Chapter Two

THE KASHMIR PROBLEM - I
Of all the disputes that bedevil Indo-Pakistani relations, the one relating to Kashmir is the most serious. Twice in the brief span of eighteen years — in 1947-48 and in 1965 — the armies of the two countries clashed with each other over this problem. Kashmir is, therefore, considered to be one of the danger spots of the world, and according to Pakistan, there cannot be peace in the Indian subcontinent until this issue is resolved. This is a problem in which the Great Powers are also interested.

BRIEF HISTORY TILL SEPTEMBER 1960

Geopolitics and History of Kashmir Up to August 1947

Kashmir, the full name of which is Jammu and Kashmir, was the largest Indian State at the time of the partition of the Indian subcontinent. It has an area of 84,471 square miles. According to the census of 1941, it had a population of 4,021,616, 77.11 per cent of whom were Muslims. (1) Being situated in the north of the subcontinent at the junction of five states — India, Pakistan, China, Russia and Afghanistan — it has considerable strategic importance. Moreover, it contains headquarters of three important rivers of the western part of the subcontinent — the Indus, the Jhelum and the Chenab — and has immense forest and mineral resources.

The State has a number of distinct areas which differ from each other from the point of view of language, culture, administration,

and religion. These are Jammu, the Kashmir Valley, Ladakh, Baltistan, and Gilgit, each having a separate administration and language. (2) From the religious point of view, the western part of Jammu, the western part of Ladakh and the whole of the Valley, Baltistan, and Gilgit are predominantly Muslim. Eastern Ladakh is a Buddhist region. In eastern Jammu Hindus and Sikhs were, at the time of the partition of the subcontinent, in good numbers although not in a majority. (3) The communal holocaust of the Punjab of 1947, which set migration in motion, affected the composition of the population of eastern Jammu and gave a clear majority to the Hindus and Sikhs there. (4)

Jammu and Kashmir was ruled by a Hindu of the Dogra dynasty. The first Dogra Chief, Gulab Singh, bought the State from the British, under the Treaty of Amritsar of 1846, after its previous rulers, the Sikhs, had been defeated by the British earlier in the same year. The Dogra rule was oppressive, particularly to the Muslims, who were denied many of their privileges. In 1932, therefore, an All Jammu and Kashmir Muslim Conference was formed under Sheikh Abdullah to oppose the autocratic rule of the Maharaja. In 1939 it was made a broad-based organization consisting of both the Muslims and the Hindus of the State and its name was


(3) P.L. Lakhanpal, Essential Documents and Notes on Kashmir Dispute (Delhi, 1965) edn 2, p. 11.

changed to the All Jammu and Kashmir National Conference. In 1941, a section of Muslims, led by Ghulam Abbas, broke away from this organization and formed the Muslim Conference. Three years later, Mohammed Ali Jinnah visited Kashmir and lent his support to the latter. (5) "Thereby was confirmed the growing tendency for the two Kashmir parties to become but reflections of the great political rivals in India, the Congress and the Moslem League". (6) About the latter half of 1946, leaders of both these organizations were put under arrest by the Maharaja. (7) On 29 September 1947, however, Sheikh Abdullah was set free. (8)

Partition, Invasion, and Accession

Immediately after the drawing of the partition plan of 3 June 1947, the Governor-General of India, Lord Mountbatten, approached the Maharaja, and told him that his State would not be recognized as a Dominion by the British and that he should try to accede either to the Indian or Pakistani Dominion after ascertaining the wishes of his people. (9) The Indian National Congress at that time was reported to be ready even to accept a decision of the Maharaja to

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(7) Brecher, n. 2, pp. 15, 17.

(8) Das Gupta, n. 5, p. 104.

accede to Pakistan. (10) The Maharaja, however, decided to sit on the fence. On 12 August 1947 he announced his decision to negotiate standstill agreements with both India and Pakistan, and three days later he signed such an agreement with Pakistan under which he received quite a few facilities. (11)

About this time a revolt broke out in Poonch against the rule of the Maharaja. (12) Pakistan's economic pressure on the Maharaja calculated to compel him to accede to Pakistan increased gradually and food supply and rail links were suspended. (13) On 21 October 1947 a tribal invasion of the State was mounted from across the North West Frontier Province (NWFP) and West Punjab (both in Pakistan), and within a day the raiders reached Muzaffarabad. In desperation on 24 October, the Maharaja appealed to India for help. As accession of the State to India was considered a prerequisite to such assistance, on 26 October the Maharaja acceded to India and the accession was soon endorsed by Sheikh Abdullah. (14) In the forwarding letter, accompanying the Instrument of Accession, however, it was stated by Lord Mountbatten that "as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people". (15)

(10) Ibid., pp. 394, 395. See also Alan Campbell-Johnson, Mission with Mountbatten (London, 1951), p. 223; Lord Mountbatten's address of 29 June 1948 to East India Association as cited in Birdwood, n. 6, p. 3, and in Brecher, n. 2, p. 22.

(11) For details, see Brecher, n. 2, p. 23.

(12) Das Gupta, n. 5, pp. 93-94.

(13) Sisir Gupta, n. 2, p. 103; also see Brecher, n. 2, p. 24.

(14) For details, see Menon, n. 9, pp. 396-400.

(15) Government of India, n. 1, p. 47.
On 27 October the first contingent of Indian troops landed in Srinagar and the raiders were halted.

The Government of Pakistan contested the validity of the accession and declared it to be "based on fraud and violence" (16) and on a "conspiracy". (17) They cited, in this connexion, the release of Sheikh Abdullah by the Maharaja as against the continuing imprisonment of the leaders of the Muslim Conference, the landing of the Indian troops in Srinagar on the very day of the acceptance of the State's accession by India, and the visit of the leaders of the Congress and others to Kashmir before its accession, (18) points whose validity have, however, been refuted by many persons. (19)

The Pakistani Government also felt offended at the accession. Jinnah ordered his troops to march into Kashmir but was soon made to cancel his order as a result of the prompt intervention of Field Marshal Auchinleck, the then Supreme Commander of the Indo-Pakistani Army. (20) Thereupon a meeting between Lord Mountbatten and Jinnah took place on 1 November, in which the latter suggested to the former the simultaneous withdrawal of both the sides from Kashmir, saying,

(18) For this and other details, see Brecher, n. 2, pp. 33-34; Das Gupta, n. 5, pp. 103-4; and K. Sarwar Hasan, Pakistan and the United Nations (New York, N.Y., 1960), pp. 91, 94.
(20) Campbell-Johnson, n. 10, pp. 226, 363; also Birdwood, n. 6, pp. 60-61.
"If you do this I will call the whole thing off." (21) The talks, however, failed to break the ice. Other attempts for a settlement also failed. (22)

Kashmir before the United Nations: 1948-1953

On 1 January 1948 India took the issue to the Security Council of the United Nations under Article 35 of the UN Charter, charging Pakistan with helping the raiders and requesting the Council to call upon Pakistan to desist from it. (23) Pakistan denied the Indian charge and lodged a series of counter-charges covering the whole range of Indo-Pakistan relations. It also appealed to the Council to take up its complaint in toto and not to consider only the Kashmir issue. It, however, stated that some "independent tribesmen and persons from Pakistan" might have taken part in the Kashmir episode. (24)

After the debate, (25) the Council adopted two resolutions in January 1948. By the first resolution, it asked the parties to help in easing tension and to inform it of any material change in the situation. (26) By another, it appointed a three member commission

(22) For details, see Sisir Gupta, n. 2, pp. 129-34.
(23) Text of India's complaint as Doc. S/628 dated 1 January 1948 is given in Security Council Official Records (SCOR), yr 3, supplement for November 1948, pp. 139-44.
(24) See the text of Pakistan's reply and counter-complaint in Doc. S/646 dated 15 January 1948, ibid., pp. 67-87. About Pakistani admission that some tribesmen from Pakistan might be helping the "Azad Kashmir Government", see ibid., p. 68.
(25) For the Indian and Pakistani contentions in the debate, see Brecher, n. 2, pp. 56-75.
to investigate and mediate, which was never implemented. (27) After three months the Council adopted on 21 April 1948 yet another resolution (28) which was found unacceptable to both the parties. It was under this resolution, however, that a five-man United Nations Commission for India and Pakistan (UNCIP) was created to mediate in the matter.

After its tour of India and Pakistan, during which Pakistan’s Foreign Minister revealed to it the presence of three brigades of Pakistani regular troops in Kashmir, (29) the UNCIP submitted on 13 August 1948 its resolution consisting of three parts. Part I of this resolution contained provisions for a cease-fire. Part II, dealing with a truce agreement, provided that after all the Pakistanis had been withdrawn from the state, India would begin to withdraw the bulk of its forces in stages in consultation with and approval of the Commission and that it (India) would maintain such forces, in agreement with the Commission, as were necessary for the maintenance of law and order in the state. Part III was concerned the holding of a plebiscite after the first two parts of the resolution were implemented. (30) India accepted the resolution. But Pakistan found it difficult to do so.

After some negotiations the Commission put forward another proposal which was accepted by both the parties. This proposal was

(27) For the text, see ibid., S/654, pp. 2-3.
(28) For the text, see ibid., S/726, pp. 3-8.
(30) The text is given in SCOR, yr 4, special supplement no. 7, pp. 21-23.
formally embodied in the resolution of 5 January 1949. Its main provisions were that after Part I and Part II of the UNCIP resolution of 13 August 1948 had been implemented, a plebiscite would be held under a Plebiscite Administrator to decide the question of accession of the State. The Plebiscite Administrator was to be nominated by the United Nations but formally appointed by the Government of Jammu and Kashmir. (31)

A cease-fire had already come into effect by 1 January 1949 and the line was agreed upon in July 1949. (32) But difficulties arose with regard to implementation of the truce agreement as both the sides took diametrically opposite stands. (33)

In December 1949, therefore, the Council appointed its President, General McNaughton of Canada, as informal mediator. But he failed to bring the parties to any settlement, because his proposals for simultaneous withdrawal of the forces of the parties from Kashmir were unacceptable to India. (34) In April 1950, therefore, the Council appointed another mediator, Sir Owen Dixon of Australia. (35)

Sir Owen also failed in his mission. He submitted his report in September 1950 in which he made an important observation that "if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan it now lies in

(31) For the text, see ibid., pp. 25-27.
(33) For details, see Das Gupta, n. 5, pp. 126-33.
(34) For details, see Brecher, n. 2, pp. 105-6.
(35) Ibid., p. 108.
partition and in some means of allocating the Valley rather than in an over-all plebiscite". (36) In that report he also recognized the fact that the crossing of the hostile elements into Kashmir from the Pakistani side in 1947 and of the regular Pakistani forces in 1948 was "inconsistent with international law". (37) In October 1950 a resolution was adopted by the general council of Jammu and Kashmir National Conference to convene a constituent assembly to decide the State's future. Pakistan became restive over it. In January 1951, on Pakistan's insistence, the Kashmir problem was discussed in the Commonwealth Prime Ministers' Conference but infructuously. (38)

In February 1951 the Security Council again discussed the matter. On 30 March 1951 it adopted a resolution asking India to desist from any action which would constitute a disposition of the state and urged India and Pakistan to accept arbitration in case of failure to resolve their differences. It also provided for the appointment of a fresh mediator. (39) Pakistan accepted the resolution, but India rejected it.

In April 1951, however, a new mediator, Frank P. Graham of the United States, was appointed by the United Nations. (40) But he too failed to break the deadlock between the parties, although


(37) Ibid., p. 29.

(38) For details, see Hasan, n. 18, p. 144.


(40) Ibid., p. 4.
he negotiated with them until February 1953. Finally, he suggested direct negotiations between India and Pakistan. (41)

Direct Negotiations: 1953-1956

During 1953-56, on two occasions, both during the Prime Ministership of Mohammed Ali of Pakistan, in July-August 1953 and in May 1955, attempts were made by the Prime Ministers of the two countries to arrive at some settlement over the Kashmir problem. But unfortunately on both the occasions, after some initial progress, they failed in their efforts. By this time the Cold War between the two super Powers, the USA and the USSR, also affected the problem. Pakistan became a member of the Western alliance system and India received the declared support of the Soviet Union on Kashmir. (42)


After the attempts at a settlement through direct negotiations had proved abortive and the Constituent Assembly of Jammu and Kashmir had adopted a Constitution (in November 1956), making the State an integral part of Indian Union, (43) the Kashmir question was once more brought before the Security Council. In the Council's debate, which was held in January 1957, Pakistan requested the Council to call upon India to refrain from accepting any change in the new Kashmir Constitution and to spell out the obligations of the parties under the terms of the international agreements for a plebiscite. (44)

(41) For details, see Brecher, n. 2, pp. 126-42; and Das Gupta, n. 5, pp. 141-3.

(42) For details of direct negotiations and their failure, see Sisir Gupta, n. 2, pp. 255-303.

(43) See Lakhanpal, n. 3, p. 276.

(44) See the speech of Pakistan's Foreign Minister, F.K. Noon, in SCOR, yr 12, mtg 761, 16 January 1957, pp. 2-21.
India, on the other hand, raised the question of aggression by Pakistan and held that the promise of a plebiscite was given to the people of Kashmir and not to Pakistan and that a plebiscite could be held only after the first two parts of the UNCIP resolution of August 1948 were implemented. India also argued that conditions for a plebiscite in Kashmir had changed. (45)

On 24 January 1957 the Council adopted a resolution reaffirming that the future of the State could only be decided by a plebiscite and that the steps taken by the Constituent Assembly of the State would not constitute a disposition of the State. (46) On 14 February another draft resolution was moved in the Council which provided for the State's demilitarization and for the use of a UN force there in order to establish conditions for a plebiscite in Kashmir. But this was vetoed by the Soviet Union. (47) On 21 February, therefore, the Council adopted an amended resolution, asking its President, Gunnar Jarring of Sweden, to examine with the Governments of India and Pakistan any proposals likely to promote settlement of the Kashmir issue having regard to the previous resolutions of the United Nations. (48)

Accordingly, Jarring visited the Indian subcontinent during March-April 1957 but returned from there without achieving success, because India was not ready to accept arbitration for the implementa-


(48) Text in S/3793 in SCOR, yr 12, n. 46, pp. 2-3.
tation of the resolutions of the UNCIP. (49) In the report which Jarring submitted to the Council in April 1957, he made two significant observations. First, he said that the holding of plebiscite in Kashmir might raise "grave problems". (50) Secondly, he wrote that he "could not fail to take note of ... the changing political economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia". (51)

After considering his report, the Council passed yet another resolution on 2 December 1957 calling upon India and Pakistan to refrain from doing anything which could worsen the situation and directed Frank P. Graham to make recommendations to the parties for facilitating a peaceful settlement and for the implementation of the resolutions of the UNCIP of 13 August 1948 and 5 January 1949. (52) Pakistan accepted the resolution, but not India.

Graham visited India and Pakistan during January-February 1958 and, on his return, submitted on 28 March 1958, to the Council a report, which contained some suggestions which India had rejected. (53)

After the Graham Mission of 1958

After the failure of the Graham mission till September 1960 nothing significant took place in the United Nations as far as this

(49) See the text of Graham Report in Doc. S/3821, ibid., supplement for April, May, and June 1957, pp. 15-16.


(51) Ibid., p. 16.

(52) Text of the resolution in S/3922, ibid., n. 46, pp. 3-4.

issue was concerned. During this period India protested to the Council's President against construction of the Mangla Dam in 'Azad' Kashmir by Pakistan, and Pakistan complained to him against Sheikh Abdullah's trials, India's fresh attempts to integrate Kashmir, and the reported Indian move to reach some agreement with the People's Republic of China over Ladakh. (54)

The new regime, under General Ayub Khan, which was established in Pakistan in October 1958, had equally strong feelings over Kashmir. (55) Although the new Pakistani President felt the need for a joint Indo-Pakistani defence, (56) he made it clear that "pre-requisites to such a pact is the solution of big problems like Kashmir and the canal water". (57) The result was that no agreement materialized.

Nehru, moreover, was opposed to this pact. (58) On 1 September 1959, however, the President of Pakistan and the Prime Minister of India agreed at their short meeting at Palam airport to settle their outstanding issues and problems in accordance with justice and fairplay. (59) For some time, thereafter, there were hopes of an


(55) Mentioned in Ch. One.

(56) Mentioned in Ch. One.

(57) See his statement of 10 May 1959 in Dawn (Karachi), 11 May 1959. Also see his statement of 20 December 1959 in Ibid., 21 December 1969.

(58) Mentioned in Ch. One.

(59) For the text of the joint statement, see India, Lok Sabha Secretariat, Foreign Policy of India: Texts of Documents 1947-64 (New Delhi, 1966), p. 364.
amicable settlement of the Kashmir problem. (60) The agreement between the two countries over the Canal Water problem strengthened this hope. (61)

FROM AMITY TO COLD WAR

Nehru-Ayub Meeting

The era of better relationship between India and Pakistan, which had begun generally about September 1958, and more particularly after the Nehru-Ayub meeting in September 1959, reached its culmination in September 1960. The Indian Prime Minister visited Pakistan on 19 September 1960 to sign the Indus Waters Treaty, moved to several places in Pakistan with the Pakistani leaders, and, finally, issued on 23 September 1960 a joint communiqué with the Pakistani President covering the entire range of Indo-Pakistani relations.

