhaps in the minds of many others, as to the veracity of the stories put out in regard to the agencies responsible for this act. Nevertheless, it has become abundantly clear that the chief hijacker was an employee of the Border Security Force. He had crossed over to Pakistan and reportedly got training in hijacking there; after recrossing to this side of the cease-fire line, he was re-employed by the Security Force, and stationed on duty at the airport, ostensibly to keep watch on possible hijacking, as reported by the Press. The hijacker had told his employers the possibility of 'skyjacking', which information was communicated to the Kashmir Government by the agency under whose employ the hijacker was. The Kashmir Police wanted to interrogate the person, but according to the Chief Minister, Mr. Sadiq, the agency refused to identify him or surrender him to the Kashmir Police for interrogation. Finally, the man with one of his accomplices, boards the plane with the full knowledge of the Border Security Force, and carries out his mission, forcing the plane to land at Lahore.'

It appears that the banning of over-flights furnished Sheikh Mujibur Rahman and the Awami League with the assurance that the precarious military position in East Pakistan was no longer capable of being speedily reinforced and this factor probably served to stiffen his attitude in his talks with the West Pakistan leaders and he openly took the stand which had undoubtedly been his objective all through 1970: Six Points or nothing. Events beginning with 2 March 1971 confirm beyond doubt that even the Six Points were only a camouflage for complete secession and a parting of the ways for which preparations (including the procuring of arms and armaments) had been set afoot over a longish period.

The postponement of the date of the opening of the first

session of the National Assembly furnished Sheikh Mujibur Rahman with the opportunity for which he had been waiting. The very next day he called for what amounted to a universal *hartal* (strike) which paralyzed all government and public order, machinery and activity, except such as was deemed essential and needful by the Awami League for its own purposes. *Hartal* was but a euphemism for taking over control of the whole Province and setting up a ruthless Awami League tyranny directed against all elements which would not eagerly toe the Awami League line.

On 7 March Sheikh Mujibur Rahman announced a week-long programme to continue what he described as 'the non-violent and non-cooperation movement' which had been started on 2 March 'till the objectives—the immediate termination of Martial Law and transfer of power to the elected representatives—were achieved'.

The programme was spelled out as follows:

- (1) No-tax campaign to continue.
- (2) The Secretariat, Government and semi-Government offices, High Courts and other courts throughout Bangla Desh should observe *hartals*. Appropriate exemptions shall be announced from time to time.
- (3) Railway and ports may function but railway workers and port workers should not cooperate if railways or ports are used for mobilisation of forces for the purpose of carrying out repression against the people.
- (4) Radio, television and newspapers shall give complete versions of our statements and shall not suppress news about the people's movement otherwise Bengalees working in these establishments shall not cooperate.
- (5) Only local and inter-district trunk telephones communication shall function.
- (6) All educational institutions shall remain closed.
- (7) Banks shall not effect remittances to the Western Wing either through the State Bank or otherwise.
- (8) Black flags shall be hoisted on all buildings every day.
- (9) *Hartal* is withdrawn in all other spheres but complete *hartal* may be declared at any moment depending upon the situation.
- (10) A Sangram Parishad (People's Council) should be

organised in each union, mohallah, thana, sub-division and district under the leadership of the local Awami League units.'

The programme was made completely effective by Awami League volunteers under the threat of severe penalties. In effect there was little resistance or non-compliance. It may be thought that banks carrying out the directives issued by the leader of a political party and thereby failing to carry out their obligations under the law to their depositors and clients were incurring risks and yet such was the terror inspired by the strong arm activities of the Awami League volunteers that no one dared to disobey the party's directives even in respect of their lawful obligations.

On 8 March Mr. Tajuddin Ahmed, General Secretary of the East Pakistan Awami League, announced as many as fifteen 'exemptions and clarifications pursuant to Sheikh Mujibur Rahman's directives'.

On 14 March Sheikh Mujibur Rahman issued a statement to the effect: 'The programme of action commencing from 15 March 1971 is elaborated below in the form of directives. All previous directives, exemptions and clarifications are superseded by the directives enumerated below.' And there followed as many as thirty-five directives covering every aspect of government and public activity such as:

- 'Organs of Government
- Educational Institutions
- Maintenance of Law and Order
- Ports including Inland Ports
- Imports
- Railways
- Road Transport
- Inland Water Transport
- Payment of Wages
- Pensioners
- AG (EP) and Treasury
- Banks
- State Bank

Controller of Imports and Exports
Travel Agents and Foreign Airlines
Fire Services
Municipalities
No Tax Campaign
Pakistan Insurance Corporation and Insurance Companies
Private Commercial and Industrial Organisations and Shops
Black Flags
Sangram Parishad'

The directive relating to Sangram Parishad prescribed:

'The Sangram Parishads shall vigorously proceed with their work at all levels and take necessary steps to ensure strict implementation of these directives and such other directives as may be issued from time to time.'

On 15 March 1971 a set of 'clarifications' of some of these directives were issued by the Awami League. All this despite the announcement of the President made on 6 March that the Inaugural Session of the National Assembly was called for the 25 March. In his statement of 6 March the President had pointed out:

'For some reason, the postponement of the date of the Assembly session has been completely misunderstood. Whether this is deliberate or otherwise I cannot say but one thing is certain—this misunderstanding has become the rallying cry for the forces of disorder. When such forces become activated the main sufferers are the innocent citizens whose daily life is seriously disturbed and who are in constant danger of suffering bodily harm and even death. While realising that an application of adequate force can effectively bring the situation under control, I have deliberately ordered the authorities in East Pakistan to use the absolute minimum force required to stop the law breakers from loot, arson and murder.'

The President, having held a series of discussions with political leaders in West Pakistan, arrived in Dacca on 15 March and had a number of meetings with Sheikh Mujibur Rahman in order to resolve the political impasse. Having felt that he had made some progress with Sheikh Mujibur Rahman he invited West Pakistan leaders to Dacca and had a number of meetings with Mr. Z. A. Bhutto, who

arrived in Dacca on 21 March and other West Pakistan leaders. Though various proposals and counter-proposals were canvassed and the President expressed his willingness to go as far as he possibly could to meet the point of view of Sheikh Mujibur Rahman no agreement could be reached as the insistence of Sheikh Mujibur Rahman upon the withdrawal of Martial Law before the National Assembly should meet and his demand that the National Assembly should sit in two divisions, representing East Pakistan and West Pakistan, to frame a constitution for each wing the two being bound together in a confederation, was considered both unacceptable and misconceived, particularly from the point of view of the maintenance of law and order. A close study of the conversations would reveal that at no time were Sheikh Mujibur Rahman and his colleagues in the leadership of the Awami League inclined to consider anything short of complete severance between the two wings by whatever name it might be described.

The leaders of the Awami League produced a draft proclamation which in effect was their draft of the Constitution which is set out as Appendix E at pages 47 to 59 of the Annexures to the Government of Pakistan's White Paper on the crisis in East Pakistan. This was their last word on the subject and as this was utterly unacceptable to the West Pakistan leaders the deadlock could not be resolved.

In the meantime, from 2 March onwards the only authority that functioned effectively in East Pakistan was that of the Awami League. It was not even a case of running a parallel government. The Awami League was the only government in East Pakistan.

As the President explained in his statement of 26 March:

'I should have taken action against Sheikh Mujibur Rahman and his collaborators weeks ago but I had to try my utmost to handle the situation in such a manner as not to jeopardise my plan of peaceful transfer of power. In my keenness to achieve this aim I kept on tolerating one illegal act after another, and at the same time I explored every possible avenue for arriving at some

reasonable solution. I have already mentioned the efforts made by me and by various political leaders in getting Sheikh Mujibur Rahman to see reason. We have left no stone unturned. But he has failed to respond in any constructive manner; on the other hand, he and his followers kept on flouting the authority of the Government even during my presence in Dacca. The proclamation that he proposed was nothing but a trap. He knew that it would not have been worth the paper it was written on and in the vacuum created by the lifting of Martial Law he could have done anything with impunity. His obstinacy, obduracy and absolute refusal to talk sense can lead to but one conclusion—the man and his Party are enemies of Pakistan and they want East Pakistan to break away completely from the country.

‘In my address to the Nation of 6th March, I had told you that it is the duty of the Pakistan Armed Forces to ensure the integrity, solidarity and security of Pakistan. I have ordered them to do their duty and fully restore the authority of the Government.’

The tragedy had entered upon its last phase.

VIII

Looking back it seems that General Yahya Khan, in assuming power at the request of Field Marshal Mohammad Ayub Khan, had undertaken a responsibility that he was not fit to discharge. He was first and last a soldier and had had few contacts beyond the limits within which his duties and responsibilities as a soldier were circumscribed. One is compelled to observe that Field Marshal Mohammad Ayub Khan was not well advised in his choice of the individual upon whom the tremendous responsibility of pulling Pakistan back out of the trough into which it was obviously and rapidly sliding was to be placed. It may be that he had little choice, in which case the prospect was in any case bleak and the tragedy and the horror of the finale had become inevitable.

General Yahya Khan, however, deserves credit for honesty of purpose. At each stage he gave proof of his anxiety to put normal constitutional processes into effect. He was possibly conscious of at least some of his own deficiencies and had perhaps realized that it would not be wise for him to cling to power merely out of a desire to exercise power. Yet a wise exercise of power was an essential requisite for the restoration of the normal functioning of all organs of the state. Good intentions, by themselves, were to be proved pitifully inadequate.

By the middle of March 1971 the political situation had already deteriorated beyond recovery. Clear vision and high courage could alone have devised a means of deliverance from the stark tragedy the approach of which had become palpable by the beginning of 1971. Both these were, alas, entirely lacking.

The normal processes of administration had from 2 March onwards been replaced by the *ad hoc* authority and strong-arm rule of Sh. Mujibur Rahman and the Awami League. Anyone who did not see eye to eye with the Awami League or was presumed not to do so placed himself in jeopardy. General Yahya Khan was still clinging to the hope that his 'plan of peaceful transfer of power' might be successfully achieved, but by failing to assert the authority of the lawful government so as to secure due observance of law and order and the safety of every citizen against the forces of disorder, he frittered away the last slim chance of a 'peaceful transfer of power'. The illegal assumption of power by Sh. Mujibur Rahman and the Awami League from 2 March onwards demonstrated the helplessness of the normal machinery of administration. The period of three weeks beginning with 2 March destroyed 'the integrity, solidarity and security of Pakistan' more completely than an invading hostile force could have done. By the time Gen. Yahya Khan ordered the Pakistan Armed Forces on 25 March 'to do their duty and fully restore the authority of the Government', the authority of the Government had been subverted and tossed aside beyond any possibility of restoration. The armed forces were ordered to restore something which had ceased to breathe and was no longer capable of resuscitation.

By 25 March General Yahya Khan had not yet completely realized what was clear to everyone else, that the Awami League and its leaders were already doing, without let or hindrance, whatever they liked without waiting for the formal lifting of Martial Law and that their political objective was a complete break with West Pakistan. Situated as General Yahya Khan was he faced an extremely difficult and complicated situation. Obviously his first duty, woefully neglected ever since the beginning of the month, was the restoration of law and order. As mentioned in his statement of 6 March, he had deliberately restricted the use of force to the absolute minimum 'required to stop the lawbreakers from loot, arson and murder'. Even this

purpose had not been achieved and Awami League volunteers continued to work their will unrestrained under colour of the authority which they had assumed and the limits of which were vaguely and widely set out in the various proclamations and directives that were issued from time to time. By the time the armed forces were ordered 'to do their duty and fully restore the authority of the government' the task that they were set was beyond their capacity.

But that was not the only problem with which General Yahya Khan and his officers were confronted. General Yahya Khan's mind was by that time a prey to complete frustration. He had let himself be pushed into a situation where he did not know which way to turn. By 25 March he should have realized not only that Sh. Mujibur Rahman and his party wanted 'East Pakistan to break away completely from the country' but that they had so manipulated the situation that those who did not see eye to eye with them were completely cowed down and that the vocal elements in East Pakistan were solidly in support of the Awami League and were not prepared to settle for anything less than complete separation. This was a state of affairs which was not capable of being remedied through military action. Military action even at that belated stage should have been confined to the restoration of law and order, *simpliciter*, without distinction and without discrimination. It should have been made quite clear to the armed forces as well as to the people that the only object of the military action, to which it would be strictly restricted, was the restoration of peaceful conditions so that a solution of the constitutional problem which would be acceptable to the people of both wings of Pakistan could be reached and worked out and that no attempt would be made to coerce one side or the other into accepting a pattern to which they were not prepared to reconcile themselves.

This would have meant that if the people of East Pakistan continued to insist upon separation, the process of separation would be initiated and worked out once peaceful

conditions were restored and established. If such a directive had been clearly spelled out, widely proclaimed and strictly enforced the grim and gruesome aspects of the tragedy in which the country was already involved might yet have been largely obviated.

It would not have been easy to adopt that course and perhaps General Yahya Khan would in any event have shrunk from adopting it out of a sense of self-preservation. It needed a clearer, firmer and stouter mind than his to recognize the central fact in the situation, namely, that, rightly or wrongly, for good or for ill, a vast majority of the people of East Pakistan had decided to cut asunder from West Pakistan and that in the mood into which they had managed to work themselves they would choose ruin rather than a continuation of the constitutional relationship upon which General Yahya Khan, his advisers and West Pakistan leadership might insist.

It would be idle to contend that to countenance a complete break between the two wings of the country would have been a contravention of the Legal Framework Order. The short answer is that the march of events had travelled far beyond the situation for which the Legal Framework Order had been designed and had rendered the Order irrelevant. The basic assumption underlying the Order was the common desire of the people of both wings of Pakistan to continue in constitutional relationship with each other. Once that desire ceased to inspire the thought, conduct and mood of either side the *raison d'être* of a constitutional union would disappear. This had happened in the case of East Pakistan. The failure to recognize this disagreeable and repugnant reality lay at the heart of the tragedy.

Assume that a situation in reverse had emerged and the people of West Pakistan, for good reasons or bad, out of good motives or ill, had made up their minds irrevocably to dissolve the constitutional partnership between East and West Pakistan. Could any argument, pleading or constitutional theory or doctrine put forth on the part of East Pakistan have served to dissuade West Pakistan from

laying aside a burden which its people felt had become too heavy to bear?

