Chapter Four

BORDER PROBLEMS
The partition of the Indian subcontinent into India and Pakistan was accomplished not on the basis of natural frontiers but essentially on considerations of the religious faiths of the communities: the north-western and north-eastern parts of the subcontinent, being predominantly Muslim, formed the state of Pakistan. (1) This resulted in the partitioning not only of provinces, towns and villages but sometimes also of houses. (2) The frontier, particularly that between India and East Pakistan ran through paddy fields, grazing grounds, fishing ponds, small rivers and forests. (3) Only three full provinces — Sind, Baluchistan and the North-West Frontier Province — formed part of Pakistan; the Punjab, Bengal, and Assam were to be divided. Even the full provinces, being parts of one country and under one administration, had no natural frontier. They had not also been clearly demarcated on the ground. (4) To this were added the controversies arising


(2) B.N. Chakravarty's statement in General Assembly Official Records (GAOR), session 17, plen. mtg 1141, 3 October 1962, p. 318.


(4) The non-demarcation of boundary of Sind, for example, led to a major armed clash between India and Pakistan in 1965.
from the discrepancies in the Radcliffe Award, (5) under which the Punjab, Bengal, and Assam were partitioned and the Indo-Pakistani boundaries in these provinces were fixed. Accession of native States (especially those situated near the common border of India and Pakistan) to either of the Dominions created further difficulties.

Kutch, Cooch-Behar and Tripura States, which acceded to the Indian Union, were such states. Kutch had undemarcated boundary with Sind.

Cooch-Behar, which acceded to India, had 123 enclaves in British India which, after Partition, fell on the Pakistani side, while 74 of the Pakistani enclaves were left in the Cooch-Behar area of India. (6) The Tripura State had its border disputes with British India in the Feni river area, which after Partition, became an Indo-Pakistani dispute. (7) Subsequent changes in the course of some rivers forming the Indo-Pakistani border also created confusion. (8)

(5) In accordance with the 3 June 1947 plan, under which Pakistan was to be formed (text of 3 June 1947 plan see in n. 1), two boundary commissions — one to deal with the partition of Bengal and separation of Sylhet from Assam and the other to deal with the partition of the Punjab — were set up under the chairmanship of Sir Cyril Radcliffe (an Australian). Both parties had undertaken to accept Sir Cyril's decision as final. As there were wide differences in the opinions of the other members of the two Boundary Commissions, they being nominees of the Congress and the Muslim League, Radcliffe gave his own award. This award was known as the Radcliffe Award. For the text of the Radcliffe Award with regard to the Punjab, see Satya M. Rai, Partition of the Punjab (Bombay, 1965), Appendix IV, pp. 206-72 and for the text of his award concerning Bengal, see Chapalakanta Bhattacharyya, Radcliffe Award: A Case for Revision (Calcutta, n.d.), Appendix A, pp. 63-68.


(7) See reply to questions by Indian Parliamentary Secretary in the Ministry of External Affairs, J.N. Hazarika, Lok Sabha Debates, series 2, vol. 53, 6 April 1961, cols 9559-60, 9562.

Brief History of Border Disputes up to September 1960

**Border Disputes between India and West Pakistan**  As a result of differences in the interpretation of the Radcliffe Award, four important disputes arose between the two countries. They were:

(a) Chak Ladhake; (b) Theh Sarja Marja; (c) Hussainiwala Headworks; and (d) Sulemangki Headworks — all on border between the Punjab (India) and West Pakistan. Serious firings were reported in these and other areas in this sector in March 1956, (9) October 1957, (10) and June 1958. (11)

**Border Dispute between India and East Pakistan**  The Radcliffe Award in this sector resulted in conflicting interpretations by India and Pakistan at least in four areas — two on the border between West Bengal and East Pakistan and two on the frontier between Assam and East Pakistan. An Inter-Dominion Agreement was, therefore, signed in December 1948, and Justice A. Bagge of the Supreme Council of Sweden was selected as chairman of the new tribunal to look into these disputes. The Bagge Award, which was given in February 1950, was able to solve satisfactorily the two disputes relating to the border between West Bengal and East Pakistan. (12) But in the two disputes relating to the border between Assam and East Pakistan (the Patharia forest and the Surma-Kusiyara river area near Karimganj),

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(10) Report 1957-58, n. 9, p. 18.


(12) These disputes were formally settled in a conference of Indo-Pakistani officials during 30 September - 3 October 1953. See The Hindu (Madras), 5 October 1953.
the differences between the two countries persisted in spite of the award. (13) In the Surma river area armed clashes were reported in February-March 1956, (14) August 1958, (15) and February 1959. (16) Similar incidents were also reported in the Patharia forest area in February 1959. (17) Incidents were reported in other areas on the Indo-East Pakistani border in 1958 and 1959. (18)

**Border Agreements of 1958, 1959, and 1960** In order to avoid border incidents and settle border disputes amicably, three important agreements were reached by India and Pakistan between September 1958 and January 1960. They were: the Nehru-Noon Agreement of September 1958 and the agreements of October 1959 and January 1960 reached by Swaran Singh and Lt-General K.M. Shalik.

(1) Nehru-Noon Agreement, 1958: In the Nehru-Noon Agreement, which was the result of the meeting of the Indian and Pakistani Prime Ministers, Jawaharlal Nehru and Feroz Khan Noon respectively, in New Delhi between 9 and 11 September 1958, the two Prime Ministers "arrived at agreed settlements in regard to most of the border disputes in the eastern region". (19) Eleven disputes relating to

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(13) For details of the history of the disputes relating to the border between India and East Pakistan, see A. Tayyeb, Pakistan: A Political Geography (London, 1966), pp. 91-95.


(15) The Times (London), 28 and 31 March, 15 April, and 8 August 1958; and The Hindu, 24 May 1958.


(17) Ibid., 6 February 1959.

(18) Ibid., 31 December 1958, and 16 March and 2 April 1959.

the border between India and East Pakistan were discussed, and nine of them were settled; the two which were left unsettled were those relating to the Feni river area and the Surma-Kusiyara sector. (20) It was decided that the Berubari Union, about which there had been a dispute between the two countries owing to some confusion in the Radcliffe Award, (21) should be divided into two equal halves, one going to Pakistan and the other remaining with India. It was also decided to exchange the Cooch-Behar enclaves in Pakistan and the Pakistani enclaves in India. The two Prime Ministers further agreed to exchange by 15 January 1959 the territories covered by the Bagge Award along the Indo-Pakistani border in Bengal. (22) The disputes relating to the border between India and West Pakistan — Hussainiwala and Sulemanki — were also discussed by the two Prime Ministers who authorized the Foreign Secretary of Pakistan and the Commonwealth Secretary of India to submit proposals to them regarding these disputes. (23) Accordingly, the two secretaries met in Karachi in February 1959. But they failed to reach any agreement. (24)


(21) See Nehru's statements about the Berubari dispute in Lok Sabha Debates, series 2, vol. 48, 5 December 1960, cols 3851, 3852 and in India, Rajya Sabha Debates, vol. 31, 22 December 1960, col. 3206. According to Nehru, in the Rajya Sabha Debates just referred to, the controversy arose because, according to the line drawn by Radcliffe, in the map used by him, nearly the whole of the Berubari Union had been given to Pakistan but in the writing he had not made clear about it and the rule of interpretation was that where the writing was clear, the writing prevailed over the map.

(22) For details of this agreement and the settlement of some other disputes on border between India and East Pakistan under this agreement see Noon's statement before Pressmen at Karachi airport, after his return from Delhi, on 11 September 1958 in The Hindu, 12 September 1958. Also see other reporting about the agreement, ibid.

(23) See text of the joint statement, n. 19.

(24) Report 1959-60, n. 9, p. 23. Text of the joint communiqué of this meeting see in n. 19, p. 382.
(ii) The Agreement of 1959: In pursuance of the decision taken in a meeting on 1 September 1959 by President Ayub Khan of Pakistan and Prime Minister Nehru of India, Swaran Singh, India’s Minister of Steel, Mines, and Fuel and Lt.-General K.M. Shaikh, Pakistan’s Minister of Interior, met at Dacca and in New Delhi between 15 to 22 October, consider Indo-Pakistani border disputes. In these meetings, the two Ministers discussed the two disputes unresolved by the Bagge Award, namely the disputes relating to the regions of the Patharbar forest and the Surma-Kusiyara rivers. About the former, they decided to adopt "a rational boundary" and regarding the latter, they adopted the thana boundaries of Beni Bazar and Karimganj as the Indo-Pakistani boundary in the region. They also adopted detailed ground rules which were formulated by the Military subcommittees of the Indian and Pakistani delegations. They, further, reaffirmed their determination to settle all outstanding disputes between the two countries by negotiation and agreed that if they were not settled by negotiation, they would be referred to an impartial tribunal. (25)

Earlier in August 1959 a conference of the Chief Secretaries of West Bengal and Assam, the Chief Commissioner of Tripura and the Chief Secretary of East Pakistan had also taken place at Dacca in which they reached useful decisions regarding periodic meetings between local officials of both sides of the border and the procedure for seasonal demarcation in areas where this was necessary. (26)

(25) See text of Indo-Pakistani joint communique on border disputes issued on 23 October 1959, n. 19, pp. 383-5. Also see text of "Ground Rules" formulated by the Military subcommittee of the two delegations, ibid., pp. 385-93.

(iii) The Agreement of 1960: Between 4 and 11 January 1960 Swaran Singh and Lt-General Shaikh held a series of meetings, this time to settle Indo-Pakistani border disputes in the Punjab. During these meetings they resolved all the four border disputes relating to the region about which a mention has been made earlier. They further contemplated completion of the demarcation of the boundary between Punjab and West Pakistan by the end of April 1960 and agreed for the transfer of territories in adverse possession in the area by 15 October 1960. Detailed ground rules for observance on the border were also evolved. (27)

As a result of these agreements, most of the Indo-Pakistani border disputes were settled. So far as the border between India and West Pakistan was concerned, only the dispute relating to the Rann of Kutch remained unresolved.

Implementation of the Above Agreements up to 19 September 1960

In pursuance of the Nehru-Noon Agreement, the territories between West Bengal and East Pakistan covered by the Bagge Award were exchanged between the two countries on 15 January 1960. (28) The transfer of the Berubari Union to Pakistan caused some difficulty because the West Bengal Legislative Assembly and Council passed a resolution against the transfer on 29 and 30 December 1958 respectively. (29) Undeterred by it, the President of India sought in April 1959, the advisory opinion of the Supreme Court of India on


(28) See the statement of Sadath Ali Khan, India’s Parliamentary Secretary to the External Affairs Minister, Lok Sabha Debates, series 2, vol. 51, 4 March 1961, col. 2827.

the constitutional measures needed for the implementation of the Nehru-Noon Agreement with regard to the Berubari Union and the Cooch-Behar enclaves. (30) The Supreme Court gave its opinion on 14 March 1960, suggesting different methods to this effect. (31)

So far as the border between India and West Pakistan was concerned, it was announced in Simla in September 1960 after talks between Indian and Pakistani representatives that survey and demarcation of the boundary between the Punjab (India) and West Pakistan had been completed and that there were no more points of dispute. (32)

Progress was also made in the demarcation of the Indo-Pakistani boundary in other sectors. On the border between Rajasthan and West Pakistan, where demarcation work had been started in October 1959, 120 out of 650 miles of the boundary, was demarcated. (33) On the border between India and East Pakistan, which is 2,520 miles long, roughly three-fifths of demarcation work was completed by June 1960. (34)

Border Problems From September 1960 to September 1965

Between September 1960 and September 1965, except on the Kutch-Sind border, the border between India and West Pakistan remained comparatively free from armed clashes. But for the concentration of troops of the two sides in the area in 1962 and during the Kutch


(31) For details, see *The Hindu*, 15 March 1960.

(32) *Hindustan Times* (New Delhi), 11 September 1960; also see *Pakistan Times* (Lahore), 13 September 1960.

(33) See the reporting of the Indo-Pakistani survey officials' meeting of 6 May 1960 in *Hindustan Times*, 8 May 1960.

(34) Report 1960-61, n. 9, p. 22.
crisis in 1965, there was no serious incident in the area. The border between Rajasthan and West Pakistan was also demarcated on ground, and the only border which was left undemarcated in the western area was the Kutch-Sind border. As against this, the border between India and East Pakistan remained very much disturbed. This was so in 1962, 1964, and more specifically in 1965, during the mounting tension and clashes in the Rann of Kutch. The intensity of the incidents in this sector decreased to some extent after the signing of the Kutch Agreement on 30 June 1965, which informally contemplated the disengagement of Indo-Pakistani troops along their entire frontier. The Nehru-Noon Agreement regarding the transfer of half of the Berubari Union to Pakistan and exchange of enclaves did not materialize. The demarcation on ground of the border between India and East Pakistan, moreover, remained incomplete.

**Border between India and West Pakistan** In order to implement the agreement of January 1960, an Indo-Pakistani border conference of officials took place at Lahore on 21 and 22 November 1960. In this conference schedules for the transfer of enclaves on the frontier between West Pakistan and the Punjab were drawn up. These schedules envisaged the completion of work by 31 December 1960. (35) On 17 January 1961 the work of the exchange of territory was completed, (36) and as a result India received 51,375 acres of land from Pakistan as against 24,000 acres of land and a strategic bridge near Dera Baba Nanak which went to Pakistan. (37)

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In pursuance of the provisions of the January 1960 agreement, the Foreign Secretary of Pakistan and the Commonwealth Secretary of India met in New Delhi from 22 to 26 August 1961. They reviewed the ground rules of January 1960 relating to the border between India and West Pakistan and brought them up to date. One of the important provisions under the new rules was that there could be no pickets or observation posts within a range of 150 yards on either side of the boundary. (38)

By March 1962 the demarcation of the border between Rajasthan and West Pakistan was also completed. (39) On 26-27 September 1963 the strip maps prepared after the demarcation of the international boundary between Rajasthan and West Pakistan were further ratified at Karachi. (40)

There was also co-operation in this sector between the two countries in the matter of liquidating dacoit gangs on the border and to apprehend criminals and smugglers. Conferences of police officials of the Punjab and West Pakistan were held in June 1961 (41) and in July 1962, and certain decisions about the smugglers and other criminals operating on the Punjab-West Pakistan border were taken. (42) Similarly meetings of the officials of the Rajasthan police and West Pakistan Rangers were held on 15-16 October 1961 (43) and on

(38) For details and the joint communique of this conference, see _Indian Information_ (Delhi), vol. 3, 15 September 1961, pp. 483-7.