Soon after his arrival in Karachi on 19 September 1960 the Indian Prime Minister was presented with an address of welcome by the Karachi Administrator, A.A. Hamid, on behalf of the citizens of

(60) On 1 March 1960, Pakistan's Foreign Minister, Manzur Qadir, said that most of the disagreements that had existed between India and Pakistan were "no longer there". He hoped that "the rest will disappear very soon". He was "firmly convinced" that "a solution will be found" for Kashmir and added that "our relations with India, I am very happy to say, are progressing in the direction which is most desirable". Manzur Qadir, "The Foreign Policy of Pakistan", Pakistan Horizon (Karachi), vol. 13 (1960), pp. 4, 7, and 9. In his broadcast to his nation on 23 March 1960, President Ayub Khan similarly said that "luckily our relations with India are improving and we have mutually resolved a few problems which looked intractable in the past". About Kashmir, he added that "it shall be our constant endeavour to attain a satisfactory solution of this problem". See text of his broadcast in Field Marshal Mohammad Ayub Khan, Speeches and Statements (Karachi, n.d.), vol. 2, p. 122.

(61) Discussed in subsequent pages.
Karachi, in which a hope was expressed that after the signing of the treaty there would be "a marked and pleasant change in the relations with between the two neighbouring countries". (62) The Indian Prime Minister, in turn, replied that he had come to Pakistan "to establish new relationship on both sides of the frontier", and adding that although the representatives of the two countries could have signed the treaty without his coming, he had accepted President Ayub Khan's invitation to come to Pakistan because he wanted to renew his old acquaintance with the people of Pakistan. (63) These pleasantries were exchanged further by the Indian Prime Minister and the Pakistani President at Murree and at Lahore respectively on 21 and 22 September. (64) At a Press conference at Murree on 21 September, Pakistan's Foreign Minister, Manzur Qadir, was also reported to have observed that while a solution of the Kashmir problem was necessary, Pakistan would not like to keep other issues pending and might agree to live with issues which they could not solve. (65) This was a significant departure from Pakistan's previous stand of Kashmir before anything else.

It was in this spirit that in their joint communique of 23 September, President Ayub Khan and Prime Minister Nehru agreed to discuss a wide range of relations between the two countries, including the Kashmir problem. This, according to them, was "a difficult question which required careful consideration of all aspects" and as such they "agreed to give further thought to this

(62) Pakistan Times (Lahore), 20 September 1960.

(63) Hindustan Times (New Delhi), 20 September 1960. See also The Hindu (Madras) and Pakistan Times, 20 September 1960.

(64) Pakistan Times, 22 September 1960 and 23 September 1960.

issue with a view to finding a solution. The communiqué also referred to Nehru's invitation to President Ayub to visit India and the latter's acceptance of it. (66) This communiqué was hailed by the New York Times (international edition) of 26 September 1960 under the caption "Good News from Lahore".

The President of Pakistan, moreover, talked about the need of a "strong" India "in Pakistan's interest" and stated that India "could be the pivot of economic collaboration among the underdeveloped countries of Asia". (67)

Thus, according to an Indian columnist, "this is the first time that the Government of Pakistan has shown signs of making a sustained effort to promote good feelings". (68)

Even after his taking off from Lahore airport for New Delhi, Prime Minister Nehru and President Ayub exchanged further pleasant communications with each other. (69)

The Press of the two countries also carried editorials and articles which contributed to a healthy atmosphere between the two countries. (70)

(66) See the text of the communiqué in Lok Sabha Secretariat, n. 59, pp. 365-7.

(67) President Ayub's exclusive interview with Prem Bhatia, Times of India, 25 September 1960. In this Thesis only the New Delhi editions of the Indian Express, The Statesman, and the Times of India have been used except where otherwise stated.


(69) See text in Pakistan Times, 24 September 1960.

(70) Syed Mahmud, "Canal Waters Settlement Can be a Beginning: India and Pakistan Must be Friends Again", The Statesman, 12 September 1960. Also see "Waters of Conciliation", Hindustan Times, 16 September 1960; despatch of B.G. Verghese, "Waters Fact Creates Climate of Goodwill", Times of India, 16 September 1960; despatch from Pakistan in Hindustan Times, 22 September 1960; Prem Bhatia's article, in n. 68;

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Revival of Old Postures

This spirit of cordiality soon died down. In fact, even while the two leaders of India and Pakistan were exchanging friendly notes with each other during 19-23 September 1960, they reiterated their original positions on Kashmir. Thus, at his Press conference at Lahore on 23 September, Nehru clearly expressed his preference for a status quo in Kashmir, cited two general elections in Kashmir as manifestations of its people's wishes in India's favour, and emphasized that a general understanding and solution of other problems must precede a settlement of the Kashmir question. (71) Similarly, President Ayub Khan in his exclusive interview with Indian columnists, D.R. Mankekar (72) and Prem Bhatia, (73) emphasized the need of a Kashmir solution. Immediately after Nehru's departure, he clearly stated at the Lahore airport itself that "Kashmir is keeping the two countries apart and unless this is settled, we would remain apart". (74) However, there was still a cordial atmosphere between the two countries.

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See also Dawn's editorials of 19 and 23 September 1960 and the editorial of Pakistan Times of 25 September 1960.

(73) Times of India, 25 September 1960.
(74) Pakistan Times, 24 September 1960.
But soon President Ayub Khan, by a series of statements, destroyed the Murree spirit. In an interview with Watson S. Sims on 26 September, the Pakistani President expressed his inability to accept the cease-fire line in Kashmir as a boundary between India and Pakistan and scoffed at India's proposal for a "no-war" declaration. (75) It was at Muzaffarabad, however, that the President of Pakistan talked in a tone that revived the Indo-Pakistani cold war. He said there on 6 October: "Our communications, our rivers and even the cease-fire line in Kashmir, one and all, are sufficient factors to indicate that our neck is in the grip of others. Those who are entrusted with the defence of Pakistan can never remain indifferent to this state of affairs." (76) Two days later, in an address to the ex-servicemen, the President said that the Army of Pakistan was always ready to help the people of Kashmir in their struggle and warned the Indian leaders that the continuance of the Kashmir dispute was a very expensive bargain. (77)

President Ayub's statement, particularly those made on 6 October, was considered by many observers as the first direct Pakistani threat of a military settlement of the Kashmir problem made since President Ayub's assumption of power in October 1958. (78) Newspapers in India soon expressed concern about it. (79)

A question may be asked why the Pakistani President, after having shown such friendliness only a short while before, took a

(75) Ibid., 29 September 1960.
(76) Dawn, 7 October 1960.
(77) Pakistan Times, 9 October 1960.
hard attitude on Kashmir. The Pakistani explanation is that it was done because of the reiteration of India's inflexible attitude by the Deputy Minister for External Affairs, Lakshmi Menon, on 25 September 1960 at a meeting in Hyderabad (India) and that India therefore was responsible for the revival of old postures. (80) Lakshmi Menon had stated in that speech that there was no need for a plebiscite in Kashmir as the people of the State had unequivocally expressed their wishes in India's favour. (81) This was not a statement strong enough to provoke Pakistan's President to talk in terms of a military solution of Kashmir. As Nehru afterwards recalled in an interview with Washington Post, Lakshmi Menon's remark was just a "routine speech...merely restating the facts". (82) Moreover, this was a statement made by a junior Minister and at a time when Nehru was away in New York attending the UN General Assembly. (83) Furthermore, Nehru and President Ayub themselves had reiterated their respective positions during their talks in Pakistan, as noted earlier. There were, therefore, other reasons behind the Muzaffarabad speech of the Pakistani President. One was that the President wanted to re-emphasize the need for a Kashmir settlement because he was being pressed at home to do so. (84) Moreover, after having got the

(80) See the Press conference of Lt.-General K.M. Shaikh, Pakistan's Minister for Rehabilitation, States and Frontier Relations, on 8 July 1961 in New Delhi as reported in Dawn, 9 July 1961 and Times of India (Bombay), 9 July 1961.

(81) The Hindu, 26 September 1960.


(84) See the tone of Kashmir or nothing in an article by Dr. Nasim Hasan Shah, "Time to Tackle Kashmir Issue" in Pakistan Times, 11 September 1960. Also see editorials in ibid. of 19 and 25 September 1960 and in Dawn of 19 and 23 September 1960.
Canal Waters dispute more or less settled to its satisfaction, Pakistan was interested in the only other outstanding dispute — Kashmir — outstanding in Pakistan's view. A deeper meaning in President Ayub's bellicose speech could be that President Ayub wanted to convey to the Chinese that although Pakistan could come to terms with India (and hence the offer of a joint defence and the Murree cordiale), he could still break away completely from it and join hands with China if China offered favourable terms to him. It is interesting to note that while in May 1959 the Chinese Ambassador to New Delhi had been advising India's Foreign Secretary to befriend China as it was not advisable for India to have two fronts (one with Pakistan and another with China), (85) only a few months before, i.e. in March 1959, the Pakistani President had come out with the proposal of joint Indo-Pakistani defence. In fact, the Government of Pakistan continued to press this point for some time presumably to forestall Sino-Indian collaboration. (86) Again, while the talks were going on between Nehru and Ayub Khan in September 1960 in Pakistan, the Chinese diplomatic mission in Karachi showed great anxiety. (87) And after President Ayub issued a number of threatening statements against India, Pakistan and China were soon found coming closer to each other. On 15 January 1961 Pakistan's Foreign Minister, Manzur Qadir,

(85) On 16 May 1959 the Chinese Ambassador in New Delhi told the Indian Foreign Secretary, the following: "Friends! It seems to us that you cannot have two fronts. Is it not so? If it is, here then lies the meeting points of our two sides," see Government of India, Ministry of External Affairs, Notes, Memoranda and Agreement Signed Between the Governments of India and China: 1954-59, White Paper (New Delhi, n.d.), p. 76.

(86) See Ch. One about the Pakistani proposal of Indo-Pakistani joint defence.

(87) Prem Bhatia, n. 68.
disclosed that talks between China and Pakistan were continuing and that China had agreed in principle to the demarcation of its border with Pakistan. (88)

Anyway, the fact remains that by making threatening statements, the Pakistani President set the ball of Indo-Pakistani cold-war rolling. 'The Indian Prime Minister, on his own part, stated on 8 October in his television interview in New York that any attempt to upset the status quo in Kashmir would result in opening Pandora's Box with all its undesirable consequences. (89) The same day Kashmir Premier, Bakshi Ghulam Mohammad, demanded that Pakistan should "vacate the aggression, which was committed against the State in 1947, without further delay". (90) He reiterated on 26 October the idea of liberating the area of Kashmir under Pakistani occupation. (91)

On 26 October 1960 President Ayub called the Kashmir issue "a time-bomb never very far removed from the flash point". (92) On 4 November 1960 in a statement in Saudi Arabia he gave the following three reasons for what he called "India's intransigence on Kashmir": (1) a country's natural desire for more territory; (2) India's unwillingness to give freedom to other people; and (3) the strategic advantages that Kashmir gave to India over Pakistan to pose a direct threat to it. (93)

(89) The Hindu, 10 October 1960.
(90) Hindustan Times, 9 October 1960.
(91) Times of India, 27 October 1960.
India and Pakistan, thus, were once again in their old moods.

**Beginning of a Full-Fledged Cold War**

From the beginning of 1961 to the Chinese aggression on India in October 1962, India and Pakistan were engaged in a full-fledged cold war over Kashmir. The only discussion, if any, between the two states over this problem was held when, on 8 July 1961, Pakistan's Minister for Rehabilitation, States, and Frontier Regions, Lt.-General K.M. Shakib, met the Indian Prime Minister, Nehru. But nothing came out of this meeting and, as the Pakistani Minister himself, put it in a Press conference the same day, he "did not get entirely under Nehru's skin to know his views". (94) During the period four developments took place. First, the slogan for a *jehad* for Kashmir was raised in Pakistan leading to equally strong reaction in India. Secondly, Pakistan started criticizing the softening of the US attitude towards India and asked the US Government to exercise pressure on India with regard to Kashmir. Thirdly, attempts were made in Pakistan to come closer to Communist China. Finally, the Kashmir question was once again, after an interval of more than four years, raised in the Security Council. The total result of all this was that the relations between India and Pakistan during 1961-62 turned bitter.

**Slogan for Jehad in Pakistan and India's Reaction** From February 1961 onwards, slogans for a *jehad* to "liberate" Jammu and Kashmir were repeatedly raised in Pakistan and more specifically by the Azad Kashmir leaders. The first such slogan was raised by the Azad Kashmir President, K.H. Khurshid, on 2 February 1961. (95)

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(95) *Pakistan Times*, 3 February 1961.
On 7 May 1961 the Jammu and Kashmir Muslim Conference also resolved to start such a movement. (96) From then onwards, talk of a jihad became almost a matter of routine for the Azad Kashmir leaders. (97) The Azad Kashmir President, moreover, repeatedly said that his Government was not bound by any pacts signed or commitments made by the Government of Pakistan. (98) On 4 June 1961 the Working Committee of the All Jammu and Kashmir Muslim Conference authorized its President, Sardar Ibrahim Khan, to take concrete steps in connexion with the declaration of "an unqualified 'jihad'." (99) Five months later, on 13 November 1961, the Conference called upon the Kashmiris to be ready for the struggle. (100) On 14 January 1962 it adopted another resolution to resume jihad (101) and on 20 May it fixed the middle of August 1962 as the time for launching of the jihad and decided to recruit 10,000 trained Mujahids (volunteers) within three months. (102) Support for a jihad was also expressed from time to time by the leaders of several tribes in Pakistan. (103)


(100) Ibid., 14 November 1961.

(101) Ibid., 15 January 1962.


(103) Pakistan Times, 20 and 29 January and 3, 6, and 23 February 1962.
The Pakistani Government's complicity in all this was clear. As pointed out by Paul Grimes in a despatch from Karachi, the Pakistani Government was "openly abetting the wide-spread dissemination of the threat". (104) On 15 March 1961 the Pakistani Minister for Kashmir Affairs, Akhtar Hussain, stated that his Government was determined to secure "by all means available to them" the right of self-determination for the Kashmiris. (105) This was reiterated by President Ayub Khan himself on 7 May 1961. (106) A month later, on 13 June, Akhtar Hussain spelled out more clearly that if the people of Kashmir stood up, it would be difficult for Pakistan to restrain them. (107) Addressing the Pakistan Institute of International Affairs on 25 August 1961, President Ayub Khan stated that "the present cease-fire line is just like a grip around our neck". (108) On 29 September 1961 the Pakistani President again talked about resorting to "other means", adding that the story, in the event of a conflict, would this time "be quite different". (109) This was repeated by Pakistan's Minister for Social Welfare, Health, and Education, Lt-Gen. Burki, on 14 April 1962. (110) Four days later, Pakistan's Foreign Secretary, S.K. Dehlavi, further stated that the people of Kashmir were "getting tired and restive", that if a

(110) Pakistan Times, 15 April 1962.
situation did develop Pakistan could not be held responsible for the consequences that might follow. (111) Almost the same words with more force were uttered by Muhammad Zafrullah Khan, Pakistan's Permanent Representative to the United Nations, in the Security Council debate on 27 April 1962. (112) On 30 May 1962, Dehlavi also added that if India rejected the UN resolutions and repudiated its commitments in respect of Kashmir, the cease-fire line between India and Pakistan would cease to exist. (113)

During 1961 there were also 461 cases of cease-fire violations by Pakistan along or across the cease-fire line in Jammu and Kashmir as well as on the Jammu-Sialkot border, five times as many as those reported in 1960, whereas the number of similar violations in 1962, as claimed by India, was 473. (114)

The Pakistani slogans incited the Indian leaders, who, in turn, threatened Pakistan against any jihad or military action and made every possible preparation to thwart such a move if it was ever made. Thus, the Indian Defence Minister, V.K. Krishna Menon, said on 25 May 1961 that although India was committed to the observance of certain international agreements, "if others break them certain

(111) Ibid., 19 April 1962.

(112) SCOR, yr 17, mtg 1007, 27 April 1962, p. 21. Sir Zafrullah's words were: "If the Security Council does not want the elements in the State of Jammu and Kashmir who started the liberation battle to start it again, if the Security Council does not desire that the people of Pakistan should get out of hand and... take the bit between their teeth and run away with the whole ordered system of government..., the Security Council had better take note of the realities of the situation."