Two crucial factors in the East-West Pakistan relationship invest it with a unique character and should not be overlooked in any realistic appraisal of it. One is their geographic juxtaposition (divided by more than a thousand miles of Indian territory) combined with East Pakistan's close cultural and linguistic affinity with Indian Bengal. The other is the fact that East Pakistan is more populous than West Pakistan, the ratio being roughly 7 to 6, which gave East Pakistan in the 1970 elections correspondingly larger representation in the Constituent Assembly than West Pakistan. It is true that West Pakistan comprises a much larger area (306 thousand square miles) than East Pakistan (54 thousand square miles) and at the advent of Independence was in several respects more favourably situated than East Pakistan. But these factors progressively militated against cementing the relationship between the two rather than in favour of it.

During the recent constitutional controversy it has been recalled that the Lahore Resolution of the Muslim League of 24 March 1940, had demanded 'that areas in which the Muslims are numerically in a majority, as in the North Western and Eastern Zones of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign'. In other words the Resolution contemplated the setting up of two Independent States, one in the north west and the other in the north east of the Indian sub-continent. In this context, however, it must also be recalled that in 1946 it was the Muslim leadership of Bengal which, voluntarily and enthusiastically, recorded its support for and demanded a united Pakistan comprising all the areas to which reference had been made in the Resolution of 24 March 1940. This was a free choice, eagerly made without the remotest suspicion of pressure or coercion. But this leaves unanswered the claim that the major partner in the set-up having made up its mind to withdraw from the partnership,

its decision, however unpalatable to the other partner, was entitled to respect.

Sheikh Mujibur Rahman and the Awami League on their side carry a heavy share of the responsibility for the agony which has so sorely afflicted all sections of the dwellers in East Pakistan, Bengalis, Biharis and West Pakistanis alike, since 2 March 1971. Their major default has been a lack of integrity. They had chosen to proceed to the elections of 1970 on the basis of the Legal Framework Order of 1970 which, among other Fundamental Principles of the Constitution set out in Clause 20, comprised the following:

‘(1) Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan in which the Provinces and other territories which are now and may hereinafter be included in Pakistan shall be so united in a Federation that the independence, territorial integrity and national solidarity of Pakistan are ensured and the unity of the Federation is not in any manner impaired.’

* * *

‘(4) All powers including legislative, administrative and financial, shall be so distributed between the Federal Government and Provinces that the Provinces shall have maximum autonomy, that is to say maximum legislative, administrative and financial powers, but the Federal Government shall also have adequate powers including legislative, administrative and financial powers to discharge its responsibilities in relation to external and internal affairs and to preserve the independence and territorial integrity of the country.’

This meant that divergences between the provisions of the Legal Framework Order and the Six Points proclaimed by the Awami League in its Manifesto would be the subject of negotiation between the Awami League and the other parties represented in the Constituent Assembly. In the meantime Sheikh Mujibur Rahman and his colleagues in the leadership of the Awami League repeatedly assured the electorate in their pronouncements during the election campaign that the Six Points were designed to strengthen Pakistan through the satisfaction and confidence they would generate in East Pakistan by virtue of the guarantee of Provincial autonomy.

Events proved that all these declarations were only a smoke screen. In fact as soon as Sheikh Mujibur Rahman, having been released from captivity in West Pakistan, arrived in Dacca by way of London he announced that an Independent East Bengal was a dream he had cherished for twenty-five years and that he was filled with joy that it was at last realized. The electioneering declarations served a double purpose. They reassured that part of the electorate which favoured Provincial autonomy but would have opposed a complete breakaway, and they lulled the authorities and the political leadership in West Pakistan into thinking that the constitutional differences between them and the Awami League were susceptible of settlement through negotiation.

The elections having given a landslide victory to the Awami League in East Pakistan, 167 seats in the Constituent Assembly out of a total of 313, the Awami League attitude began to change rapidly and its true purpose soon became manifest. India's action in banning overflights of Pakistani aircraft across Indian territory in the first week of February provided the Awami League with the assurance that the West Pakistan military units in East Pakistan could not be speedily reinforced. From that moment the Six Points ceased to be negotiable, and the Awami League strong arm, already in considerable strength, began to be organized and equipped as a paramilitary force. By the end of February its numbers far exceeded those of the West Pakistan Military units in East Pakistan. Sheikh Mujibur Rahman must have made sure by then that the East Pakistan Rifles and other East Pakistan military personnel would, in the event of a military showdown, place themselves under the directions of the Awami League, which proved to be the case. The widespread armed resistance which the armed forces encountered at the very outset proves that armed resistance had been planned, organized and equipped over a period of months, if not of years, which indeed is most likely. There had been a steady flow of arms and ammunition across the

borders for years. The charges directed against Sheikh Mujibur Rahman in the Agartala Conspiracy Case were retrospectively established by the events of 1971.

After the victory of the Awami League in the December elections of 1970, why need Sheikh Mujibur Rahman have even contemplated an armed struggle? The postponement of the first meeting of the Constituent Assembly, which had originally been scheduled to meet on 3 March, need have caused him no undue perturbation. He was in a very strong position, which could neither be turned nor by-passed.

Having pushed his Six Points as far as he could secure agreement upon, and it proved that complete Provincial autonomy was the minimum he could have made sure of, he should have been ready to form a government at the Centre. His party would also be in power in East Pakistan. He would have carried through a draft of the Constitution in accordance with the agreement reached between party leaders. The President would have been under obligation to certify the constitution.

As Prime Minister he should have addressed himself to the removal of all disparities and discrimination from which, according to him, East Pakistan had suffered. Indeed this would, in any case, have been one of his constitutional obligations, as the Legal Framework Order prescribed as a fundamental principle that the Constitution shall ensure that, within a specified period, economic and all other disparities between the Provinces and between different areas in a Province are removed by the adoption of statutory and other measures (Clause 20 (5) (b)).

As head of the party in power he could have carried out a programme of thorough reform in every branch of the administration, always keeping in the forefront of his mind the needs and true interests of East Pakistan. If West Pakistan appreciated the wisdom and beneficence of his policies and measures Pakistan could march forward into a future bright with promise and glowing with fulfilment. If West Pakistan felt neglected and unhappy Sheikh Mujibur Rahman could offer it secession and work it out amicably.

The result of the elections provided him with a great opportunity and offered him a challenge. He turned down the opportunity and shirked the challenge, preferring the path of conflict and strife.

It may be that he was held captive by his 'dream' and his commitments made for the purpose of realizing it, from which his resounding victory in the elections failed to procure him a release. It may have become too late for him to be inspired by the prospect of leading a united Pakistan to strength, stability and prosperity. It may be that the vision of Sonar Bangla illumined his horizon to the exclusion of all else. Even so, he could have achieved his purpose peacefully without strife and bloodshed. What was needed was that having realized the full implications of the position of vantage into which he had been hoisted by the elections he should forthwith have set about disciplining the rank and file of his party, particularly its volunteers, so as to weld it into an effective *peaceful* instrument for the achievement of his goal. He should have made them realize that whatever their objective, it had now been placed within their grasp, provided the situation was handled with delicacy and they could be relied on to behave with restraint and to be steadfast. Above all, every type of coercion and violence was to be eschewed. Discipline, obedience, service and fair dealing were to be their guiding principles. The party was to constitute itself the guardian of the security and due observance of the civil rights of every person within the boundaries of East Pakistan, without any distinction or discrimination. If all this was demonstrated in practice and became a concrete reality, Sheikh Mujibur Rahman would have participated in the constitutional discussions from an impregnable position of strength. Whatever opposition or resistance to any portion of the Six Points might have been offered by the representatives of West Pakistan could not have been persisted in as it would have been observed, felt and realized that the only alternative was separation. True, the country was under Martial Law, but what could the Martial Law authorities

do in a situation in which no one was in any way misbehaving or acting contrary to whatever was prescribed? No Martial Law or military force is capable of suppressing the moral strength of a people united in support of a cause. The Six Points gained would mean virtual separation.

Sheikh Mujibur Rahman did not choose to follow this course either. Under his direction the Awami League had from the beginning of the year intensified its strong-arm tactics, which had, according to its own assessment, proved highly efficacious during the election campaign. It virtually took over the administration of the Province from 2 March onwards and ushered in a reign of terror. The coercion and violence practised by it on so large a scale during the first three and a half weeks of March boomeranged upon it after the 25th of that month. An Arabic proverb has it: Where both sides are guilty of wrongdoing, the one that embarks upon it first bears the greater guilt.

General Yahya Khan's directive to the Armed Forces as set out in his address to the nation of 26 March 1971: 'In my address to the nation of 6th March I had told you that it is the duty of the Pakistan Armed Forces to ensure the integrity, solidarity and security of Pakistan. I have ordered them to do their duty and fully restore the authority of Government'; was very unhappily formulated. East Pakistan was no doubt in a state of armed rebellion by then, and military action had become indispensable for the purpose of suppressing the rebellion and restoring peace and normal functioning of the administration. The degree and quality of armed resistance encountered immediately by the armed forces demonstrated that there had been inexcusable delay in initiating military action. But this did not serve to widen the purpose of the military action. Regrettable action had been taken by the Awami League volunteers and deplorable incidents had happened which may have tried the patience and even provoked the ire of the armed forces. Even these would not justify or excuse action on the part of the latter which exceeded the strict

limits of their duty and could be construed as reprisals. Much less was it permissible for the armed forces to embark upon punitive measures in respect of political views held or adhered to, or of demands made in the context of the future constitutional framework of the country. Punishment in respect of offences committed or contraventions of Martial Law orders could only be awarded and carried out in conformity with Regulations prescribed in that behalf. General Yahya Khan's directive left room for the misconstruction that it was the duty of the armed forces to stamp out political disaffection and disruptive constitutional concepts. Such misconstruction was facilitated by the simultaneous removal from Dacca of all foreign press correspondents on the plea that in the prevailing conditions of disturbance and turbulence their safety could not be guaranteed. As Mrs. Jill Knight, one of the visiting British Members of Parliament, later pointed out to General Yahya Khan, press correspondents and journalists carrying out their duties in disturbed areas do so at their own risk and do not ask for or expect any guarantee of safety. The risk is part of their job.

General Yahya Khan admitted that the removal of the correspondents was a mistake. It proved to be a blunder of the first magnitude. The principal medium of communication with the outside world was thereby put out of sympathy with the administration, if not rendered hostile. To continue to perform its function under the handicap deliberately imposed upon it, it was compelled to have recourse to sources which were deeply tinged with enmity towards Pakistan. The result was that a wholly misleading and largely fictitious picture of happenings and events continued to be transmitted abroad, and the perspective thus distorted has not yet been corrected.

The Bangladesh press continues to exploit that distortion. One illustration out of a host should suffice. The Bangladesh Observer, published from Dacca, carried in its issue of Saturday, 20 May 1972, an article by a gentleman named K. M. Saiful Islam, under the caption: Women in

our Liberation Struggle. A large part of the article was concerned with the alleged atrocities committed by the Pakistan Armed Forces in East Pakistan during the spring and summer of 1971. These were attributed to a set policy which the writer of the article asserted was pursued by General Yahya Khan with a diabolical purpose. The article stated: 'Yahya, Tikka, Farman Ali, Niazi and other Generals, mostly Shias and Quadianis, thought out a plan. . . .' It proceeded to sketch out the revolting plan. The present writer, himself an Ahmadi (Quadiani) was so shocked by this barefaced assertion that an Ahmadi General, officer or soldier could possibly be guilty of conduct even remotely resembling that depicted in the article that he took pains to discover whether any of the Generals whose names were mentioned in the article is an Ahmadi. He himself was sure that none of them is an Ahmadi. On enquiry he was satisfied that such is the case and further that not a single Ahmadi General served in East Pakistan in 1971.

The article makes mention of Quadiani Generals twice in that context, the purpose obviously being to defame, bring into contempt and to incite hatred against a community which, though severely criticised and opposed on the basis of doctrine, is acknowledged by its bitterest opponents to be dedicated to the upholding of the highest moral values in conduct. It is also well-known that the community is well organized and is strictly disciplined and that anyone guilty of conduct even approaching such as mentioned in the article could not continue even as a nominal member of the Movement and would be expelled from its membership.

All through 1971 the administration had purposely banned the publication outside of East Pakistan of news of the strong-arm activities of the Awami League and of the horrors to which non-Bengalis were subjected progressively from 2 March onwards, lest such publication should provoke reprisals against East Pakistanis in West Pakistan. The one gleam of light against the darkness of the horrors that were being perpetrated in East Pakistan during the

greater part of 1971 was that even after the news of the unspeakable treatment inflicted upon West Pakistanis in East Pakistan began to spread and be known in West Pakistan, not a single East Pakistani was maltreated or molested or subjected to any prejudicial action. That aspect of the restriction upon freedom of the press justified itself in practice.

The view here expressed that after 2 March the only course left open to General Yahya Khan and to West Pakistan political leadership, was to concede the Awami League demand of complete autonomy as embodied in the Six Points, which in effect meant a separation of the two wings, and to work out amicably the processes relevant thereto is not a case of hindsight on the part of the writer. On 8 March he addressed a letter to a friend who is very close to one of the West Pakistan political leaders in the following terms: (English translation. For original Urdu see photocopy annex)

In the Name of Allah Most Gracious Ever Merciful

The Hague
8 March 1971

My dear

On the basis of the events reported in the newspapers (Allah alone knows the truth) I venture to submit to you my own reactions and reflections.

Sincerity of faith alone is the bond which could have held East and West Pakistan together; for all other factors, climate, language, food, colour, features, dress, in short the whole pattern of life and the mode of thinking, except only forms of worship, are divergent.

Now there is complete lack of trust and nationalist sentiments and emotions have overborne faith and religion. The whole world has adopted self-determination as its creed.

The ratio of population between East and West Pakistan is 7 to 6 (70 million against 60 million) and the ratio of area is 9 (54,000 sq. miles) against 51 (306,000 sq. miles).

East Pakistan is determined upon separation. West Pakistan

has no decisive argument to offer in opposition to their demand; even if it had East Pakistan is not prepared to listen to it and to reflect upon it.

History bears witness that coercion is not only futile but is suicidal. If, God forbid, blood is shed this will create an unbridgeable gulf between the two. Material loss can be made up, loss of life cannot; and the bitterness and the gloating of our neighbour over our misfortunes are inevitable.

Even assuming that through coercion the partnership could be prolonged for a while there is little chance of any real accord. Therefore, willingly or unwillingly, the only possible course left is separation in a beneficent way. This course is indeed beset with difficulties which could today be resolved through mutual understanding but even this chance might be lost in a short while. The truth is that in the present circumstances a reconciliation appears to be out of the question and recourse can be had only to a beneficent separation.

Both sides will have to face difficult problems but if each turns to Allah for guidance He has the power to endow both amply. If at this stage bitterness is not permitted to spread it is quite possible that after a short while when each side has had time to make an assessment of its situation and the problems confronting it, many ways and opportunities of fraternal cooperation and friendly help may become available. The present situation is fraught with peril and we are already incurring the mirth of the world and the glee of our neighbours.