(40) See answer to a question by Lakshmi Menon, India's Minister of State for External Affairs, in _Lok Sabha Debates_, series 3, vol. 22, 18 November 1963, col. 47.

(41) _Indian Express_, 13 June 1961.

(42) _Report 1962-63_, n. 9, p. 16.

(43) _Hindustan Times_, 18 October 1961.
19 February 1963. In the meeting of 19 February 1963 the police officials of the two sides agreed to co-operate in tracing the dacoit gangs and to take effective measures to liquidate them. (44) A joint campaign for this was actually launched in the first week of April 1963. (45)

In spite of all this co-operation in this sector for peace along the border, this area also remained disturbed owing to the concentration of troops on both sides in 1962 and 1966 and also because of several air-space violations. Following the jehad slogan raised in Pakistan to "liberate" Jammu and Kashmir during the end of 1961 and early 1962, (46) there were reports about the concentration of seven Indian divisions within striking distance of the West Pakistan border, (47) although this was denied as "baseless" by the Indian side. (48) In 1965, again, during the armed clash in the Rann of Kutch, there was heavy concentration of the armed forces of the two countries all along the Indo-Pakistani border, particularly along the

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(45) Hajarnavis' reply to questions, ibid., vol. 12, 1 May 1963, col. 13104.

(46) See Ch. Two.


border between West Pakistan and the Punjab. (49) Some firings were also reported from the Pakistani side in this sector, even after the Kutch Agreement, on 26-27 July 1965. (50)

There were also reports of several air space violations by Pakistan in the years 1961-65. (51) In May 1965 the Government of India repeatedly protested to the Pakistani Government against these violations. (52) Pakistan denied the violations and complained on the other hand about the violations of its own air space by the Indian planes. (53) On 24 June 1965 a serious incident took place in which

(49) See President Ayub Khan's broadcast of 1 June 1965 in which he said that "today armies of the two countries are facing each other in an atmosphere charged with tension". Pakistan Times, 2 June 1965. See also his statement of 30 June 1965 in Dawn, 1 July 1965. For the text of the letter of 7 May 1965 from the Permanent Representative of Pakistan to the President of the Security Council, in SCOR yr 20, supplement for April, May, and June 1965, Doc. S/6349, p. 107, complaining about the deployment of four Indian Infantry Divisions, including one Armoured Division and one Armoured Brigade along the border between the Punjab and West Pakistan. Also see the text of the letter of 28 May 1965 from the Permanent Representative of India to the President of the Security Council, ibid., Doc. S/6389, pp. 195-7, reporting the concentration of Pakistani troops on the Indian borders.


a "Toofani" jet fighter of India was shot down over Pakistani territory. (64) A spokesman of the Pakistan Air Force read a sinister meaning in this incident and claimed that the Indian aircraft was fully armed and that its guns were loaded. (55) A spokesman of the Indian Defence Ministry, on the other hand, denied the charge of reconnaissance, refuted the allegation of the aircraft being fully armed, and said that it was "a straight case of mechanical failure of an aircraft" and that it had no cameras and carried only "normal training ammunition". (56)

Problems relating to the border between India and East Pakistan

This border was the scene of much friction during the period from September 1960 to September 1965. The agreements of September 1968 and October 1969 regarding this sector were hardly implemented.

(1) Controversy over the Berubari Union: The idea of the transfer of half of the Berubari Union to Pakistan, which had continued as a part of West Bengal and in which some thousands of refugees had settled after the partition of Bengal, (57) created a big uproar in West Bengal. West Bengal's Chief Minister, B.C. Roy, emphatically declared his opposition to such a transfer on 24 November 1960, (58) and it was unanimously reiterated five days

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(64) Pakistan Times, 25 June 1965.
(55) Ibid., 26 June 1965.
(56) The Hindu, 26 June 1965.
(58) Hindustan Times, 25 November 1960. Roy had earlier written a letter to Prime Minister Nehru which was received by the latter on 21 November 1960. See Nehru's statement in Lok Sabha Debates, series 2, vol. 47, 22 November 1960, col. 1583.
later, on 29 November, by the West Bengal Legislative Assembly. (59) At the All-India Berubari Convention held in New Delhi on 10 December 1960, leaders of various political parties also protested against the transfer. (60)

In view of the expression of such feelings against the transfer of this area, the Indian Prime Minister approached the Pakistani President, through Pakistan's High Commissioner in New Delhi, sometime in the first week of November 1960, and requested that "it would be a good thing not only for India but also for Pakistan if by agreement, they took some other land". (61) This request was turned down by the Pakistani President, (62) who declared before the newsmen at Dacca on 1 December 1960 that if one agreement was not implemented there could be no guarantee that the alternative would be implemented and that if the writ of the Central Government of India did not prevail in West Bengal, no agreement or alternative could be implemented. (63) Dawn, in its editorial of 29 November 1960, also wondered as to "whom to talk to in India today". Pakistan's reaction to the embarrassing position of the Indian Prime Minister led an Indian columnist to remark that it appeared to him that "after having appeared to make all the running at one stage for the improvement of Indo-Pakistani relations, President Ayub has lost all interest

(59) Hindustan Times, 30 November 1960.
(61) Nehru's statement in Lok Sabha Debates, n. 57, col. 6565 and in Rajya Sabha Debates, n. 57, cols 3217-18. See also President Ayub's admission of this fact in his statement of 1 December 1960, Pakistan Times, 2 December 1960.
(63) Dawn (Karachi), 2 December 1960.
in the subject". (64)

It was at this point that the Chief Minister of West Bengal, on behalf of his party and Government, pledged his support to the transfer of Berubari on 12 December and said: "Right or wrong, the Prime Minister has come to an agreement. ... I do not want \[it\] to be said in the world that our country did not honour its word." (65) The Lok Sabha (on 20 December) (66) and the Rajya Sabha (on 22 December) also passed the Constitution (Ninth Amendment) Bill contemplating transfer of a part of the Berubari Union to Pakistan. (67)

After the talks at the official level between the representatives of India and Pakistan during 26-29 April (68) and 20-21 July 1961, agreement was reached regarding the approximate alignment of demarcation line as well as the actual demarcation on ground in the Berubari Union. (69) Another series of talks at the official level during 26-28 September, (70) however, proved inconclusive, and yet another of 18-19 November 1961 was postponed. (71) In the meantime, on 9 November 1961, when two members of the West Bengal Directorate of Land Records and Surveys were returning from East Pakistan after copying some data from the original volumes of land records relating

(64) S.M. Paued /i.e. Mulgaonkar/, "Ill Wind of Change in Pakistan", Hindustan Times, 14 December 1960. Ashok Mehta, Chairman of the PNS, also felt on 30 December 1960 that it would be "an act of tremendous goodwill if Pakistan now keep Berubari with India". The Hindu, 31 December 1960.


(66) Lok Sabha Debates, n. 57, col. 6609.

(67) Rajya Sabha Debates, n. 57, col. 3382.


(70) Ibid., 29 September 1961.

(71) Ibid., 29 November 1961.
to the Berubari Union, they were detained at a Pakistani checkpoint and deprived of those documents. (72) The result was that when the Director of Land Records and Surveys of West Bengal met his East Pakistani counterpart on 29 November 1961, in connexion with the demarcation of the Berubari Union, he demanded that the maps seized from the survey officials of India should be returned and that the safety of Indian officers sent for demarcation should be assured. This was not agreed to by his counterpart. (73) This added to the delay in the demarcation of the area. (74) After a two-day conference of the Chief Secretaries of East Pakistan and the adjoining Indian States on 1-2 August 1962, it was agreed that demarcation work should begin in all sectors on 1 November 1962. (75) Pakistan is reported to have given a categorical assurance in that conference about the safety of the border survey personnel. (76) Again, at a meeting of officials of the two countries, it was decided on 26 September to start demarcation of Berubari on 1 November 1962. (77) There was no follow-up action, however, and several meetings were postponed until, on 20 May 1963, it was decided that the demarcation work should begin in November 1963 and be completed by May 1964. (78) The demarcation


(73) See answer to question by J.N. Hazarika, Parliamentary Secretary, ibid., vol. 61, 16 March 1962, cols 659-60.


(76) Hindustan Times, 5 August 1962.

(77) The Hindu, 23 September 1962.

work was actually started on 9 November 1963, but as a result of some disturbances this could not be completed, (79) and the meetings of the survey officials of the two countries on 5 April, (80) 29-30 May, (81) and 17-18 July 1964 (82) were infructuous. At the last of the meetings, the Pakistani delegation insisted on a firm commitment by the West Bengal Government regarding the Berubari Union, but the West Bengal delegation told its Pakistani counterpart that it would not discuss the subject in view of an injunction of the Calcutta High Court. (83) On 2 February 1965 the Supreme Court of India issued a ruling which, while permitting the continuation of demarcation in the Berubari Union, restrained the Indian Government from passing any final order in the matter of the proposed transfer of the Berubari Union to Pakistan. (84) The Pakistani Government protested twice against the delay in the transfer of Berubari — once on 18 August (85) and again towards the end of November 1964. (86) Pakistan’s Minister for Interior, Khan Habibullah Khan, also declared on 20 February 1965 that he was not bound by any order of the Indian


(80) Pakistan Times, 6 April 1964.

(81) Dawn, 1 June 1964.

(82) Pakistan Times, 19 July 1964.

(83) See statement of the leader of the Indian Delegation to that meeting, Raghu Banerjee, of 18 July, in The Hindu, 21 July 1964. The fact was that a writ petition had meanwhile been filed in the Calcutta High Court against the transfer of the Berubari Union to Pakistan.

(84) Ibid., 3 February 1965.

(85) Pakistan Times, 19 August 1964.

(86) Ibid., 2 December 1964.
Supreme Court. (87) But India’s Foreign Minister, Swaran Singh, announced in the Lok Sabha on 16 March 1965 that "so long as the legal difficulties are not got over, the Government of India cannot and will not transfer that area". (88)

On 21 July 1965, after a two-day conference of survey officials of West Bengal and East Pakistan, it was decided to complete ground demarcation in the Berubari area in May 1966. (89) On 11 August 1965 the Supreme Court of India also dismissed the appeal of some Indian nationals praying for a writ against the transfer of the area. (90) But as an undeclared war broke out between the two countries on 1 September 1965 which lasted for twenty-two days and as normal relations have not completely been restored between them, the position of the Berubari Union has remained unchanged to this day.

Towards the end of March 1965 there were also reports of concentration of Pakistani forces near the Berubari area, and fear was expressed in important circles in India that the Pakistanis might seize the area by force. (91)

(ii) Incidents Relating to Pakistani Enclave of Dehagran and the Indian enclaves in Pakistan: Although, under the Nehru-Noon Agreement of September 1958 the exchange of Cooch-Behar enclaves in East Pakistan and East Pakistani enclaves in Cooch-Behar had been agreed to between the two countries, it did not come about owing to

(87) Ibid., 21 February 1965.
(89) Pakistan Times, 22 July 1965.
certain constitutional difficulties of India. (92) This posed serious problems both for India and for Pakistan. In the Pakistani enclave of Dahagram, particularly alarming situation developed in 1965.

The trouble in Dahagram is said to have emerged from Pakistan's preventing Indian officials from West Bengal from going to Indian enclaves in East Pakistan. (93) In retaliation, the West Bengal Government blocked the passage to Pakistani enclave of Dahagram, (94) which was situated about 150 yards inside Indian territory (95) in Cooch-Behar. Patrolling in the adjacent Indian area of Dahagram was also intensified in order to prevent unauthorized flow of goods and movement of Pakistani nationals through Indian territory from Pakistani mainland to the Dahagram enclave. (96) The Pakistani sources, on the other hand, alleged heavy concentration of Indian troops around Dahagram since 26 January 1966 and stated that on 2 February they had trespassed into this enclave and had ejected the Pakistani nationals from the enclave under threat of force. (97) On 14 March the Pakistani Government also delivered a protest note to the Indian High Commissioner in Karachi complaining against what it called the Indian occupation of Dahagram enclave on the night of 13-14 March 1965. (98)


(93) The Hindu, 5 February 1965.

(94) Ibid.


(97) For the background of Dahagram trouble, see Pakistan Press Release, no. 17, 20 March 1965.

(98) See text of the note, Ibid.
The Government of India denied the charges of concentration of its troops around Dahagram and of the occupation of Dahagram as "entirely without foundation". (99) Rather, the Government of West Bengal, by its telegrams of 12, 14, 16, and 17 March to the Government of East Pakistan, protested against the concentration of Pakistani troops on its border, against the oppression and harassment of Hindus in Dahagram, and against the firing from the Pakistani side in that area of West Bengal and urged the latter to cease firing forthwith. It also suggested a meeting of the Chief Secretaries, (100) a suggestion which was reiterated by the Government of India in its note of 17 March to the Government of Pakistan. (101) From the morning of 17 March heavy and intensive firing started in different areas of Cooch-Behar, and it is said that Pakistani forces used mortars and handgrenades. (102) On 19 March the Government of Pakistan expressed its willingness to accept the Indian proposal for a Chief Secretaries' meeting provided the Indian Government agreed to vacate Dahagram and provide transit facilities for Pakistani nationals, officials, and police for their return to Dahagram. (103) By another note of 20 March the Pakistani

(99) See text of the Indian note of 17 March 1965 delivered to the Pakistani High Commissioner in New Delhi in reply to the Pakistani note of 14 March 1965 in Indian Information, vol. 8, 15 April 1965, p. 162. On 22 March Swaran Singh also informed the Lok Sabha that the Chief Secretary of Bengal who visited the area had reported that there was not the slightest basis for the Pakistani allegation that Indian forces had aggressed against Dahagram. See Lok Sabha Debates, series 3, vol. 40, 22 March 1965, col. 5177.