(113) Pakistan Times, 31 May 1962.

consequences follow". (115) Prime Minister Nehru warned Pakistan more clearly on 19 July 1961, when he said that any further violation of the cease-fire line in Kashmir would be "disastrous to that country". (116) Referring to the talk in Pakistan of "other means" for the solution of the Kashmir issue, India's Deputy Minister for External Affairs said in the Rajya Sabha on 27 November 1961 that if that meant use of force, "it will be met with force". (117) On 24 January 1962 Nehru warned: "We have absolutely no desire to start war against them [Pakistanis] but if they do, the challenge will be fully met." (118) This was reiterated by him in the Rajya Sabha on 30 April and 3 May 1962, when he threatened Pakistan of an "all-out war". (119) Similar statements were repeated by Krishna Menon on a number of occasions. (120)

To thwart any possible Pakistani design, necessary steps were also taken by India. In mid July 1961, the Indian Prime Minister visited Srinagar and conferred with the Kashmir Premier, Bakshi Ghulam Mohammad, India's Home Minister, L.B. Shastri, who was already

(119) On 30 April, Nehru said: "We are quite prepared to meet any aggression in Kashmir territory or anywhere in India, from tribesmen or others". Rajya Sabha Debates, vol. 38, 30 April 1962, col. 1014; on 3 May the Prime Minister threatened that if tribal invasion took place "there will be war, all-out war". Ibid., 3 May 1962, col. 1732.
there, Corps Commander Lt-General Bikram Singh, and the Inspector General of Police of Jammu and Kashmir. (121) Thus, on 27 July 1961, Kashmir's Premier assured his people that adequate measures had been taken to defend the State from any fresh Pakistani adventure. (122) As complained by Pakistan, in its letter dated 29 January 1962, to the President of the Security Council, India was also supposed to have deployed its forces "within easy striking distance of Pakistan borders", (123) a fact which was partially and indirectly admitted by the Indian Representative to the United Nations in the debate of the Security Council on 1 February 1962, when he said that these were "seasonal and incidental movements of army groups". (124)

The Congress President, N. Sanjiva Reddi, on 4 January and Krishna Menon on 6 January 1962 also talked in terms of "liberating" the Azad Kashmir area, which, according to them, was under Pakistan's illegal occupation. (125) This was reiterated repeatedly by Bakshi Ghulam Mohammad also. (126)

The situation during 1961-62 between India and Pakistan was thus as tense as it had been exactly ten years before in 1951. (127)

The jihadic slogan comparatively died out after the Pakistani Government issued the following warning in a Press note on 24 May 1962 stating:

(124) SCOR, yr 17, mtg 990, 1 February 1962, p. 23.
(125) The Hindu of 5 and 8 January 1962.
(127) Referred earlier.
Of late some individuals have been making statements settling the dates for private action for the liberation of Kashmir. They know perfectly well that liberation will not come by the kind of futile actions of which they are giving advance notices to the other side. If any law and order problem gets created by any statements, it will be dealt with as such. (128)

Several possible explanations could be given for the jihad slogan raised by Pakistan. Some of them were those which have already been mentioned while explaining the Pakistani President's speech of 6 October 1960, i.e., the need to re-emphasize immediate settlement of the Kashmir issue and to bring China closer to Pakistan. The solution of the Kashmir question needed to be emphasized from the Pakistani point of view because of John F. Kennedy's election to the US Presidency, a man who was known for his sympathy towards India. (129) Moreover, the Pakistani leaders might have thought that in view of the Chinese menace from the north, India might succumb to Pakistan's slogan for a jihad. In fact, Pakistan was simultaneously also coming closer to China. (130) One more reason behind the jihad move could be K.H. Khurshid's desire to stabilize his shaky position. He had a number of rivals in Azad Kashmir who sought political power, and in order to keep his position secure he had to do something and better his image. (131)


(130) See the subsequent subsection.

Similarly, there were several reasons for the Pakistani Government’s discouragement in May 1962 of the *jehad* slogan. Firstly, as a result of the *jehad* utterances, the Indian attitude, instead of becoming conciliatory, hardened and India even threatened an all-out war. As seen earlier, India had made all preparations to meet the threat and had made it clear that the responsibility for any violation from the Pakistani side would lie on the Pakistani Government. And as India was stronger than Pakistan, it was not in Pakistan’s interest to risk a war when India was prepared for it. Any adventure by Pakistan would have also alienated Western support for Pakistan. (132) Thirdly, the people of the Azad Kashmir area were ethnically and linguistically different from those of the Kashmir Valley. Between them there was not much love lost and there was the possibility of Azad Kashmiris being easily detected in the event of their sneaking across the cease-fire line in large numbers. (133) Moreover, K.H. Khurshid had started showing some independence. The Pakistani Government was, therefore, in no mood to permit him to take the initiative in any action beyond a certain limit. (134) Finally, there was risk in giving arms to the tribals in the Kashmiri belt because they were not only indisciplined but also, reportedly, somewhat discontented. (135)

(132) See the two Pakistan Newsletters in *Times of India*, in n. 129.

(133) Girilal Jain’s Newsletter in n. 129.

(134) Ibid.

Pakistan's Pressure on the West and Kennedy's Mediation Move

Another policy pursued by the Government of Pakistan during this period was to put pressure on the United States to help in getting the Kashmir issue solved to their satisfaction. They also criticized US military aid to India. On the eve of the visit of the American Vice-President, Lyndon B. Johnson, to Pakistan, Dawn, in its editorial dated 20 May 1961 severely criticized American indifference to Kashmir. In July 1961 President Ayub Khan himself visited the United States. In a number of statements made both on the eve of his visit to the United States and during his sojourn there — on 6 July in Karachi, (136) in a televised broadcast interview in London which was broadcast in USA on 9 July, (137) and in his address to the National Press Club in Washington on 13 July 1961, (138) — he criticized the US aid to India, which, he said, posed a threat to Pakistan, and threatened to leave the SEATO and the CENTO if the United States did not revise its policies. In the joint communique issued at the end of the visit of President Ayub Khan on 13 July 1961, President Kennedy "affirmed the desire of the United States to see a satisfactory solution of the Kashmir issue and expressed the hope that progress towards a settlement would be possible at an early date". (139) President Ayub Khan also felt that the United States President should

(137) Text given in Mohammad Ayub Khan, n. 60, vol. 4, pp. 3-11.
(139) Text of the communique is given in New York Times (international edn), 14 July 1961.
mediate in the Kashmir issue. (140)

The Prime Minister of India, Nehru, on the other hand, expressed on 16 August his surprise and grief at the way the Pakistani President had attacked India in foreign countries. (141) He said six days later: "So far as the question of Kashmir is concerned, our position has been perfectly clear...and if anyone in Pakistan thinks that complaining to other countries or...attempting to bully our people will force us into some kind of decision...then they have totally misunderstood what India stands for and how India reacts to these tactics." (142)

The Indian Prime Minister, however, expressed his desire on 28 December to talk to Pakistan on Kashmir without preconditions and proposed a solution of the problem along the present cease-fire line. (143) The offer was rejected by the Pakistani President in a statement at Larkana on 5 January 1962. (144)

It was in this context that the US President said in a Press conference on 15 January 1962 that the USA was "going to continue efforts" towards a solution of the Kashmir problem. (145) In fact, he addressed letters to both Prime Minister Nehru and President Ayub

(140) President Ayub's interview on the National Broadcasting Corporation in the USA on 16 July 1961 in Mohammad Ayub Khan, n. 60, pp. 52-53. Again on 3 October 1961 the Pakistani President urged the United States to use its influence to help settle the dispute. New York Times (international edn), 4 October 1961.


(143) Indian Express and The Hindu of 29 December 1961.

(144) Dawn, 6 January 1962

suggesting the appointment of somebody to go into the problem and facilitate a solution through his good offices. (146) The name of the President of the World Bank, Eugene Black, who had helped in the solution of the Canal Waters problem, was suggested in this connexion. Nehru told the Rajya Sabha in reply to questions that Black was expected to use his good offices and not mediate. (147)

President Ayub replied on 15 January 1962 to President Kennedy's communication. He is understood to have said that Pakistan viewed the proposal as constructive and would accept it provided the basis for negotiations was equitable and realistic. (148)

Prime Minister Nehru, in his reply sent to the US President towards the end of January, expressed his unwillingness to accept mediation or arbitration on Kashmir as it was an integral part of India. He instead favoured direct negotiations with the Pakistani President which could take place after the Third General Election in India. (149) He also instructed the Indian High Commissioner in Karachi in February 1962 to extend a formal invitation to the Pakistani President to visit India to discuss any subject without preconditions. (150)

The Indian move was appreciated by President Kennedy in his Press conference in Washington on 14 February. (151) But President

(150) Ibid., 26 February 1962.
Ayub found nothing new in Nehru's invitation. (152)

In March 1962 the Indian High Commissioner in Karachi, Rajeshwar Dayal, and Pakistan's Foreign Minister, Manzur Qadir, held several meetings to draw a schedule for the Nehru-Ayub meeting. Although an agreement was reached that preparatory steps at a lower level should be taken before the President and the Prime Minister could have fruitful talks, (153) Pakistan is reported to have suggested a rigid time-schedule for the official talks in which the respective positions of the two countries should be defined. This suggestion was not accepted by India. (154) The result was that President Ayub said in a news conference that he had conveyed to the Prime Minister of India through the Indian High Commissioner that he could not visit New Delhi as he saw no point in doing so. (155)

In fact, even before the Indian Prime Minister had replied to President Kennedy's communication of 16 January 1962, the Pakistani Foreign Office had announced on 25 January that it still stood by its decision to go to the Security Council on the Kashmir question. (156) Pakistan's Foreign Minister, Manzur Qadir, also informed the Indian High Commissioner that bilateral talks should not be made a substitute for proceedings in the Security Council but that the two might proceed independently. (157) Nehru replied to

(152) Pakistan Times, 1 February 1962, President Ayub's statement in Karachi on 31 January 1962.
(155) Pakistan Times, 23 March 1962.
(156) Ibid., 26 January 1962.
this on 20 March in the Rajya Sabha saying "the two — the Security Council discussion and talks — do not fit in. One pursues either one policy or the other for settling a matter." (158) A month later, India's Minister of State for External Affairs, Lakshmi Menon, told the Lok Sabha that President Ayub Khan had given the Indian High Commissioner to understand that "in his opinion it would not be worthwhile while his visiting India at present" (159) and added that nothing was taking place at the moment even with regard to discussions at a lower level. (160)

Thus ended the hope of good offices or bilateral talks for the solution of the Kashmir issue.

Here it may be pointed out that Nehru's statement that the Kashmir question could not be discussed simultaneously at the bilateral level and in the Security Council created some apprehensions about Indian "designs" in Pakistan. The Pakistan Times in its editorial of 22 March 1962 called Nehru's statement as "merely a manoeuvre to avoid the embarrassment of a full-fledged U.N. discussion". Although there might be some truth in the Pakistani charge, it must be said in fairness to Nehru that the suggestion for direct talks at a higher level had originated from New Delhi much before Pakistan decided to turn to the Council. (161)

(159) Lok Sabha Debates, series 3, vol. 1, 19 April 1962, col. 76.
(160) Ibid., col. 77.
Pakistani Move to Sign Border Agreement with China and India's Protest

Attempts were also made in Pakistan to come to some agreement with China. As early as January 1961 an indication had been given of the continuance of Sino-Pakistan talks regarding the demarcation of the border between the two countries despite the fact that Pakistan, by itself, had no common border with China and that only Azad Kashmir had a common frontier with China. The Government of India, therefore, protested to the Government of Pakistan against the Sino-Pakistan moves in its letters of 4 May and 12 June 1961 and contended that Pakistan and China had no common border and asked the Pakistani Government to desist from entering into any agreement with the Chinese Government regarding Jammu and Kashmir. (162) When the Governments of Pakistan and China announced on 3 May 1962 their decision to enter into negotiations regarding the demarcation of the boundary, (163) the Indian Government sent on 10 May 1962 strong protest notes to these Governments. (164) The Pakistani Government was warned of "grave consequences". (165) China, however, replied in a note on 31 May 1962 that it refused to recognize India's sovereignty over Kashmir. (166)

(162) Reference of these letters are given in India's protest note of 10 May 1962 to Pakistan whose text is given in Lok Sabha Debates, series 3, session 1 of 1962, Appendix III, Annexure no. 72, p. 413.

(163) Pakistan Times, 4 May 1962.


(165) Lok Sabha Debates, n. 162, p. 413.

DEBATE IN THE SECURITY COUNCIL

Pakistani Move for a Council Meeting

As early as 30 May 1961 Pakistan's Minister for Kashmir Affairs, Education, and Scientific Research, Akhtar Hussain, had declared that Pakistan would seize the first opportunity to raise the Kashmir question in the United Nations. (167) Four months later, on 3 October 1961, President Ayub Khan himself reiterated the idea. (168) The opportunity came when on 18 December India took military action against the Portuguese and "liberated" Goa, Daman, and Diu. (169) On 18 December 1961, there was a stormy debate in the Security Council over the Indian action, in which the French and the US representatives vehemently criticized India. (170) The US representative, in particular, took a very hard line against India. (171) Pakistan decided at this time to take the Kashmir issue to the UN Council. This appeared similar to the earlier Pakistani attempt made in January 1957 of taking the problem to the UN Council when India had become unpopular in western eyes owing to

(167) Dawn, 31 May 1961. On 25 February 1961 also he had given a hint to this effect, see ibid., 26 February 1961.

(168) Ibid., 4 October 1961.


(170) For the statement of the French representative, Beard, see SCOR, yr 17, mtg 988, 18 December 1961, pp. 1-2 and for those of the US representative, Adlai Stevenson, see ibid., pp. 19-21, 27.

(171) The US representative also introduced a draft resolution in the Council "deploing" the Indian action and went to the length of saying that "tonight we are witnessing the first act in a drama which would end with the death of the Organization". Ibid., pp. 21, 27.
its stand on the Suez issue. (172)

On 26 December 1961, Pakistan's Permanent Representative to the United Nations, Zafrullah Khan, said in New York that Pakistan was expected to raise the Kashmir question in the United Nations in January next. (173) On 11 January 1962, Zafrullah Khan, in a letter to the President of the Security Council, stated that efforts at the highest level for direct negotiations with India for a just and amicable settlement of the dispute had failed, that recent pronouncements by responsible Indian personalities showed that the situation was charged with the utmost gravity, and that the Council's meeting should be convened "as early as may be convenient" to consider further action with regard to the Kashmir dispute in the light of Graham's report of March 1958 and subsequent developments. (174) India's Permanent Representative, C.S. Jha, replied to this on 16 January.

(172) For Pakistani move in January 1957 to take the issue to the Security Council in the background of the Suez crisis and for the admission editorially by the Times of Karachi on 22 July 1957 that the favourable situation for Pakistan which prevailed in the Security Council in January and February 1957 "was wholly due to the Suez dispute which had turned the West against India to support us on Kashmir" as well as for a similar Pakistani move towards the end of 1961 in a similar context, see Sisir Gupta, n. 2, pp. 310-11, 345. In this connexion, also see the remark of the Romanian representative made in the Security Council on 19 June 1962 in which he asked: "Is it a coincidence that the question of Kashmir began to be ventilated once again at the time when India liberated Goa and other territories...and at a time when we are witnessing a recrudescence of imperialist pressure against India?" SCOR, yr 17, mtg 1013, 19 June 1962, p. 11.


He contended that the avenues of direct negotiations were still open to Pakistan, that Pakistan had quoted the speeches of Indian leaders out of context, and that Pakistan's request for a discussion of Graham's report four years after it had been submitted and at the time of India's third General Election demonstrated Pakistan's "purely opportunistic, agitational, and propagandist approach". (175) He appealed to the Council to "refuse to entertain" the Pakistani representative's request for a Council meeting and added that "the members of the Council will appreciate that the eve of the general elections is hardly the proper time either for direct negotiations between the two Governments or for discussion of the situation in the Security Council". (176) On 29 January, Zafarullah Khan sent another communication to the Council President in which he cited some of the statements of the Indian Prime Minister and the Indian Defence Minister, complained that the situation was "daily becoming more precarious" and requested the Council to take up "consideration of the India-Pakistan question as an urgent matter". (177)

Opening of the Debate

The Security Council met on 1 February 1962. Opening the debate, Pakistan's representative, Muhammad Zafarullah Khan, said the situation in Kashmir had turned very grave owing to certain statements made by Indian leaders, asked the Council to ensure that nothing untoward happened in Jammu and Kashmir, and appealed to it to take up the consideration of the dispute and to secure to the

(175) Ibid., Doc. S/5060, pp. 48-49.
(176) Ibid., p. 49.
people of Kashmir the exercise of their right of self-determination. (178)

Replying the same day to Zafrullah's submissions, the Indian representative, C.S. Jha, held that since the Security Council had discussed the matter in 1957 no new factor had emerged to merit its reconsideration. He regretted that Pakistan had thought it fit to raise the issue at the time of India's General Election, as it had done previously in 1957, and contended that India posed no threat to Pakistan, had always reiterated that it would not start a war against Pakistan, and that it was from Pakistan that the threat of the use of force actually came. He finally urged the Council to defer its consideration of this matter until a convenient time in the future after the General Election and the formation of a new Government in India. (179)

After hearing the two speeches, the President of the Council Adlai Stevenson of the United States, noted the desire of India and Pakistan to deal with their differences without the use of force and the Indian appeal for the deferment of the discussion in the Council and said that the members of the Council had no objection to the deferment until after 1 March and that meanwhile the Council would remain seized of the issue. He also expressed the Council's desire that the two parties should abstain from any use of threat or the use of force on this issue. (180)

After repeated requests by Pakistan for a meeting of the Council (181) and Indian acquiescence in such a meeting/some time

(178) SCOR, yr 17, mtg 990, 1 February 1962, pp. 5-19.
(179) Ibid., pp. 20-25.
(180) Ibid., p. 25.
(181) Pakistan Times, 23 February, 1 April, and 7 April 1962.
towards the end of April, (182) the Council resumed consideration of the issue on 27 April 1962.