May Allah have mercy on us. Amen.

وَن اَنقار اور قرآن کی بنا پر جن کا ذکر جراثیم میں آتا ہے (وَاللہ اعلم بالصواب) خاک کے ذہن میں جو افکار چلے لگاتے ہیں گذارش خدمت میں۔

شرقی اور مغربی پاکستان کو باہم جکڑنے والی زنجیر خلعین لہ الدین جی ہو سکتی تھی ورنہ آب و ہوا۔ زبان۔ خوراک۔ رنگ روپ۔ خدو خال۔ لباس۔ حتیٰ کہ بدلتے کو جو جو کچھ معاشرے کا خالہ اور ذہنی افکار سب مختلف۔

اب اعتماد معفود اور دین کی نسبت جذبات قومیت کا غلبہ۔ ادھر سارے عالم میں حق خود اقتدار کی بجز نش۔ شرقی اور مغرب میں آبادی کی نسبت ۷ اور ۶۔ اور رقبے کی نسبت ۹ اور ۵۱۔

شرقی مملہ علیحدگی پر مصر ہے۔ مغرب کے صافق میں کوئی قاطع میرہاں اس کے خلاف نہیں ہو جی تو شرقی سینے اور غور کرنے پر آمادہ ہیں۔

تاریخ شاید ہے کہ جبر نہ جی صرف لا حاصل ہے بلکہ خود کشی کے مترادف ہے۔ اگر خون کی خلیج خدا تو راستہ حامل ہوئی تو پالی نہ جا سکی۔

نقصان مایہ کی تلافی کی صورت تو ہو سکتی ہے۔ نقصان جان کی تلافی نہیں ہو سکتی اور شہادتت ہماری کی تلخی تو یہ صورت لازم ہے۔

بھیر جبر کے اگر کچھ دن تیرا بعد گزارہ ہو جی تو باہمی ربط بڑھنے کی کوئی صورت نہیں۔ اس لئے خود ستہ یا ناخواستہ سرا حاحیلہ جی کا طریق کام آ سکتا ہے۔

اس کے رستے میں بہت سی مشکلات ہیں۔ آج تو شانہ باہمی نفاہمت کے نیٹ کیس۔ چند دن بعد شانہ یہ امکان بھی جانا رہے۔

لیکن یہ حقیقت ہے کہ موجودہ صورت میں اس کا بے عرف تو حق نہیں اور تسریح باحسان جی کا دستہ کھلے ہے۔

دونوں کو مشکلات کا سامنا ہو گا۔ لیکن اللہ تعالیٰ کی طرف رجوع کریں تو وہ یغینہما بفضلہ پیر قادر ہے۔ اگر اس طرقت کو دور نہ میرہائی جائے تو شانہ کل کو اپنے اپنے گھر کا جائزہ لینے کے بعد کئی طریق دوستانہ تعاون اور برادرانہ امداد کے پیدا ہونے چاہیں۔

موجودہ صورت بہت سے خطرات کا موجب ہے اور ابھی سے جگہ منائی اور شہادتت کا سامنا ہے۔

اللہ تعالیٰ رحم فرمائے۔ آمین۔

IX

In the course of its history, now extending over nearly fourteen centuries, the Muslim people, like every other people, has had experience of ups and downs, but it has not had to pass through such a raging, searing, self-kindled furnace of shame, humiliation and degradation as was its portion in East Pakistan in 1971. The embers have not yet been wholly extinguished. The sack of Baghdad and the overthrow of the Abbaside Caliphate in the middle of the thirteenth century when the Tartar hordes overran the greater part of the eastern part of the Muslim empire, was a widespread calamity. The expulsion of the Moors from Spain by Ferdinand and Isabella in the fifteenth century was a deplorable tragedy. The holocaust endured by the Muslims of East Punjab in 1947 was dreadful. But the suffering involved in these was inflicted upon Muslims by non-Muslim invaders, conquerors and terrorists. The events of 1971-2 in East Pakistan exhibited the shameful spectacle of Muslim practising every form of barbaric savagery upon Muslim and non-Muslim. Humanity and Islam were besmirched, dishonoured and disgraced by the misbehaviour of Muslims. The entire ideology of Pakistan, its very *raison d'être*, were falsified and exposed to ridicule at the hands of those who had claimed that they were their exponents and guardians. What a shattering contrast between the claims and proclamations of the forties and the miserable failure of the opening seventies!

We are perhaps too close to the tragedy and too much involved in it to undertake a thorough sifting of the relevant evidence and to determine responsibility in respect of its various phases. Nor is this strictly relevant to the purpose

of the writer, which is to probe into the causes of this failure and to discover what might be needed to obviate a recurrence.

What prompted the demand for Pakistan? There was, of course, the fear of being subjected to discriminatory treatment by a dominant non-Muslim majority in matters that would seriously affect the material welfare of the Muslims as a people. Instances can be set forth and multiplied but it is not necessary to do so. It will not be denied that the fear was genuine and well-founded. But did it constitute a strong enough factor to impel the Muslims, even then exceeding a hundred and twenty-five million, to insist upon a division of the country, thus risking the loss of some of the undoubted benefits in which they shared as inhabitants of a united India, exposing a substantial proportion of themselves that must perforce remain in India to the virulent hostility of the bigoted sections of the majority community and placing the security and integrity of the new state they sought to set up at the mercy of a resentful, if not hostile, neighbour many times more powerful and better equipped than they could expect to be? Surely not. Then what was it that inspired not only those who looked forward to being included among the constituents of the new state but equally those who were certain to be left out of it to insist upon its being carved out? There was the insistent fear that once the Muslims were absorbed in a state dominated by the Hindus their moral and spiritual values would be put in jeopardy.

They were inspired by the vision of a state that in the second half of the twentieth century would uphold and put into practice the wholly beneficent values of Islam in all spheres of life to the benefit of all sections of its population, Muslim and non-Muslim alike. This was proclaimed in the declarations of the Muslim League, the pronouncements of leading Muslim personalities, the slogans shouted and repeated by processions and was set forth in the Objectives Resolution prefacing the Constitution of 1956. Even the Legal Framework Order, 1970, laid down:

‘21. The Constitution shall contain, in its preamble, an affirmation that:

(1) the Muslims of Pakistan shall be enabled, individually and collectively, to order their lives in accordance with the teachings of Islam as set out in the Holy Quran and Sunnah; and

(2) the minorities shall be enabled to profess and practise their religions freely and to enjoy all rights, privileges and protection due to them as citizens of Pakistan.’

‘22. The Constitution shall set out directive principles of State Policy by which the State shall be guided in the matter of:

(1) promoting Islamic way of life;

(2) observance of Islamic moral standards;

(3) providing facilities for the teaching of Holy the Quran and Islamiyat to the Muslims of Pakistan; and

(4) enjoining that no law repugnant to the teachings and requirements of Islam, as set out in the Holy Quran and Sunnah, is made.’

Thus the Muslims of the sub-continent humbly supplicated God for an Islamic homeland in India in which His Blessed Name would be exalted, the values inculcated by Him in His Holy Book, the Quran, and illustrated in the life of the Excellent Exemplar, the Prophet of Islam, would be put in practice, and the world would be furnished with the model of a wholly beneficent state which could serve as an object lesson. This sounds a great deal too idealistic and almost impracticable. It was indeed the assumption of a tremendous responsibility, but it was not an impracticable ideal. In fact the Quran imposes this responsibility upon the Muslims. ‘To Allah belong the East and the West; He guides whom He pleases to the right path. By guiding you along the right path have We made you an exalted people, that you may be guardians and witnesses over mankind and Our Messenger may be guardian and witness over you’ (2:143–4). In other words, the Muslims are exhorted that by following the example of the Holy Prophet they should serve as an example for the rest of mankind. The same concept is expressed elsewhere: ‘You are the best people for you have been raised for the benefit of mankind; you enjoin

good, forbid evil and believe in Allah' (3:111).

By tying up this responsibility with their demand for Pakistan the Muslims made it doubly incumbent upon themselves. It is, for instance, obligatory upon every holder of a public office or of a position of trust to discharge his duties diligently and honestly, but the obligation is heavier upon one who asks for such an appointment. This is also illustrated in the Quran. The divine law is declared: 'If you will use My bounties beneficently, I will surely multiply them unto you, but if you misuse them, My punishment is severe indeed' (14:8). A specific application is described thus:

'Call to mind when the disciples asked Jesus son of Mary: Hast thy Lord Power to send down to us from heaven a table spread with food? He rebuked them: Be mindful of Allah's Majesty, if you are true believers. But they persisted: We desire to partake of it that our hearts may be satisfied that our Lord is All-Powerful, and we may realise that thou hast told us the truth, and that we may become witnesses thereof. Thereupon Jesus son of Mary prayed: Allah, our Lord, do Thou send down to us from heaven a table spread with food, that it may be a festival for the first of us and for the last of us, and a Sign from Thee; and do provide for us from Thyself for Thou art the Best Provider. Said Allah: I will certainly send it down to you but whosoever of you is ungrateful thereafter, such as him I will surely punish with torment wherewith I will not punish any other of the peoples.' (5:113-16.)

The Quran is not a record of stories. Whatever it sets forth has a purpose; guidance, warning, admonition. 'The Quran is a determined discourse, it is not idle talk' (86:14-15). 'In these, their annals, there is a lesson for men of understanding' (12:112). The disciples asked Jesus to pray that his people might be blessed with affluence both early in their history and in its latter part. The divine response was that the prayer would be granted but that misuse of the bounty (ingratitude) would entail exemplary chastisement.

The Muslims made supplication for a like bounty. Lord, Master of the Kingdom, grant us a kingdom on earth, so that being masters in the land we may occupy ourselves

with winning Thy pleasure through compliance with Thy will as revealed in Thy Holy Book and as illustrated in his life by Thy Prophet. The divine response was the same as in the case of the supplication of Jesus. I will surely bestow it upon you; accompanied by the warning: but whosoever of you is ungrateful thereafter, such as him I will surely afflict with torment wherewith I will not afflict any other of the peoples.

Pakistan was a divine bounty, pure and simple. To the great majority community the very concept of Pakistan was anathema. It meant the rending open of sacred Bharat, a sacrilegious outrage not to be tolerated; it involved the assignment of the basin of the Indus, the true and original Aryavart, to the polluted *malech*, a dreadful contingency. The Prime Minister of the United Kingdom, Mr. Attlee, in whose hands the final decision lay, was entirely adverse to the idea. His one colleague who could influence his judgment on Indian affairs, Sir Stafford Cripps, was a consistent supporter of the Indian National Congress and was its mouthpiece in the Cabinet. The instrument chosen to give effect to the final decision of the Prime Minister, invested with plenary authority at his own request, was utterly allergic to Mr. Jinnah and never tired of describing Pakistan as a mad concept. Among his entourage, Mievile, Ismay, Abell, V. P. Menon, Campbell Johnson, there was not one who had a good word for Pakistan or entertained a kindly sentiment towards its proponent. In the end all of them, Nehru, Patel, Mountbatten, Attlee combined to accelerate the emergence of that which they detested, albeit in a 'truncated' form and 'moth-eaten' condition, in the conviction that, confronted with the reality Mr. Jinnah would shy away from it, and if not it would be still-born or expire speedily. This conviction was falsified. Mr. Jinnah did not shy away and Pakistan was not still-born though it was unfairly whittled down and the pangs of its birth proved not only painful but sanguinary in the extreme.

Pakistan survived the torments of its birth. A miracle, exclaimed its sympathisers. A monstrosity, doomed to

speedy ruin, cried its detractors. In truth it was a challenge to its people and its leaders, the obverse and reverse of which were as light and darkness. 'Is he who strives after the pleasure of Allah like him who draws upon himself the wrath of Allah?' (3:163).

In East Punjab the Muslims were taken by surprise and were drawn unawares into the strife and massacre that overwhelmed them. But this furnished no justification for their turning on their non-Muslim neighbours in West Punjab in a spirit of vengeful reprisal. This was their first failure. In the second half of 1947 the greater part of the Punjab presented a scene of unmitigated savagery. Greed, lust and carnage reduced human beings below the level of beasts. It is by no means to be supposed that all or even a majority of any community were so implicated. Indeed in that widespread scene of rapine, mayhem and murder there were many bright examples of loyalty, devotion and self-sacrifice in the cause of a common humanity which served to rescue it from utter disgrace. The point, however, is that as a people the Muslims in that time of trial failed to uphold the values inculcated by Islam. It needs to be remembered that the situation was not one of armed conflict between one state and another, which is regulated by its own set of rules and in which while the conflict is in progress the forces of one side seek and manoeuvre to damage the forces of the other side. This was a case of blind emotional upsurge, unrestrained by any moral values or considerations. This surrender to blind emotion constituted a failure, a falling from grace. It is not too difficult to conform to values and standards in situations in which there is little temptation to depart from them. The test comes in times of crisis and conflict when emotions are roused and provocation is encountered.

If, as they had claimed, the Muslims were eager 'to order their lives in accordance with the teachings of Islam as set out in the Holy Quran', guidance was not lacking. Surely the following is apposite and should have been put into practice:

‘If you desire to exact retribution, then adjust the penalty to the wrong you have suffered, but if you endure with fortitude that surely is best for the steadfast’ (16:127).

‘Surely Allah is with those who restrain themselves and those who are benevolent’ (16:129).

‘You shall surely be tried in your possessions and in your persons and you shall hear many hurtful things from those who were given the Book before you and from those who set up associates with God, but if you show fortitude and do not retaliate, that indeed is a matter of high resolve’ (3:187).

‘The recompense of an injury is a penalty in proportion thereto; but whoso forgives and effects a reform thereby has his reward with Allah. Surely He loves not the wrongdoers. No blame attaches to those who exact due retribution when they are wronged; blame attaches only to those who wrong others and transgress in the earth without justification. They will have a painful chastisement. But the wronged one who endures with fortitude and forgives, achieves a matter of high resolve’ (42:37–44).

‘Good and evil are not alike. Repel evil with that which is best, and lo, he between whom and thyself was enmity is as though he were a warm friend. But none attains to this save those who are steadfast, and none attains to this save those who are granted a large share of good’ (41:35–6).

The very first chance of illustrating Islamic values in a situation of crisis and trial was, however, missed, raising serious doubt whether the motive behind the demand for Pakistan as announced, was sincerely held. Human nature is prone to seek shelter behind plausible excuses, and yet it is not easy to still the noiseless small voice of conscience. ‘In truth man is aware of the workings of his mind, even though he put forward his excuses’ (75:15–16).