(100) See Swaran Singh's statement, n. 96, cols 4941-4.

(101) See text of the note in Indian Information, n. 99.

(102) See Swaran Singh's statements, n. 96, cols 4943-4, 4945 and Lok Sabha Debates, n. 99, col. 5178.

Government further wanted to verify that Indian police or personnel had not entered into Dahagram. (104) After receipt of these notes, the Indian Foreign Secretary expressed his surprise on 20 March to the Pakistani High Commissioner in New Delhi that despite the categorical Indian denial of the occupation of Dahagram the Pakistani Government should have wished to hold an inquiry into it and suggested a four-point peace proposal. The main points of the proposal were (a) an immediate cease-fire, (b) grant of transit facilities to Pakistani nationals and officials on their application to this effect, and (c) agreement for a meeting of the Chief Secretaries of West Bengal and East Pakistan. (105) Although the Pakistani Government agreed to these suggestions on 22 March, (106) the cease-fire was delayed because Pakistan is said to have demanded the issue of visas to Pakistani officials to proceed to Dahagram even before the announcement of the cease-fire. An agreement was, therefore, reached in New Delhi on 29 March that there should be an early cease-fire and that by that time visas should be issued to Pakistani officials to go to Dahagram. (107) On 30 March, the cease-fire became effective. (103)

The Chief Secretaries’ conference took place on 9-10 April in which

(104) See text of the Pakistani note of 20 March 1965, ibid.

(105) See text of the note verbally handed to the High Commissioner for Pakistan by the Indian Foreign Secretary on 22 March 1965, Indian Information, vol. 8, 15 April 1965, pp. 162-3; also see Swaran Singh’s statement in Lok Sabha Debates, n. 99, cols 5178-9.


(108) See Swaran Singh’s statement in Rajya Sabha Debates, vol. 51, 31 March 1965, col. 5204; also see Pakistan Times, 1 April 1965.
the Chief Secretaries of West Bengal and East Pakistan agreed on the reciprocal transit facilities for the residents and officials of the two countries visiting their respective enclaves. (109)

Just after a month of the above cease-fire, Pakistan complained about the construction of a wall by India along Dahagram which was said to be a hundred yards long, nine feet high, and ten feet wide. (110) The Indian forces were also alleged to have encircled Dahagram. (111) Towards the end of August 1965 the Government of Pakistan further protested to the Indian Government against the harassment caused to the people of Dahagram. (112) The Indian authorities denied the charge of construction of the wall and said that they were building a new road. (113) Moreover, the Government of India made several protests to the Government of Pakistan about concentration of Pakistani armed forces along the border between East Pakistan and India in the Dahagram area, where they were said to be "indulging in highly provocative and aggressive activities" (114) such as harassment of the Hindu residents of Dahagram (115) and intrusion

(111) Pakistan Times, 1 July 1965.
(112) See text of the note in Dawn, 28 August 1965.
(113) See the reference to it in Pakistan Press Release, no. 43, 15 May 1965; also see the reference of the telegram of West Bengal Government in this respect in statement of Lakshmi Menon, in Lok Sabha Debates, series 3, vol. 46, 20 September 1965, col. 6357.
(115) See text of the Indian note of 21 May, ibid., p. 313.
of Pakistani policemen in Dahagram into a village in Cooch-Behar. (116)

There were similar, but less serious, reports about some Indian enclaves in East Pakistan. Firing by Pakistani forces was reported in the Indian enclave of Daikhata in Dinajpur district in September 1962, (117) where after a meeting of district officers on 2 November 1962 the Indian and Pakistani troops withdrew from the area. (118) During the Kutch crisis, this enclave again became a scene of trouble. In April 1965 it was reported that several Pakistanis had infiltrated into and constructed a road cutting through the enclave. This charge was, however, denied by the East Pakistani Government. (119) There were also reports of harassment of Indian officials visiting Indian enclaves in Pakistan, (120) ejection of Indian citizens from those enclaves, and creation of insecure conditions for them. (121)

(111) Dispute on the border between Assam and East Pakistan

Concerning Lathitilla-Dumabari Group of Five Villages: The dispute


(117) The Hindu, 18 September 1962.

(118) Ibid., 7 November 1962.


over the five villages in the Lathitilla-Dumabari area of Karimganj thana is a legacy of the Radcliffe Award, arising from the differences between the line drawn on map by Sir Radcliffe (which favoured Pakistan) and his detailed report (which favoured India). (122) As the boundary in this area had not been demarcated and the anomaly had continued, there took place a series of incidents during 1962-65. In February 1962 it was reported that police belonging to East Pakistan Rifles intruded into these villages, (123) and in July that year a dispute arose over the patrolling by the Indian border forces of a strip in the area. (124) A year later, Pakistani police were said to have entered Dumabari village. (125) Firing in the area started on 15 September 1963 till a cease-fire was held on 20 September 1963. (126) In order to avoid incidents, the Government of India suggested the demarcation of the area. (127) At a Brigadier-level meeting on 4 October 1963 the two sides decided to maintain their existing positions without any resort to firing. (128) Intermittent firings from both sides, however, continued in this and adjacent area in


(123) Hindustan Times, 7 February 1962.


(125) See report in Times of India, 4 August 1963; also see statement of Lakshmi Menon in Lok Sabha Debates, series 3, vol. 23, 9 December 1963, col. 3676.

(126) See Prime Minister Nehru's statements in Lok Sabha Debates, series 3, vol. 21, 18 September 1963, cols 6776-6; and 21 September 1963, col. 7448.

(127) See Nehru's statements, in ibid., 18 September 1963, col. 6776; and 21 September 1963, col. 7448.

December 1963. (129) In view of the deteriorating situation, India's Chief of the General Staff telegraphed his Pakistani counterpart urging for a high-level meeting to prevent the situation in the border between Assam and East Pakistan from turning explosive. (130) Meetings of the Surveyors-General of India and Pakistan thereupon took place on 19-20 December 1963 (131) and again on 8 January 1964 but without any success. (132)

By the end of December 1964 firing was again resumed in the area (133) which continued, excepting for some intermittent lulls, till August 1965. During this period two cease-fires — one on 1 January 1965 (134) and another on 29 March 1965 (135) — took place, and there were no firings for a month after each cease-fire. (136)


(133) The Hindu, 30 December 1964.

(134) Times of India, 2 January 1965; also see Defence Minister Chavan's statement in Lok Sabha Debates, series 3, vol. 38, 25 February 1965, col. 1432.

(135) Statement of D.S. Raju, India's Deputy Minister for Defence, ibid., vol. 41, 5 April 1965, col. 7609.

But the firings began again in May 1965. (137)

(iv) Disputes in the Feni River Area on the Border between Tripura and East Pakistan: Disputes in the Feni river area, particularly the one relating to Jalaiya, between the Feni and the Ranga Feni, (138) created serious problems in 1962 and 1965. According to Indian sources, in April 1962, armed personnel of the East Pakistan Rifles started intruding into the disputed area on the upper reaches of the river Feni in contravention of previous agreements and ground rules of 1959. On 5 June 1962 both sides agreed to hold a meeting to discuss the situation and withdraw border security forces from the area. This meeting of officials took place, but without result. In June 1962, according to Indian reports, the Pakistani forces also established two border posts in the area. On 13 September the East Pakistan Rifles were said to have moved further down-stream south of the disputed area into the Indian territory at Brijendranagar. Indian forces thereupon reportedly established a border post in the disputed area. (139) In its note of 27 September 1962, the Government of India, while protesting against the Pakistani

(137) See statements of India's Minister for Defence Production, A.M. Thomas, in Lok Sabha Debates, vol. 43, 11 May 1966, col. 14226 and of the Prime Minister, ibid., col. 14227. Also see report in The Hindu, 3 June, 10 and 18 August 1965; Pakistan Press Release, no. 38, 6 May 1965; Pakistan Times, 2, 3, and 6 June, 2 July, and 2 September 1965; report in Dawn, 3 June 1965 alleging continued firing by Indian troops between 26 and 31 May 1965.

(138) About the dispute see Nehru's statement in Lok Sabha Debates, series 2, vol. 48, 8 December 1960, cols 4525-6.

(139) For details, see Indian Information, vol. 5, 15 October 1962, pp. 613-14; see also reply to questions by Krishna Menon, Defence Minister, in Lok Sabha Debates, series 3, vol. 6, 17 August 1962, col. 2173; see also Report 1962-63, n. 9, pp. 15-16.
encroachment on the area, declared that it would withdraw its troops from the disputed area as soon as the East Pakistan Rifles were pulled out and the encroachment near Brijendra Nagar vacated. (140) The Pakistani Government, on the other hand, protested, both at the provincial (141) and at the Central levels (142) against Indian intrusion and firing in the area and demanded the immediate withdrawal of Indian troops. After a prolonged discussion, a cease-fire agreement was signed on 16 October 1962 under which both sides agreed to withdraw their troops from the area within ten days. (143)

In December 1963 there were complaints by India against the construction of spurs by the Pakistanis on their side of the Feni and against collection by them of some kind of tax from the residents of the disputed area at the headwork of the Feni. (144)

On 15 January at the State level and on 17 March 1964 at the Central level, the Government of India suggested a joint inspection of the upper reaches of the Feni. (145) But nothing took place. (146) On the other hand, Pakistan complained about Indian activities along the Feni. (147)

(140) Indian Information, n. 139, p. 614.

(141) Pakistan Times, 27 September 1962.

(142) Ibid., 29 September 1962. According to Pakistani reports, India started a three-inch mortar fire in the area from 1 October 1962, Ibid., 3 October 1962.

(143) Hindustan Times and Pakistan Times, 17 October 1962.


(145) Lakshmi Menon's statements, Ibid., vol. 29, 6 April 1964, cols 9381-2.


(147) Pakistan Times, 6 and 13 March 1964.
Towards the end of May 1965 the situation in this area deteriorated on the pattern of the happenings of 1962. Pakistan alleged India’s reoccupation of a camp opposite to Asalong mouza (also called Ichachari-Patichari area). (148) India denied this charge and said that it was in fact Pakistan which had reoccupied Asalong mouza, and asked Pakistan to vacate it. (149)

(v) Incidents in Other Areas on the Border between Tripura and East Pakistan: During 1964 and 1965 a series of incidents were reported in other areas on the border between Tripura and East Pakistan. A dispute arose concerning change in the course of the Muhari on the border between Noakhali (East Pakistan) and Tripura. The conflict in this area came into swing when, according to the Indian sources, the East Pakistan Rifles started firing on 9 May 1965 on Belonia town and the adjacent areas. (150) This firing is reported to have intensified, after a brief spell of silence, towards the end of June and July 1965. (151) On the other hand, the Pakistani reports said that since May 1965 Indian troops trespassed into the charlands of the Muhari on the Pakistani side on several occasions and indulged in provocative firing. (152)

(148) Ibid., 2 June 1965.


(151) See the text of the letter dated 26 June 1965 from the Indian Ministry of External Affairs to the Pakistani High Commission in New Delhi, ibid., 15 July 1965, pp. 369-70; also see the text of another Indian note of 26 July 1965, ibid., 15 August 1965, p. 431. Also see The Hindu of 24, 25, 26, and 29 June and 2, 9, and 31 July 1965.

(152) See Pakistan Times, 2 June and 2 July 1965.
In the Udachera river area, on the Tripura-Sylhet (East Pakistan) border, the change in the course of the river led to incidents in 1964 and 1965. Pakistan complained about Indian firing in the area in August (153) and November 1964 (154) and May-June 1965. (155) The Government of India, on the other hand, complained about firing in these and other areas in November 1964 (156) and August 1965. (157)

Incidents of Indian air-space violations in the Tripura area by Pakistani planes were also reported during 1962-64. (158)

(vi) Border between West Bengal and East Pakistan: A number of incidents were reported on the border between West Dinajpur and East Pakistan in March (159) and August 1962 and on the border between Jalpaiguri and East Pakistan in August 1962. (160) In April-May 1965

(153) Ibid., 11 August 1964.
(154) Ibid., 20 November 1964.
(155) Ibid., 2 June 1965; also Dawn, 28 May 1965.
(156) The Hindu, 20 November 1964; also see reply to questions of State Minister for Home, Bhati, in Lok Sabha Debates, series 3, vol. 39, 3 March 1965, col. 2185.
(160) See the reply to questions by Dinesh Singh, India's Deputy Minister for External Affairs, ibid., series 3, vol. 6, 18 August 1962, col. 2442.
concentration of forces from both sides were reported all along the border between West Bengal and East Pakistan. (161)

(vii) General Position in 1965: Following the armed clash in the Rann of Kutch in April 1965, heavy concentration of troops from both sides was reported on the border between India and East Pakistan. Pakistan, which had, towards the end of 1963, implemented a plan of imparting intensive training to nine lakh Ansars in East Pakistan, (162) was said to have "deployed in battle position" in this sector a number of regiments sent from West Pakistan in addition to its 10,000 East Pakistan Rifles and the 14th Pakistan Division, which was located in East Pakistan. (163) On the other hand, according to a Pakistani report, there were as many as seven Indian divisions located around and close to East Pakistan's border. (164) This tense situation slightly changed after the Kutch Agreement on 30 June 1965 and the number of incidents on this border gradually declined.

(viii) Demarcation of the Frontier between India and East Pakistan: As regards the actual demarcation of the boundary between India and East Pakistan, as stated by India's Minister of State for Foreign Affairs, Lakshmi Menon, on 12 April 1965 and more or less

(161) For the Pakistani version, see Pakistan Times, 1 and 4 May 1965 and the report of the Pakistani protest note to India of 25 May in Dawn, 28 May 1965; and for the Indian version see The Hindu, 15 May 1965; also see India's note of 1 July 1965 to the Government of Pakistan in Indian Information, vol. 8, 1 August 1965, p. 404.