The debate was opened on 27 April with a long speech by Zafrullah Khan which he completed on 2 May 1962. (183) Zafrullah Khan submitted that negotiations with India were possible only if India would discuss the question of the accession of the State of Jammu and Kashmir, (184) that the recommendations made by Graham in para 20 of his report of March 1958 (those relating to the implementation of the UNCIP resolution of August 1948) should be taken up by the Council, (185) and that Pakistan would be agreeable to any impartial international figure of outstanding integrity for determining the obligations of the UNCIP resolutions and their implementation. (186) In another statement in the Council on 4 May, the Pakistani representative submitted that the best solution of the Kashmir question was a plebiscite. (187) During his speeches Zafrullah Khan also held out the threat that if the Council did not take note of the realities of the situation the people of Pakistan might go out of hand and that an explosion might occur. (188)

(183) SCOR, yr 17, mtg 1007, 27 April 1962, pp. 2-30; and ibid., mtg 1008, 2 May 1962, pp. 2-59.
(184) Ibid., mtg 1007, 27 April 1962, p. 29.
(185) Ibid., mtg 1008, 2 May 1962, p. 57.
(186) Ibid., pp. 58-59.
(187) Ibid., mtg 1011, 4 May 1962, p. 22.
(188) Ibid., mtg 1007, 27 April 1962, p. 21, and mtg 1010, 4 May 1962, pp. 10-11.
In reply, on 3 May, India's Defence Minister, V.K. Krishna Menon, said, besides other things, that the Council debate was lackadaisical and that it showed that there had been no grave urgency or crisis. (189) He also referred to Zafrullah's threats and added that "we meet in the shadow of a threat made by the representative of Pakistan in this Council". (190) He further held that there could not be negotiations on the substance of sovereignty. (191) In another statement on 4 May, the Indian Defence Minister submitted the following: (1) the accession of the State of Jammu and Kashmir, was full, final, and perpetual; (2) India would not sit back if changes were made "in violation of the provisions of the Charter, the decisions of the Security Council and things of that character"; (3) India would not at any time submit the Kashmir question to mediation or arbitration as it was a matter of India's sovereignty; and (4) if there were threats to peace and security in the subcontinent, as alleged by Pakistan, they were created by Pakistan. (192) In his speech of 3 May, Menon also mentioned a new dimension acquired by the situation as a result of Pakistan's negotiations with China on the demarcation of Kashmir's border. (193)

In their speeches in the Security Council the Indian and the Pakistani representatives once more reiterated their previous positions on Kashmir. It would be proper here to describe their

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(189) Ibid., mtg 1009, 3 May 1962, p. 3.
(190) Ibid., p. 4. Also referred to in ibid., mtg 1011, 4 May 1962, pp. 23, 30.
(191) Ibid., mtg 1009, 3 May 1962, p. 2.
(192) Ibid., mtg 1011, 4 May 1962, pp. 48-49; also similar submissions earlier in ibid., mtg 1009, 3 May 1962, pp. 64-65.
respective stands in brief.

The Pakistani Stand  Zafrullah, in his several submissions to the Council on 1 February, 27 April, 2 and 4 May and 22 June 1962 put forward the following contentions:

(1) All the three main rivers of Kashmir, the Jhelum, the Chenab, and the Indus, flow into Pakistan. The two main roads of Kashmir run into Pakistan from pre-Partition days onwards. Kashmir's principal export, timber, used to come down the rivers to Pakistani markets and its tourist traffic came from areas which are now in Pakistan. The principal port of Kashmir was Karachi; and "much more than all this were the cultural affinities..." between Pakistan and Jammu and Kashmir. (194)

(2) In the matter of accession, India applied one principle in the case of Junagadh and another in Kashmir; (195) that accession was conditional to the holding of a plebiscite in Kashmir (196) and India was fully committed to a plebiscite; (197) and that, therefore, accession itself was a question in dispute. (198)

(3) India's claim of sovereignty over Jammu and Kashmir was yet to be decided. (199)

(4) India's charge of aggression by Pakistan against the State had been "firmly and consistently" rejected by the Security Council.

(194) Ibid., mtg 990, 1 February 1962, p. 5.
(195) Ibid., mtg 1007, 27 April 1962, pp. 16-17.
(196) Ibid., mtg 1008, 2 May 1962, p. 4.
(197) Ibid., mtg 1011, 4 May 1962, pp. 4-6.
(198) Ibid., mtg 1008, 2 May 1962, p. 5.
(199) Ibid., mtg 990, 1 February 1962, p. 6.
and, after India's acceptance of holding a plebiscite in Kashmir, this matter had become "academic". (200)

(5) As regards the implementation of the August 1948 resolution of the UNCIP, Pakistan was to withdraw troops when India also agreed to do likewise under a truce agreement. The first two parts of the resolution had been implemented; if there were differences, the matter should be referred to arbitration, a method recognized by Article 51 of the Indian Constitution and which the Indian Prime Minister himself had suggested in India's dispute with China. Moreover, Kashmiris should not suffer for the default of Pakistan, if any, and to evade the implementation of the resolution on the ground of lapse of time was untenable. (201) Furthermore, it was yet to be decided who was responsible for the inordinate and continuing delay in the implementation of the resolution. Zafrullah Khan also suggested that a reference should be made to the International Court of Justice to determine the obligations of the two parties. (202)

(6) Elections held in Kashmir could never be a substitute for plebiscite. Nor were the elections fairly conducted. (203)

(7) Pakistan was as much a party to the Jammu and Kashmir issue as India, a fact evident from the agenda and the various resolutions adopted by the Council and from several statements made by the Indian leaders. (204)

(200) Ibid., mtg 1008, 2 May 1962, pp. 11-15.
(201) Ibid., pp. 22-34.
(202) Ibid., mtg 1016, 22 June 1962, pp. 34, 35.
(203) Ibid., mtg 1008, 2 May 1962, pp. 37-49.
(204) Ibid., pp. 53-54.
(8) Kashmir was not a part of India, and there was an enormous difference between Kashmiris and Indians as admitted by Nehru himself. (205)

(9) A State could not exempt itself from its international obligations by invoking provisions of its own Constitution. (206)

(10) If, as India claimed, conditions of the people in Azad Kashmir were deplorable and those in Indian Kashmir better, "then why not hold a plebiscite? Let it take place in 'Azad' Kashmir also and if they want to go into the paradise on the other side, the whole dispute will come to an end." (207)

(11) That India inherited the paramountcy with regard to the Indian States vested in the British Indian Government was not correct because both India and Pakistan were successor States. The Partition statement of 3 June 1947 had made "no distinction" between India and Pakistan and if India had paramountcy over Jammu and Kashmir, it should not have waited for the accession before sending its army to the Maharaja's aid in 1947. (208)

(12) The no-war pact offer by India could not be accepted because India had not so far accepted the suggestion, made as early as 1951, by Prime Minister Liaquat Ali Khan that the Kashmir dispute should first be settled between India and Pakistan. Moreover, both the countries were under the obligation of the UN Charter to settle their disputes by peaceful means and the no-war declaration would add nothing more to that. (209)

(205) Ibid., mtg 1011, 4 May 1962, p. 2.

(206) Ibid., pp. 2-3.

(207) Ibid., p. 20.

(208) Ibid., mtg 1010, 4 May 1962, pp. 14-16.

(209) Ibid., mtg 990, 1 February 1962, pp. 11-12.
Finally, the problem of Kashmir was "the main thing that is keeping us apart" and "if this could be put on a way towards a settlement..., many other relationships between India and Pakistan would become closer and the two countries would begin to co-operate in many fields to the mutual advantage of everyone". (210)

The Indian Stand The Indian position, as stated by Krishna Menon in his submissions before the Security Council on 3 and 4 May and 22 June 1962 were the following:

(1) India was a successor State to Britain in the same fashion as the British Crown was successor to the paramount power of the Mogul Emperor. Kashmir, therefore, continued as an integral part of India "not only in ancient times but in the continuance of the transfer of power". (211) The fact that India was a successor State was also admitted by Articles 1 and 2 of the Indian Independence Order, 1947 which devolved the "membership of all international organizations... solely upon the Dominion of India", a fact also recognized by the UN Security Council. (212)

(2) The offer of accession by the State of Jammu and Kashmir and the acceptance of it by India made it complete as in the case of a contract under the Municipal Law. There was, moreover, no provision whatsoever in the enactment of the Indian Parliament for "de-accession" or conditional accession ("once in, you cannot get out") and the Indian Parliament itself "is not competent to divest itself of territory". Furthermore, "if it were to be established...that any part of the country can secede, by either external intervention or

(211) Ibid., mtg 1009, 3 May 1962, pp. 9-10.
propaganda or by some other means, or for some temporary disaffection of some kind, then we put the whole of the Union in the melting pot and India would become not a congeries of States, but a warring group of stateless entities, and this is not a situation we are prepared to face. The USA itself had fought a civil war in order to maintain the right of the Union in which more people had died than in the First World War. The British House of Lords had similarly ruled out a decision taken by a big majority in a referendum by the people of Western Australia to secede from the Australian federation. In addition, in the same way as the British negotiated with the main political party, the party representing a great national movement, at the time of granting independence to India and Pakistan and did not hold a plebiscite in the subcontinent "we consulted", at the time of accession of Jammu and Kashmir, the National Conference which was "a national movement" in the State. (213)

(3) India's sovereignty over the State was accepted by the UNCIP in its various categorical assurances. (214)

(4) Plebiscite had never been regarded with favour by the British, the French, and the US Foreign Offices. (215) Again, the offer to hold a plebiscite in Kashmir was made to the people of Kashmir and not to Pakistan. (216) As regards Lord Mountbatten's letter of 27 October 1947, to the Maharaja of Kashmir conveying his acceptance of the Instrument of Accession, the people of Kashmir had been


(215) Ibid., mtg 1009, 3 May 1962, pp. 41-43.

(216) Ibid., mtg 1011, 4 May 1962, p. 31.
consulted through the National Conference, the Constituent Assembly, and the free elections. (217) With regard to the provisions of the UNCIP resolutions of 13 August 1948 and 5 January 1949 to hold a plebiscite in Kashmir, to which India had agreed, they could be implemented only after the first two parts of the resolution of August 1948, which related to the withdrawal of forces by Pakistan from Azad Kashmir, were implemented. (218) It was, moreover, surprising that a country like Pakistan, which had never known any elections in its entire history should ask India to hold a plebiscite in Kashmir. (219)

(5) The doctrine of *rebus sic stantibus* was strongly pleaded and several changes in the situation were pointed out including recent Sino-Pakistani negotiations as regards demarcating Sino-Kashmiri boundary, (220) and the changes brought about in Kashmir's economic situation since the implementation of the two Five Year Plans. (221) It was stated categorically that twelve years had elapsed and "we are not prepared to do anything in any part of India that will shake the stability of our country, undermine our economy or create conditions of trouble in South-East Asia". (222)

(6) Pakistan's aggression in Kashmir was not "academic" but was something that was eating into India's vitals and that "aggression is continuing today". (223)

(217) Ibid., pp. 39-41.
(218) Ibid., mtg 1009, 3 May 1962, pp. 37-41; ibid., mtg 1011, 4 May 1962, p. 43; and ibid., mtg 1016, 22 June 1962, pp. 7-8, 38.
(219) Ibid., mtg 1009, 3 May 1962, pp. 43, 47.
(220) Ibid., pp. 54-63. See particularly ibid., mtg 1016, 22 June 1962, pp. 43-45.
(222) Ibid., p. 65.
(223) Ibid., pp. 19-20.
(7) The theory that because the majority of the population of Kashmir were Muslims by religion, they should accede to Pakistan was totally unacceptable to India. The parliamentary enactment relating to the transfer of power in India had "definitely stated that the Act had no relation whatsoever to Indian States". Lord Mountbatten had never emphasized communal considerations in the matter of accession. Kashmir was also an "acid test" of Indian secularism. If the theory of accession on the basis of communal complexion was accepted, Menon asked, "what would happen to the 60 million Muslims inside the [Indian] Union? India today is the third largest Muslim populated State in the world." (224)

Response of the Council

The day the Security Council resumed its discussion of the Kashmir question on 27 April 1962 after its debate of 1 February, the US and the British representatives tried to persuade the Secretary-General of the United Nations, U Thant, personally to sponsor fresh negotiations between India and Pakistan on Kashmir. But the Secretary-General expressed his unwillingness to do so. (225) As noted earlier, India had expressed itself strongly against any mediatory move.

Thereupon, after the submissions of the Indian and Pakistani representatives between 27 April and 4 May, the British representative, supported by the US delegate, appealed for a postponement of the Council's meeting in order to enable members to study the case of the two parties. This was readily agreed to by the President of the Council. (226)

(224) Ibid., pp. 21-22.
(225) Pakistan Times, 28 April 1962.
(226) SCOR, yr 17, mtg 1011, 4 May 1962, pp. 50-52.
Between the postponement of the Council's debate on 4 May and its resumption on 15 June, there was much diplomatic activity with regard to Kashmir in the UN headquarters and elsewhere. Pakistan pressed for an early resumption of the Council meeting while India continued to insist on the postponement for quite sometime. (227) The five "small" powers of the Council — Chile, Ghana, Ireland, the UAR and Venezuela — tried, during the third and fourth weeks of May, to formulate an acceptable solution. (228) So far as the Great Powers were concerned, the US representative to the United Nations, Adlai Stevenson, gave indication on 29 May of his intention to sponsor a resolution. (229) In fact, as revealed later by the Special Representative of Dawn, Zamiruddin Ahmad, President Kennedy had promised President Ayub Khan the previous year that if Pakistan found it necessary to take the issue to the Security Council his country would support it. (230) The USA accordingly stepped up its efforts to induce the non-aligned members to put forward a compromise resolution. (231) In fact, when it became clear that the "little five" had made little progress owing to differences between them, the Big Powers became more active. (232) On 30 May Pakistan reportedly approached Britain with its draft plan on Kashmir which accused India of attempting to

(227) India also sent on 22 May letters to the members of the Council requesting such a postponement. See Reuter report from New York in Hindustan Times, 24 May 1962.
(228) Pakistan Times, 26 May 1962.
(231) Times of India, 31 May 1962.
repudiate past UN resolutions, reaffirmed all previous resolutions of the Council, and asked India and Pakistan to hold direct talks in the presence of an acceptable third party to be named by the UN Secretary-General. (233) In the beginning of June it was reported that the USA also wanted a resolution more or less on similar lines. (234) By the middle of June the "little five" at last prepared a draft resolution which asked the Council to remind the two parties of the UNCIP resolutions of 1948 and 1949 and to appeal to them to negotiate on the Kashmir problem and avail themselves of the services of a third party if and when that seemed desirable. (235) However, owing to strong Indian objections to the proposed draft, (236) the UAR expressed its unwillingness to sponsor the draft resolution and as the "little five" were reportedly instructed by their Governments either to sponsor a resolution jointly or not to sponsor it at all, the draft resolution was dropped. (237) The Soviet delegate Morozov was also reported to have indicated his plan to submit a resolution calling merely for negotiations between India and Pakistan on Kashmir. (238)

(233) *Pakistan Times*, 31 May 1962.

(234) *Times of India*, 3 June 1962.


(236) On 13 June, Nehru strongly ruled out any mediation. See *The Hindu*, 14 June 1962. It was also indicated earlier in New Delhi that India would reject any resolution which called for any mediation or recalled the past resolutions of the United Nations, ibid., 29 May 1962.


(238) Ibid.
It was in such an atmosphere that the Council resumed its discussion on 15 June 1962. The members of the Council expressed their views in three meetings of the Council held between 15 and 20 June 1962. Among the views expressed the nearest to the Pakistani case was the opinion of the US representative while the nearest to the Indian position were those of the Soviet and the Romanian representatives who supported the Indian stand in toto. (239) On 21 June, Plimpton of the USA gave, in his own way, a summary of the views of the Council members. According to him, (1) most of the members were gratified by the assurances given by both the parties that they would abstain from the use of force in the settlement of this dispute; (2) eight members, including the US, the Venezuelan, and the Ghanaian representatives, considered that the resolutions of the UNCIP and of the Council on the problem of Kashmir were still applicable; (3) all members were convinced of the need for a peaceful settlement of this dispute; (4) five members (UK, Irish, Nationalist Chinese, Ghanaian and US) had also commented on the possibility of having good offices of an impartial third party to assist in negotiations; and (5) seven members (UAR, Irish, Ghanaian, UK, Chilean, French and US) had not "failed to comment on the responsibility of the Security Council in this matter". (240)

(239) See US representative Stevenson's statement in SCOR, yr 17, mtg 1012, 15 June 1962, pp. 2-4; Romanian representative in ibid., mtg 1013, 19 June 1962, pp. 9-11; Soviet representative, ibid., mtg 1010, 4 May 1962, pp. 1-9, and later, ibid., mtg 1016, 22 June 1962, pp. 16-20.

(240) Ibid., mtg 1015, 21 June 1962, pp. 2-4.
Plimpton's summary was, however, immediately challenged by the representatives of Ghana and Venezuela who said that their statements containing their reference to the UNCIP resolutions had been wrongly reproduced. (241) In fact, there were many inaccuracies in Plimpton's summary which were pointed out by Krishna Menon in the Council itself on 22 June. Firstly, only six and not eight members had said that the past resolutions of the United Nations on Kashmir were still applicable. (242) Secondly, although it was true that five members had supported the idea of good offices by a third party, two members — Ireland and Ghana — had qualified their statements. (243) Again, although seven members were claimed to have supported the view that the Council had a special responsibility in the case, four of them — the UAR, Ireland, Chile, and France — had qualified their views in this respect. (244) Finally, Plimpton's summary had evaded an important point, namely that seven members (besides the UAR, which remained neutral) had recognized the change of conditions in Kashmir. (245)

Although by 21 June, all members of the Council had expressed their views and Plimpton had also given his summary of the Council's


(242) Menon, however, was mistaken when he said that "five not seven" members supported Plimpton's stand, ibid., mtg 1016, 22 June 1962, p. 5. The six members were USA, UK, China, Ireland, France and Chile.


(244) Ibid., mtg 1016, p. 6.