As was the case with the Muslims in East Punjab, non-Muslims were expelled from or left West Punjab, and in the hurry of the departure had to leave their bulkier moveable assets behind. Muslim refugees from East Punjab poured daily in large numbers into West Punjab in a state of utter destitution and exhaustion, many of them grievously

injured. The administration, public and private organizations and agencies, and individuals did whatever was immediately possible to provide shelter, clothing, food and other relief and assistance. Here also a very serious default occurred. It is obvious that the assets left behind by the non-Muslim evacuees from West Punjab should have been taken over by the administration and utilized for the purpose of rehabilitation of the refugees from East Punjab, leaving an overall settlement to be reached between the two administrations. While the management and disposal of the immoveable assets were soon organized in a more or less satisfactory manner, it was not found possible to move with the requisite vigilance and speed with respect to the moveable assets which by their very nature invited pil-lage. This was not committed by the have nots and the destitute, but largely by those who suffered from no privation and had not been subjected to any loss. They became known as the local affluent refugees. Some of them were well-known, well-to-do figures. These ghouls gorged themselves with carrion, were severely infected with moral leprosy and doubtless transmitted the poison to the next generation.

Islam teaches that man is a unity of body, mind and soul, and that these components constantly act and react upon each other. If one is corrupted the others are also affected. To ensure a completely healthy organism it propounds regulations designed to that end. For instance, it regulates food and drink, forbids the use of that which is likely to prove harmful, and directs that even the pure and wholesome should be partaken of sparingly.

‘Eat freely of that which Allah has provided for you of lawful and wholesome things and be mindful of your duty to Allah in Whom you believe’ 5:89).

‘O Mankind eat of that which is lawful and wholesome in the earth and follow not in the footsteps of Satan; surely, he is your declared enemy’ (2:169).

‘Children of Adam, put your minds and bodies in a state of tidiness at every time and place of worship, and eat and drink of

that which is lawful and wholesome but be not immoderate; surely He loves not the immoderate' (7:32).

'Eat of the lawful and wholesome things that Allah has provided for you, and be grateful for the bounty of Allah, if it is Him you worship' (16:115).

'Eat of the wholesome things that We have provided for you and transgress not therein, lest My wrath descend upon you; and he on whom My wrath descends is surely ruined' (20:82).

An illustration of that which is unlawful: 'O ye who believe, intoxicants, gambling, idols and divining arrows are but abominations and Satan's devices; so shun each of them that you may prosper' (5:91).

Strict regulations are laid down concerning the modes of acquisition of property and its disposition. Property may be acquired only by means that are lawful and permissible. For instance:

'O ye who believe, do not consume your substance among yourselves by unlawful means, but you may carry on trade by mutual agreement; nor kill yourselves. Surely, Allah is inclined towards you with mercy. But whosoever is guilty of the above by way of transgression and injustice, him shall We cast into the Fire; and that is easy with Allah' (4:30-31).

'Do not devour each other's wealth among yourselves through deceit and falsehood, nor offer your wealth as bribe to the authorities that you may deliberately devour a part of the wealth of other people through injustice' (2:189).

'Surely, those who consume the substance of orphans unjustly only swallow fire into their bellies and shall enter a blazing fire' (4:11).

It could be urged that the violence and plunder were resorted to largely by the masses who were not well versed in Islamic values. But this would be a confession that the very basis of the claim for Pakistan was lacking. In fact one of the contentions of those who on principle opposed the setting up of Pakistan was that the whole concept of a state inspired by ideals and values deriving from religion was outmoded and was, in the middle of the twentieth century,

an anachronism. Religion could no longer be the source of all the multifarious values and standards that a modern state would need to put into practice, if it were to discharge to the full the responsibilities it owed to its people in respect of the promotion of its welfare in every sphere of life. This was contested and challenged by the proponents of Pakistan. It was claimed that Islam was able to furnish guidance in all spheres of life at every level at all times.

The writer fully endorses this claim, but its acceptance would depend upon its practical demonstration, and that is where the failures occurred. If the Muslim masses were not well versed in Islamic values when the claim for Pakistan was put forward and was being pursued and pressed, the claim was to say the least premature.

It might, however, be countered that between March 1940, when the Lahore Resolution was adopted by the Muslim League, and August 1947, when Pakistan came into being, the attention and energies of Muslim leadership were concentrated on the struggle for Pakistan, and that there was little time available for educating and instructing the Muslim masses in the relevant Islamic values. Besides the Muslims were caught unawares in the holocaust of 1947 and the speed and overwhelming character of the chain of events left little scope for the exercise of leadership. Emotionally roused leaderless mobs are difficult to discipline. This is begging the question, and at best can only serve as a plea in extenuation.

The truth is that outside such values as had come to be the very warp and woof of Islamic culture, the average Muslim of the sub-continent had little concept of the higher moral and spiritual values. A vast and sustained campaign of education, instruction and training needed to be inaugurated without delay, if there was to be any hope of repairing over the years a great part of the damage which had resulted from the neglect of centuries. This was recognized even in the Legal Framework Order, 1970, Clause 22 of which laid down that the Constitution shall set out directive principles of State Policy by which the State

shall be guided in the matter of:

- '(1) promoting Islamic way of life;
- (2) observance of Islamic moral standards;
- (3) providing facilities for the teaching of the Holy Quran and Islamiyat to the Muslims of Pakistan.'

It is to be hoped that the beneficent objective set out here will not remain a mere pious aspiration and that a vigorous campaign to achieve it will soon be under weigh and will not be relaxed at any time. Hitherto this great need has received little attention on the part of the administration. Whatever effort has been directed towards filling it has proceeded from sectional religious organizations and philanthropic individuals and institutions. Even in the few cases in which it is qualitatively adequate and effective, it is quantitatively but a drop, which though precious beyond price is pitifully minute in comparison with the ocean that is needed.

X

Being neither still-born nor in need of an incubator, Pakistan in due time got over most of its teething troubles and held out promise of healthy vigorous growth. It was to some degree handicapped by its two main disputes with India, over Kashmir and the waters of two of the Indus tributaries, Beas and Sutlej, but this did not prevent it from chalking out its own policies and pursuing its own line in international affairs. In the economic sector progress was encouraging. The initial start was easier for West than for East Pakistan and the picture at the end of the first decade, so far as that sector was concerned, was more favourable to the former than to the latter. Under the Ayub regime East Pakistan gathered momentum and began to overhaul West Pakistan. All this, so far as it went, was not too unsatisfactory, the one irksome factor being the burdensome necessity of keeping up military preparation at a high level in view of the situation of tension *vis-à-vis* India. This in turn operated as an irritant on the minds of the East Pakistanis.

Pakistan was, however, under a much higher obligation than the normal obligations and responsibilities that appertain to a state. It was committed to the upholding and putting into effect of the pattern of life prescribed in the Holy Quran and illustrated in the life of the Prophet of Islam. To what degree was the consciousness of that obligation contributing towards the framing of Pakistan's policies and what steps had been taken to enable the Muslims of Pakistan 'to order their lives in accordance with the teachings of Islam as set out in the Holy Quran and Sunnah'?

A covenant is not to be lightly esteemed. 'Fulfil every covenant, for you will be called to account for it' (17:35). 'A covenant with Allah will have to be accounted for' (33:16). 'Fulfil the covenant of Allah when you have made one; and break not your pledges after making them firm, having made Allah your surety; Allah knows all that you do' (16:92).

Among the characteristics of believers is included: 'They are watchful of their covenants and their trusts' (23:9; 70:33).

Having supplicated for a homeland and having been granted the divine bounty of Pakistan the first and overriding concern of the Muslims of Pakistan should have been, in fulfilment of the pledge they had offered, to be diligent in informing themselves of the values they had undertaken to uphold and in striving to the utmost to put them into practice.

The foremost in the scale is man's allegiance to his Maker. 'I have created men, high and low, that they may worship Me' (51:57). The root of the Arabic word for worship signifies perfect obedience, such as would make a servant a faithful manifestation of the qualities of the master. Thus man has been created so that he may become a manifestation of divine attributes.

'O mankind, worship your Lord Who has created you and created those who were before you, that you may be shielded against all ill' (2:22). All mankind are creatures of the same Lord and this is the basis of their common humanity. It is only the lively consciousness of the reality that *every* human being is the creature of my Lord that can bring about accord between different sections of mankind. Man's relationship to other human beings through God is the only guarantee that can serve to unite mankind and to eliminate discord. This is the tie that can alone survive and surmount every tension and crisis, even when ties of closest kinship and the most intimate friendship might snap and be cut asunder.

'Take fast hold, all together, of the rope of Allah, and be not divided. Call to mind the favour of Allah which He bestowed upon you when you were at enmity with each other and He united your hearts in love so that by His grace you became as brethren. You were on the brink of a pit of fire and He rescued you from it. Thus does Allah explain to you His commandments that you may be guided. Let there be from among you a party whose business it should be to invite to goodness, to enjoin equity and to forbid evil. It is they who shall prosper' (3:104-105).

This demands being knit together like pearls strung along the same silken thread. A default would expose the scattered and contending groups and units to the hazard of slipping into a pit of fire. Could an admonition be more strikingly expressed and illustrated? The beneficent implications of holding fast all together to the rope of Allah are so vast as to be almost without limit.

In the hierarchy of values allegiance to the Divine has absolute primacy; all other values are subordinate to it. In fact other values have validity only so far as they are subservient to this supreme value. I must embrace and pursue righteousness because God loves righteousness and it is a means of approach to Him. I must discard and shun evil for God loves not evil and it would pull me farther away from Him. The Quran repeatedly emphasizes this fundamental motivation. For instance:

'The truth is that whoso fulfils his pledge and is mindful of his duty to Allah is righteous, and Allah loves the righteous' (3:77).

'Allah loves those who are mindful of their obligations' (9:5, 8).

'Allah loves the benevolent' (2:196; 3:135).

'Allah loves those who do their duty to the utmost' (3:149).

'Allah loves those who turn to Him often and loves those who are clean and pure' (2:223).

'Allah loves the steadfast' (3:147).

'Allah loves those who put their trust in Him. If Allah help you, none shall overcome you; but if He forsake you, then who is there who can help you beside Him? In Allah, then, let the believers put their trust' (3:160-1).

‘Those who obey Allah and His Messenger, and fear Allah and are mindful of their duty to Him are the ones who will triumph’ (24:53).

‘Allah will prepare a way out of his difficulties for him who is mindful of his duty to Allah, and will provide for him whence he expects not. Allah is sufficient for him who puts his trust in Him. Allah is sure to attain His purpose. Allah has appointed a measure for everything’ (65:3–4).

‘Allah will provide facilities in the matter of him who is mindful of his duty to Allah’ (65:5).

‘Allah will remove the ills of him who is mindful of his duty to Allah, and will enlarge his reward’ (65:6).

On the other hand, Allah loves not disorder (2:206) and those who create disorder (5:65), the mischief makers (28:78), the unjust (3:141), the wrongdoers (3:57; 42:40), the transgressors (2:191), those who exceed the bounds (7:56), confirmed disbelievers and arch sinners (2:277), those who exult (28:77), the arrogant (16:24), vainglorious boasters (31:19; 57:24), the treacherous (8:59).

These are some of the values that must be upheld, and some of those that must be eschewed. They are not enjoined or forbidden pell mell. There is a gradation both among those that are enjoined and those that are forbidden, which would enable one who seeks the pleasure of Allah to check his progress along that path and to institute remedial measures wherever he discovers a default or deficiency. There is a regular hierarchy which serves as a course of practice and training. ‘Allah enjoins equity and benevolence and graciousness as between kindred, and forbids evil designs, ill behaviour and transgression’ (16:91).

At the bottom of the scale is transgression, that is to say every form of trespass against person, property, honour, security, peace of mind of the individual, society or mankind. Most of such conduct would in any civilized state constitute a punishable offence. But the sanction behind the law is penalty of a type which may not prove an effective deterrent in many cases, as is indeed demonstrated on a large scale today. Besides the imposition of a legal penalty

is rightly subject to proof of the offence, in conformity with its definition, through relevant and admissible evidence at the end of a procedure studded with safeguards against a hasty or wrong conviction. This is no fault of the law. It does mean, however, that the law is not capable of providing complete deterrence against even manifest evil.

Next is ill-behaviour, that is to say, conduct which would annoy or irritate others, bad manners, churlishness, etc. The greater part of this is beyond the reach of civil law.

Finally, not only overt ill-conduct is forbidden, but the very source of all evil is sought to be cleaned out by the prohibition against indulgence in evil thought or evil designs.

The sanction behind these prohibitions is the displeasure of Allah, the strongest and most effective in its operation upon the mind of one who truly and sincerely believes and whose sole purpose in life is to win the pleasure of Allah.

Shunning evil, however, is not the sum-total of the effort required of a Muslim. Indeed it is not even the half of it. Assuming that a person were to achieve it in full, it would *by itself* only serve to shield him against divine displeasure. Even so he would still be a long way off from having won the pleasure of Allah. In other words he would still be way behind the achievement of his goal and purpose in life. He must strive to the utmost after the doing of good. He must perfect himself in beneficence. In fact the two processes, shunning evil and developing beneficence, march along together, one supporting and helping the other. There is a gradation in both.

Beneficence has also three broad grades. The elementary grade has been described as equity, the connotation of the term so translated is the doing of good in return for good. It may be described as the repayment of one's moral debts; the discharge of one's moral obligations; the doing as one would be done by; the so-called golden rule.

The next higher grade is benevolence, that is to say, the voluntary doing of good without any desire or expectation of receiving good in return.

The highest grade is the involuntary doing of good, as that which flows from a mother towards her children. This requires no effort. On the contrary, it operates as a quality, a characteristic, which would be frustrated if restrained. It is this stage which is described as: Allah well pleased with them and they well pleased with Allah (98:9).

Allah is not nor can be anyone's monopoly. He has created, sustains and leads stage by stage towards fulfilment all the worlds (2:2). The word Allah is God's substantive name and is used as such in the Quran. Such use is comprehensive and not divisive. The Muslims are commanded to tell the non-Muslims: 'We believe in that which is revealed to us, and in that which has been revealed to you; our God and your God is One and to Him we submit' (29:47). The Holy Prophet was commanded to affirm: 'I believe in whatever of the Book Allah has sent down, and I am commanded to judge justly between you. Allah is our Lord and your Lord. We are responsible for that which we do and you are responsible for that which you do. There is no contention between us. Allah will gather us together, and to Him is the return' (42:16).