(162) Pakistan Times, 21 August 1963.


repeated by the External Affairs Minister, Swaran Singh, on 23 August 1965 details of the demarcation work completed were as follows:

(i) 1,079 miles out of 1,349 miles of the boundary between West Bengal and East Pakistan; (ii) 184 miles out of 550 miles of the border between Tripura and East Pakistan; and (iii) 423 miles out of 620 miles of the border between Assam and East Pakistan. Demarcation work had not been completed in the following areas: (i) portions of the boundary between West Bengal and East Pakistan at Barubari and Hili and along the rivers of Mahananda, Borung and Karatoa and the rivers Hankar Khal and Baikari Khal; (ii) the border between Tripura and East Pakistan at Tripura-Sylhet subsector, the Tripura-Chittagong subsector and the Tripura-Noakhali subsector for twentytwo miles; and (iii) the boundary between Assam and East Pakistan relating to 190 miles of Mizo (District)-Chittagong (Hill Tract) subsector, one mile near Umapati village, and six miles near Lathitilla-Dumabari villages. (165) It was decided in the Indo-Pakistani boundary conference on 20 May 1965 that the demarcation of the undemarcated sector of border between East Pakistan and West Bengal would be completed by May 1966. (166) In the process of demarcation of the boundary in this region, problems were posed quite often by the removal of boundary pillars. (167)


(166) Dawn, 23 May 1965.

Causes and Nature of Border Incidents  If analysed properly, it could be seen that the incidents along the border between India and East Pakistan were mainly due to the following causes: (1) Discrepancies in the Radcliffe Award, which have not yet been set right in all cases; (2) undemarcated position of a big portion of the boundary; (3) lack of natural boundary; (4) change in the courses of the rivers which form boundaries in some sectors; (5) existence of small enclaves inside each other's territories; and (6) continuance of the adverse possession of certain territories, mainly because of demarcation not yet being complete.

Although, as a result of the border agreements of 1958, 1959, and 1960 between the two countries, many of the border disputes had been settled, yet owing to the above-mentioned factors, a number of incidents took place during 1960-65. One must, however, find out why a large number of border clashes occurred during 1960-65 in particular periods — in 1962, particularly in the first half of 1962; towards the end of 1963 and in the beginning of 1964; towards the end of 1964 and almost till September 1965. And why was the increase in such incidents highest in the earlier part of 1965? Another question that arises is: Why did most of the border clashes happen along the border between India and East Pakistan alone? Pakistani and Indian explanations have been quite different and often contradictory.

A spokesman of the Pakistan Foreign Office, giving his reasons for what he considered as the Indian "aggression" in Dahagram, stated as follows on 16 March 1965: (168) (1) India, a country beset with internal strife, economic bankruptcy, language controversy and cut-throat policies, basically wanted to divert the attention of the

Indian people from the internal scene; (2) The revolt of the people of Kashmir for their self-determination forced the Indian Government to resort to desperate means; (3) The Indian action was the consequence of the massive arms aid to India by the Western Powers; (169) (4) India was jealous because of the warm welcome given recently to President Ayub Khan in China and indulged in depredatory activities to spite Pakistan.

On the other hand, The Hindu thought that Pakistan created incidents with the "same propaganda objective of convincing the world that big India is constantly terrorizing little Pakistan and that if India were to receive further assistance from other countries, she would become even more aggressive and dangerous to her neighbours". (170) The Hindustan Times in its editorials tried to link the border clashes with the Pakistani President's visit to China (171) and with the elections to the Pakistan National Assembly taking place at that time. It referred to Mohammad Ayub Khan's not receiving big support in East Pakistan during his Presidential election and remarked that "the trouble on the border, presented with suitable exaggerations of an imminent threat of aggression by India, was propaganda which the supporters of Pakistan's soldier-President might probably have found extremely useful in the last and decisive phase of the election campaign for the National Assembly". (172)

(169) Also held editorially on 17 March 1965 by Pakistan Times. The contention that border incidents started since the uprising in Kashmir had been upheld by this paper in its editorial of 4 September 1964.


(171) See its editorial of 30 March 1965.

(172) See editorial of 23 March 1965.
It is, however, possible to give the following explanation to the question as to why there were increase in border incidents in particular periods (as mentioned above), and more specifically in the first half of 1965. First, these border incidents were generally linked with the overall Indo-Pakistani relations. Whenever Indo-Pakistani relations touched a low ebb — as, for example, in the earlier half of 1962, when the Kashmir dispute was debated in the Security Council and the slogan for a jehad was raised in Pakistan, or in the latter half of 1963 and the earlier part of 1964, when, as a result of the theft of the Holy relic in Kashmir and subsequent incidents, tension mounted in both the countries, or at the end of 1964 and the beginning of 1965, when there was trouble in Kashmir and a clash over the Rann of Kutch — there was a steep rise in the number of the border incidents. In the first half of 1965 when as a result of the dispute over the Rann of Kutch, Indo-Pakistani relations touched almost the lowest ebb, the number of border incidents was at its maximum. As will be explained in subsequent pages, an armed clash took place in April 1965 between the armies of the two countries in the Rann of Kutch and the two countries were on the brink of a full-fledged war. There was concentration of troops on both the sides all along the troubled areas. This was to a great extent responsible for the tension and the incidents along the border in 1965. Again, as will be explained later, about 1965 Pakistan decided to change the status quo in its favour in the Rann of Kutch and in Kashmir by resort to force. In the circumstances, Pakistan obviously wished to divert India's attention and precipitated the border clashes of 1965.

With regard to the question why border incidents were reported mostly on the border between India and East Pakistan, the following
answer can be given. First, whereas in the case of the border between India and West Pakistan, except for that portion of the border which touches Gujarat, the frontier had been demarcated, a large area of the common border between India and East Pakistan had not only remained undemarcated but also disputed. To this were added problems brought on by the rivers changing their courses. Also the nature of the Indo-Pakistani boundary in this area was artificial. These were to a great extent responsible for armed clashes in the area. In addition, the partition of the Indian subcontinent had created two distinct wings of Pakistan each separated from the other by Indian territory of over 1,000 miles. There was very little common between them excepting their religion and common hatred and fear of India. In the eastern wing there was great unrest in February and March 1962 and in August-September 1964 and the gravamen of the charges levelled by East Pakistan against the Central Government of Pakistan was that it was being neglected. (173) So it is quite possible to argue that the Pakistani Government encouraged border incidents in East Pakistan in order to bring home to the East Pakistanis that India was their principal enemy against which all Pakistanis must unite. It can be mentioned here that in spite of the secular ideal held up by Mohammed Ali Jinnah on 11 August 1947, he

had to emphasize Islam as the only link between East and West Pakistan. (174) Similarly, even recently, on 11 March 1966, President Ayub Khan had to declare that "with Pakistan it was the bond of Islam alone which could keep the people of East and West Pakistan, separated by over a thousand miles of foreign territory, together". (175)

In fine, it must be said that although the general bad relations between the two countries were responsible for the border incidents, border clashes in their turn played an important part in undermining Indo-Pakistani relations. They created a tense situation and added to the bitterness in India-Pakistan relations.

**DISPUTE OVER THE RANN OF KUTCH**

Of all the border problems between India and Pakistan, the dispute over the territorial jurisdiction over the northern half of the Rann of Kutch, on Gujarat (India)-Sind (Pakistan) border, is the most outstanding and serious. This is a dispute over a big chunk of territory, Pakistan claiming 3,500 square miles of territory, comprising that portion of the Rann of Kutch which is north of the 24th Parallel and India denying it and claiming its jurisdiction over the entire Rann of Kutch. (176) The controversy over this area dates back to 1948. In 1956 it led to border skirmishes. The matter was further discussed in the conferences of October 1959 and January 1960.

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(174) Jinnah's speech of 11 August 1947 is quoted in Ch. Five. His speeches emphasizing Islam are referred to in Ch. One.


(176) See Article 3(1)(A) and (B) of the Kutch Agreement of 30 June 1965 giving in brief the claims of the two parties. See the text in Government of India, Ministry of External Affairs, *Foreign Affairs Record* (New Delhi), vol. 11 (1965), p. 131.
between Swaran Singh and K.M. Shaikh but no solution was found. From January 1965 this area became a scene of trouble and created a very alarming situation in April 1965. For the first time since the Kashmir fighting of 1947-48, the regular armies of the two countries attacked each other in the area, (177) and a general conflagration appeared imminent. It was at this point that, with the mediation of Harold J. Wilson, the British Prime Minister, which had the sympathy and support of the heads of Governments of the USA and the USSR, a cease-fire agreement was reached. The matter is now before a tribunal for adjudication.

**Brief History of the Dispute up to September 1960**

The controversy over the northern half of the Rann of Kutch between India and Pakistan first began when, after the accession of the Kutch State to the Indian Union, the High Commissioner for Pakistan, in reply to a letter of 24/26 May 1947 from the Dewan of Kutch to the Chief Secretary of Sind, addressed a letter on 14 July 1948 to the Secretary to the Ministry of External Affairs and Commonwealth Relations of the Government of India. In his letter of 24/26 May 1947 to the Chief Secretary of Sind, the Dewan of Kutch had contended that boundary pillars had been erected in 1924 on the boundary between Kutch and Sind from the mouth of Sir Greek to the trijunction of Karachi and Hyderabad Districts and Kutch State and had proposed that "pillars on the boundary line already determined from the Trijunction up to the

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(177) Tom Stracey regarded the clash over the Biaur Bet in 1965 as "the biggest clash between the two countries since the Kashmir war in 1947". See Tom Stracey, "War In the Desolate Place", Sunday Times (London), 2 May 1965; see also the views of Globe and Mail (Toronto, Ont.), 2 May 1965. Also see The Scotsman (Edinburgh) of 1 July 1965 as produced in World Press Review (New Delhi), no. 423, 3 September 1965.
end of Sind-Cutch boundary in the east should be erected during the next cold season". (178) It might be mentioned here that the trijunction, to which reference has been made in the above letter, was situated in the northernmost part of the Rann of Kutch. In reply to this letter, the High Commissioner for Pakistan in India, in his letter of 14 July 1948, contended that "the boundary in question is still in dispute and must be settled before the question of fixation of boundary pillars can be considered or taken in hand", held that the Sind authorities had claimed in 1937-38 that the boundary line passed through the middle of the Rann of Kutch, and suggested that a Joint Boundary Commission of the Dominions of India and Pakistan should investigate and settle the dispute. (179)

After this a number of notes and letters were exchanged between the two Governments between 10 August 1949 and 8 January 1960, and each side presented its own case and refuted the claims of the other. (180)

In February 1956 a serious incident took place in the Chhad Bet area of the Rann. According to Indian sources, between 17 and 19 February 1956, Pakistani armed forces intruded into the area as far as four to six miles south of the Kutch-Sind boundary and made

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(178) Text of the letter given in the Indian Society of International Law (ISIL), The Kutch-Sind Border Question (New Delhi, 1965), pp. 17-18. Henceforth this source is referred to as ISIL.

(179) Text of the letter, see ibid., pp. 16-17.

"unprovoked attack" on Indian military patrol on Indian soil. (181) Pakistani sources, on the other hand, claimed that Chhad Bet was a part of Tharparker district of West Pakistan and that Indian armed forces had trespassed into it on 17, 19, and 24 February 1956 and had opened fire on the Pakistani police patrol there. (182) Anyway, as Prime Minister Nehru stated in the Lok Sabha on 3 March 1956, the control of the Kutch State authority was "reestablished" in the Chhad Bet area on 25 February 1956. (183) The Pakistani Government protested against this and proposed to the Indian Government that "the Indian forces should be withdrawn immediately from Chhad Bet, Nava Bet and the status quo restored pending final settlement of the dispute". (184) Nothing happened thereafter and the area remained free from any armed clash till January 1965.

During the talks between Swaran Singh and K.M. Shaikh in October 1959 on the border problems, it was agreed that "all

(181) See Prime Minister Nehru's statement in Lok Sabha Debates, vol. 1, pt 1, 3 March 1956, cols. 607-8, 609; also see Indian Government's note of 12 June 1956 to the Government of Pakistan, in ISIL, n. 178, p. 62.

(182) See text of the Pakistani Government handout of 26 February 1956 in Dawn, 27 February 1956. In 1965 the Pakistani Government also held that the Government of India used its regular troops and the air cover of the Indian Air Force to overwhelm the Pakistani post at Chhad Bet in 1956 and thus "for the first time" established its presence in the area. See text of the letter of 7 June 1965 of the Permanent Representative of Pakistan to the President of the Security Council in SCOR, yr 20, supplement for April, May, and June 1965, Doc. S/6423, p. 242. See also Z.A. Bhutto's statement of 28 April 1965 as given in Pakistan Press Release, no. 34, 29 April 1965.

(183) See Nehru's statement, Lok Sabha Debates, n. 181, col. 608.

outstanding boundary disputes on the East Pakistan-India border and the West Pakistan-India border, raised so far by either country, should if not settled by negotiation, be referred to an impartial tribunal for settlement". (185) It was this provision which later took concrete shape in the Kutch Agreement of 30 June 1965. (186) The Rann of Kutch problem was further discussed in the conference between Swaran Singh and K.M. Shaikh in January 1960, and they agreed to collect further data in respect of this dispute and to hold discussions later with a view to arriving at a settlement of this dispute. (187) It was also decided in this conference that "in areas regarding which disputes of title are already pending with the respective Governments for a decision the status quo inclusive of defence and security measures will be strictly maintained until such time as the de jure boundary is finalised and the return of territories in adverse possession of the two countries takes place". (188) That was the position until September 1960.

Developments between September 1960 and January 1965

Between September 1960 and January 1965 nothing significant took place. The only developments of this period were the arrest and subsequent release of three Pakistani nationals at Kanjarkot in


(186) See Article 3(1)(C)(ii) of the Kutch Agreement of 30 June 1965. Text in Foreign Affairs Record, n. 176, p. 131.

(187) See the text of the joint communique of 11 January 1960 in n. 19, p. 384. This agreement referred to in Article 3(1)(C) of the Kutch Agreement of 30 June 1965. See Foreign Affairs Record, n. 176, p. 131.