(245) Ibid., mtg 1016, p. 5. The seven members were Venezuela, France, Ghana, Romania, Chile, the USSR and Ireland. The views of the representatives of Romania and the USSR are well known. As for others, see the views of the representatives of Venezuela, mtg 1014, p. 5; France, mtg 1012, p. 10; Ghana, mtg 1013, p.5; Ireland, ibid., pp. 12-13; and Chile, mtg 1014, p. 6.
views, the US representative, against Soviet protest, suggested yet another meeting of the Council. The Council, accordingly, met on 22 June 1962, in which the Irish representative introduced a draft resolution. By the preambular part of the draft resolution the Council would have, besides other things, noted with satisfaction the pledges given by the two parties that their governments would not resort to force in settling this question and would have expressed the Council's consciousness of its responsibility for helping the parties to reach a peaceful solution of this question. By its operative part the Council would have reminded the two parties of the principles contained in its resolution of 17 January 1948 and in the UNCIP resolutions of 13 August 1948 and 5 January 1949; would have urged the Governments of India and Pakistan to enter into negotiations on the question at the earliest convenient time with a view to its ultimate settlement in accordance with Article 33 and other relevant portions of the Charter; would have appealed to the two Governments to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of negotiations and to refrain from making any statements or taking any action which might aggravate the situation; and would have requested the Secretary-General of the United Nations to provide the two governments with such services as they might request for purposes of carrying out the terms of this resolution. (246) Introducing the draft resolution, the Irish representative, Boland, claimed that his resolution aimed "to reflect as accurately and fairly as possible the consensus of the points of view of the majority of the

(246) SCOR, yr 17, supplement for April, May, and June 1962, Doc. S/5134, p. 104.
Council as they have been expressed here", (247) and "to enable the Security Council to reach a conclusion on the issue before it". (248) The British representative, Patrick Dean, called it "a sincere and constructive attempt, prejudicial to neither party". (249)

Krishna Menon, however, severely criticized the American behaviour, called the Irish action "an unfriendly act", (250) and attacked the statement of the British representative, made in support of the draft resolution, saying that the statement reflected Pakistan's military alliance with Britain. (251) Menon then analysed the draft resolution point by point, refuted the contentions of the draft resolution and the validity of Boland's remarks, and submitted that the draft resolution would not lead to the solution of any question, that it would only aggravate the situation and would be used in Pakistan for other purposes, that the draft resolution was "entirely contrary to fact", and that "uncommitted countries...should not become parties" to this resolution. (252)

The Soviet representative, Morozov, called the draft resolution "practically a photo-copy of the United States summary" given earlier by its representative, Plimpton. He also pointed out that the draft resolution was originally co-sponsored by yet another delegation and that at the last moment this second sponsor's name had been removed. He expressed his delegation's opposition to the

(248) Ibid., p. 3.
(249) Ibid., p. 4.
(250) Ibid., p. 4.
(251) Ibid., p. 15.
(252) Ibid., pp. 6-16.
adoption of the draft. (253)

When the draft resolution was put to vote, seven members (Chile, China, France, Ireland, the UK, the USA and Venezuela) voted in favour of the draft resolution, two (Romania and the USSR) against it, and two (Ghana and UAR) abstained. (254) The draft resolution could not be adopted because of the negative vote of a permanent member.

Reactions to the Council's Action

Reaction in India In India indignation was expressed against the Anglo-American behaviour in the Council. To Prime Minister Nehru it was "a matter of deep regret...that repeatedly, when matter concerning subjects which concern us greatly..., subjects like Goa and subjects like Kashmir crop up, it should be our misfortune that two Great Powers, the United States and the United Kingdom, should almost invariably be against us". (255) Krishna Menon also called their behaviour in the Council a "political whip against us and nothing more". (256) Many members in the Rajya Sabha debate of 23 June 1962 further tried to find out the political motives behind the Western action. They saw in the Western behaviour the latter's expression of displeasure over India's MiG deal with the Soviet Union. (257) The Indian newspapers, almost without exception,

(253) Ibid., pp. 16-20.
(254) Ibid., p. 20.
attacked the Western behaviour. The Indian Express came out on 25 June with an editorial captioned "Thieves' Kitchen", in which it compared the role of the US delegation in the Council to that of the head chief in a thieves' kitchen and suggested the following four reasons for their action: (1) India's take-over of Goa; (2) Nehru's retention of Krishna Menon in his Cabinet; (3) India's attitude to the nuclear disarmament at Geneva; and (4) the projected MIG deal.

Indian newspapers, however, referred to some significant developments in the Council this time. The Hindu, in its editorial of 24 June 1962, noted the following five "significant facts": (1) the realization by the members of the Council that the Kashmir issue could be settled only through direct negotiations; (2) the majority of the members conceded in their speeches that the circumstances had changed; (3) no Asian-African member supported the Pakistani demand for a plebiscite and none of them voted for the resolution; (4) in spite of US efforts even Chile and Venezuela refused to father the draft resolution and Pakistan was left with only its Western supporters, and this should be an eye-opener to Pakistan and some of its friends who had now and then threatened to take the issue to the veto-free General Assembly; and (5) no body in the Security Council really thought that there was great urgency about the solution of the Kashmir at this moment. In fact, to quote the editorial of the Hindustan Times of 25 June: "Interestingly, there was not a word in the draft resolution about the grave urgency which was stated as the reason for calling the Council into session."

Reactions in Pakistan In Pakistan, Foreign Minister Mohammed Ali expressed his country's "anguish" at the behaviour of the UAR, and "profound regret" at the Soviet veto which he called "unfortunate".
He assured the National Assembly of his Government's determination "to carry on the struggle in order to secure the people of Jammu and Kashmir...the right of self-determination". (258) Similar sentiments were privately expressed by the members of the National Assembly and other important leaders. (259)

As regards the assessment of the Pakistani Press of the Council's debate, **Dawn**, in its editorial of 25 June, noted with satisfaction that the debate had debunked India's claim that three rigged elections held in Kashmir had been as good as plebiscite. The **Pakistan Times**, however, in its editorial of 25 June, expressed its frustration at the outcome in the Security Council. Contrasting the present position with that of 1957, it noted that while in 1957 the Soviet Union had vetoed a resolution that demanded concrete action and had let the Council pass a resolution commissioning a UN representative "to reassess the Kashmir situation with India and Pakistan", this time "the resolution which has attracted the Soviet veto merely sought direct negotiations between India and Pakistan". More significantly, it noted Pakistan's impossibility "to secure the five small powers to sponsor an innocuous resolution", and remarked: "Any attempt to try the issue in the General Assembly in this climate is thus doomed to failure. Indeed, it will be a tragic exposure of our isolation." (260)

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(260) It might be pointed out here that for quite some time Pakistan was talking of taking Kashmir to the General Assembly in case it was vetoed in the Security Council. See President Ayub's statement of 16 January 1962 in **Pakistan Times**, 17 January 1962; his statement of 7 April 1962, **Dawn**, 8 April 1962. See also pleading to this effect by the **Pakistan Times** in its editorials of 10 and 27 April 1962.
Aftermath of the Council's Consideration

For some time after the debate in the Council there were talks in Pakistan about the efforts to solve the Kashmir dispute by direct negotiation (261) and, if possible, by a third party mediation. (262) The jihad slogan was also revived by the Azad Kashmir leaders, (263) but that was firmly rejected by Pakistan's Foreign Minister. (264) Attempts to come closer to China also continued and, on 8 September, Pakistan's Foreign Minister Mohammed Ali announced that negotiations would soon commence between the two countries on the question of demarcating the boundary between China and that part of Kashmir which was under Pakistan. (265). Attempts were further made to vilify India during the general debate in the UN General Assembly. (266) This was the first time in the period under review that Pakistan mounted a hate campaign against India during the General Assembly's general debate.

In the meantime, indications were given by India's Home Minister L.B. Shastri that Kashmir would be further integrated with

(261) See President Ayub's statement of 21 September in Pakistan Times, 22 September 1962.
(264) Ibid., 11 August 1962.
(265) Ibid., 9 September 1962.
(266) See President Ayub Khan's speech, GAOR, session 17, plen. mtg 1133, 26 September 1962, p. 151. See also Mohammad Ali's speeches in ibid., mtg 1141, 3 October 1962, pp. 314-25 and mtg 1151, 20 October 1962, pp. 462-6. President Ayub Khan's remarks were particularly unusual because Heads of State were expected to be non-controversial in their speeches and did not refer to their disputes with other countries. See Easwar Sagar's report in The Hindu, 1 October 1962.
India and that there would be direct election from Kashmir to the Lok Sabha. (267) A suggestion was, moreover, made by the East Punjab Chief Minister, Pratap Singh Kairon, for the merger of Rajasthan, Jammu and Kashmir, Himachal Pradesh, and Punjab into a single administrative unit. (268) Although Kairon's suggestion was rejected by the Chief Minister of Rajasthan, M.L. Sukhadia, by the Prime Minister of Jammu and Kashmir, Bakshi Ghulam Mohammad and by the Education Minister of Jammu and Kashmir, G.M. Sadiq, (269) and although the Pakistan Times itself admitted editorially on 12 September that "ostensibly, the proposal is designed to scotch the demand for a Punjabi-speaking State", it created a great commotion in Pakistan. The Pakistani spokesmen strongly objected to the Indian move to integrate Jammu and Kashmir. (270)

CHINESE AGGRESSION ON INDIA, PAKISTANI REACTIONS, AND INITIATION OF INDO-PAKISTANI MINISTERIAL TALKS

The Chinese Aggression on India, India's Appeal and the Western Response

On 20 October 1962 China attacked India on a massive scale (271) and on 26 October India declared a state of emergency. (272) On 27 October the Indian Prime Minister addressed communications to


(268) The Hindu, 6 September 1962. Kairon made his suggestion on 4 September.

(269) Hindustan Times, 10 September 1962.

(270) See Mohammad Ali’s remark of 8 September in Pakistan Times, 9 September 1962 and Minister for Home and Kashmir Affairs, Khan Habibullah Khan’s remark, ibid., 12 September 1962. See also Ali’s remark, GAOR, session 17, plen. mtg 1141, 30 October 1962, p. 315.


(272) Ibid., 27 October 1962.
President Ayub Khan of Pakistan, President Kennedy of the USA, Premier Macmillan of the United Kingdom, and heads of some other friendly Governments. (273) In his letter to President Ayub Khan dated 27 October, Nehru sought former's "sympathy and support...to meet the crisis created by Chinese aggression". (274) Similar "sympathy and help" was sought by Nehru from "all the friendly countries". (275)

Britain and the USA favourably and promptly reacted to the Indian communication. In fact, even before Nehru's formal letter had been received in Britain, the British Commonwealth Secretary, Duncan Sandys, had sounded the Pakistani Foreign Minister, Mohammed Ali, when the latter was passing through London, as to whether he could make some gestures to help India to enable Indian troops to be withdrawn from Kashmir. (276) Communications to this effect from the US President and the British Prime Minister were sent to the Pakistani President. (277) The American Ambassador in Karachi also

(273) Ibid., 28 October 1962; and Dawn, 30 October 1962.
Reference to these communications in another letter from Nehru, dated 12 November 1962 to President Ayub in Indian Information (Delhi), vol. 5, 1 January 1963, p. 815. Text of Nehru's letter to President Ayub dated 27 October 1962 is not available. For the text of Nehru's letter of 27 October 1962 to the heads of several Governments, see K. Sarwar Hasan and Khalida Qureshi, eds, China, India, Pakistan: Documents on Foreign Relations of Pakistan (Karachi, 1966), pp. 234-7.


(275) Ibid. Also see Hasan and Qureshi, eds, n. 273, p. 237.


(277) See reference to them in President Ayub's speech in Rawalpindi on 5 November 1962. Ayub Khan, n. 60, vol. 5, p. 52.
held talks with Pakistan's Foreign Minister. Britain and the USA, thus, attempted to secure Pakistani participation in a gentleman's agreement designed to facilitate deployment of nearly the whole of the Indian Army against the Chinese forces. (279)

**Pakistan's Response**

Pakistan's response to the Indian and Anglo-American moves were cold and disappointing. On being approached by Sandys in London, the Foreign Minister of Pakistan, Mohammed Ali, had replied that Pakistan would be ready to declare that its troops would not advance in Kashmir if the Indian troops there were replaced by UN troops. (280) Similar impressions were given by Lt-General Yousuf, Pakistan's High Commissioner in London, and Aziz Ahmed, Pakistan's Ambassador in Washington, to the British and American Governments respectively. (281) In his meeting with the US Ambassador on 29 October, the Foreign Minister of Pakistan indicated that if the USA insisted on supplying arms to India, Pakistan might have to do some rethinking about its membership of the Western military pacts and reassess its alignments. (282) On 5 November, President Ayub Khan himself issued a statement expressing his concern over the Anglo-American military aid to India, saying: "For one thing it may have the effect of enlarging and prolonging the conflict between China and India and secondly add to the serious concern already existing in the minds of

(278) *Pakistan Times*, 31 October 1962.


(282) *The Times*, 1 November 1962.
our people that these weapons may well be used against them in the absence of an overall settlement with India." (283)

President Ayub's replies to the Anglo-American and Indian communications were equally disappointing. In his replies to the letter of President Kennedy and Macmillan, sent on 6 November, President Ayub declined to give an undertaking to them that Pakistan would not press the Kashmir issue during the Sino-Indian conflict and instead urged the resolution of the Kashmir problem without delay. (284) Similarly, his reply to Nehru, sent on the same day, regretted that the Sino-Indian dispute "should have led to intensified military activities and induction of new war potential, thus endangering the peace and stability of the region", hoped for a peaceful resolution of the conflict, and added that "various outstanding disputes between India and Pakistan can also be resolved amicably, should the Government of India decide to apply these principles with sincerity and conviction." There was no promise of help of any kind. (285) President Ayub's reply to the communication of his sometime friend, ex-chief of the Indian Army, General Cariappa, was even more blunt. It said: "Now we are being asked to even deny to ourselves the right of self-defence and forego our vital interests. Do you think this is in conformity with human nature?" (286)

(283) Ayub Khan, n. 277, p. 53.
(284) The Times, 7 November 1962.
(285) For the text of the letter see Ayub Khan, n. 277, pp. 55-56.
(286) For the text of the telegram to General Cariappa (9 November 1962), see Ayub Khan, n. 277, p. 57. Report, 1963-64, Ministry of External Affairs,Government of India, thus states on p. 28: "It is significant that when India was attacked by China in October 1962, Pakistan was one of the very few countries which offered no sympathy or support to India."
In his address to the secret session of the National Assembly of Pakistan on 21 November, President Ayub Khan is reported to have pointed out two dangers to Pakistan's security, communism and Hinduism. He is reported to have said that he considered the latter to be more dangerous. It is also said that he indicated two possible ways of settling the Kashmir dispute, through peaceful means or through total war, and expressed his preference for the former "for the time being". He also ruled out friendship between India and Pakistan without a settlement of the Kashmir dispute. He blamed India for precipitating the conflict with China and hinted at Pakistan's withdrawal from the Western military pacts if they proved detrimental to Pakistan's interests. (287)

In their speeches before the National Assembly held between 22 November and 3 December 1962 to consider the emergency situation arising out of the large-scale supply of arms to India, Foreign Minister Mohammed Ali, Minister for Industries, Natural Resources, and Works, Z.A. Bhutto and Parliamentary Secretary to Law and Parliamentary Affairs, Abdul Hye Chaudhary, and other members made wild accusations against India. They unequivocally criticized Western military aid to India, blamed it for the clash with China, called China's declaration for a cease-fire an act of great statesmanship and evidence of its peaceful intentions, and also asked India to accept the "generous offer" of China, and called China a "great" country. (288) Bhutto, in particular, accused Nehru of creating a

(287) See the summary in Pakistan Times, 22 November 1962 and The Times, 22 November 1962.
war hysteria throughout the world for the purpose of creating "national cohesion in his own country" and "to receive massive arms assistance from Western countries". (289) He also said: "The ancient Romans declared every day Carthage must be destroyed until Carthage was destroyed. And so we should also declare every day with all our will and with all our strength that Kashmir shall be liberated, until it is liberated." (290) He further made it clear that "our friendship with China is unconditional and that it is not dependent on any factor and that we will not barter or bargain our friendship with great People's Republic of China..." (291)

The reaction of the general public in Pakistan was not the least different. The terms prescribed by the ex-Premier of Pakistan, Chaudhri Mohammed Ali, for friendship with India included provisions regarding Kashmir which India had never accepted before. (292) The tone of the private members of the National Assembly was even more harsh. (293) About them The Guardian (Manchester) wrote editorially on 30 November 1962: "From some speeches in the National Assembly one gathered the impression that because China was India's foe it was Pakistan's friend, and because the United States and Britain were India's friends they were Pakistan's foes."

(289) Ibid., 27 November 1962, p. 143.
(290) Ibid., p. 148.
(291) Ibid., 26 November 1962, p. 93.
(292) See his five-point conditions in the Pakistan Times, 8 November 1962.
The Pakistani Press also harped on the same tune. *Dawn* in its editorial of 29 November urged its Government not to submit to any western pressure and said that "in vain the war-mongers and mischief-makers are trying to create a rift between Pakistan and China". The editorial of the *Pakistan Times* of 20 November was much more revealing. It said: "All we have to do is to remain stubbornly immersed in our own interests...and the whole situation promises to work our way...unless the Kashmir deadlock is resolved, we shall not spare India if we get the chance to hurt her." In an article in the same paper of 22 November by Nasim Hasan entitled "Legal and Moral Duty of Pakistan in Kashmir", it was stated that it was "now high time" for Pakistan "to secure the eviction of Indian forces from the State of Jammu and Kashmir and enable the oppressed citizens of the state to freely decide their destiny".