So far as the material aspect of purposes, policies and objectives is concerned there is today little to choose between the professions and proclamations of the representatives of different types and groups of states. Differences emerge when the abstract is sought to be translated into the concrete. These are not here our primary concern. We are concerned with the special responsibility attaching to Pakistan as a state committed to the upholding of Islamic values for the benefit of all its people and the manner, method and degree of the discharge of that responsibility. In the case of Pakistan the material aspect was not to be the end in itself; it was to be a means towards the achievement of the end, and on that account not any the less important, but even more important than in the case of states not committed beyond the achievement of the material aspect of their objectives.

For instance, a public servant should be honest,

conscientious and diligent in the discharge of his duties because that is his part of the contract of service entered into by him with the state he is serving, and also because the due discharge of his duties would redound to the benefit of the state, its people and the public servant himself. In the case of a Muslim public servant all these considerations are emphasized and transcended by the overriding motive that the due discharge of his duties would win him the pleasure of Allah and that any default on his part would incur His displeasure.

A man should be honest in his dealings with his fellow-men for the sake of his own good name and repute and because honest and fair dealing would be in his own interest and would operate to his benefit. For a Muslim these considerations are incidental. He must conform to the highest standards of probity for any falling away from them would bereave him of divine approbation. 'Woe unto those who give short measure; those who when they take by measure from other people take it full; but when they give by measure to others, or weigh out to them give them less. Do not such people know that they will be raised up again unto a terrible day, the day when mankind will stand before the Lord of the worlds' (83:2-7)?

Any normal decent man should behave kindly and affectionately towards his wife and children out of a natural urge and also because such behaviour would make for harmony and happiness in the home. A Muslim should do so because it would win him the pleasure of Allah and any default in that respect would bring Allah's displeasure upon him. 'Consort with them in kindness. If you dislike them, it may be that you dislike something in which Allah has placed much good' (4:20). 'Of His signs it is that He has created mates for you of your own kind that you may find peace of mind through them, and He has put love and tenderness between you. In that surely are signs for a people who reflect' (30:22). The Holy Prophet has said: The best of you is he who behaves best towards the members of his family. He emphasized that one who earns an honest

livelihood and utilizes it for the proper upbringing of his family for the love of Allah will find that every morsel he provides for them is rated as charity and worship.

In short, Islam lays great stress on the purity and loftiness of motive. A Muslim's conduct must all be inspired by the motive of winning the pleasure of Allah. Such a motive also serves as a complete safeguard against every kind of evil. For instance, a person so inspired will not stoop to conduct of doubtful rectitude even in a crisis, whereas one not so inspired, though normally a person of integrity, may be impelled to yield to pressure or temptation. The same is true in the case of states. The policies and conduct of a state will not rise to a higher level of moral standard than the highest level of the moral standard of its leading statesmen and might often not rise as high. Pakistan by proclaiming itself an Islamic State committed itself to putting into practice in all spheres of its activities and operations the values set out in the Holy Quran as expounded and illustrated by the Prophet of Islam.

The first task that confronted it was the framing of a constitution.

It took the Constituent Assembly nine years to frame a constitution which when adopted proved still-born. In the meantime the Assembly continued to operate also as the Legislative organ of the State on the basis of a makeshift Interim Constitution adapted from the Government of India Act of 1935. This was unavoidable during the period of transition, but this period should have been a brief one. After a while legislation inevitably became the main preoccupation of the Assembly and the business of constitution making took a second place.

Another factor that contributed indirectly, yet very definitely, towards the parliamentary side of the Assembly becoming the centre of interest, was the double tragedy of the death of Mr. Jinnah in September 1948 and the assassination of Liaquat Ali Khan, the Prime Minister, in October 1951. With these two top figures out of the way the Assembly progressively became more and more the arena

of the struggle for power.

When the Constitution was finally adopted in 1956 its spirit was no more Islamic than that of the Interim Constitution which it replaced. The Quran ordains that the exercise of public authority should be committed into the hands of those who are best fitted for the purpose. Those into whose hands such authority is committed are admonished to exercise it justly and impartially. There is a warning that departure from these standards would have grievous consequences. The people are urged to respect authority and obey it. Differences are to be resolved in accordance with the guidance set out in the Quran as illustrated and expounded by the Holy Prophet. All authority is in the nature of a trust and should be exercised in that spirit.

‘Allah commands you to make over the trusts to those best fitted to discharge them and that when you judge between the people, you do it with justice. Excellent indeed is that with which Allah admonishes you. Allah is All-Hearing, All-Seeing. O ye who believe, obey Allah and obey His Messenger and those who are in authority among you. Then if you differ in anything refer it to Allah and His Messenger if you are believers in Allah and the Last Day. That is the best and most commendable in the end’ (4:59–60).

‘Public administration should be carried on by mutual consultation’ (42:39).

Basic provision is here made for the exercise of all public authority, legislative, executive and judicial. The legislative organ could be the principal consultative organ also. The only qualification laid down in respect of its members as in respect of everyone who is to be entrusted with the exercise of any type of public authority, is that they should be best fitted to discharge their responsibilities. This, in turn, places a heavy responsibility upon the electorate. The exercise of the franchise thus becomes a sacred function. In order that this function may be properly performed the electorate

must be duly instructed and trained to that end. While this would be going forward in an earnest, realistic manner, the franchise would need to be restricted in a reasonable way, to be enlarged in successive stages as experience might warrant. In Britain progress towards universal adult suffrage was a slow, graduated process. This does not mean, nor is it suggested, that in the last half of the twentieth century it could not have been greatly accelerated. But it is strongly urged that an electoral system will not work satisfactorily unless the electorate has a clear concept of what it is called upon to do and of the nature of the responsibility it must discharge in that behalf. In the case of Pakistan there was the further need of stressing the sacred character of the duty to be performed and the responsibility to be discharged, and of emphasizing the accountability of each elector in respect of the manner of his acquitting himself in that regard. It should be remembered that the frequent recital of divine attributes in the Quran is not a rhetorical exercise. It has a direct relationship to the context, and constitutes a reminder, or a warning, or an urge towards reflection, etc. In the present context Allah is All-Hearing, All-Seeing, is a reminder that Allah will pay heed to the cry of him who may be wronged through a disregard of the divine admonition, and that He will Himself watch whether it is heeded or not. Every elector is thus made accountable in respect of the manner of his exercise of the franchise. It is only the vivid consciousness of such accountability that can ensure an honest, intelligent and beneficial exercise of the franchise, and the election of a body of persons who would be best fitted to discharge the trust committed to them.

Universal adult franchise is an ideal to be aimed at and to be earnestly and steadily striven for. Instead it has become a shibboleth which must be adopted lest the state concerned be accounted backward and not worthy of respect. This is a demonstrably false notion, and like so many others of its kind, can do and has done much harm. A largely uninstructed, emotional electorate when subjected

to cunningly devised slogans by unscrupulous politicians can be converted into an instrument of tyranny, injustice and human misery.

Pakistan, following the general trend, assumed the trappings of a modern parliamentary system without making any effort to provide the indispensable infrastructure without which a parliamentary system cannot be expected to work with any degree of satisfaction. The adoption of universal adult franchise in the case of a people largely unaware of the responsibility attaching to the exercise of franchise was to court disaster in the long run. 'Is he who lays the foundation of his structure on fear of Allah and His pleasure better off, or he who lays the foundation of his structure on the brink of a tottering hollow bank which tumbles down with it into the fire of hell?' (9:109).

Those entrusted with administrative or judicial authority are also admonished to exercise the authority vested in them with justice. The opening words of the verse predicate that so far as the human source of public authority is concerned it is derived from the people. It is the people that is commanded to make over trusts to those best fitted to discharge them. Those into whose hands authority is committed are then commanded to exercise it with justice.

Islam inculcates a very exalted concept of justice. Justice is the due of friend and foe alike. 'O ye who believe, be steadfast in the cause of Allah, bearing witness in equity. Let not a people's enmity towards you incite you to act contrary to justice; be always just, that is closest to righteousness. Be mindful of your duty to Allah; surely, Allah is aware of all that you do' (5:9).

The availability of true evidence is an essential element in the administration of justice. The Quran lays great stress upon it.

'O ye who believe, be strict in observing justice and bear witness only for the sake of Allah, even if it be against your own selves or against parents or kindred. Whether the person be rich or poor, in either case Allah is more regardful of him than you can

be. Therefore, follow not vain desires so that you may act equitably. If you conceal the truth or evade it, then remember that Allah is well aware of that which you do' (4:136).

The independence of the highest judiciary and its integrity was a tradition inherited by Pakistan from the period of British domination of India and has been maintained since the emergence of Pakistan. The subordinate judiciary on the criminal side, which was then and has since been under the control of the executive, was not free from a strong suspicion of occasional pressure from the executive. The draft of the Constitution under consideration at the time of this writing, November 1972, proposes a complete separation of the judiciary and the executive; a step in the right direction long overdue.

What is most disturbing, however, is widespread recourse to perjury which is endemic to the sub-continent. This is a glaring moral disorder which befouls the fountain of justice and should have engaged the serious and earnest attention of all concerned with the moral health and welfare of the people of Pakistan. Unfortunately nothing whatever has so far been attempted to reduce the virulence, let alone the complete eradication, of this canker.

The administrative machinery in several of its sectors is riddled with corruption. Field Marshal Mohammad Ayub Khan made a vigorous effort at the inception of his regime to put down corruption in the administration and to the great relief of the average citizen very largely succeeded in doing so. With the revival of the political parties, half way through his regime, laxity began to creep in and soon thereafter things took on their old sorry course. In some respects the disease became worse after the relapse than it had been before the regime. General Yahya Khan took action against a number of officers who were suspected of corruption, and the present regime has dispensed with the services of a much larger number on the score of inefficiency, corruption, etc., but these were *ad hoc* measures not altogether free from the suspicion of

arbitrariness. Whether they may prove to have had a deterrent effect, and if so to what degree, remains to be seen.

Here again the disorder is a moral one and has to be dealt with as such. The only effective remedy is to rouse the moral consciousness of the people so that any one guilty of such a lapse, bearing false witness, demanding offering or accepting a bribe, should realize that he has lost the esteem of those among whom he moves and with whom he keeps company. So long as a delinquency entails no opprobrium, or disapproval, a threat or even risk of incurring a legal penalty will not prove a deterrent. A people that is anxious to maintain a decent standard of moral values must be alert in that regard. Failure to restrain or disapprove of misconduct is evidence of a general decline of moral and spiritual values which is disturbing. The Quran has laid emphasis on it by citing the case of an earlier people. 'They did not try to restrain one another from the iniquity which they committed. Evil indeed was that which they used to do' (5:80).

One who accepts or demands a bribe, and indeed also one who offers it, thereby testifies to his lack of faith. Such a one does not believe that God is the true Source of all beneficence and that it is He Who, of His grace, provides for every one of His creatures. The reliance of such a person is on money or other material means. He thus attributes to these means a quality, a power which belongs to God alone. 'Surely, it is Allah Who is the Great Sustainer, the Lord of Power, the Strong' (51:59).

Such a person also commits a breach of his obligation to serve the state and the community honestly and diligently and by his failure so to serve brings the administration into disrepute. The evil of his conduct reverberates in ever widening circles.

It is in the sphere of the social values, which in this context include economic values, that the greatest divergence from the Quran and Sunnah has persisted. There has been no lack of public profession, but little evidence of performance. This in itself is a pernicious dichotomy,

severely condemned by the Quran. 'O ye who believe, why do you say that which you do not? Most odious is it in the sight of Allah that you should say that which you do not' (61:3-4). When this becomes a habit it is characterized as hypocrisy, a trait which incites the utmost repugnance. The Quran has decreed: 'The hypocrites will be consigned to the lowest depth of the Fire' (4:146).

Islam starts from the premise that all human beings are equal, no one can claim any privilege and that the only badge of honour is righteousness. 'O mankind, We have created you from male and female; and We have divided you into tribes and sub-tribes for greater facility of intercourse. Verily, the most honoured among you in the sight of Allah is he who is the most righteous among you. Surely, Allah is All-Knowing, All-Aware' (49:14).

Diversity has its purpose and is part of the divine scheme, but it confers no privilege. 'Of His signs is the creation of the heavens and the earth, and the diversity of your tongues and colours. In that surely are signs for those who possess knowledge' (30:24). No people or group may, therefore, look down upon another people or group by virtue of any difference of colour, race, language or descent. 'O ye who believe, let no people deride another people, haply they may be better than themselves; nor let one group of women deride another, haply the last may be better than the first' (49:12).

The Holy Prophet in his Farewell Address on the occasion of the Pilgrimage announced: An Arab is not superior to a non-Arab, nor is a non-Arab superior to an Arab; nor is a white person superior to a dark one, or a dark one superior to a white one. You are all brethren, one to another.

During the turmoil and tribulation in which the Punjab was involved at the time of partition everyone came forward cheerfully to do all that was needed to provide shelter, comfort and solace to the incoming refugees who arrived in a state of utter destitution, stripped of everything, in the last stages of exhaustion, many of them grievously injured and

maimed. That was a heart-warming demonstration of a non-discriminating spirit of human fellowship. Paradoxically, it has remained the brightest moment in the history of Pakistan. When all was in peril and all was needed, no one grudged anything. That was the moment that should have been seized, held and prolonged, and so utilized that the spirit of human fellowship once roused and glowing would not be permitted to fade and flicker out. Then should have been laid the foundations of a truly Islamic social and economic system. So much had had to be cast into the melting pot that it could all be pressed into a new and wholly beneficent mould. But the opportunity was missed. What misery had brought about was frittered away and squandered in ease. The Holy Prophet had said: I am not fearful of hardship for my people, I am fearful of ease for them. If hardship once savoured and shared had been recognized and welcomed as a boon and made the rule of life, it would have rendered the ascent to the heights easy and joyful, as was the case with the early Muslims. 'They love those who come to them for refuge and grudge not that which is given to the refugees, but give them preference over their own selves, even when they themselves are poor. Whoso is rid of the covetousness of his own mind, it is these who will be successful' (59:10).

The same opportunity was offered us and though we rose to the occasion we treated it as a calamity to be endured and put behind us, so that we might be free once more to devote ourselves to the pursuit of the aims, objectives and ideals which had beguiled us for so long. We failed to recognize it as a test and a trial designed to wean us away from those aims, objectives and ideals and to direct us to the paths of beneficence which we had professed we were anxious to discern and to tread so that we might win the pleasure of Allah. 'We will surely try you with somewhat of fear and hunger, and loss of wealth and lives and fruits; then give glad tidings to the steadfast who, when a misfortune overtakes them, do not lose heart but say: Surely, to Allah we belong and to Him shall we return. It is

these on whom are blessings from their Lord and mercy, and it is these who are rightly guided' (2:156-8).