(188) See para 9 of the "Ground Rules" attached with the joint communique of 11 January 1960, n. 19, p. 397.
May 1964 and a letter in October 1964 by the Director of the Survey of India suggesting to his Pakistani counterpart that the Kutch-Sind border should be demarcated. With regard to the incident of arrest of Pakistani nationals, when the efforts to discuss this matter with the Pakistan Rangers failed, the three Pakistani nationals were released "as a gesture of goodwill". (189) With regard to the other, the Director of the Survey of India wrote on 17 October 1964 to Pakistan's Director of Survey to say that as the demarcation of the boundary between Rajasthan and West Pakistan had been completed, the demarcation work in the Kutch-Sind sector should be taken up and that they should meet for this. (190) Pakistan did not reply to this letter.

**Contentions of Pakistan and India Regarding Their Claims over the Rann of Kutch**

**Pakistan's contentions** The Government of Pakistan has put forward the following arguments to support its claim over the entire northern half of the Rann of Kutch:

(1) Since the ruler of Sind, Ghulam Shah Kalhara, invaded Kutch State in 1762, the whole Rann of Kutch has been in the possession of Sind. The position remains unchanged even after the establishment of British control over Sind in 1843 and the partition of the Indian subcontinent in 1947. (191)

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(190) See the text of the letter which was sent with the letter dated 3 May 1965 to the President of the Security Council in *SCOR*, n. 182, Doc. S/6321, Annex. 1, p. 79.

(2) There is overwhelming evidence to substantiate the fact that the authorities of Sind continued to exercise their jurisdiction at least up to the middle of the Rann of Kutch, i.e. roughly up to the 24th Parallel. The "innumerable instances" relate to the following:

(a) the reply of the Mukhtiarakar of Diplo, in Sind, of 1875 to a query from the Political Superintendent, Tharparkar, also in Sind, in which the former had stated that the Sind-Kutch boundary was half a mile north of the Giandiji Chann; (b) sanction of Rs 2,800 for a rest house at Narrabate, which is north of the 24th Parallel, in the Rann, by the Commissioner in Sind in 1856; (c) collection of revenue by the Taluka of Diplo due on the paddy crop cultivated with the water of the Seanhro canal which took off near Rahimki Bazar in Sind and flowed seven to eight miles in the Rann; (d) collection of Rs 50,000 a year by the Sind Government by leasing the lake of Shakur-ji-Mian, situated in the Rann about six miles from Rahimki Bazar, for catching fish; (e) excavation of a tank in the Char Bet about 100 years ago by Taluka Diplo; (f) refusal of the Kutch authorities in 1936-37 and in 1945 to render assistance in certain crimes committed in the Rann on grounds that they were committed outside the Kutch State; and (g) grazing by the cattle of the talukas in Sind in Char and other neighbouring Bets without any payment of charges until 1943-44. (192)

Extracts from the two letters written in 1923 by the Diwan of Kutch to the Political Agent of Kutch of 1923 have also been quoted to establish the Pakistani claim up to the middle of the

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(192) See the text of the Pakistani notes of 20/22 September 1954 in ISIL, n. 178, pp. 21-23; and of 8 January 1960, ibid., pp. 126-8. Also see letter of 7 June 1965 from the Permanent Representative of Pakistan to the President of the Security Council in SCOR, n. 182, Doc. 5/6423, pp. 240-1. See also Pakistan Press Release, no. 38, 6 May 1965.
(3) The only portion of the boundary between Sind and Kutch which has hitherto been demarcated relate to the one, from the mouth of Sir Creek to the point 60° 48' East (longitude) and 23° 58' North (latitude). The rest of the Kutch-Sind boundary was "never demarcated", nor surveyed, "nor did the Government of Sind ever accept the claim now brought forward by India between the years 1924 and 1947". The "dispute" relating to this portion of the boundary has existed since 1874, so that on the map published in 1938 and in its subsequent reprints of 1940, 1944, and 1946 the word "disputed" is mentioned on the relevant boundary line. (194)

(4) That the northernmost limit of the Kutch State did not go beyond the 24th Parallel is borne out by Imperial Gazetteer of India of 1908. (195) The original map of 1913 attached with the settlement of 1914 can also be cited, for, on this map, a yellow riband has been used to denote the boundary of the Kutch State and the Rann has been excluded from the Kutch State. (196)

(5) The Rann of Kutch is a "dead sea" or an "inland sea" and should, therefore, be equally divided between India and Pakistan.

(193) For details see text of the Pakistani note of 19 May 1958 in ISIL, n. 178, pp. 69-70.


(195) See the Pakistani note of 9 April 1956 in ISIL, n. 178, p. 43.

under the principles of international law. (197)

(6) Finally, the survey and the topographical maps are not authoritative as regards alignment of boundaries (198) and that no map has ever been prepared in accordance with an agreement of all the parties concerned. No map shows that the boundary of the Kutch State goes as far north as the southern boundary of the pacc land of Hyderabad and Tharparker districts and depicts the whole of the Rann as part of the Kutch State. (199)

Pakistan, thus, claims the northern half of the Rann and points out that "the manner in which the dispute relating to the area at the western extremity of the Great Rann was settled by dividing it roughly in half, provides a precedent for the alignment of the remaining portion of the boundary in the Great Rann through its middle, i.e. along the 24th Parallel." (200)

India's Contentions The Government of India, which claims the entire Rann of Kutch as Indian territory, has given the following arguments in support of its claims:

(1) The only dispute that ever arose between the Kutch State and Sind was in respect of the territory between Sir Creek and Khori Creek, and it was settled in 1913 and sanctioned by the Government of


(198) See the Pakistani notes of 20/22 September 1954 in ISIL, n. 178, p. 23; of 9 April 1956, ibid., p. 46; and of 19 May 1958, ibid., p. 73.

(199) See the Pakistani note of 9 April 1956, ibid., p. 46.

India and the Government of Bombay Resolution of 24 February 1914. This resolution defined that "the boundary between Cutch and Sind should be the green line in the accompanying map from the mouth of Sir Creek to the top of Sir Creek at the point where it joins the blue dotted line; from there it should follow the blue dotted line due East until it joins the Sind boundary as marked in purple on the map". (201) Thus, the whole of the Rann was kept outside Sind's territorial boundary by this map. The agreement of 1913 was put into effect, and during 1923-24 the boundary was jointly demarcated by the construction of pillars up to the trijunction of Karachi and Hyderabad districts of Sind and the Kutch State, which is about 23 miles north of the 24th Parallel. (202) The Kutch Darbar paid half of the expenditure involved in construction of the pillars and location of the boundary. (203) The only portion of the boundary that has not been demarcated by pillars is from the trijunction point due east along the northern limit of the Rann till it meets another trijunction of Jodhpur, Sind, and Kutch, and it is the demarcation of this portion only that has remained. (204)

A number of Government Records, Gazetteers, and maps (particularly Survey of India Sheets Numbers 40D, 40H, 40P, and 40L) establish that that the entire Rann up to its northernmost limit is within the

(202) See texts of India's note of 9 May 1955, ibid., pp. 24-25; of 23 February 1959, ibid., pp. 87-89. See also text of the letter dated 3 May 1965 from the Permanent Representative of India to the President of the Security Council in SCOR, n. 182, Doc. S/6321, p. 76.
(204) See text of the Indian note of 9 May 1955, ibid., p. 25.
territorial limits of the Kutch State and outside Sind and that this was "clearly recognized by the competent British authorities ... from earliest times till Partition". (205)

It has been further argued that if the Sind authorities or any other British authority had any doubt about the territorial limits of the Kutch State or had any claim on its territories, there is no reason why the proper course of negotiating with the latter's ruler was not adopted. (206)

(2) The Kutch Darbar exercised full jurisdiction over the entire Rann and up to the northern limit, and this was acknowledged by the British as early as 1854-55. Some of the important evidences in this connexion are: (a) memorandum from the Assistant Political Agent for Kutch of 16 January 1855 to the Maharao of Kutch asking the latter to build a rest house and sink a well in the Gisanda Bet, north of the 24th Parallel, in what the Political Agent called "your State territory"; (b) sanction by the Kutch Darbar of a sum of Kories 1,000 in 1924-25 for the construction of a well in Chhad Bet well north of the 24th Parallel; and (c) realisation of grazing dues from the grazier belonging to Sind in the areas of the Rann. (207)


(207) See the texts of India's notes of 9 May 1955, Appendix 3, ibid., pp. 35-37; of 12 June 1956, pp. 58-69; and of 8 January 1960, p. 120.
(3) The word "disputed" on the map of 1938 along the Kutch-Sind boundary was the outcome of the confusion arising from the territorial claim advanced by the Mukhtiarkar of Nagarparkar; this was rectified after investigation, and the then Director of Map Publication ordered the deletion of the word "disputed" from the map. This correction was carried out by hand on the fair maps drawn. However, as this correction was not carried out on the standing negatives due to oversight, the subsequent reprints of this map (the 1938 edition, as also of the 1947 edition) repeated the error of adding the word "disputed" along the Kutch-Sind boundary. (208)

Although it is possible that certain subordinate authorities of Sind laid claim to a portion of the Rann, all available evidence shows that the Paramount Power — i.e., the Government of Bombay until 1924, and the Foreign and Political Department thereafter — did not consider their claims deserving of their attention and did nothing to alter the previous boundary of the Kutch State. (209)

(4) The Rann is not a sea, "dead" or "inland", but a "salt marsh". The "erroneous depiction of it in certain maps as all water was corrected by order of the Supreme Government in 1906 and 1914". (210)

(5) As regards the depiction of the jurisdiction of Kutch by a yellow riband on some maps, it is due to the fact that the Rann of

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(208) See text of Indian letter of 9 May 1955, Appendix 2, ibid., p. 34; and of 12 June 1956, ibid., pp. 50-51.

(209) See note of 8 January 1960, ibid., p. 120.

Kutch has been wrongly shown on earlier maps as all water. This "misleading" depiction was, however, removed by order of the Government of India in their letters of 2 November 1906 and 31 March 1914. All the maps published after 1915 invariably show the jurisdiction of the Kutch State over the entire Rann up to its northern limit. (211)

Thus, "there is no territorial dispute" regarding the Rann of Kutch because there is a well-established boundary running roughly along the northern edge of the Rann of Kutch which has to be demarcated only on ground. (212)

The above Indian contentions have been partially supported by some impartial observers. The Economist wrote on 1 May 1965 that "the Indian case is much stronger over the Rann than it was in Ladakh" and that the "pre-partition Survey of India maps ... show the whole Rann as part of Kutch; that is, today, as part of India". (213) Alastair Lamb, similarly wrote that "the British decided on several occasions that the whole area of the Rann fell within Kutch State, the Kutch-Sind border following the southern edge of the Thar Desert" and that the Pakistani argument that the Rann was really a sea and should be equally divided "is not entirely convincing". (214)

The Armed Clash of 1965

Developments between 1 January and 8 April 1965

The incidents which led to the armed clash between India and Pakistan in April 1965

(211) See the text of the Indian note of 12 June 1956, ISII, n. 178, p. 54.

(212) See Article 3(1)(C) of the Kutch Agreement of 30 June 1965, Foreign Affairs Record, n. 176, p. 131.


started with what India called the "intrusion" of the Pakistani Rangers into the Kanjarkot area in the Rann of Kutch and with the setting up of a post by them at Kanjarkot. (215) According to Indian reports, the Pakistani "intrusion" in the Kanjarkot area, extending to more than a mile and a half inside Indian territory, first came to the notice of the Gujarat border police on 25 January 1965 and was confirmed two days later by the District Magistrate of Kutch. Pakistanis were seen using and patrolling a new track, south of the Kanjarkot fort, well within Indian territory, and obstructing Indian patrols from proceeding north of this track. (216) They established themselves in a platoon strength in the Kanjarkot fort and set up a post there. The Government of India in its notes of 12 and 18 February 1965 protested against these activities, asked for the immediate withdrawal of Pakistani "intruders" from the area and for the immediate restoration of the status quo ante, and suggested an early demarcation of the Kutch-Sind boundary. (217) By its note verbale of 11 March the Indian Government made a further protest against these and other incidents and appealed for a meeting of police officers to restore the status quo ante. (218) On 8 April, while lodging yet another

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(215) According to a report in Sunday Times, 2 May 1965, Pakistan is said to have set up its post at Kanjarkot on 3 January 1965.

(216) See the statement of Lakshmi Menon, in Rajya Sabha Debates, vol. 51, 3 March 1966, col. 1717; see also the text of Indian protest notes of 12 and 18 February 1965 in ISIL, n. 178, pp. 138 and 140 respectively; and the text of the Indian note of 11 March 1965, ibid., p. 149.

(217) See the texts of the notes of 12 February 1965 in ISIL, n. 178, p. 139; and of 18 February 1965, ibid., pp. 140-1.

protest against the setting up of a post at Ding, claimed to be about 2,000 yards within Indian territory, the Indian Government urged a meeting of the representatives of two countries "at whatever level considered appropriate" for the restoration of the status quo ante. (219)

Pakistan, on the other hand, claimed that the Kanjarkot fort was well within the area of the Rann of Kutch which had been in the de facto possession of Pakistan since August 1947. Not only that. The Pakistani Government complained against what it considered trespassing by Indian patrols in the Kanjarkot area on 30 January and 3 and 5 February 1965 in order to occupy the Kanjarkot fort, (220) against hindering of the movement of the Pakistan Rangers between "their" posts at Ding and Surai, and against upsetting the status quo in the area. (221) On 1 March it further accused India of several violations of Pakistani air space by Indian aircraft between 18 and 21 February, denied the occupation of the Kanjarkot fort by its Indus Rangers, and declared that it was not possible to hold any meeting for the demarcation of the Kutch-Sind boundary unless an agreement was reached on the dispute over the Rann of Kutch. (222)


(220) See text of Pakistani note of 1 March 1965, in ISIL, n. 178, pp. 142-3; also see statement of a Pakistani Foreign Office spokesman of 1 March 1965 in Pakistan Times, 2 March 1965.