**Fresh Indian Promise and Understanding between the West and Pakistan**

Meanwhile, the Indian Prime Minister sent another letter to President Ayub on 12 November 1962 in which he pointed out the following three things: (1) The Sino-Indian conflict was "none of our seeking" and wished that the Pakistani President would not want India to "submit to aggression"; (2) the military help given to India "by friendly countries" would be utilized "solely" for defence against the Chinese and "cannot and will not be used" for any "other" purpose; and (3) the "idea of any conflict with Pakistan" was repugnant to India and "we, on our part, will never initiate it". (294)

On 14 November the Government of India also agreed to provide facilities to the US representatives to observe the use of armaments.

supplied for the defence of India against the Chinese aggression (295) and gave the assurance that any military assistance received would be used only to repel the aggression of Communist China. (296) A similar agreement was reached with Britain on 27 November 1962. (297)

Pakistan, therefore, informally promised the West that it would not attack India during the Chinese attack on Indian frontiers. (298)

**Western Initiative on Kashmir**

The Western Press in the meantime made two points. They were: (1) that India and Pakistan should unitedly face the Chinese menace or that at least Pakistan should help India in its defence against China; and (2) that India must make some concessions to Pakistan on Kashmir to obtain the latter's support against China. (299)

**India-Pakistan Joint Statement** Between 23 and 29 November 1962 attempts were made for an Indo-Pakistani rapprochement by W. Averell Harriman of the USA and Duncan Sandys of Britain, and particularly by the latter who moved several times to and fro between New Delhi and Rawalpindi. (300) Sandys was able to prepare an agreed draft which was issued by President Ayub Khan and Prime Minister Nehru as a joint statement simultaneously from New Delhi and Rawalpindi on

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(295) The Hindu, 16 November 1962.
(297) The Hindu, 28 November 1962.
(300) The Hindu of 24 November to 1 December 1962.
30 November 1962. According to the joint statement the President of Pakistan and the Prime Minister of India "agreed that a renewed effort should be made to resolve the outstanding differences between their two countries on Kashmir and other related matters" and "decided to start discussions at an early date with the object of reaching an honourable and equitable settlement" which would be "conducted initially" at the ministerial level and "at the appropriate stage" directly by Nehru and President Ayub. (301)

The statement was hailed by President Ayub Khan as a "historic document" (302) and by many persons in Rawalpindi as "the most important advance towards settlement of the Kashmir dispute... since it arose 15 years ago". (303) Both Harriman and Sandys felt happy over it. (304) In the United States satisfaction was expressed at the news by the public in general (305) and by the Press in particular. (306) The New York Times (international edn) said editorially for the first time on 30 November that "the plebiscite... may not be the only possible solution for the Kashmir problem. Partition acceptable to the majority peoples of the separate parts may be attainable; and condominium might be workable."

(301) For the text see, India, Lok Sabha Secretariat, n. 59, p. 368.
(304) Ibid.
(305) Ibid. Max Frankal's report from Washington.
In India The Statesman of 30 November and the Indian Express of 1 December editorially welcomed it, the one calling it an "excellent news" while the other describing it as a "timely agreement". However, an Indian columnist, Kishan Bhatia, in his political commentary entitled "The State of Indo-Pakistani Relations" in The Statesman of 30 November preferred to keep his "fingers crossed" at the agreement, saying: "Actually, the stage is not yet reached when a precise solution can be prescribed. Because she is menaced by China, India cannot risk a holocaust in Kashmir by accepting a plebiscite. Similarly, it is too much to expect Pakistan, seemingly moonstruck with China, to be so moved by the gravity of the Chinese threat as to agree to the cease-fire line as a permanent solution." (307) This statement soon proved prophetic.

In Pakistan, although official opinion appreciated the agreement, the Press was hostile to it. Dawn editorially wrote on 1 December that "the position remains today as it was when President Ayub declared that Pakistan regarded militant Hinduism as a greater danger to her security than international communism...Has anything happened to change that situation? This is the question that must be answered today in the most unambiguous terms...on the Government's behalf." The Pakistan Times, which was not so hostile, carried an editorial entitled "Caution!" on 1 December and laid down that "a settlement of the Kashmir dispute...should in no case be allowed to jeopardize our relations with China; \(\text{and}\) they must remain above suspicion".

(307) An almost similar opinion was expressed in the Daily Telegraph in its editorial of 30 November 1962.
The British newspapers expressed their reactions in a mixed language and thought that everything depended on Indian concessions. (308)

In the meantime, Nehru told the Lok Sabha on 30 November that "anything that involved an upset of the present arrangement [in Kashmir] would be very harmful" and that it "was not possible for us to bypass" "our basic principles" in Kashmir. (309)

This statement, to use Bhutto's words, "immediately" created in Pakistan "an electrifying reaction, not only in the Government but in the entire nation". (310) Pakistan's Foreign Secretary, S.K. Dehlavi, addressing a Press conference on 30 November, said that Nehru's statement had made absolute nonsense of everything. (311) Two Opposition leaders of the Pakistan National Assembly, Sardar Bahadur Khan and Farid Ahmad, had criticized the communique on 30 November itself. (312)

Sandy, therefore, flew to New Delhi immediately. A statement was issued on the morning of 1 December clarifying Nehru's speech in the Lok Sabha. Sandy's statement read that Nehru "assured me that it was incorrect to read into his statement [of 30 November] any intention to limit the scope of the discussions". (313) Nehru also

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(311) Pakistan Times, 1 December 1962.


(313) The Hindu, 2 December 1962.
said "there has never been any pre-conditions or any restrictions on the scope of the talks which the two Governments are initiating". (314)

This clarification, however, failed to satisfy the non-official opinion in Pakistan. The Leader of the Opposition in Pakistan's National Assembly, thus, referring to the joint statement said that "it is a mis-nomer to call it a joint communique" and disassociated himself with the Government's acceptance of this communique. He said that the whole Opposition endorsed his disapproval of the communique. (315) H.S. Suhrawardy, leader of the National Democratic Front, also suggested strong terms for the talks. (316)

Dawn, which had already editorially opposed the joint statement, said in its editorial entitled "Who Is Fooling Whom?" of 4 December that "the forthcoming negotiations are merely a trap". The Pakistan Times now took a harder line in its editorial of 2 December saying: "The best strategy for Pakistan is to keep aloof and watch. If the Sino-Indian conflict develops wider dimensions... Delhi will not in any case be able to hold on to Kashmir... Why should we then accept a 'post-dated cheque on a crashing bank'."

The Government of Pakistan, in the meantime, tried to reassure its people that unless there was a change of heart and sincere approach on the part of India the Summit Conference "will not take

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(314) Ibid.


place", (317) that it would not "let down Pakistan on Kashmir", (318) that "if any time the negotiations become infructuous, we are free to go the United Nations", (319) and that "no development or event is going in any way to endanger our friendly relations with China". (320) Moreover, Bhutto contended that "disengagement of forces between India and Pakistan could only take place "if the vital question of Kashmir is settled on an honourable and equitable basis", (321) He also expressed satisfaction at Nehru's clarification of his statement of 30 November. (322) Moreover, he felt that the joint communique "breaks down an agonizing stalemate" on Kashmir and that as a point of departure the present development was welcome. (323)

Commenting, thus, on Pakistan's postures with reference to the joint statement, the Globe and Mail (Toronto, Ont.), in its editorial of 5 December 1962, criticized President Ayub Khan for rubbing "salt into New Delhi's wounds" and remarked: "That Pakistan should take such a hostile posture at this time, when India is in desperate straits, is regrettable. Two hands are needed for a handshake, and it is to be hoped that both India and Pakistan will seize the opportunity now presented to come to terms."


(318) President Ayub's assurance to eight prominent Opposition members, including Sardar Bahadur Khan in a "heart-to-heart talk" on 3 December. Dawn, 4 December 1962.


(321) Ibid., 4 December 1962, p. 390.

(322) Ibid., 1 December 1962, p. 269.

(323) Ibid., 4 December 1962, pp. 390-1.
In fact, even before the talks had begun the two sides had given sufficient indication that no major shift in their respective positions was possible. Kashmir's Premier Bakshi Ghulam Mohammad had unequivocally ruled out any compromise on India's basic position (324) and Nehru had similarly rejected the idea of a plebiscite. (325) Any major concession was also rejected almost unanimously by the Indian newspapers. (326) Muslim opinion in India also had taken a similar line. (327)

Pakistan's President, similarly, reiterated that a plebiscite could be the only basis for solution (328) and said that if a plebiscite did not appear to be a fair solution to India, India should come out with a fairer solution. (329) Any attempt to solve the problem by evolving some sort of a confederation suggested by Nehru in his interview with Selig Harrison on 18 December (330) was

(324) Bakshi's statement of 11 and 13 December in Hindustan Times, 12 December 1962 and Indian Express, 19 December 1962 respectively.

(325) See Nehru's televised interview of 4 December with National Broadcasting Company of Washington, reported in Indian Express, 6 December 1962; his interview with Selig Harrison on 18 December as reported in Washington Post of 19 December 1962 and reproduced in World Press Review, no. 6214, 20 December 1962; his yet another interview with the Hearst group of US paper as reported in The Hindu, 23 December 1962.

(326) See editorials of The Hindu of 2 and 23 December; the Times of India; and the National Herald of 4 December; and the Indian Express of 6 December.

(327) See the letter of C.A. Mohamed Ibrahim, the Chairman of the Muslim Convention in India, to the Editor of The Hindu, 27 December 1962. Also see article of Col. B.H. Zalidi, "Kashmir: An Indian View to Survival of Indian Unity" in The Times, 7 November 1962.

(328) See President Ayub Khan's statements, Pakistan Times, 15 and 23 December 1962.

(329) See President Ayub's remark, ibid., 16 December 1962.

also summarily rejected. (331)

Thus, the talks started in an atmosphere in which both the sides took an inflexible position from the very beginning.

**TALKS BETWEEN BHUTTO AND SWARAN SINGH**

After some talks at the official level, the venue of the talks, the date on which they were to commence, and the leaders of the two delegations were finalized. Rawalpindi was fixed as the venue of the first meeting and the talks were to begin on 27 December 1962. Sardar Swaran Singh, India's Minister for Railways, and Z.A. Bhutto, Pakistan's Minister for Industries, Natural Resources, and Works, were appointed as leaders of the respective delegations. The two delegations held six rounds of talks (between December 1962 and May 1963) before they admitted failure.

**The Rawalpindi Talks (27-29 December 1962)**

Swaran Singh arrived in Rawalpindi with his delegation on 26 December 1962 and promised to enter into talks "in all sincerity".  

(331) Commenting on the suggestion for a confederation, a spokesman of the Pakistani Ministry of External Affairs said on 21 December that "when they [Indians] state this Pakistanis are alarmed and feel that India wanted to swallow them up" and added: "It is statements like these that do mischief to any possibility of good relations between India and Pakistan," *Pakistan Times*, 22 December 1962. In fact, the Indian Prime Minister's suggestion was nation-wide condemned in Pakistan. See *Dawn*, 22 and 23 December 1962. Z.A. Bhutto deplored the idea. *Ibid.*, 22 December 1962. President Ayub Khan expressed his resolve on 24 December that "at no time and under no circumstances shall we be prepared to sacrifice our national security". *Ibid.*, 25 December 1962.

(332) For his talks with newsmen at the Rawalpindi airport, see *Hindustan Times*, 27 December 1962.
But even before the talks had begun, there came a "bombshell" (333) on the night of 26 December, namely the announcement of Pakistan's agreement in principle with China concerning the alignment of the boundary between China and Azad Kashmir. "The Pakistan Government could not have found a day on which to create a greater stir". (334) The Indian delegation expressed at once its "surprise and regret" at it. (335) According to a report, had the British High Commissioner and the American Ambassador not been in Rawalpindi to act as "midwives" to the talks, Swaran Singh "might have returned to New Delhi in a huff". (336)

To allay suspicions, President Ayub Khan summoned the American Ambassador and the British High Commissioner as well as the chiefs of the Indian and Pakistani delegations on 27 December and disclosed to them that the timing of the announcement of the agreement had been determined in Peking. (337) He told Swaran Singh that it was unintentional and coincidental. (338) A similar statement was made on the same day by Pakistan's Foreign Secretary, S.K. Dehlavi. (339)

(333) It was the remark of Stephen Barber, Daily Telegraph's special correspondent in Rawalpindi. Daily Telegraph, 29 December 1962. About announcement, see Dawn, 27 December 1962.


(336) Stephen Barber's report in the Daily Telegraph, 29 December 1962. This was also indicated by the Rawalpindi correspondent of The Times, 1 January 1963.


(338) P. Dasgupta's report from Rawalpindi in Hindustan Times, 28 December 1962.

Swaran Singh, however, was not satisfied. He said that "the timing of the announcement will have to be taken into consideration". (340) His irritation was further exacerbated by the arrival in Karachi on 28 December of a Chinese trade delegation. (341)

The talks thus began most inauspiciously. After the initial shock, the talks started on 27 December in which the leaders of the two delegations merely restated their old positions. Bhutto suggested the speedy implementation of the August 1948 and January 1949 resolutions of the UNCIP. (342) Swaran Singh, on the other hand, suggested that a solution of the Kashmir problem must be peaceful, that it must not affect stability and progress in Kashmir, that it must not leave other issues unsettled, and that the two countries should agree on a "moratorium on criticism and abuse". (343)

Between 28 and 29 December the two delegations "discussed" threadbare (344) many proposals, including that of a plebiscite. (345) Reference to the International Court of Justice for an opinion on the Kashmir question is also supposed to have been touched upon. (346)


(341) Ibid.

(342) See the text of his speech in the Pakistan Times, 28 December 1962.


(344) Bhutto's talk with pressmen on 28 December as reported in The Times, 29 December 1962.

(345) Swaran Singh's statement to newsmen on 28 December. Ibid. Also see the Hindustan Times, 29 December 1962.

However, no new positive proposal came up. (347) The question of plebiscite still remained the main plank of the Pakistani stand. (348)

The joint communiqué that was issued at the end of the talks on 29 December said that they discussed "various aspects of the Kashmir problem" in "a spirit of cordiality and understanding" and exchanged their views freely and frankly and that they agreed to make a joint appeal to leaders, officials, the Press and the radio and other media of publicity in the two countries for a moratorium on abuse. It was also announced that they would continue their discussions in New Delhi on 15 January 1963. (349).

About the talks, Bhutto said that "some progress" had been made (350) and Swaran Singh said that the two sides were able to understand each other's case "with greater clarity". (351)

During the interval between the first and the second rounds of talks the two sides reiterated their original positions. Nehru, on his part, ruled out a communal solution or a plebiscite for

(347) Swaran Singh's information to the Congress Parliamentary Executive in Delhi on 31 December, Times of India, 1 January 1963.

(348) See Bhutto's reply to pressmen on 28 December, The Times, 29 December 1962.


(350) Bhutto said this in his Press conference on 29 December after the Indian delegation had left for Delhi. P. Dasgupta's report in Hindustan Times, 30 December 1962. Also see a similar remark of Bhutto in Dawn, 30 December 1962.

(351) Swaran Singh told newsmen so after his arrival in New Delhi at Palam on 29 December. Hindustan Times, 30 December 1962.
Kashmir (352) and said that the State was an integral part of India. (353) President Ayub on the other hand thought that a plebiscite alone could settle the dispute decisively, rejected suggestions like a temporary UN trusteeship in Kashmir, (354) asked the USA to use even its military weight for the settlement of the Kashmir problem, (355) and sent his Foreign Secretary, S.K. Dehlavi, to London to express Pakistan's concern about Anglo-American military aid to India. (356)

New Delhi Talks (16-19 January 1963)

The Pakistani delegation arrived for the talks in New Delhi, as scheduled, on 15 January 1963. Even before he left Karachi, Bhutto expressed the hope that the forthcoming Delhi meeting would be the final. (357)

In their opening talk on 16 January 1963 Swaran Singh again expressed his opinion that the solution of matters other than Kashmir was also important, (358) whereas Bhutto gave the "first priority"

(352) See Nehru's Press interview of 31 December as reported in The Hindu, 1 January 1963.


(354) President Ayub's exclusive interview with Charles Arnot, as released on 6 January, Pakistan Times, 7 January 1963.

(355) Ibid.


(358) See the text of Swaran Singh's speech in Foreign Affairs Record, vol. 9 (1963), p. 22.
to the Kashmir problem. (359) Both the delegations expressed their desire to explore all the ways and means to reach a solution. (360)

In their talks between 17 and 19 January the two delegations discussed the various aspects of a plebiscite, including India's objections to it. (361) In fact, as confirmed separately by Swaran Singh and Bhutto to the newsmen at the end of the talks on 19 January, the Delhi talks were mainly on the question of holding a plebiscite. (362) During the talks, the Pakistani delegation made it perfectly clear that they could not even hear a reference to an agreement along the present cease-fire line with or without minor adjustments. (363) Indeed, according to reports on the last day of the talks, when the Indian side did not respond to a Pakistani request for alternative proposals for an overall plebiscite in Kashmir, the talks nearly broke down. (364) Another report said that the concluding meeting between the Ministers "could not even evolve a procedure for the third round". (365) At the last moment, however, the two delegations were able to formulate a common working paper which included the approaches of the two sides for a political solution of the Kashmir problem. (366) According to this common

(359) See the text of Bhutto's speech in Hindustan Times, 17 January 1963.