Man has been equipped with appropriate faculties and capacities so that by their proper application he may become a source of beneficence for himself as well as others. 'We have created man committed to toil. Does he think no one has power over him? He says: I have spent enormous wealth. Does he think no one watches him? Have we not given him a pair of eyes, and a tongue and two lips, and pointed out to him the two highways of good and evil? But he attempts not the scaling of the height. Knowest thou what the scaling of the height is? It is the freeing of a captive, or feeding in a time of scarcity an orphan near of kin, or a poor person reduced to penury; and to be of those who believe and exhort one another to perseverance and exhort one another to mercy. These are the people of the right' (90:5-19).

'Has not man passed through a space of time when he was not anything made mention of? We created man from a sperm-drop comprising many qualities, that We might try him; so We made him hearing and seeing; and We showed him the Way. He is either appreciative and follows it, or is ungrateful and rejects it.' (76:2-4).

'The virtuous ones feed the poor, the orphan and the captive for the love of Allah, assuring them: We feed you only for Allah's pleasure. We desire no return nor thanks from you. We fear our Lord against a dismal and calamitous day. So Allah will shield them against the mischief of that day, and will grant them brightness and joy' (76:9-12).

It is not to be presumed that Islam imposes asceticism as a way of life. In fact that is disapproved of (57:28). Islam urges acceptance of life and does not permit withdrawal from it. 'Who has forbidden the use of adornment which Allah has produced for His servants and wholesome articles of food?' (7:33) What it forbids is the substitution of any object other than winning the pleasure of Allah, as the goal and purpose of life.

‘The love of desired objects, like women and children and stored up reserves of gold and silver, and pastured horses and cattle and crops, appears attractive to people. All this is the provision of the hither life; and it is Allah with Whom is an excellent abode’ (3:15).

The acquisition of property and wealth is not forbidden. All beneficent methods of acquiring property are permitted; trade, commerce, industry, mining, agriculture, etc., may be pursued intensively, by individuals, alone or in partnership, and by co-operatives and corporations. Non-beneficent methods are forbidden; for instance, gambling (5:91–2), bribery (2:189), lending money on interest (2:276–82) and all manner of falsehood and deceit (4:30).

Lawfully and honestly acquired wealth is a divine bounty and like all divine bounties must be beneficently employed. Islam recognizes and safeguards the legal ownership of property, but makes it subject to heavy obligations, some of them compulsory with a legal sanction behind them and others to be voluntarily discharged for the purpose of winning the pleasure of Allah.

The purpose of the Islamic economic system is that wealth should be in constant circulation, should be widely distributed and should be so employed as to yield the maximum beneficence for the largest number of people. It should not circulate only among the well-to-do (59:8).

Attention may be drawn to some of the measures designed to that end.

Hoarding is forbidden as it withdraws wealth from circulation and is totally non-beneficent. ‘Warn those who hoard up gold and silver and spend it not in the cause of Allah, of a painful chastisement on the day when it will be heated up in the fire of hell, and their foreheads and their sides and their backs shall be branded therewith, and they will be told: This is what you treasured up for yourselves, so now suffer the torment in respect of that which you used to treasure up’ (9:34–5). ‘Those who spend their wealth in the cause of Allah by night and day, secretly and openly, have their reward with their Lord; on them shall come no

fear, nor shall they grieve' (2:275).

All sources of wealth, the earth, its capacities and treasures, the sun, the moon, the planets, the winds that drive the clouds, rain, sub-soil water, rivers and oceans are all God's gift to mankind. They are not anyone's property. Wealth is produced by the application of human skill, capital and labour to these sources. According to Islam, produced wealth should be distributed not only between skill, capital and labour but a portion of it should be set aside for the community as a whole, as the beneficiary of the basic sources of wealth. In the Quran this portion is designated *Zakat*, meaning that which purifies and fosters. It is a capital levy to be collected by the state and devoted to the service of the people. It purifies produced wealth in the sense that once it is assessed and separated, the rest becomes lawful and permissible for division between skill, capital and labour. The application of the proceeds of the levy to the service of the community fosters the welfare of the community.

The incidence of the levy varies somewhat in the case of different types of commodities and incomes on which it is leviable, but on the average it is $2\frac{1}{2}$ per cent of the capital value involved.

The beneficiaries of the *Zakat* include the poor and the needy, 'those whose hearts are to be comforted', those held captive, those burdened with debt, wayfarers, those striving in the cause of Allah, those employed in connection with the collection and distribution of *Zakat* (9:60). Any purpose the benefit of which may accrue generally and widely to the community may be helped or promoted out of the proceeds of the *Zakat*.

The Islamic system of inheritance promotes a wide distribution of wealth. Property may not be tied up, except for a charitable purpose, which would by its very nature insure its beneficent use. By testamentary disposition a person may not control the devolution of more than one third of his property. The rest of it, after payment of his debts and satisfying any other charges upon it, must

devolve upon his heirs according to their determined specified shares which may not be reduced or increased under any direction of the deceased. If a Muslim should die leaving surviving him a parent or parents, widow, sons and daughters, each of them would be entitled to a specified share in the inheritance. No heir in a particular category may receive preferential treatment over other heirs in the same category. Thus in each generation property left by a deceased person is distributed among a number of persons. Even those who are not included among the heirs should also receive something out of the inheritance. 'For men as well as for women there is a share in that which parents and near relations leave, whether it be little or much, a share which has been determined by Allah. At the time of the division of the inheritance should there be present other relations and orphans and the needy, give to them something out of it and speak to them graciously' (4:8-9).

Property should be administered with care, and especially that which belongs to minors and orphans.

'Hand not over to those of immature mind your property which Allah has made a means of support for you; but make provision for them out of it and give them good advice. Check up on the orphans till they attain the age of marriage; then if you find them sensible hand over their property to them, and consume it not in extravagance and haste against their growing up. Whoso is rich let him abstain altogether; and whoso is poor, let him make use of as much as is fair. When you hand over their property to them, call witnesses in their presence. Allah is Sufficient as a Reckoner' (4:6-7).

'Those who would be anxious if they should leave behind them helpless offspring, should be mindful of their obligation to Allah in respect of orphans and should speak and act in a straightforward manner' (4:10).

Within the framework prescribed by the Holy Quran Muslim jurisprudence has elaborated a whole pattern of regulations to make the framework effective. For instance: 'Render to the kinsman his due and the needy and the wayfarer, and squander not thy substance extravagantly,

for the extravagant fall into evil company and misuse the bounties of their Lord' (17:27-8) is an exhortation with a moral sanction behind it. The jurists, however, devised a civil remedy for the first part. Certain categories of kinsmen are, as we have seen, entitled to share in the inheritance of a deceased kinsman. The jurists have defined as part of the 'due' of a kinsman that should a person become indigent and be unable to maintain himself he might call upon those who, in case of his instant decease, would be his heirs, to contribute towards his maintenance in the proportion in which they would have inherited any property he might have left. In case of their failure to do so, he would be entitled to a judicial order to that effect.

The division and administration of inheritance is a matter of civil rights, but even in respect of civil rights which are judicially enforceable the ultimate sanction is a spiritual one, winning the pleasure of Allah through compliance, incurring the displeasure of Allah in case of default.

'These are the limits set by Allah. Those who obey Allah and His Messenger, will He admit to Gardens through which rivers flow; therein shall they abide. That is the great triumph. Those who disobey Allah and His Messenger and transgress the limits set by Him, will He cause to enter a fire wherein they shall abide, and they shall have a humiliating punishment' (4:14-15).

While benevolent loans are charity and are encouraged, lending money on interest is considered unsocial, as exploiting the need of a fellow being and also as tending to concentrate wealth in fewer and fewer hands, and is forbidden.

'O ye who believe, devour not interest, for it goes on multiplying itself; and be mindful of your obligation to Allah that you may prosper; and safeguard yourselves against the Fire which is prepared for the disbelievers. Obey Allah and the Messenger that you may be shown mercy' (3:131-3).

'Those who devour interest stand like one whom Satan has smitten with insanity. That is so because they keep saying: The business of buying and selling is also like lending money on

interest; whereas Allah has made buying and selling lawful and has made the taking of interest unlawful. Remember, therefore, that he who desists because of the admonition that has come to him from his Lord, may retain what he has received in the past; and his affair is committed to Allah. But those who revert to the practice, they are the inmates of the Fire; therein shall they abide.

Allah will wipe out interest and will foster charity. Allah loves not confirmed disbelievers and arch-sinners. Those who believe and act righteously and observe Prayer and pay the *Zakat*, shall have their reward with their Lord. No fear shall come on them, nor shall they grieve. O Ye who believe, be mindful of your duty to Allah and relinquish your claim to what remains of interest, if you are truly believers. But if you do it not, then beware of war from the side of Allah and His Messenger. If, however, you desist you will still have your capital sums; thus you will commit no wrong, nor suffer any wrong yourselves. Should a debtor be in straitened circumstances, then grant him respite, in respect of the repayment of the capital sum, till a time of ease. But if, in such a case, you remit the capital sum also as charity, it will be the better for you, if you only knew. Be ever mindful of the day when you shall be made to return to Allah; when every one shall be paid in full that which he has earned and they shall not be wronged' (2:276-82).

It is worth mention that the term *riba* used in the Holy Quran is not altogether co-extensive with 'interest' in its connotation. Interest is used as a rough equivalent of *riba*.

But this is not all. It is a characteristic of Islam that it observes a certain gradation in all that it prescribes. We have just noticed that *riba* is altogether forbidden. But in the case of the capital sum itself there is an admonition that if the debtor is hard up he should be granted respite 'till a time of ease', and this is followed by a persuasive urge: if in such a case you should remit the capital sum altogether as charity, it will be the better for you, if you only knew!

The minimum indispensable is made obligatory in every sphere, spiritual, moral, material and then there is a strong urge towards voluntarily striving after a higher level of achievement. The congregational part of the five daily services is obligatory, while there are parts of the service

that are performed individually and are voluntary. The Holy Prophet got up during the latter part of the night for the same purpose and sometimes repeated the practice during the early part of the forenoon. His example is followed by many. Then there are supplications by way of prayer that might well up at any time from the heart, and there is the remembrance of Allah, which should be a constant leitmotif. The fast of Ramadhan is obligatory upon all healthy adults, subject to certain exemptions. In other months the Holy Prophet often observed a fast on Tuesdays and Thursdays and on certain special days. A large number of Muslims follow his example.

The Pilgrimage to Mecca at its appointed time is obligatory once in a lifetime upon every Muslim who can afford it, but may be performed more often. *Umra* (sometimes called the Lesser Pilgrimage) is a voluntary exercise which may be performed at any time. 'Whoso does good voluntarily, beyond that which is prescribed, should know that Allah is Appreciating, All-Knowing' (2:159).

In the economic sphere we have noticed that certain undesirable methods of acquiring wealth are barred, hoarding is forbidden, circulation of wealth is urged and the payment of *Zakat* is obligatory. In addition great stress is laid on voluntary sharing between those who can spare and those who are in need. This is urged in a variety of ways. No amount is prescribed, nor is a proportion suggested, but the emphasis is kept up throughout the Holy Quran.

Attention may be drawn to one or two general directives. 'They ask thee how much should they spend in the cause of Allah. Tell them: That which is spare. Thus does Allah make His commandments clear to you that you may reflect upon this world and the hereafter' (2:220-1). Every person would have his own yard-stick for determining what he or she can spare. So many factors would affect the determination, the pressure of one's own needs, the relative importance of competing obligations, the means readily available, the example of the Holy Prophet and his companions and the persuasive effect of the need to be filled

or the cause to be served, etc. In the last resort the decisive factors may prove to be the temperament of the person to whom the appeal is made and the degree of his trust in Allah. It should, however, be remembered that Islam approves of a simple style of living and of moderation in all things. Extravagance is severely condemned, and one is constantly reminded that those in need have the *right* to share in one's substance, be it much or little (51:20; 70:26). Thus in the case of a Muslim there should always be something to spare. 'Let him who has an abundance of means spend out of his abundance, and let him whose means of subsistence are straitened spend out of that which Allah has given him. Allah does not require of anyone that which is beyond what Allah has bestowed on him. Soon will Allah bring about ease after hardship' (65:8).

It is a curious phenomenon that in this matter of spending in the cause of Allah, which means spending in the service of one's fellow beings, those who have less are generally readier and more eager to spend than those who have more, though, of course, there are exceptions both ways.

When one has in fact nothing to spare one can at least express sympathy in a kindly way: 'On occasions when thou must turn away from any of those who should be the objects of thy benevolence, while seeking thy Lord's mercy for which thou hopest, then speak kindly to them. Do not hold back altogether out of miserliness and render thyself blameworthy, nor spend without restraint and exhaust thy substance, thus becoming thyself an object of charity. Thy Lord enlarges His provision for whom He wills, and straitens it for whom He wills. He is well-aware of all that relates to His servants and sees it all' (17:29-31).

Who should be the objects of one's benevolence and in what manner is one's obligation towards them to be discharged so that it may find acceptance with Allah? The essential requisite is that the matter must be approached in the spirit of service to be rendered which is due from one, an obligation to be discharged, cheerfully and joyfully,

solely for the sake of Allah and to win His pleasure. Any other motive would render the whole effort vain and may incur the displeasure of Allah as it may savour of courting something beside Allah which is the unforgivable sin.

‘Worship Allah and associate naught with Him, and be benevolent towards parents, and kindred, and orphans, and the needy, and the neighbour who is a kinsman, and the neighbour who is not related to you, and your associates and the wayfarer, and those who are under your control. Surely, Allah loves not the proud and boastful, who are niggardly and enjoin people to be niggardly, and conceal that which Allah has given them of His bounty. We have prepared for the disbelievers a humiliating chastisement, and for those who spend their wealth to be seen of people and believe not in Allah nor in the Last Day. Whoso has Satan for his companion should remember that he is an evil companion.

‘What harm would befall them, if they were to believe in Allah and the Last Day and to spend out of that which Allah has given them? Allah knows them well. Allah wrongs not any one even by the weight of the smallest particle; and if there be a good deed, He multiplies it and bestows from Himself a great reward.

‘How will it be when We shall bring a witness from every people, and shall bring thee as a witness against these? On that day those who have disbelieved and disobeyed the Messenger will wish they were buried in the ground and the earth were made level above them, and they shall not be able to conceal anything from Allah’ (4:37–43).

Voluntary spending has to be urged persuasively. Here is an excellent example.

The case of those who spend their wealth in the cause of Allah is like that of a grain of corn, which grows seven ears, and in each ear there are a hundred grains. Allah multiplies it even more for whomsoever He pleases. Allah is Lord of vast bounty. All-Knowing. Those who spend their wealth in the cause of Allah, then follow not up that which they have spent with reproaches or injury, have their reward with their Lord. They shall have no fear, nor shall they grieve. A kind word and forgiveness are better than charity followed by injury. Allah is Self-Sufficient, Forbearing.