(222) See the text of the Pakistani Government's note of 1 March 1965 in ISIL, n. 178, pp. 142-4. The fact that the Kanjarkot fort had been occupied by the Indus Rangers was also denied later in the Pakistani note of 12 April 1965, ibid., p. 156.
Four days later, it further complained against the making of a new track by Indian forces opposite the Pakistani border posts at Vingi and Panali and against the patrolling by Indian forces opposite some Pakistani posts. (223) On 30 March it protested against what it called "large scale Army/Navy operational manoeuvres" by Indian forces on 27 and 28 March in the Rann area. (224) Some time later, India was also accused of setting up posts at Vigokot, Sardar, Karimshahi, and Sarafbella, opposite Pakistani positions early in March 1965 and of moving 31st Indian Infantry Brigade on 24 February from Ahmedabad to forward positions in the Rann area. (225) Pakistan also alleged Indian intrusion into the Ding area on the night of 4-5 April. (226) On 7 April the Pakistani Government further asked the Indian Government to withdraw its troops from the area and cease all provocative activities. (227)

In the meantime, on 15 February, a meeting between the Deputy Inspector General of Police (DIG), Rajkot (India) and the Commandant, Indus Rangers (West Pakistan) was held to review the situation which

(223) See the text of the Pakistani note of 5 March 1965, ibid., pp. 144-5.


(225) See the text of letter dated 19 April 1965 from the Permanent Representative of Pakistan to the President of the Security Council, in SCOR, n. 182, Doc. S/6291, p. 37; see also the statement of a Pakistani Foreign Office spokesman of 26 April 1965 in Pakistan Press Release, no. 35, 1 May 1965. The establishment of posts in Vigokot and Sardar after January 1965 was recognized also by the editorial of The Times, 26 April 1965.


(227) Pakistan Times, 8 and 11 April 1965.
had arisen in the Kanjarkot area. But it proved abortive. (228)
Thereafter telegrams were exchanged by them for a discussion on the
issue. (229) On 1 March the Pakistani Government further suggested
a discussion at the DIG level (230) and on 15 March the Director
General of West Pakistan Rangers repeated it to the DIG of Rajkot. (231)
The Government of India, however, alleged that it had proposed for
a DG-DIG meeting on 3 March but that Pakistan had not responded to
it. (232)

In its note of 7 April, the Government of Pakistan, moreover,
proposed to the Indian Government that first the status quo ante
should be restored and that there should then be negotiation at a high
level. These proposals were similar to those proposed by the Govern-
ment of India. Modalities of conducting the negotiation were then
discussed between the Pakistani Government and the Indian High
Commissioner in Karachi. (233) It was at this time that reports came
that Pakistan had attacked Indian posts in the Rann on 9 April 1965.

(228) See the text of Indian note of 18 February 1965 in ISIL, n. 178,
p. 140; of the Pakistani note of 1 March 1965, ibid., p. 143;
and the telegram of 1 March 1965 from the DIG, Rajkot to the
DG, West Pakistan Rangers, ibid., p. 142.

(229) See the texts of telegrams of 27 February from the DG, West
Pakistan Rangers to the DIG, Rajkot and of 1 March from the
latter to the former, ibid., pp. 141-2.

(230) See the text of the Pakistani note of 1 March, ibid., p. 143.

(231) See the text of the letter of 15 March 1965 from the DG, West
Pakistan Rangers, to the DIG, Rajkot, ibid., p. 151.

(232) Home Minister Nanda's statement in Lok Sabha Debates, series 3,
vol. 41, 9 April 1965, col. 2836; also see the text of the
Indian note of 8 April 1965 in ISIL, n. 178, p. 154; and text
of the letter dated 11 April 1965 from the Permanent Representa-
tive of India to the President of the Security Council in
SCOR, n. 182, Doc. S/6281, p. 27.

(233) See reference to it in the Pakistani note of 12 April 1965,
ISIL, n. 178, pp. 157-8.
Outbreak of the Conflict: 9-12 April 1965

According to Indian sources, on the morning of 9 April, regular armed forces of 51st Infantry Brigade of Pakistan, supported by heavy mortar, MG, and artillery fire from twenty-five pounder guns, attacked the Indian post at Sardar. They also shelled Vigojkot on the same day. There were heavy losses on both sides in these attacks. Indian forces had to withdraw from Sardar on 9 April and the operational control of the border was handed over to the Indian Army who reoccupied Sardar on 10 April. (234) Exchange of fire was also reported on 12 April. (235) It was claimed that the documents captured from Pakistani soldiers in an encounter at Sardar post established that the plan of assaulting Indian posts had been drawn up by the Pakistani Army in the second week of March. (236) On 11 April, the Government of India protested against these attacks to the Pakistani Government, demanded adequate compensation for the loss of life and property suffered in the incidents, and called for the immediate vacation of aggression on Indian territory including the posts of Kanjarkot and Ding. (237) The same day a letter was handed over to the President of the Security Council which gave the Indian version of the incidents. (238)

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(235) See Nanda's version in Lok Sabha Debates, ibid., col. 9097.


Pakistani sources, on the other hand, gave a different account of the happenings, alleged that India attempted to dislodge Pakistani forces from their territory at Din on 9 April, (239) and said that India attacked the Pakistani post at Kanjarkot on 12 April. They claimed that in the latter incident they had destroyed two Indian tanks and disabled four. (240) On 12 April, they held that Sardar and Vigokot were situated in the disputed area of the Rann, accused the Indian Government of seeking a decision by force and of moving the First Indian Brigade from Bhuj to positions around the Ding-Kanjarkot area. (241) A week later, they also delivered a letter to the President of the Security Council giving an up to date Pakistani version of the issue. (242)

**Exchange of Peace Proposals: 9-23 April**

Although a serious clash between Indian and Pakistani forces had taken place on the morning of 9 April, the Pakistani Foreign Office called on the same day for an immediate end to the fighting and for talks between the two countries for a peaceful solution of the dispute. (243) These

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(239) Pakistan Times, 10 and 11 April 1965; see also letter dated 19 April 1965 from the Permanent Representative of Pakistan to the President of the Security Council, SCOR, n. 182, Doc. S/6291, p. 39; and statement of the Pakistani Foreign Office spokesman of 26 April 1965, Pakistan Press Release, no. 35, 1 May 1965.

(240) Pakistan Times, 13 April 1965. The Hindu, however, in its editorial of 17 April 1965 ridiculed the Pakistani report, held that as ground was not suitable to India "no such vehicles were used at all" and added that evidently by making such reports Pakistan wished "to justify" its own use of such vehicles.


(243) Statement of Pakistani Foreign Office spokesman in Pakistan Times, 11 April 1965; also see another statement of the Pakistani Foreign Office spokesman of 26 April, ibid., 27 April 1965.
proposals were repeated in the Pakistani note of 12 April. (244) On 13 April, it specifically suggested a three-point formula for a cease-fire, an inter-governmental meeting to determine what was the status quo ante which should be restored, and a higher-level meeting. These suggestions were accepted by the Indian Government on 14 April. (245)

In the meantime, after being challenged by Rammanohar Lohia in the Lok Sabha on 12 April to make the Government's stand clear on Kanjarkot, the Indian Prime Minister, L.B. Shastri, said that unless Kanjarkot was vacated by the Pakistanis, India would not agree for talks. (246) Pakistan immediately protested against this statement, (247) and as a result Shastri modified his views in the Lok Sabha on 15 April and just said that India would press for the vacation of Kanjarkot at the meeting proposed. (248) Pakistan's Foreign Minister, Z.A. Bhutto, was not quite satisfied with this modification and said on 15 April that "there can be no question of our accepting any conditions as to the evacuation or disbanding of

(244) See text of the note in ISIL, n. 178, p. 158.


(247) On 14 April the Pakistani High Commissioner in New Delhi met the Indian Foreign Secretary and conveyed Pakistan's rejection of any pre-conditions for talks. See Pakistan Times, 15 April 1965.

(248) Shastri's statement in Lok Sabha Debates, series 3, vol. 41, 15 April 1965, cols. 9599, 9600. He also denied having said what he had been reported to have said in the House on 12 April. See n. 246.
this or any other post within our own territory". (249) On 17 April Pakistan asked India to clarify its conditions for the talks. (250) These were furnished, and Pakistan was assured that no pre-conditions were being attached by India to the holding of the talks. (251) However, even these assurances failed to satisfy the Pakistanis, (252) who, on 23 April, put forward an altogether new proposal. This contemplated the withdrawal of troops both by India and by Pakistan from the Kutch-Sind boundary prior to a cease-fire and holding of official talks. (253) This was, in other words, a suggestion for the vacation by Indian military and civilian forces of all territory north of the 24th Parallel, (254) or withdrawal "from what", to use Shastri's words, "Pakistan chooses to call unilaterally as disputed territory, but which in fact indisputably is entirely our own". (255) Commenting on the new Pakistani proposal, The Hindu editorially wrote on 27 April: "This tactic is obviously copied from the Chinese


(250) Pakistan Times, 18 April 1965; also SCOR, n. 182, Doc. S/6321, p. 77.

(251) Pakistan Times, 22 April 1965; also SCOR, n. 182, Doc. S/6321, p. 77.

(252) Pakistan Times, 22 April 1965.


(254) SCOR, n. 182, Doc. S/6321, p. 77.

(255) Shastri's statement in Lok Sabha Debates, n. 253, col. 11583. The Delhi correspondent of The Times commented on these proposals in these words: "It would have meant a substantial Indian withdrawal of perhaps 20 miles, against two or three miles necessitated for Pakistan. It would also have given recognition to the Pakistani claim, which New Delhi denies absolutely." The Times, 26 April 1965.
diplomacy over the Himalayan border and is equally fantastic since it forces us to withdraw from the territory that Pakistan claims, while we have claimed nothing in the area from which Pakistan is supposed to recede." This proposal was, therefore, rejected by the Indian Government on 24 April as "fantastic and baseless". (256)

During this period, when proposals for peaceful solutions were being exchanged, leaders of the two countries also indulged in belligerent speeches. Prime Minister Shastri said on 12 April that not his Government was determined to allow Pakistan to have its standing post in Kanjakot, (257) and Pakistan's Foreign Minister Bhutto replied to it on 15 April by saying that "our forces are ready to meet any eventuality". (258) This was repeated by him and by the West Pakistani Governor on 16 April. (259) This led Shastri to talk about the adoption of other means (260) and to act "as the situation demands" in case of failure of peaceful negotiations. (261)

On the night of 19-20 April a clash in the Rann was again reported. (262) On 22 April, India's Defence Minister, Y.B. Chavan, declared that "shelling is not only confined to Pakistani side ...
we also use our guns to a very good effect". (263)

**Outbreak of Large-Scale Fighting: 24-29 April** From 24 April there began a massive Pakistani attack on the Indian posts in the Rann of Kutch. According to Indian reports, a full-scale military attack was launched on that date by Pakistani armed forces on four Indian posts at Point 84, Sardar, Vigokot and Chhad Bet, six to eight miles inside the Indian claim line. (264) The biggest attack was at Point 84 in which Pakistani forces of a brigade strength, supported by tanks, are said to have taken part. (265) For the first time armour was used by the Pakistanis in the fighting in the Rann. (266) The fighting was described by an official Indian spokesman as an almost undeclared war. (267) On 25 April, Pakistan was said to have further escalated the fighting when they mounted an attack, with the support of tanks, on Biarbet, about six miles deep into the Indian claim line. (268) The attack on this post continued until it was

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(263) Chavan's statement in *Lok Sabha Debates*, n. 262, col. 10444.


(266) Chavan's statement, n. 265.


occupied by the Pakistani forces on 29 April. (269) By 29 April Point 84 was also lost to the Pakistanis. (270) They were also reported to have moved south-west of Biarbet about a mile. (271)

In this fighting, Pakistan is said to have used medium 45-ton American Patton tanks. Photographs of such tanks, taken by an Indian Air Force pilot over Biarbet on 26 April, were released on 28 April by the Indian Defence Ministry spokesman to support India's charge that Pakistan was using the equipment it had received under the SEATO and the CENTO arrangements. (272) The use of tanks was still denied by the Pakistanis, who called the photographs a piece of forgery. (273) This was refuted in detail by the Indian Government, (274) and the Delhi correspondent of The Times reported that these photographs of Patton tanks were "accepted as proof" by the American mission in New Delhi of the Pakistani use of tanks in the area. (275)

(269) For report about continuation of the attack, see The Hindu of 27, 28, and 29 April 1965. About confirmation of the fall of Biarbet by Indian Defence Ministry spokesman, ibid., 30 April 1965. Pakistani sources, however, claimed to have occupied Biarbet as early as the night of 26-27 April. See Pakistan Times, 29 April 1965.

(270) See its confirmation by the Indian Defence Ministry spokesman on 29 April in The Hindu, 30 April 1965.

(271) Ibid., 2 May 1965. The Pakistanis, however, claimed to have advanced a couple of miles further southward from Biarbet and added that they could have easily reached Dharamshala but were stopped by Government order, Pakistan Times, 29 April 1965.

(272) The Hindu, 29 April 1965.

(273) Pakistan Press Release, no. 34, 29 April 1965; also see details in Pakistan Times, 2 May 1965.

(274) The Hindu, 2 May 1965.

(275) The Times, 30 April 1965.
Pakistan, on the other hand, held that the fighting had been the result of India's design to seek a decision by force in the Rann area (276), and that "it was to prevent India from establishing further military posts in the area that Pakistan was compelled to move". (277) Many foreign observers, however, believed that it was Pakistan that had extended the conflict. (278)

About the respective losses of India and Pakistan during the fighting between 24-29 April, each side claimed a heavy toll of life on the other side and comparatively negligible losses for itself. (279) The Pakistani General Officer Commanding, in particular, said that the ratio of casualties was one Pakistani against twenty Indians. (280)

During this period, there were reports of heavy concentration of troops on both sides in the Rann area. According to Indian reports, behind its forces inside the Rann of Kutch, Pakistan had

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(277) See text of Z.A. Bhutto's statement of 28 April, ibid., no. 34, 29 April 1965. According to an unofficial Pakistani report the Indian operations in Kutch had been planned months in advance. See A.P.P. report in Pakistan Times, 1 May 1965.