(360) See n. 358 and 359.


paper, India favoured a settlement based on territorial adjustments, taking into account administrative and geographical factors and the least disturbance to the people, whereas Pakistan wanted a territorial division which would take into account the composition of the population, control of rivers, the economic and strategic interests of Pakistan, and the wishes of the people of the State. (367)

The joint communique issued on 19 January said that the two Ministers discussed "various aspects of the Kashmir problem", that the "attitude of the two sides was constructive throughout" and that the discussion would be resumed in Karachi in the early part of February 1963. (368)

After the talks, Swaran Singh told newsmen that the differences had narrowed down to some extent and Bhutto said that "the issues have been defined". (369) On 21 January, Pakistan's Foreign Minister, Mohammed Ali, also reported "slight progress" in the talks. (370) Earlier, however, Bhutto had reported to pressmen after his return to Karachi on 19 January that he had "nothing spectacular to report". (371)

An Indian columnist aptly remarked about the talks: "Real progress remains to be made. The net gain of the last meeting was a promise of continuity". (372)

(367) Ibid.
(372) Prem Bhatia, "Prospect and Retrospect: Course of Kashmir Talks", Times of India, 23 January 1963. Pakistan Times of 21 January observed that the second round of talks "proved as fruitless as the first" while Dawn called it editorially on 23 January a "hoax" and wanted the talks to be "called off without further waste of time".
In the interval between the second and the third rounds of talks, the two countries reiterated their original positions. The Kashmir Prime Minister Bakshi Ghulam Mohammed, opposed any concessions on Kashmir. (373) Nehru too opposed Kashmir's going to Pakistan and said that he had never accepted the principle of religious division. (374)

On 26 January 1963 the Government of India also protested to the Government of Pakistan against the latter's agreement on 26 December 1962 in principle "on the alignment of the border between China (Sinkiang) and the territory of Kashmir illegally occupied by Pakistan". (375) A similar protest note had already been handed over on 31 December 1962 to the Chinese Embassy in India. (376)

President Ayub Khan, on the other hand, said that the people of Kashmir "should decide" the Kashmir question, and rejected the idea of dividing the Valley which, he said, was "one entity". (377) The idea of a joint Indo-Pakistani sovereignty as suggested in some

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(373) See his statements of 22 January and 6 February in the National Herald, 23 January 1963 and the Times of India, 7 February 1963 respectively.


(377) President Ayub's interview with the correspondent of The Observer (London), Guy Wint, as reported in Dawn, 11 February 1963.
circles, (378) was also ruled out by Pakistan's Foreign Secretary, S.K. Dehlavi. (379)

Karachi Talks (8-10 February 1963)

On 7 February 1963 Swaran Singh arrived in Karachi with his team, which included an expert on the river systems of Kashmir. (380)

When the talks began on 8 February, (381) India put forward its plan for a partition of Kashmir which would have reportedly assigned the headquarters of the Jhelum and the Chenab to Pakistan besides a considerable bit of territory west and north-west of Baramula up to Kishanganga in the north and the whole of Poonch in the south. (382) This plan was, however, rejected as unacceptable on 9 February by the Pakistani delegation. (383) As reported by Bhutto later on 17 July 1963 in the National Assembly of Pakistan, the Indian plan "involved nothing more than a re-adjustment of the existing cease-fire line" and so "was summarily rejected by

(378) As early as December 1962 a plan for a condominium found favour in Western circles. The idea is supposed to have come originally from Ambassador J.K. Galbraith and on 16 December Washington Post came out with the proposal of an "Indo-Pakistan Community" on the model of the E.C.M. See reports by Ajit Bhattacharjya from Washington, D.C., in the Hindustan Times, 17 December 1962. This formula was also strongly preached by The Economist (London), which came out with a plan in its editorial captioned "Thawing Out the 'Roof'" in its issue of 19 January 1963. The Economist, vol. 206, p. 194.


(380) The Times, 8 February 1963.

(381) Hindustan Times, 9 February 1963.


Pakistan. (384) Bhutto then put forward his own partition plan which in effect would have given the whole of Jammu and Kashmir bar a small area comprising more or less the district of Kathua, in the north-east tip of Jammu. (385) Alternatively, Bhutto wanted to keep the question of the Valley in abeyance for six months or a year and reach a settlement about the remainder in the meanwhile. (386) Maps were also used this time in conducting the talks. (387)

A serious deadlock was reached on the last day as neither of the parties was in a mood to change its stand. Bhutto suggested that only a concession by India could sustain the negotiations. (388) However, after their post-dinner talk on 10 February, the two leaders announced that the discussions would be continued in Calcutta. (389)


(386) Ibid. Nehru more clearly put it in his statement before the Lok Sabha on 13 August in which he said that Pakistan wanted an interim arrangement in the Valley for a period of six months or a year to deal with the Chinese and added "all that this could mean was that India might continue to commit its men and resources in the defence of Ladakh against the Chinese threat, but that once its efforts and sacrifices liberated Ladakh, India should abandon the State in favour of Pakistan". Lok Sabha Debates, series 3, vol. 19, 13 August 1963, col. 152.


(389) Pakistan Times and Times of India, 11 February 1963.
On 11 February a joint communiqué was, accordingly, issued which referred to their consideration of the various aspects of the Kashmir problem and said that "a further exchange of views on these aspects was necessary" and that the two delegations would continue the talks in Calcutta from 9 to 12 March. (390)

Two explanations were given for Pakistan's threat to discontinue the talks in case the Indian stand remained inflexible and later its agreement for another round despite Swaran Singh's statement on 10 February that the Indian position had not changed at all. The first explanation came from the Karachi correspondent of The Times who said that the suggestion for an imminent breakdown of the talks was possibly made with the hope of influencing the Indian delegation, and that when the Indian side refused to budget, the Pakistanis decided that the talks should anyway continue. (391) The second explanation was that the American Ambassador in Karachi, Walter McConnaughy, intervened when the talks seemed to break down and that Pakistan agreed to continue the talks in the ultimate hope of securing a third-party mediation. (392)

Although after his return to Delhi Swaran Singh denied that the British or the US Government had tried to project any plan for a settlement, (393) it was reported that an Anglo-American partition plan was in fact in circulation and had been considered in the state

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(390) For the text see Pakistan Press Release, no. 4, 12 February 1963; also Hindustan Times, 12 February 1963.


(392) T.V. Parasuram's report from Washington in Indian Express, 12 February 1963. Parasuram also cited a report from Washington Post to this effect.

(393) Hindustan Times, 12 February 1963.
Department for more than a week before the Karachi talks. (394) It was also reported that India's willingness to make concessions with regard to the Kashmir Valley to meet Pakistan's water requirements had in fact emerged from consultations with the Anglo-American spokesmen. (395) A letter from President Kennedy had, in fact, been received by Prime Minister Nehru about this time. (396)

In India, Pakistan's proposals were regarded as "well beyond its [Pakistan's] known claims in Kashmir", (397) whereas in Pakistan the Press violently reacted to the Indian proposal. (398) To Kingsley Martin, however, the Indian proposal appeared just. He wrote: "It is difficult to see that India can make any larger concession. The future of the sub-continent largely depends on whether Pakistan is mature enough to accept this proposal". (399)

(394) T.V. Parasuram's report from Washington dated 9 February in Sunday Standard (New Delhi), 10 February 1963; also Ajit Bhattacharjeya's report from Washington in the Hindustan Times, 14 February 1963. Parasuram's report also contained Selig Harrison's report in Washington Post containing an Anglo-American partition plan under which a substantial portion of the mountainous district flanking the centrally situated Valley on the West and the Wular lake astride which was the source of the Jhelum, would have been given to Pakistan. Ajit Bhattacharjeya's earlier despatch from Washington dated 1 February may also be mentioned in which he had reported the consideration of a partition plan in Washington. See Hindustan Times, 2 February 1963.


(396) Ibid.

(397) See Krishan Bhatia, "Political Commentary: Indo-Pakistan talks May Go to the Fifth Round", The Statesman, 15 February 1963; also K. Rangaswami, n. 382. See also editorials of Times of India of 12 February and The Hindu of 13 February 1963.


Calcutta Talks (12-14 March 1963)

On 2 March 1963, much before the talks in Calcutta started, the Sino-Pakistani border agreement was signed. (400) In fact, from the very day when Pakistan announced that Bhutto would visit Peking to sign the agreement Nehru had become upset. In his statements in the Lok Sabha he had repeatedly expressed his “shock” at it and had described it not as “fortuitous or accidental” but "deliberate". (401) He said on 5 March:

I cannot help feeling that the joint announcement on December 26, the Pakistan Government's announcement on February 22, to sign the border agreement in Peking, and finally the signing of this agreement have been timed to prejudice the outcome of the joint talks on Kashmir and other related matters. (402)

Moreover, as the Times of India editorially wrote about it on 27 February: "The whole affair is a warning that it is wrong to take the identity of Indian and Pakistani interests for granted and a reminder that...the Indian Government must guard against the danger of collaboration between the two aggressors." The Indian Government also sent protest notes to the Chinese and Pakistani Governments on 2 and 5 March respectively against the signing of this agreement. (403) On 16 March, the Indian Government further


sent a communication to the President of the Security Council regarding this matter. (404) Serious concern was also expressed in Washington (405) and by the world Press on this subject. (406)

It was against this background that the talks began in Calcutta on 12 March 1963. About half of the time of the talks was consumed by discussion over the Sino-Pakistani border agreement, in which the two sides presented their respective viewpoints. (407) When the talks on Kashmir were resumed on the afternoon of 13 March, India and Pakistan just reiterated the positions they had taken in Karachi; India put forward its own partition plan, while Pakistan came out with its own plan for partition and a hint of evolving a phased programme for the Valley. (408) On 14 March, Bhutto did somewhat revise his original partition plan when he said to newsmen that day that he had presented "some fresh thoughts, if not fresh ideas", (409) but that

(406) See World Press Review, nos 6314, 6317, 6320, 6327, 6330, 6331, 6332, 6339, 6347, 6349, 6351, 6358, 6368, 6369, 6374, 6376, and 6378 of February-April 1963. However, the Daily Telegraph of 27 February 1963 in its report by Anthony Mann from New Delhi also gave six reasons for Pakistan's pursuing such a policy which mainly related to Pakistan's concern over Kashmir, Western indifference to Pakistan.
(407) M.A. Mansur's report in Dawn, 16 March 1963; see also the Hindustan Times of 13 and 14 March 1963.
(409) Hindustan Times, 15 March 1963; with regard to the concessions suggested by Pakistan the Hindustan Times reported that Bhutto's concessions related to withdrawal of its claims from some of the areas in Jammu while T.V. Parasuram in his report from Washington in Indian Express of 16 March 1963 quoted Selig Harrison's report in Washington Post of 15 March saying that Bhutto's concessions related to Pahalgam and Amarnath in the Valley which he had agreed to concede to India keeping the whole of the Valley for Pakistan.
was almost a meagre concession. The differences were so great that no map was consulted (410) and at the time of the conclusion of the talks, on the night of 14 March, the two delegations were still reported to be discussing their partition schemes. (411) Seeing that they had reached a deadlock on the Kashmir issue, problems like border disputes and treatment of minorities were also raised, (412) but to no avail.

Thus, the joint communiqué that was issued on 15 March just noted that the two delegations had discussed Kashmir and other related matters and that they would take up these issues in Karachi from 21 April 1963. (413)

It might be mentioned here that during the interval between the third and the fourth rounds of talks, an American partition plan for Kashmir, supported by Britain, had reportedly been presented to Rawalpindi and New Delhi, (414) but neither of the parties was reported to have given any serious consideration to it. (415) In fact, during the Calcutta talks, the American and the British

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(411) The spokesman of the Indian delegation was reported to have said this on 15 March to the correspondent of Dawn, M.A. Mansur. See Dawn, 16 March 1963, Mansur’s report.


(413) Text see in Foreign Affairs Record, vol. 9 (1963), p. 89.

(414) Report in Daily Telegraph, 16 February 1963. The reported partition plan would have given the southern areas of Kashmir to India and would have divided the remainder by a line running north from a point 20 miles north of Jammu, thus leaving Srinagar to the east and minor lakes near Srinagar under Indian control and giving Wullur lake and the catchment areas of the river Jhelum to Pakistan.

(415) Anthony Mann’s report from New Delhi in Ibid., 27 February 1963.
representatives in India were so closely connected with the talks (416) that the Times of India came out with an editorial, captioned "Advisers?", on 14 March, cautioning the country against their overinvolvement in the talks.

Reported American Plan for Partition of the Valley

In the intermission between the fourth and the fifth rounds, the USA stepped up its efforts for some Indo-Pakistani settlement. This started with the unscheduled and unannounced visit to India and Pakistan of Walt W. Rostow, President Kennedy's top adviser on policy planning, who held a number of meetings with the Indian and Pakistani leaders in the first week of April. (417) Although Rostow stated in an interview on 5 April that he was not carrying any proposal on Kashmir, (418) and although Bhutto himself confirmed it in the National Assembly on 10 April that the US or any other Government had not suggested any partition plan or any other proposal on Kashmir, (419) it was widely reported in the Pakistani Press (420) and confirmed by a report in the New York Times (421) that Rostow had suggested a partition plan during his talks.

(417) See Prem Bhatia's report in Indian Express, 2 April 1963; also see reports in the Times of India and Pakistan Times and Dawn between 3 and 6 April 1963.
(418) Dawn, 6 April 1963.
(420) Pakistan Times, 10 April 1963; Dawn, 17 April 1963; see also the statement of the Leader of the Opposition, Sardar Bahadur Khan, in National Assembly: National Assembly of Pakistan Debates, vol. 1, 10 April 1963, p. 1555.
According to the reported "Rostow plan", the dividing line would run north-west of the Srinagar-Leh road, giving a small portion of the Valley and Ladakh to Pakistan and keeping the major portion, including Srinagar, with India. (422)

In Pakistan indignation against the proposed partition plan was expressed by the Press, (423) the general public (424) and the opposition parties in the National Assembly. (425) Bhutto had, therefore, not only to deny that any plan had been suggested by Rostow but to reassure the National Assembly that "this Government will never accept a proposal which is not equitable and honourable and which will not safeguard the interests of the people of Kashmir and which does not bring about justice to them", (426)

It might be because of the reaction in Pakistan to the reported American partition plan that Nehru, in an interview with a correspondent of the New York Times, expressed himself against any partitioning of the Valley. (427) The Indian Press, however, refrained from commenting on the American plan, and one newspaper even criticized Nehru for expressing himself against the idea of partitioning the Valley. (428)

(422) According to Thomas Brady's report, the Washington solution, which Rostow carried to the Indian subcontinent, was "partition that would divide the vale of Kashmir northeast of Srinagar so that the State's capital would remain under Indian control". Ibid. See also Pakistan Times, 10 April 1963.


(424) Ibid.

(425) Speech of Sardar Bahadur Khan in National Assembly demanding "a categorical statement" from the Pakistani Government that it "will not accept partition as suggested by Anglo-American bloc,..." See, National Assembly Of Pakistan Debates, vol. l, 10 April 1963, p. 1555.

(426) Ibid., p. 1555.


(428) Editorial of Indian Express of 19 April 1963.
Second Karachi Talks (22-25 April 1963)

The fifth round of talks in Karachi between 22 and 25 April followed the same pattern set by the third and the fourth rounds of talks. Swaran Singh stated in his very first speech that India had no proposal to make and that he would rather do the listening than talking. (429) In the talks, Bhutto claimed "literally...the whole of Jammu and Kashmir state" (430) saying that it comprised the catchment areas for Pakistan's rivers, the Chenab and the Jhelum, that the population in the Valley was predominantly Muslim, and that the merger of the State with Pakistan was imperative for the protection of the Pakistani Grand Trunk Road and the railways. (431) These claims were summarily rejected by the Indian delegation. With regard to the Pakistani claim to the catchment areas of its rivers, the Indian delegation pointed out that the Indus Waters Treaty protected Pakistan's interests fully and that it could not advance the "catchment area" argument to lay a claim on any part of Jammu and Kashmir. (432) Pakistan's claim to the whole of the Valley was also...


(430) The Times, 26 April 1963; also P. Dasgupta's report in the Hindustan Times, 24 April 1963. K. Rangaswami's report in The Hindu, 25 April 1963; and above all Nehru's disclosure in the Lok Sabha on 13 August 1963 in which he said: "They were out to claim the entire State of Jammu and Kashmir, leaving to India, as it happened, in a forgotten moment of generosity, an insignificant area in the extreme south, roughly coinciding with the district of Kathua." Lok Sabha Debates, series 3, vol. 19, 13 August 1963, col. 162.


(432) Nehru in the Lok Sabha on 13 August, n. 430, col. 161; and same as n. 431.
rejected by it because India had ruled out the communal approach much earlier. (433) No other specific proposal was reported to have come up during the talks. (434)

As neither of the parties was prepared to yield any ground, the two delegations departed on 25 April after issuing a routine joint communique in which they referred to their discussion of the various aspects of the Kashmir problem and announced that they had agreed to continue the talks in Delhi on 15 May 1963. (435)

During the interval between the fifth and the sixth rounds of the Indo-Pakistan talks, two developments took place. The first was that the Anglo-American Powers made their last bid to save the talks from a complete rupture. Secondly, India's attitude hardened perceptibly.