‘O ye who believe, render not vain your alms by reproaches or

injury, like one who spends his wealth to be seen of people and believes not in Allah and the Last Day. His case is like that of a smooth rock covered with earth, on which heavy rain falls and washes it clean, leaving it bare and hard. Such people shall not secure for themselves aught of that which they earn. Allah guides not the disbelieving people.

‘The case of those who spend their wealth to seek the pleasure of Allah and to gain inner strength is like that of a garden on elevated ground, on which heavy rain falls, so that it brings forth its fruit twofold. Even if heavy rain does not fall on it, a light shower suffices. Allah sees well that which you do.

‘Would any of you desire that having a garden of date-palms and vines with streams flowing beneath it, which brings forth for him all kinds of fruits, he should be stricken with old age while his children are small, and a fiery whirlwind should sweep through his garden consuming it all? Thus does Allah make His Signs clear to you that you may reflect.

‘O ye who believe, spend of the good things that you have earned, and of that which We produce for you from the earth; and do not select out of it for charity that which is useless, when you would not yourselves accept the like of it, save with reluctance. Know that Allah is Self-Sufficient, Worthy of Highest Praise. Satan threatens you with poverty and enjoins upon you that which is indecent, whereas Allah promises you forgiveness from Himself and bounty. Allah is the Lord of vast bounty, All-Knowing. He grants wisdom to whom He pleases, and whoever is granted wisdom has indeed been granted abundant good, and none takes heed except those endowed with understanding.

‘Whatsoever you spend in the cause of Allah or vow as an offering, surely Allah knows it well, but the wrongdoers shall have no helpers. If you give alms openly that is indeed good, but if you give them secretly to the poor, it is even better for your own selves; thereby will He remove from you many of your ills. Allah is aware of what you do.

‘Thou art not charged with guiding them to the right path; it is Allah Who guides whomsoever He pleases, Whatever of your pure wealth you spend in the cause of Allah, and undoubtedly you spend it to seek the favour of Allah, its benefit accrues to yourselves. Whatever of your pure wealth you spend, it shall be paid back to you in full and you shall not be wronged.

‘These alms also are for the deserving poor who are detained in the cause of Allah and are unable to move about in the land.

Those who lack knowledge of their circumstances consider them to be free from want because of their abstaining from soliciting alms. They can be known from their appearance. They do not importune people. Whatever of your pure wealth you spend, Allah has full knowledge thereof. Those who spend their wealth in the cause of Allah by night and day, secretly and openly, have their reward with their Lord; on them shall come no fear, nor shall they grieve' (2:262-75.)

The concept of charity has, along with many other values, been mechanized and impersonalized in the West. A contribution towards charitable purposes is regarded as a somewhat tiresome obligation imposed on one by one's position as the obligation to pay the income-tax is imposed on one by one's income. Once the cheque is mailed the obligation is discharged and one may relapse into complacency. Such is not the spirit of 'spending in the cause of Allah', so insistently called for by Islam.

The 'spending' is not to be only of money and material objects. The righteous are those 'who spend out of whatsoever We have bestowed upon them' (2:4). 'O ye who believe, spend out of whatever We have bestowed upon you before the day comes wherein there is no buying or selling, nor friendship, nor intercession. Those who reject this admonition are the ones who wrong themselves' (2:255). 'Say to My servants who have believed that they should observe Prayer and spend out of whatever We have bestowed upon them, secretly and openly, before there comes the day wherein there will be neither bargaining nor mutual friendship' (14:32). 'Spend out of that with which We have provided you before death comes upon one of you and he should say: Lord, why didst Thou not grant me respite for a while, that I could give alms and be among the righteous! Allah will not grant respite to one when his appointed time has come. Allah is Well Aware of that which you do' (63:11-12).

The capacity to be able to spend, of money, goods, intellect, emotions, indeed of self, and the invitation to do so are privileges conferred upon His creatures by the Benign

Creator, so that by taking advantage of them man may truly enrich himself. 'Hearken, you are those who are called upon to spend in the cause of Allah; but of you there are some who hold back, and whoso holds back, does so only against himself. Allah is Self-Sufficient; it is you who are needy. If you turn away, He will bring in your stead another people who will not be such laggards as you' (47:39).

It is the giving of self that is of the essence of this spending, and the spending is not a favour done to the donee but a divine favour bestowed upon the donor. If one is not at the time able to comply with a request one can at least give kindness and sympathy (17:29). But one has not to wait to be asked. One must provide for the needs of those also who do not ask (2:274) or are unable to give expression to their needs (51:20; 70:26). One is made responsible for all. We are all brothers and we are all each other's keeper.

For instance, one's neighbour has certain claims upon one which must be acknowledged and honoured even if the neighbour does not give expression to them. The Holy Prophet has said: 'So much has God impressed upon me what is due to a neighbour that I began to think a neighbour would be included among a person's heirs.' He also said: 'How can a person go to bed filled when his neighbour is hungry! It is not difficult to share even one's little with a neighbour. If one only has some broth, it is easy to add a cup of water and to share it with one's neighbour.' His wife, Ayesha, inquired of him: 'If I have a little that I can send to a neighbour, and I have two neighbours, which of them should have priority?' 'The one whose door is nearer to your door,' he made answer.

The orphan should be the object of our special concern.

'They ask thee concerning orphans. Tell them: The promotion of their welfare is very meritorious. There is no harm in your living together with them, for they are your brethren, and Allah well knows him who seeks to promote their welfare and also him

who seeks to do them harm. If Allah had so willed, He would have put you to hardship. Surely, Allah is Mighty, Wise' (2:221).

On one of the two festival days the Prophet passing along the street saw some boys playing together and noticed one little fellow standing all by himself. The Prophet went up to him, patted him on the head and inquired why he did not join the others. The boy explained that his father had died, and being an orphan he could not afford new clothes to wear on the festival day as the other boys were wearing and thus felt shy of sharing in their merry-making. The Prophet took him along with him to his wife, Ayesha, and said to her: 'Ayesha, you have wished for a son. Here is your son. Wash him and get him new clothes to wear, and then let him go and play with his fellows.'

The Prophet has said: 'He who is gentle with an orphan and takes good care of him will be as close to me in Paradise as my index finger is close to my middle finger.'

Orphans are a precious asset of a people and a sacred trust. Due care and upbringing of orphans is a source of manifold blessings. The Prophet has said: 'Richly blest is a home in which an orphan enjoys a happy upbringing.'

One of the writer's most delightful and moving memories is of a visit to a girls' boarding school in Algiers ten years back. The school was housed in a lovely villa above the sea and took care of the schooling and upbringing of a number of girls, children of patriots who had laid down their lives during the struggle for independence. They were not called orphans, but children of martyrs. Everything pertaining to the establishment was of a very high order indeed. We were invited into a dormitory. As soon as we entered the occupants, ten to twelve years of age, shrieked with delight and abandoning whatever they were occupied with rushed up to us and took possession of us as our rightful owners. They were obviously a happy, cheerful lot, confident that they were loved and cherished. One understood that such establishments, for boys and girls, were scattered all over the country.

The Arabic word *miskeen*, translated as needy, also

connotes humility. Humility has its own needs; it may be in need of a boost of confidence. A labourer shook hands with the Holy Prophet. The latter clasped the callused hands in both of his own and massaging them gently exclaimed: 'These hands are very dear to God; these hands are very dear to God.'

Zahir cultivated vegetables in a small way in the vicinity of Medina and once or twice a week carried his produce into the town where he put up a stall by the side of a street to dispose of it. He was in the habit of presenting the Holy Prophet with some of it, and the latter would in return provide him with some article or the other that he might be in need of. The Prophet often said: 'Zahir is our countryside and we are his town.'

On one occasion the Prophet happened to pass by Zahir's stall at noon. The sun was hot and Zahir who was standing with his back to the street was perspiring profusely. The Prophet stepped up to him softly, unperceived by him and, as children often do in fun, stretching out his arms clasped Zahir in them and covered Zahir's eyes with his fingers. The Prophet's hands were very soft and Zahir, on touching them guessed who was holding him captive. Taking advantage of the situation he stretched his own arms backwards and clasping the Prophet tighter started rubbing his perspiring torso against him. The Prophet began to laugh and called out: Will anyone buy this captive? Thereupon Zahir let go of the Prophet and turning towards him exclaimed ruefully: 'Sir, what could anybody do with such a worthless creature as I am!' The Prophet immediately comforted him with: 'No, no, you are very precious in the sight of Allah, you are very precious in the sight of Allah.'

It is such giving of self that is more precious than silver and gold and rubies, and each one of us has it in his power to bestow it lavishly.

XI

The battle of Plassey, fought in 1757, laid the foundations of the British Empire in India. By 1845 the greater part of what came to be known as British India had passed under British control. The haphazard attempt made in 1857 to shake it off proved futile. Independence came ninety years later. During this period stretching over nearly two centuries the indigenous systems of culture were inevitably influenced to some degree by the cultural values of the dominant power. It was part of Imperial policy to discourage social contacts between the representatives of the colonial power and the people of the country. This proved a safeguard for indigenous cultural systems. Gradually, the barrier began to be lowered in urban centres with consequent cultural hybridization at the edges. The rural areas continued largely immune.

Hindu culture, thanks to its rigid caste system, was the least affected. Muslims, once they ceased sulking and began to appreciate the advantages of a modern system of education and of co-operation with the authorities, laid themselves open more readily to western cultural influences. With the western educated Muslim the process of hybridization went further than with members of other communities. This was a distinct loss, as it meant a corresponding estrangement from and neglect of their own cultural values. By the time of Independence the educated Muslim was thoroughly confused and had become a cultural schizophrenic.

Muslim divines, some of them men of the highest character, leading blameless lives, though themselves averse to alien ways and habits, were too much preoccupied with

juristic finesse and hairsplitting to devote thought or attention to the cultural ills of the community. Indeed they would have been hard put to it to devise any helpful remedy, as they were equally intolerant both of the disorder and of the only effective remedy, perhaps more of the latter than of the former. With the approach of Independence most of them climbed on to one or the other political bandwagon, jumping from one to the other as it suited their interests or inclinations. There could not be much hope of salvation proceeding from that quarter.

Islam has no ordained priesthood nor any church hierarchy or organization. Everyone is expected to acquaint himself or herself with the rudiments of the faith, in doctrine and teaching, to know at least the primary meaning of the Holy Quran and to be familiar with the life and character of the Holy Prophet. This is the minimum, and there is no limit set for him who, inspired by love and devotion, should seek to push forward to the heights. There is, however, the injunction that a section of the people should devote themselves to the study of the faith and to the upholding of its values. 'Let there be from among you a party whose business it should be to invite to goodness, to enjoin equity and to forbid evil. It is they who shall prosper' (3:105). 'It is not possible for the believers to go forth all together to obtain religious instruction. Why, then, does not a party from every section of them go forth that they may be fully instructed in religion, and that they may warn their people when they return to them, so that they may guard against ignorance' (9:122).

This was doubly necessary in the case of Pakistan so that 'the Muslims of Pakistan shall be enabled, individually and collectively, to order their lives in accordance with the teachings of Islam as set out in the Holy Quran and Sunnah,' the very *raison d'être* of the demand for the setting up of Pakistan. The divines had been even more insistent upon it than the political leadership, but neither section exerted itself to bring it about beyond doing lip service to it.

What was needed was to set in motion a moral and

spiritual revolution reaching out to the hearts and souls of the people, converting them to the single-minded pursuit of the one objective, namely, winning the pleasure of Allah through bending every thought, design, action to that end. This alone could have put everything in its true perspective, made up all deficiencies and cemented the people, all of them, Muslim and non-Muslim, all creatures and servants of the same Lord, into a beneficent brotherhood, every section vying with every other in serving each other. 'Everyone has a goal which dominates him; do you, then, vie with one another in good works. Wherever you be, Allah will bring you all together. Surely, Allah has the power to do all that He wills' (2:149).

Such a revolution could have been initiated in the summer and autumn of 1947, when the suffering and misery endured on such a large scale had demonstrated the comparative futility and worthlessness of the tinsel to which so many cling and for which they yearn and had set in motion currents of thinking reaching out to the higher and more permanent values. Instead, after all the trial and tribulation, life in Pakistan, as across the border, settled down into the old ruts and the same false gods were re-installed in their little niches. Those who had been accustomed to much and had lost all started accumulating it over again, no more inclined to share it with those who had little or nothing than they had been before they were overtaken by the cataclysm. Those who had not been involved, having done their part in helping the refugees and making their contribution, instead of henceforth making this their rule of life occupied themselves with regaining the *status quo*, only at an ever ascending level.

A single simple admonition of the Holy Prophet, if carried out in practice, would have proved a precursor of the new set of values which would henceforth become operative throughout Pakistan. If every householder had charged himself with seeing to it that no neighbour of his or his children would ever go to bed hungry so long as he had anything which he could share with him, what a tremendous

impact that would have had on everyone's thinking, attitude and outlook in Pakistan! A countrywide demonstration of the practical realization of the brotherhood of man! An example that would be certain to be followed in many other countries of Asia and Africa. The project would not work to perfection the very first day; problems would arise, obstacles would be met but everything would yield to quiet, firm determination to carry through for the love of Allah. No fanfares, no speeches, no announcements, no officialdom, no organization, man to man, brother to brother. 'They feed the poor, the orphan and the captive for the love of Allah, assuring them: "We feed you only for Allah's pleasure. We desire no return nor thanks from you"' (76:9-10).

Certainly in carrying out such a programme many would have to go short themselves so that all may have something. So much the better for all concerned. This is one of the lessons we should all learn from the blessed month of *Ramadhan*. Besides, going short was normal for the Holy Prophet. Often, and sometimes for days together, he and his had to subsist on a few dried dates or a handful of roasted ground barley, soaked in water.

The day Mecca opened its gates to the exiled persecuted Prophet and his companions it took the Prophet several hours to supervise the orderly take over of the city and to organize its future administration. When all was arranged he repaired to the house of his cousin Umm-i-Hani, daughter of his uncle Abu Talib, and asked whether she could give him something to eat. She protested that had she anything to offer him she would herself have sent him word to come to her for food.

'Is there nothing whatever?'

'Nothing, except for a hard lump of stale bread.'

'That is fine. It can be soaked in water and softened. Is there anything to go with it?'

'Only a few drops of black vinegar left over.'

The Prophet made a meal of the bread and vinegar, rendered thanks to Allah and his cousin and said: 'Ummi-i-

Hani, what a bounty bread and vinegar is!’