(278) "Reason in the Rann", The Economist, vol. 215, 8 May 1965, p. 621. Also see editorial of The Agnetenposten, a Norweigan paper, of 27 April in which it wrote that "it seems clear that Pakistan has started the conflict this time". Reported in World Press Review, no. 243, 1 May 1965. The editor of La Suisse (Geneva), similarly, wrote on 27 April that "it does seem ... that Pakistanis has penetrated into Indian territory and the Indians have retaliated". Ibid., no. 254, 3 May 1965.

(279) For the Indian version, see K. Rangaswami's report in The Hindu, 28 April 1965; and for the Pakistani version, see Pakistan Times of 28 and 29 April 1965.

(280) Pakistan Times, 29 April 1965.
concentrated its 8th Infantry Division, two armoured regiments of
Chaffes and Pattons, and various artillery regiments in addition to
its 51st Infantry Brigade, which had already been in the area. (281)
According to an American news agency, two squadrons of F-86 bombers
were also reportedly moved to forward areas by Pakistan. (282)
Pakistan, on the other hand, alleged concentration of nearly 20,000
Indian troops in the Rann area and about the assembling of Indian
naval units in the neighbourhood of the Rann. (283)

Indian official sources claimed that Pakistan had ordered
general mobilization of its Army and had recalled men from leave. (284)
This claim was, however, described by the Pakistanis as "completely
baseless". (285)

Causes of the Fighting

Many Western observers wondered why on earth Indian and
Pakistan forces thought it fit to fight in such strength over the
Rann of Kutch. Joseph C. Harsch, in a despatch from London, in the
Christian Science Monitor of 3 May 1965, wrote: "The Rann of Kutch is

(281) Text of the Indian letter to the President of the Security
Council in SCOR, n. 182, Doc. S/6308, pp. 62-63. Also see
The Hindu, 26 April 1965.

(282) "Storm in a Salt pan", The Economist, vol. 215, 1 May 1965,
p. 513.

(283) Statement of the Pakistani Foreign Office spokesman of 26 April
in Pakistan Times, 27 April 1965; also see Pakistan Press Release,
no. 34, 29 April 1965.

(284) Chavan's statement in Lok Sabha Debates, series 3, vol. 42,
26 April 1965, col. 10980; see also SCOR, n. 182, Doc. S/6308,
p. 63.

(285) Statement of the Pakistani Foreign Office spokesman of
26 April in Pakistan Times, 27 April 1965; also see report of
the Pakistani correspondent, "No War Cries", The Economist,
one of the most worthless piece of real estate to be found on this planet. ... It is absurd that modern and reasonably intelligent governments could or should allow a dispute over such worthless property to become an angry and dangerous issue." Similar views were expressed by others. (286) The fact, however, remains that serious armed clashes took place in the Rann in April 1965 as a result of the Pakistani attempt to establish its claim over the northern half of the Rann by the use of force and the Indian determination to resist the attempt.

The question, therefore, arises: Why did Pakistan try to use force in the Rann of Kutch to change the status quo in its favour? One simple answer to this can be that Pakistan wanted to establish its claim over an area which it considered to be its own and that in view of India's refusal to accept this area as disputed, Pakistan wanted to force the issue. This could not, however, be the main reason. For, had it been so, Pakistan should have pressed its claim earlier. We know that no armed clash had taken place over the issue after 1956 and that there had been no discussion over it between the two countries after January 1960 almost until January 1965. It is possible, therefore, to suggest the following causes for the Pakistani move of 1965: (1) Pakistan wanted to test India's military might as a part of its grand design of seizing Kashmir later by similar means. Pakistani armed infiltration in Kashmir four months

(286) Baltimore Sun in its editorial of 2 July 1965 held that "few places on earth are more dismally and moistly undesirable than the Rann of Kutch". See World Press Review, no. 424, 6 July 1965. Washington Evening Star in its editorial of 6 July similarly called the Rann of Kutch as "one of world's most inhospitable places with little or no military significance". Ibid., no. 431, 8 July 1965; also see Lamb, n. 212, p. 115. See also editorial of Cape Times (Cape Town), 29 April 1965.
later (in August 1965) gives an inkling of it. (287) (2) Pakistan wanted to create a crisis in Kutch in order to emphasize that the essential dispute over Kashmir was not forgotten. (288) Pakistan might have thought that/India could be humbled in Kutch, it would be more ready to yield on Kashmir. (289) (3) The internal crises in India like the language riots, the food crisis, and the depressing position of the Indian economy also encouraged the Pakistanis. (290) (4) President Ayub Khan's visit to China between 2 and 9 March 1965, during which he discussed a number of matters, including Kashmir, with the Chinese leaders also encouraged him in his adventure in Kutch. (291) Open support given by the Chinese Government to Pakistan on the Kutch issue on 4 May 1965 (292) confirmed it. In fact, Prime Minister

(287) George Woodcock regarded the Pakistani "probe" in the Rann of Kutch "both as a diversionary move, to switch attention from Kashmir, and also as a test of Indian alertness and firmness under Shastri's Leadership". See George Woodcock, "Kutch and Kashmir: How the War Started", Commonweal (Philadelphia, Pa), vol. 82, 1 October 1965, p. 725. See also editorial of Hindustan Times, 26 April 1965.


(289) See Prem Bhatia, "Report From New Delhi: Pakistan's target is India's minds", Indian Express, 28 April 1965.

(290) Lamb, n. 212, p. 113.

(291) Ibid., p. 114; also see broadcast of the Vatican Radio of 27 April 1965 as given in World Press Review, no. 342, 10 June 1965; views of the editor of Bund (Bern) of 27 April 1965; ibid., no. 254, 3 May 1965. About President Ayub's visit to China and the China-Pakistan joint communique of 7 March 1965, Peking Review, 12 March 1965, pp. 8-10.

Shastri thought that the recent talks between President Ayub and the Chinese leaders had "strengthened Pakistan for these ventures". (293)

(5) According to a Soviet Press release of July 1964, the Soviet geologists, who had prospected for oil and gas in India's coastal areas, believed that oil might be found under the sea-bed in the Rann of Kutch. (294) This possibility of finding rich oil deposits in the Rann would have further lured the Pakistanis. (295)

(6) Moreover, India's declared intention to construct a major naval base at Kandla on the northern shore of the Gulf of Kutch would put Indian warships too close to Karachi, and this might have led Pakistan to seek a forcible settlement of the Kutch issue. (296)

(7) Finally,

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(293) See Shastri's statement of 25 April 1966 after his return from Nepal at New Delhi airport as reported by Jacques Navard, New York Times (international edn), 26 April 1965. Three days later, he further gave a hint to it when he said in the Lok Sabha that lately China and Pakistan "seem to have joined hands to act in concert against India". Lok Sabha Debates, series 3, vol. 42, 28 April 1965, col. 11584.


(296) New York Times (international edn), 27 April 1965; also see Views of La Croix (of France), 27 April 1965 in World Press Review, no. 275, 7 May 1965; of Basler Nachrichten (Basle), 29 April 1965 in ibid., 3 May 1965; also Chacko, n. 295, p. 149.
Pakistan might have been influenced by the fact that in case India developed a nuclear device there could be only two possible places where it could test it — (a) the bare, unpopulated wasteland of the Rann of Kutch and (b) the desert of Rajasthan, both of them contiguous and close to populated Pakistani provinces. (297)

Pakistan, on the other hand, accused India of bringing over the crisis in Kutch and advanced the following two reasons for India's doing so: (1) attempts "to divert the attention of the world from India's illegal annexation of ... Kashmir and of the reign of terror and repression which has recently been let loose in that territory"; and (2) the Indian intention "to give the Indian people something else to think about than food shortage, mounting prices, the language conflict and other difficulties at home and abroad". (298) However, we have shown above that it was Pakistan that decided to change the status quo in the Rann of Kutch around January 1965, and hence it is the Pakistani motivations which need to be examined.

**India's Reactions to Pakistani Attacks and to Partial Pakistani Success in the Rann of Kutch in April 1965**

The Pakistani attacks on the Indian posts in the Rann of Kutch and their success in the adventure "swept" the Indian nation "by an almost unprecedented wave of anger and a sense of humiliation". (299)

In the Indian Parliament there was a strong move for hitting at

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(297) *Sunday Telegraph*, 2 May 1965.


Pakistan at some place of India's choosing, (300) and everybody was agreed that the situation should be dealt with firmly. (301) Even Frank Anthony, who, until the Kutch incidents, had favoured a detente with Pakistan said: "today, I confess with a sense of sorrow, my complete disillusionment." (302) Both the Houses of Indian Parliament resolved "to drive out the aggressor from the sacred soil of India". (303) Similar views were expressed by leading Indian newspapers. (304)

The reasons behind this strong reaction in India were mainly three. First, India felt offended because Pakistan had mounted an attack at a time when India had agreed to Pakistan's own proposals of 9 and 13 April and had made clear that it would not put any conditions for talks. (305) More than this, Pakistan had chosen a


(302) Ibid., col. 11686.


(304) Editorials of The Hindu, 27 April 1965; The Statesman, 30 April 1965; and Times of India, 27 April 1965.

terrain and a time of its choice. It had chosen the area of the Rann of Kutch for its attack which had on the Pakistani side a higher ground and a firm land where it could easily use tanks. Pakistani lines of communication — its all weather roads, its railway lines, and an airport at Badin — were also very close to the area. On the other hand, the ground on the Indian side was soft and marshy disabling the operation of tanks and making Indian lines of communications difficult. There were hardly any roads on the Indian side and the nearest railway head was seventy miles away. (306) The time was also suitable to the Pakistanis. In the Rann, seasonal flooding makes ground untenable from May to October, and to begin a conflict, therefore, in April meant that India would soon be made to withdraw its Army, whereas Pakistan, which had a higher ground on its side, would continue with its tactical advantages. (307) Finally, defeat even at the hands of a small country like Pakistan, after a debacle at the hands of China in 1962, was more than India could bear. (308) The correspondent of The Times (London), thus, repeatedly reported in


(307) The Times, 20 April 1965. Also see its editorial of 26 April.

his despatches from Delhi that if disadvantages of terrain and season involved an Indian withdrawal or defeat, the Indian Government would be tempted and urged by their people "to hit back elsewhere". (309)

It was in the above context that, following the Pakistani attack on Indian posts on 24 April, the Indian Armed forces were alerted and all their leaves cancelled. (310) On 27 April, India informed the Security Council that if "Pakistan continues its aggression, then Pakistan will be responsible for the serious consequences that will inevitably flow from such unprovoked and naked aggression". (311) On the following day the Indian Prime Minister, Shastri, announced in the Lok Sabha that "if Pakistan continues to discard reason and persists in its aggressive activities, our Army will defend the country and it will decide its own strategy and the employment of its manpower and equipment in the manner which it deems fit". (312) Although there was nothing significant in this remark of the Indian Prime Minister, because even in normal times the role of the Army was to work out its own strategy, in the present context this remark was interpreted by Pakistan as a threat to open a second front. (313) Thus, to quote from President Ayub Khan's broadcast to his nation of 1 May 1965, "India has now threatened us


(311) SCOR, n. 182, Doc. S/6308, p. 63.


(313) K. Rangaswami, "Letter From New Delhi, Behind-the-Scenes Pressures on Pakistan", The Hindu, 10 May 1965. For Pakistani interpretations, see reports in Pakistan Times, 29 and 30 April 1965.
with further aggression in a battle ground of her own choice". (314)
This view was also expressed in a section of the British Press. (315)
In fact, there was a report that the Indian Prime Minister's
statement of 28 April was followed by movement of Indian troops to
the Punjab border. (316)

**British Mediation**

As the conflict between India and Pakistan over the Rann of
Kutch was threatening to develop into a general conflagration, the
need for mediation was expressed in many Western quarters. (317)
On 27 April, President Johnson of the United States declared that
"we are anxious to do anything and everything we can do to see that
peace is restored in that area and conflict is ended". (318) The
US military mission in India is reported to have expressed its
"considered view" against any Indian attempt to seek battle with

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(314) Text of the Pakistani President's broadcast given in
*Pakistan Times*, 2 May 1965.

(315) See report of the Delhi correspondent, *The Times*, 29 April
1965. See also editorial of *The Scotsman*, 29 April 1965 as
reported in *World Press Review*, no. 246, 1 May 1965.

(316) Manekar, n. 306, p. 23. In a letter of 7 May 1965 Pakistan
reported to the President of the Security Council that "Indian
armed forces have been deployed in offensive formations from a
point of 150 yards to twenty-five miles from West Pakistan's
border, in East Punjab State of India" and that "these forces
comprise four infantry Divisions, one armoured Division and

(317) See editorials of *The Times*, 26 April 1965 and *The Observer*,
2 May 1965; also see concern expressed in *The Economist*, vol. 215,
1 May 1965, p. 502 and in the Western Press as produced in
*World Press Review*, nos. 268 and 270 of 6 May 1965 and no. 279
of 10 May 1965.

(318) *Pakistan Times*, 29 April 1965. Also see *New York Times*
(city edn), 28 April 1965 and earlier US concern in
Pakistan. (319) The United States would have even offered to mediate but for the fact that it was "hardly in a position to offer its services as mediator after President Johnson's abrupt cancellation of visits to Washington of Indian and Pakistani leaders". (320) Moscow also stopped taking sides on the Kutch issue, (321) and finally, while expressing its concern over it, appealed to the two parties for a settlement of the conflict. (322) Britain, however, undertook the task of direct mediation between India and Pakistan.

Proposal of 26 April On 26 April, the British Prime Minister, Harold Wilson, authorized the British High Commissioners to express to President Ayub Khan and Prime Minister L.B. Shastri "the profound concern of the British Government, the hope that an early cease-fire would be achieved, and our [Britain's] readiness to help in any way we could". This was followed by a personal message from Wilson to both President Ayub and Prime Minister Shastri on 28 April. (323) In this message the British Prime Minister suggested a cease-fire to be


(320) See editorial of New York Times (city edn), 26 April 1965. About President Johnson's announcement of the cancellation of proposed visit to the USA of President Ayub and Prime Minister Shastri, ibid., 17 April 1965.

(321) In this connexion see a report in Pravda (Moscow), 30 April 1965, in which attempt was made to avoid blaming either India or Pakistan the full text of which is given in Current Digest of the Soviet Press (Ann Arbor, Mich.), 19 May 1965, p. 25. See also Times of India (Bombay), 30 April 1965.