In order to save the complete breakdown of the talks, Britain and the USA came out with a plan of temporary internationalization of the Valley. This plan not only had the blessings of the Pakistani President but was in fact proposed by him. Thus, in an interview with the staff correspondent of a US weekly, President Ayub Khan ruled out the idea of partitioning of the Valley and suggested that "we can consider some sort of arrangement under which Indian interests and our interests are both reasonably secured until such time as people are asked to remain with India or Pakistan". (436) Although


(435) For the text of the communique see ibid., 26 April 1963; also The Hindu, 27 April 1963.

the US weekly carried this interview in its issue of 13 May, the
Pakistan Times gave out its summary as early as 29 April. Soon
after this, on 2 May, Sandys, the British Commonwealth Secretary,
sounded Nehru about it. (437) But this was rejected by the Indian
Prime Minister "in clear terms". (438)

A suggestion, then, was supposedly made by the Anglo-American
envoys to the Pakistani President to agree to the extension of the
talks beyond the sixth round, but it was turned down by the
latter. (439) Lastly, a suggestion was made that a third party
acceptable to both sides should be asked to mediate. (440) To this
India had no objection, but Pakistan was not responsive and its Press
was hostile. (441)

While these developments were taking place, Indian opinion
underwent a transformation. In view of Pakistan's inflexibility in
its attitude to Kashmir, its hostility to the UK-US military aid
to India to fight the Chinese, (442) and its pro-Chinese

(437) See Prem Bhatia's report in Indian Express, 3 May 1963.
See also Nehru's answers to questions in the Rajya Sabha on
7 May 1963, Rajya Sabha Debates, vol. 43, 7 May 1963,
cols 2455-6. In the Rajya Sabha Nehru said that not
internationalization of the Valley but "some such thing" was
suggested to him.

(438) See Prem Bhatia's report in Indian Express, 3 May 1963.
See also Nehru's reply to questions in Rajya Sabha, vol. 43,
7 May 1963, col. 2456.

(439) Pakistan Times, 7 May 1963.

(440) Reuter's report in The Statesman, 9 May 1963; also see

(441) Dawn, 9 May 1963; also editorial in Pakistan Times, 10 May
1963.

(442) Even recently it was repeated: See Bhutto's statement in
National Assembly of Pakistan Debates, vol. 1, 11 April 1963,
p. 1730; President Ayub's interview with a US paper, n. 436,
p. 82; and Bhutto's speech in Karachi University on
16 April, The Times, 17 April 1963.
declarations, (443) opinion in India hardened towards Pakistan. The recession of the Chinese threat and the Western promise of unconditional arms aid to India against the Chinese also indirectly added to it. (444) Thus, although in the earlier rounds of the talks, India had been in a mood to make some concessions, Nehru now declared in the Lok Sabha that "we have made it quite clear that any idea of partitioning of Kashmir Valley would be exceedingly harmful and would not be acceptable to us", (445) an announcement which was greeted with a great applause in the House. (446) This, according to a columnist, "marked the end of a mood which began only six months ago" and "wrote 'finish'" to the chapter which had begun on the eve of the Chinese aggression on India. (447) In fact, as another Indian columnist suggested: "If India is required to surrender Ladakh and the Valley in order to placate Pakistan, could she not give away a few square miles of Ladakh to China itself and retain the Valley and incidentally re-establish friendship with the Chinese." (448)

(443) Even in a recent interview with a US paper President Ayub expressed his rejection of his own proposal of a joint defence saying that "a lot of water has flown under the bridge since then /the offer/, and unless the situation changes completely, the question of offering joint defence does not arise". See n. 436, p. 83.

(444) Fran Chopra, "Political Commentary - End of A Chapter: End of a Mood; Disillusion over the Attitude of Pakistan", The Statesman, 10 May 1963. About unconditional promise of Western military aid to India, see The Times, 3 May 1963; also see Nehru's statement in the Lok Sabha of 7 May in which he said that Duncan Sandys and Dean Rusk had made it clear to him that the UK and US military aid to India was not linked with the settlement of Indo-Pakistani differences including those over Kashmir. Lok Sabha Debates, series 3, vol. 18, 7 May 1963, cols 14197-8.


(446) Fran Chopra's political commentary, n. 444.

(447) Ibid.

Bhutto on the other hand, not only expressed himself firmly against a partition solution but also reiterated Pakistan's original demand for self-determination in Kashmir. (449)

Second, Delhi Talks (15-16 May 1963)

The sixth round of talks, which began in New Delhi on 15 May, "virtually collapsed" on the very first day and Bhutto announced that he was flying back to Karachi on 16 May, cutting down his scheduled stay for almost two days. (450) The first day's talks were mainly devoted to a consideration of Pakistan's proposal for six months' international control over the Valley, at the end of which the wishes of the people were to be determined in some form. (451) It was rejected by India because, as Nehru explained in the Lok Sabha on 13 August 1963, "this was the old and discarded idea of a plebiscite, without Pakistan having to implement the conditions laid down in the UNCIP Resolutions". (452) India, on the contrary, suggested a no-war agreement, together with a practical and immediate disengagement of troops and a specific undertaking that the two countries would continue to seek a


(450) Pakistan Times, 16 May 1963.

(451) Ibid.; See also Nehru's statement in the Lok Sabha on 13 August, Lok Sabha Debates, series 3, vol. 19, 13 August 1963, col. 152; Bhutto's statement in National Assembly, National Assembly of Pakistan Debates, vol. 2, 17 July 1963, p. 1568. In the National Assembly on 17 July, however, Bhutto stated that he had suggested internationalization for one year. He did not mention six months' international control. He also used the words that "at the end of a period of a year a plebiscite should be held, that is the wishes of the people should be determined in some form". So the word plebiscite was also used.

(452) Nehru, n. 451, col. 162.
peaceful solution of the problem. (453) This was rejected by Pakistan. The Pakistani delegation also refused to agree to remit the matter to the two Governments for review and for considering other appropriate steps towards a peaceful settlement. (454)

Reportedly Bhutto was even unwilling to issue a joint communique at the conclusion of the sixth round, and suggested instead that the two delegations should present their cases at a Press conference. (455) When, at last, he agreed to issue the communique, he reportedly told Swaran Singh that he was going beyond the brief given him by his Government, thus making it clear that he had come to Delhi fully anticipating a breakdown of the talks. (456) While agreeing to issue a joint communique, moreover, he refused to incorporate any of the usual references to the continuance of attempts on both sides to find a settlement of the Kashmir problem or to their commitment to find a peaceful solution of the issue. (457) In their joint communique, therefore, the two delegations simply noted that they held their talks in six sessions which "were frank and cordial" and "recorded with regret that no agreement could be reached on the settlement of the Kashmir dispute". (458)

(453) Ibid., cols 162-3 (also Pakistan Times, 16 May 1963).
(454) Ibid., col. 163; also Pakistan Times, 16 May 1963.
(455) The Times, 17 May 1963; also see Prem Bhatia's report in Indian Express, 18 May 1963.
(457) The Times, 17 May 1963. See also Swaran Singh's disclosures to the pressmen in Hindustan Times, 17 May 1963.
After the breakdown of the talks on 16 May both Swaran Singh and Bhutto held Press conferences separately in New Delhi. Swaran Singh expressed his intention to "continue these efforts" and said that India would "not be averse to utilizing the good offices of a mutually acceptable personality" for resolving the Kashmir problem and other Indo-Pakistan problems. But Bhutto said that the breakdown of the talks marked not merely the end of the first phase of Indo-Pakistan negotiations, but the final breakdown and added: "I cannot anticipate mediation at present." Bhutto also attributed the failure of the talks to India's traditional hostility to Pakistan, while Swaran Singh thought that it was due to Pakistan's unrealistic attitude of rejecting India's generous offer of a political settlement. (459) In his Press conference, Swaran Singh also revealed that India was prepared to offer 34,000 square miles to Pakistan out of the total area of 34,471 square miles of the State of Jammu and Kashmir but Pakistan was ready to concede to India hardly 3,000 square miles of the total area of the State of Jammu and Kashmir. (460) India, thus, was ready to hand over 3,000 square miles of the territory of Jammu and Kashmir to Pakistan in addition to what had already been in Pakistan's possession. (461)

An Assessment of Talks between Bhutto and Swaran Singh

The talks revealed certain significant things. Firstly, it once more revealed the dimensions of the differences between the

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(460) *Times of India*, 17 May 1963.

two parties. As a corollary, it made it clear that unless the two parties changed their position to a considerable degree, a settlement on Kashmir was not possible. It also disclosed that the only possible settlement of the problem could be political, involving the partition of the Kashmir Valley. Finally, it demonstrated that if the talks were to succeed, both sides must ignore China and the role that it might play in Indo-Pakistani relations. In other words, India must give up the idea once for all that a settlement of the Kashmir problem would lead to an Indo-Pakistani entente against China, and Pakistan must give up the notion that it could exploit its friendship with China, to derive concessions in Kashmir. (462)

Why Did the Talks Fail? Both sides accused each other for the failure. Pakistan attributed the failure to India's traditional hostility towards Pakistan, (463) and India declared that from the very beginning Pakistan "was interested not so much in a settlement...but only in making political capital out of the situation created by Chinese aggression against India" (464) and that its aim was "non-settlement and a deadlock". (465) Neither of the accusations was true. The failure was due to the following reasons:

1. Both sides approached the issue from their own rigid angles. India wanted to retain the part of Kashmir which it controlled, etc.


(463) See Bhutto's Press interview on 16 May 1963, cited earlier.


(465) Ibid., col. 163.
while Pakistan aimed at obtaining the whole of Jammu and Kashmir with few concessions to India. For Pakistan, the best solution was a plebiscite, or, alternatively, a political settlement that would practically give it what it expected to get from a plebiscite in Jammu and Kashmir.

(2) The time of the initiation of the talks was also not propitious for it. The aftermath of the Chinese aggression on India was hardly a suitable time for negotiations on Kashmir. (466) Having been humiliated by China, a stronger Power, India was psychologically unprepared to be generous and make any sort of concession to any Power, let alone a weaker Power like Pakistan. On the other hand, the crash of India's military prowess at the hands of the Chinese had inflated Pakistan's demands. It thought that it was the proper time to press India to make concessions, and that in view of its difficulties with China, India might possibly give way to Pakistani claims if it was pressed hard. (467) This explains the Pakistani move to come closer to China, its repeated reminders to its Western allies that if the Kashmir problem was not settled, it might cultivate China even more, and its criticism of the Western arms aid to India, and its threat to quit the Western defence pacts.

(3) Thus, while Pakistan wanted either the acceptance of its highest bid or a complete failure, India, in view of the wishes of its Western friends, tried to go as much as it could without prejudice

(466) Referred to earlier.

(467) Daily Telegraph editorially wrote on 28 November 1962: "Now for the first time since the Indian occupation of Kashmir, Pakistan sees a chance of equalising her position."
to its own interests and to show that it sincerely wanted a settlement. As we have already seen, the Pakistani partition plan claimed the whole of the Valley, Ladakh, and the major portion of Jammu, leaving, as Nehru rightly said, "in a forgotten moment of generosity", an insignificant area "roughly coinciding with the district of Kathua". (468) Even if Pakistan's two nation theory had been accepted (which India does not accept), the utmost that Pakistan could have claimed was the Valley, as Ladakh and Jammu were non-Muslim majority areas. But Pakistan's claims embraced even Jammu and Ladakh. So far as the Valley was concerned, the whole dispute between India and Pakistan since 1947 had centred round it and it could not be expected that India would surrender the whole of the Valley to Pakistan. It is true that during the talks India was prepared to part only with a small part of the territory of Kashmir under its control. But it must be noted here that Pakistan had violently reacted to and rejected every reported Western scheme for the partition of the Valley. Pakistan's alternatives were also not attractive to India. For, according to one alternative suggestion, India was to retain the Valley for six months or a year in order to defend Ladakh and then to surrender the Valley to Pakistan. According to another Pakistani proposal, the Valley was to be kept under international control for a period of six months and then its fate was to be decided in accordance with the wishes of its people - this amounted, in India's eyes, as mentioned earlier, to the holding of plebiscite without Pakistan having to implement the conditions laid down in the UNCIP Resolutions. (469) Pakistan, thus,

(468) Nehru, n. 430.

wanted a settlement on its highest bid. In case these terms were unacceptable to India, it wanted the talks to be called off. In fact, as explained later by Bhutto, Pakistan entered the talks with a clear appreciation of the fact that even in case of a rupture, it would be a gainer. On 17 July 1963 he claimed in the National Assembly "that Pakistan has definitely gained by having entered into these negotiations with India". He said that the negotiations were "evidence of the fact that the Kashmir problem exists", and that it was an important dispute in the international arena. (470) He added on 24 July 1963: "You would recall that India had taken the position that there is no dispute arising out of Kashmir....And today, when negotiations were reopened,...they admitted that the Kashmir dispute existed." (471) This explains Pakistan's demand for all or nothing during the talks because in both cases it expected a gain. Pakistan's motive for a genuine settlement of the Kashmir question during the talks could, thus, be doubted.

So far as India was concerned, it desired a settlement but not at the risk of a radical change in the status quo in Kashmir. In fact, after having already lost a big chunk of its territory in a clash with China, it was in no mood for another major concession to yet another Power if it could avoid doing so. Hence, we notice that it favoured very little change in its original position on Kashmir and it hesitatingly agreed to the Western


request for talks. (472) One may, thus, feel tempted to agree with Dawn's editorial comment of 17 May 1963 that "from the start it was obvious that India had come to the talks only to oblige the Anglo-Americans at whose mercy she was at the time". So far as the Indian offer was concerned, it was not so unfair as it appeared to Pakistan. (473) For, if one excluded the area of Kashmir that China occupied in 1962, the territory that India offered Pakistan was almost equal in size to what it retained in its own hands. (474) Moreover, as claimed by a columnist, the international boundary as suggested by India would have accorded not only with natural features but also with the various linguistic groups. (475) India might have yielded something more if the Pakistani attitude had been slightly flexible.

(4) Pakistan's hobnobbing with China, its praise for China and criticism of India on the Sino-Indian question, its all-out emphasis on friendship with China, and, above all, its handing over, even while talks were going on between Bhutto and Swaran Singh, a large part of Kashmiri territory to China, a country which had invaded India — all this hardened the Indian mood towards Pakistan and

(472) Reference here could be made particularly to Nehru's statement of 30 November 1962. See n. 309.

(473) See Kingsley Martin's statement in n. 399.

(474) As stated by President Ziau1 Khan himself, by November 1962, India had lost 15,000 sq. miles of territory in Kashmir to China. See Mohammad Ayub Khan, "The Pakistan American Alliance: Stresses and Strains", Foreign Affairs (New York, N.Y.), vol. 42 (1963-64), p. 201. If this area of 15,000 square miles is taken away from the total area of 84,471 square miles, and if an area of 34,000 sq. miles is given to Pakistan, hardly 35,471 square miles would remain with India.

(475) Rangaswami, n. 461.
adversely affected the course of the talks. (476) The launching by Pakistan of an "unprecedented campaign of vilification against India not only in Pakistan, but also in the capitals of Europe through the responsible officers" (477) and the continued Pakistani criticism of Western arms aid to India to fight the Chinese further irritated the Indians. Recession of the Chinese threat and the unconditional promise of Western arms aid to India for defence against China also helped revive the old mood in India. (478)

(5) The Press and the public in both countries, and particularly in Pakistan, did not play a healthy role during the talks. Any talk of a partition of the Valley and concession to India and a friendship with India that might affect in any way Sino-Pakistani friendship was summarily rejected by the Pakistani Press, the members of the National Assembly, and the general public in Pakistan. As noted earlier, they even objected to the initiation of the talks and suggested to their Government that it should make use of the opportunity offered to it by the Chinese threat. Dawn's alternative to a plebiscite in Kashmir under the UN control, as spelled out in its editorial of 7 February 1963 was that "a 'political settlement'... must be one which, when implemented, will see the flag of Pakistan...

(476) See earlier the reasons for the hardening of the Indian attitude. Also see Nehru's statement in Lok Sabha Debates, series 8, vol. 19, 13 August 1963, cols 159-60.

(477) Nehru's statement in the Lok Sabha, ibid., col. 161. The tour of Pakistan's Information Minister, Fazlul Quader Choudhry, to Britain and France in this connexion and statements made by him in those places might be referred to here. For this, see Dawn, 11 November 1962 and Khalida Qureshi, "Pakistan and the Sino-Indian Dispute — II", Pakistan Horizon, vol. 16 (1963), p. 68.

(478) See earlier.
hoisted on every housetop of Srinagar". In its editorial of 13 February 1963, it had further inflated its demands which were: (1) Provision for taking into account the wishes of the people of Kashmir; (2) the Valley of Kashmir must remain unpartitioned and come to Pakistan as a whole either immediately or after a period of six months or a year; and (3) the economic and strategic requirements of Pakistan in the whole state of Jammu and Kashmir must be safeguarded. The Pakistan Times took a similar stand. From the beginning it insisted on self-determination, (479) and warned against any settlement with India at the cost of Sino-Pakistani friendship. (480)

In India, although the Press and the general public were not hostile to the talks or to making certain concessions to Pakistan, they were also almost unanimous in their views against a plebiscite and against a radical change in the status quo in Kashmir. (481)

The Kashmir problem, thus, continued as a big irritant in Indo-Pakistani relations. It was responsible not only for the evaporation of the cordial atmosphere created by the leaders of the two countries during 19-23 September 1960, but also for the

(479) See its editorials of 13 and 30 December 1962 and 8 February 1963.

(480) See its editorials of 1 and 2 December 1962; also see Dawn's editorial of 23 April 1963 captioned "The three approaches".

development of a tense situation between India and Pakistan towards the end of 1961 and for preventing any close understanding between them when China attacked India in October 1962. It was an issue over which both the sides found it difficult to budge from their original positions. They adopted too rigid an attitude to make any solution possible. Neither the friendly exchange of words during 19-23 September 1960 nor the use of forceful language by the two countries during 1961-62, nor a debate in the Security Council in 1962, nor even the Western pressure exercised on them, particularly after October 1962, could bring a solution to this problem.