What sufficed the Holy Prophet for a meal on the day of his triumph over the Quraish of Mecca, should surely have sufficed the highest in the land on the day Pakistan was established and for as long thereafter as might have been called for by the obligation that no one should go to bed hungry in that land where the Muslims were pledged to order their lives, individually and collectively, ‘in accordance with the teachings of Islam as set out in the Holy Quran and Sunnah’.

The spirit of brotherhood thus demonstrated would soon have pervaded every aspect of the social life of Pakistan and would have prevented or cured the manifold ills with which we have been afflicted during the first quarter century of the history of Pakistan.

The Islamic code of human rights is more balanced, more enlightened, more comprehensive, more beneficent than any promulgated before or since, but the trouble is that our commitment to it is confined to verbal affirmations which are seldom translated into action. When we do take a step forward we do so in imitation of others and out of a desire not to be accounted backward. It is true that our object is the amelioration of the lot of our people and the promotion of their welfare, and to the degree to which we achieve that object through such measures we should have cause for gratification. But in proceeding as we do we overlook the fact that we are taking the longest and most expensive way towards our objective and the results we achieve are bound to be meagre, partial and qualified.

One fundamental difference to be borne in mind is that while every other system or ‘ism’, contemporaneously in operation, lays emphasis on rights and their enforcement, Islam stresses obligations and the duty to perform them. While other systems rely largely on compulsion as a method of enforcement of rights, Islam reduces recourse to compulsion to the indispensable minimum and relies largely upon persuasion towards voluntary performance of obligations. Islam, being a faith, while recognizing the

intimate inter-action of the material, moral and spiritual and making due allowances in respect of it, upholds the primacy of the moral and spiritual above the material. While the 'isms' seek their objectives as ends in themselves, Islam's objective being man's reconciliation to his Maker and communion with Him, everything else according to it is only a means to that end. To make anything else the ultimate objective, aim or purpose would be to deify it, an exaltation abhorrent to Islam.

Islam does not condemn diversity. Indeed it recognizes it as part of the divine scheme, which means it has its uses and is beneficent. Every human being shares his humanity with all others, and yet has a distinct personality of his own. The sum total of the faculties and capacities of each is different from that of every other, and this makes for richness and fullness of the pattern of human life. The results of the exercise of diverse faculties and capacities are also diverse; in other words each individual's output varies from that of every other, and so should, in a free society, his reward vary. Islam does not limit or restrict the reward but seeks to regulate its disposal and application, partly through legal compulsion but mainly through exhortation and persuasion. Through faith it stimulates the longing inherent in the human soul to reach out to the Divine, to do His will, to seek His pleasure. This becomes the dominant motive and constitutes the mainspring of action.

Where everything is sought to be compulsorily regulated class struggle is not in effect eliminated. It is only the material and the physical that is susceptible of compulsory regulation. Where such regulation is felt as irksome the dissatisfaction thereby generated cannot be exorcised by the mere repetition of maxims and slogans. Where voluntary effort is inspired by faith, by the eagerness to win the pleasure of the Divine, the sacrifice involved becomes a source of satisfaction and joy. It also operates to eliminate class divisions and a feeling of otherness, of separateness, of being kept out. Islam seeks to abolish the keeping out and to promote the inviting in, the sharing and belonging.

To facilitate human intercourse Islam insists upon simple

standards and dispenses with all formality and ceremonial. Both in Mecca, during persecution and adversity, and in Medina, in a situation of relative security where he could have adopted a way of comparative ease, the Holy Prophet voluntarily adhered to a very simple, almost austere, way of life. He set up no barriers between himself and his fellow beings and was easily accessible. He ate sparingly and gratefully of whatever became available, and wore whatever would serve to cover his body.

With the advent of Pakistan simplicity in every aspect of life should have become the mode, as befitting those who were eager to order their lives in accordance with the teachings of Islam as illustrated in the life of the Holy Prophet. Every social barrier should have been removed. Luxury, being abhorrent to Islam, should have been shunned and comfort should have been sought in simple ways. The Holy Prophet's mattress was of undressed leather filled with leaves and twigs. Standards and modes of living with which an average Pakistani was not familiar and among which he would not have felt at home should have been discarded and dispensed with. Pakistan should have furnished an illustration of the Islamic social pattern of life.

Advantage should have been taken of the upheaval of 1947 to simplify the administrative machinery, reduce red tape to the minimum and impress upon every class and grade of public servant that he was truly a servant of the public and it should be his constant endeavour to serve honestly, diligently and courteously so that his service of Allah's creatures may find acceptance with Allah. The public should have been constantly reminded of its duty to co-operate with and carry out the instructions of those in authority among them so that everything might work out commendably in the end (4:60).

But Pakistan made no effort to pull out of the bureaucratic rut to which it had been conditioned under the British, its people would not lay aside their slogan-shouting, procession-marching and police-baiting which had been their principal methods of political agitation. Neither side

exhibited much evidence of the realization that the juxtaposition between the people and the Government had been radically altered, that the people and its Government were now ranged on the same side and their security resided in their pulling together rather than in pulling in different directions.

Sectional tugs of war soon emerged along the familiar lines of demand for an enforcement of rights, rather than eagerness to perform duties and fulfil obligations. The Holy Prophet had said: Every one of you is a steward and every-one is accountable for that which is committed to his care. Centuries before the International Labour Organization was conceived of and the first Payment of Wages Regulation was adopted he had directed: Pay the workman his hire before the perspiration dries on his body. His labour code was brief: 'Those who work for you are your brethren over whom Allah has granted you temporary authority. You must feed them as you feed yourselves, clothe them as you clothe yourselves, and must not set them a task beyond their strength. If you ask them to perform a difficult task you must join them in its performance.'

Disorderly conduct is most repugnant to Allah and is repeatedly condemned in the Holy Quran. The very title of the faith: Islam, means peace. The Islamic greeting is: 'Peace be on you'; and the response is: 'On you be peace'. It was incumbent on the people of Pakistan to set the rest of the world an example of orderly behaviour. If in this respect they have not been any worse than most of their contemporaries, they cannot claim to have been any better; while they were under spiritual obligation to maintain orderliness and follow the ways of peace.

Allah's punishment does not follow instantly upon wrongdoing. He grants respite and chances of amendment, but those who continue heedless are finally called to account. 'If Allah were to punish people instantly for their wrongdoing, He would not spare a living creature on the earth, but He grants them respite till an appointed term that they may make amends. When their time for punishment

arrives they cannot tarry a single hour nor can they go ahead' (16:62).

Repeated, persistent and glaring breaches of their covenant with Allah, over a period of almost a quarter of a century were bound to bring upon the people of Pakistan severe divine chastisement (14:8).

'Many a town insolently rejected the command of its Lord and His Messengers. Then We called it to a severe accounting, and chastised it with a dire chastisement. Thus it suffered the evil consequences of its conduct and the end of its affairs was ruin. For such Allah has prepared a severe torment. So fear Allah, O ye men of understanding, who have believed.' (65:9-11)

'It is only those gifted with understanding who take heed; those who fulfil Allah's pact and break not the covenant; who join together the ties of kinship that Allah has bidden to be joined, and fear their Lord, and dread the evil reckoning; those who are steadfast in seeking the favour of their Lord, and observe Prayer, and spend secretly and openly out of that with which We have provided them, and overcome evil with good. For them is the best reward of the Hereafter: Gardens of Eternity, which they shall enter and also those who are righteous from among their ancestors, and their consorts and their progeny. Angels will come to them from every gate, greeting them: Peace be unto you, because you were steadfast. Behold how good is the reward of this abode. Those who break the covenant of Allah after having made it firm, and cut asunder that which Allah has commanded to be joined together, and act corruptly in the land are under a curse and for them is an evil abode. Allah enlarges His provision or straitens it for whomsoever He pleases. They are content with the hither life whereas the hither life is but a temporary provision in contrast with that which is to come.' (13:20-27).

Is there, then, no hope for the future? On the contrary. 'It is only the misguided ones who despair of the mercy of their Lord' (15:57).

'Convey to them: O My servants who have committed excesses against your own selves despair not of the mercy of Allah, surely Allah forgives all sins; He is Most Forgiving, Ever Merciful. Turn ye to your Lord and submit yourselves to Him, before the

punishment of the hereafter comes upon you and no one is able to help you. Follow the highest of the commandments that have been sent down to you from your Lord, before the punishment comes upon you unawares while you perceive not its approach; lest a person should say: O my grief over my remissness in respect of my duty to Allah, and certainly I was one of the scoffers; or should say: If Allah had guided me I would certainly have been among the righteous; or should say, when he sees the punishment: Would that I could return to the world, I would then be among those who do their duty to the utmost. He will be told: Aye, My Signs did come to thee, but thou didst reject them, wast arrogant and wast of the disbelievers. On the Day of Judgment thou wilt see those who fabricated lies against Allah with their faces overcast with gloom. Is there not in hell an abode for the arrogant? Allah will deliver the righteous and bestow success on them; no evil shall afflict them, nor shall they grieve. Allah is the Creator of all things and He is Guardian over all. To Him belong the keys of the heavens and the earth; and it is those who deny the Signs of Allah that are the losers' (39:54-64).

He has warned: 'Allah would not change the condition of a people until they change their own attitude towards Him' (13:12).

The first step is to recognize and confess one's default and to seek divine forgiveness and mercy. 'Lord, we have wronged ourselves, and if Thou forgive us not and have not mercy on us, we shall surely be of the lost' (7:24).

Allah does not wrong anyone; man wrongs himself. 'Allah wrongs not people at all, but people wrong themselves' (10:45). 'Allah would not wrong them, but they wronged themselves' (9:70; 29:41; 30:10). Allah gives man his choice, and as he sows he reaps. 'Whoso desires the harvest of the hereafter, We give him increase in his harvest, and whoso desires the harvest of this world, We give him thereof, but in the hereafter he has no share' (42:21).

'Whoso desires only the hither life, We bestow upon those of them We please such immediate advantage as We determine; thereafter We appoint hell for them which they enter condemned and rejected. Whoso desires the hereafter and, being a believer,

strives properly for it, the striving of such will be duly appreciated. We assist all these as well as those as a bounty from thy Lord. Thy Lord's bounty is not held back from any' (17:19-21).

'Before We destroy a township, We command the affluent section of its people to adopt the ways of righteousness, whereupon they decide on disobedience. Thus the sentence becomes due against it, and We destroy it utterly' (17:17).

But, 'thy Lord is Most Forgiving, Ever Merciful towards those who do evil in ignorance and truly repent thereafter and make amends' (16:120).

'When those who believe in Our Signs come to thee, greet them with: Peace unto you. Your Lord has charged Himself with mercy, so that whoso among you does evil in ignorance and repents thereafter and amends, then He is Most Forgiving, Ever Merciful' (6:55).

Repentance means a complete turning away from that which is not in accord with Allah's pleasure and a firm adherence to righteousness. It is not the mere repetition of a formula.

'Allah is Oft-Returning with compassion and is Ever Merciful. Allah would accept the repentance of those who do evil in ignorance and then are quick to repent. These are they to whom Allah turns with mercy. Allah is All-Knowing, Wise. Repentance is not for those who continue in their evil courses until, when death faces one of them, he exclaims: I do now repent; nor for those who die disbelieving. It is these for whom We have prepared a painful chastisement' (4:17-19).

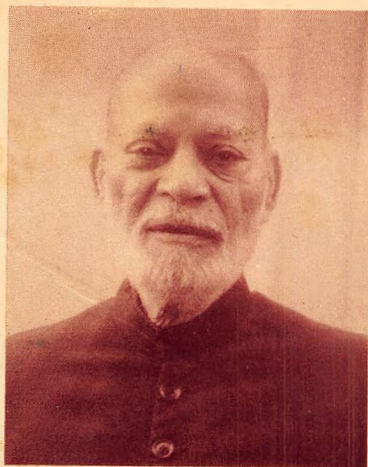
In the present case the principal default is the failure to fulfil the covenant made with Allah that we would order our 'lives in accordance with the teachings of Islam as set out in the Holy Quran and Sunnah'. Some of these have been referred to briefly in these pages. They could serve as a yardstick to determine the degree of our default. We would have to make a complete about turn in several respects in order to set a course in accordance with the teachings of Islam. This would need clear vision, high courage and great fortitude, combined with constant, earnest, humble

supplication for divine grace and guidance.

‘Surely, thy Lord is on the watch. It is characteristic of man that when his Lord tries him and bestows honours and favours upon him, he boasts: Even my Lord honours me! But when He tries him and limits his means, he laments: My Lord has humiliated me without cause. Not so, but you honour not the orphan, and you urge not one another to feed the poor, and you squander inherited wealth extravagantly, and you love affluence inordinately. Hearken, when the earth is pounded into level sand, and thy Lord comes with the angels ranged in order; and hell is brought near; on that day, man would desire to take advantage of the admonition, but how can he then do so? He will lament: Would that I had laid up something for this life! On that day none can punish like unto His punishment, and none can bind so securely as His binding. The righteous will be greeted with: O soul at rest, return to thy Lord, thou well pleased with Him and He well pleased with thee. So enter among My chosen servants and enter My Garden’ (89:15–31).

Let us then respond sincerely, earnestly and wholeheartedly to the Command:

O ye who believe, bow down and prostrate yourselves in Prayer, and worship your Lord, and work righteousness that you may prosper. Strive in the cause of Allah, a perfect striving, for He has exalted you and has laid no hardship upon you in the matter of religion. Follow the faith of your father Abraham. Allah has named you Muslims in this Book and also in previous Books so that the Messenger may be a model for you, and that you may serve as models for mankind. Then observe Prayer and pay the *Zakat* and hold fast, to Allah. He is your Master; an excellent Master and an excellent Helper’ (22:78–9).



The Author occupied a number of high public offices in India, Pakistan, United Nations and the International Court of Justice during a period extending well over forty years (1932-1973).

He was a Member of the Viceroy's Cabinet (India), a Judge of the Supreme Court of India, Foreign Minister of Pakistan, Pakistan's Ambassador at the United Nations, President of the General Assembly of the United Nations and Member, Vice-President and President of the International Court of Justice.

He has thus first hand knowledge of the facts and is familiar with the themes which he has set out and pursued in this book, and is well qualified to analyse and assess them. This he has done with commendable, on occasion with regrettable, restraint and reserve.

The AGONY OF PAKISTAN furnishes a series of glimpses of the travail, struggles, challenges, achievements and failures of Pakistan. Its purpose is to indicate the way to success and triumph. It should be read, pondered and digested by every one interested in Pakistan, and more particularly by all those who wish it well.