(322) See official statement of the Tass as given by Pravda, 9 May 1965 in Current Digest of the Soviet Press, 2 June 1965; also see The Hindu, 9 May 1965.

(323) See text of the statement made by the British Prime Minister on 5 May 1965 in the British Parliament, Pakistan Times, 6 May 1965.
followed by withdrawal of troops and restoration of the status quo as on 1 January 1965 and then talks between the Indian and Pakistani Governments. (324) India's response to the British proposal was positive. (325) But Pakistan refused to agree to it. It seriously objected to the provision for the restoration of the status quo ante, (326) and insisted on its own proposal of 23 April of withdrawal of the forces of the two countries from the disputed area. (327)

In the meantime, there were reports of heavy Pakistani shelling on Indian posts and of Indian shelling on the Pakistani post of Ding on 3 May. (328) There were also threats from both sides. The Pakistani President, while referring to Shastri's statement in the Lok Sabha of 28 April, said on 1 May that this would mean "a general and total war between India and Pakistan" and that if it was "forced" on Pakistan, "nobody can expect us not to meet the challenge". (329) To this, Shastri replied on 3 May by saying that "there have been no counter-measures" from the Indian side as yet, "but if the Government of Pakistan persists in its present aggressive posture, the Government


(325) See Shastri's statements in n. 324; also see The Times, 29 April 1965 and The Hindu, 1 May 1965.

(326) Pakistan Times, 1 May 1965 and Sunday Times, 2 May 1965.

(327) Pakistan Times of 30 April and 1 and 4 May 1965; also see reports of the Commonwealth correspondent in The Observer, 2 May 1965.

(328) The Hindu, 4 May 1965.

(329) Text in Pakistan Times, 2 May 1965.
of India will be left with no alternative except to think how best to defend the territorial integrity of the mother-land". (330)

Proposal of 4 May and Lull in Fighting On 4 May, therefore, the British Prime Minister, in his fresh communications to the heads of Governments of India and Pakistan, formally proposed a week's cease-fire. (331) The new British proposal also contemplated a reference of the Kutch question to arbitration and adjudication, (332) and the holding of official talks to settle the status quo ante. (333) This new proposal was outrightly rejected by the Indian Prime Minister because, according to him, "the principle of the status quo ante has also to be agreed to along or simultaneously with the cease-fire". (334)

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(331) See Prime Minister Shastri's statement in Lok Sabha Debates, series 3, vol. 43, 5 May 1965, cols 13333, 13335.

(332) See Shastri's indication to it in a private message of 5 May as reported in The Statesman, 6 May 1965; see also K. Rangaswami's report in The Hindu, 6 May 1965; and the report in Pakistan Times, 6 May 1965.


(334) See Shastri's statements in Lok Sabha Debates, series 3, vol. 43, 6 May 1965, col. 13308 and 5 May 1965, cols 13336, 13338, and 13342. The Indian Prime Minister was, in fact, under constant fire in the Indian Parliament which did not want him to yield to any proposal which did not contemplate immediate Pakistani vacation of the Rann. See speeches, ibid., vol. 42, 29 April 1965 by S.N. Dwivedy (col. 11981), Nath Pai (col. 11982), Bhagwat Jha Azad (col. 11982), and Frank Anthony (col. 11982); ibid., 30 April 1965, by P.V. Shastri (col. 12152) and Lobia (col. 12156); in Rajya Sabha Debates, vol. 52, 3 May 1965, by A.B. Vajpayee (cols 125-51), G. Murabari (col. 151), A.D. Mani (col. 176), and Gurupada Swami (col. 182); and ibid., 5 May 1965 by Ganga Saran Sinha, col. 708. The Congress Parliamentary Party at its meeting of 4 May had also pleaded for a tough line, Hindustan Times, 5 May 1965. All this had made the Indian Prime Minister repeatedly to assure the Indian Parliament that his Government "shall not depart from the position that along with cease-fire there must be a restoration of the status quo ante". See, Rajya Sabha Debates, vol. 52, 3 May 1965, col. 129; Lok Sabha Debates, series 3, vol. 42, 30 April 1965, cols 12144, 12170 and ibid., vol. 43, 5 May 1965, cols 13333-4.
The Indian Prime Minister, however, agreed on 5 May that during the continuance of the talks for the settlement of the issue the Indian Armed forces should do nothing to aggravate the situation unless there was any provocation from the other side. (335) Similarly, a Pakistani Foreign Office spokesman said on 5 May that Pakistani forces had been instructed on 30 April not to resume shelling or do anything so long as the Indian forces observed a similar restraint. (336) Thus, as the British Prime Minister declared on 5 May, "there is good reason to think that the fighting has, in fact, come to a stop as a preliminary to a cease-fire and a settlement of this whole question". (337) Although Shastri refused to describe the situation as that of a de facto cease-fire and preferred to call it "a lull", (338) it is a fact that some sort of peace was established in the area. On 8 May Shastri also indicated his acceptance of the reference of the Kutch issue to a tribunal under terms of the earlier agreement between K.M. Shaikh and Swaran Singh, but added that any reference to a tribunal would strictly be confined to the Kutch issue and that too to the demarcation of the boundary line. (339)

Further British Mediation between 5 May and 17 June

Between the agreed tentative lull of 5 May and the short private meeting on 17 June between President Ayub Khan and Prime Minister Shastri in London (after which things moved swiftly towards an agreed cease-fire),

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(335) See his statement in Lok Sabha Debates, series 3, vol. 43, 5 May 1965, cols 13333, 13337.

(336) Pakistan Times, 6 May 1965.


(338) Shastri's replies to questions in Lok Sabha Debates, series 3, vol. 43, 6 May 1965, col. 13508.

(339) Rajya Sabha Debates, vol. 52, 8 May 1965, cols 1231, 1235.
three British proposals were made in order to evolve an agreed solution of the Kutch issue. These British proposals were made on 10 May (340); in mid May, (341) probably on 15 May (342); and on 27 May. (343) During this period, India consistently insisted on the restoration of the status quo ante as on 1 January 1965 (344) and

(340) No details of the proposal of 10 May are available. It was, however, considered to be related to a cease-fire and the restoration of the status quo ante and was thought to be the reply to clarifications sought by the Indian Government. The Hindu, 11 May 1965. India is said to have accepted the proposal of 10 May on the very next day, but Pakistan's reactions were not favourable. Ibid., 19 May 1965.

(341) This proposal was reported to have contained the Pakistani idea of the status quo ante. Pakistan favoured the restoration of the status quo ante in the Rann of Kutch only if the entire border problem was discussed and the armies of the two countries all along their border were disengaged. See reports in The Hindu, 13 May 1965 and Pakistan Times, 19 May 1965. The Indian Government expressed its "dissatisfaction" on a number of points over this British communication. See The Hindu, 18 May 1965.


(343) This communication, which was sent after a clash in the Kutch area on 25 May, urged the Indian and Pakistani Governments to do everything possible for the cessation of hostilities in the area. It also tried to enlarge the scope of the proposed arbitration on the Kutch and to include other Indo-Pakistani issues in the proposed Kutch agreement. See reports in Pakistan Times and Dawn of 23 May 1965; The Hindu, 1 June 1965; Sunday Times, 30 May 1965; and The Times, 31 May 1965. In its reply of 31 May, the Indian Government objected to many of these suggestions. See K. Rangaswami's report, The Hindu, 1 June 1965. India also complained that Wilson had shifted his grounds. Sunday Times, 30 May 1965.

(344) See Shastri's address at a conference on 7 May, Government of India, Ministry of Information and Broadcasting, Speeches of Prime Minister Lal Bahadur Shastri (Delhi, 1965), p. 148; other statements by him on 7 and 8 May in The Hindu, 8 and 10 May 1965; and Lok Sabha Debates, series 3, vol. 43, 11 May 1965, col. 14411; his public speech of 27 May in Speeches of Prime Minister Lal Bahadur Shastri, cited above, p. 151; and his declaration in Ottawa on 12 June in The Hindu, 14 June 1965.
said that Pakistan should vacate not only Kanjarkot but also Bari bet and Point 84. (345) It set its face against the mingling of other issues with that of the Kutch in the proposed agreement (346); recognition of the existence of any dispute in the Rann (347); and the disengagement of the forces of the two countries, as proposed by Pakistan, from the area. (348) It was also against enlargement of the scope of the proposed arbitration on the Kutch issue. (349) Pakistan, on the other hand, tried till the last to secure the withdrawal of the troops of both the countries from the Kutch area (350); for the inclusion of issues, other than the Kutch, in the proposed agreement (351); for some modification in the provision regarding restoration of the status quo ante as on 1 January 1965 which might recognize the continuation of its occupation at least of one of the posts set up by it in the area after 1 January 1965 (352); and for

(345) The Hindu, 8 May 1965; Shastri's speech of 27 May, n. 344, p. 151; and his statement in Ottawa, The Hindu, 14 June 1965.


(349) Shastri's statement in Rajya Sabha Debates, vol. 5, 8 May 1965, col. 1235; also see his reply to Wilson's communication of 27 May as reported by K. Rangaswami in The Hindu, 1 June 1965.

(350) Pakistan Times, 7 and 19 May, 18 June and 1 July 1965; also see A Staff Study, n. 324, pp. 62, 63.

(351) The Hindu, 18 May and 1 June 1965; Sunday Times, 30 May 1965; and A Staff Study, n. 324, p. 63.

(352) The Hindu, 8 May 1965, Statement of Indian official spokesman of 30 June, Ibid., 1 July 1965. Also see A Staff Study, n. 324, p. 62.
the broadening of the scope of arbitration so that it might also be applied to other Indo-Pakistani problems. (353)

During this period India also repeatedly pressed for an early restoration of the status quo ante by Pakistan failing which India would do what it thought fit. (354) Similarly, the Pakistani leaders quite often declared that if war was forced on Pakistan, its army would go all out and would be victorious. (355) Dawn on 28 May 1965 also issued a threatening warning to India in an editorial and said that in case of a conflict "at least a major portion of the sub-continent will be reduced to shambles". Heavy concentration of the armed forces of the two countries was reported all along the Indo-Pakistani border. (356)

(353) K. Rangaswami's report in The Hindu, 1 June 1965; also see Pakistan's letter of 7 June to the President of the Security Council in SCOR, n. 182, Doc. S/6423, p. 244.

(354) See Shastri's statements at the Congress Parliamentary Party on 7 May in The Hindu, 8 May 1965; at a conference on 7 May in Speeches of Shastri, n. 344, p. 148; his speech of 27 May, ibid., pp. 150, 151, and 152 and his other statements in The Hindu, 10 May and 7 and 14 June 1965.


(356) For the report about concentration of Pakistani troops on the Indian border, see The Hindu, 18 and 19 May 1965 and the letter dated 28 May 1965 from the Permanent Representative of India to the President of the Security Council in SCOR, n. 182, Doc. S/6389, pp. 195-8. President Ayub Khan himself admitted it in his broadcast of 1 June when he said that "today the armies of the two countries are facing each other in an atmosphere charged with tension". See Pakistan Times, 2 June 1965. About the report of the concentration of Indian troops, see Pakistan Times, 11 May 1965 and the Pakistani letter to the President of the Security Council of 7 May 1965 in SCOR, n. 182, Doc. S/6340, pp. 107-8.

The heaviest concentration of troops on both the sides was reported between Lahore and Amritsar. The Times, 19 May 1965.
On 17 May Indian troops occupied two posts across the cease-fire line near Kargil in the Kashmir sector. (357) A few clashes in the Rann of Kutch, on 25 May and on 16 June, were also reported. On 25 May an armed clash took place between an Indian patrol party and the Pakistani forces in the Bialet area, in which, according to Indian reports, the Pakistani armoured patrol attacked the Indian patrol. (358) The Pakistani sources, however, alleged that it was the Indian patrol party that attacked the Pakistanis and that the Pakistanis had no armoured cars in the area. (359) On 16 June, two incidents are said to have occurred, one near the Sardar post and the other in the vicinity of Vigorkot. (360) The occurrence of these incidents was denied by the Pakistanis. (361)

Ayub-Shastri Meeting in London of 17 June 1965 and the Conclusion of an Agreement As no agreement was reached on the Kutch issue, it appeared that pressure would be put on Shastri and Ayub to break the stalemate on the occasion of the Commonwealth Prime Ministers' Conference in London in mid June. (362) But since it was officially stated in New Delhi on 5 June that India would strongly resist any move for a discussion of the Kutch issue in the Commonwealth Conference, (363) it was indicated officially in London that the

(357) See Ch. Three.
(360) For details see The Hindu, 17 June 1965; also see J. Anthony Lukas's report in New York Times (international edn), 17 June 1965.
(361) Pakistan Times, 18 June 1965.
(363) The Hindu, 6 June 1965.
British Prime Minister would try to arrange private talks on this question between the Indian and Pakistani leaders. (364) The Indian Prime Minister and the Pakistani President, thus, met, under British auspices, on 17 June. Shastri described the meeting as a "very happy" one. (365) Progress towards an agreement was reported, and it was stated on 17 June that an agreement between the two countries would be announced in a week's time. (366) Three new developments improved the chances of a settlement. They were: (a) Pakistan's agreement to restore practically the status quo ante as on 1 January 1965 (367); (b) India's announcement on 18 June to vacate the two posts which its army had occupied near Kargil in Kashmir on 17 May last (368); and (c) informal assurances by Shastri and Ayub to Wilson that when the cease-fire was completed "they would at once instruct their troops to withdraw from their present advanced positions along the Indo-Pakistan border". (369) While the first development satisfied India, the other two contented Pakistan.

An agreement was now not far off. (370) It was soon concluded, and on 29 June the Indian Cabinet approved the draft of the British Prime Minister. (371) On 30 June 1965, it was formally signed both in New Delhi and in Karachi. (372)

(364) See Zahid Chaudhri's report from London in Pakistan Times, 6 June 1965.
(371) K. Rangaswami's report, ibid., 30 June 1965; also see reports in The Times, 30 June 1965.
(372) The Hindu, and Dawn, 1 July 1965.
The Kutch Agreement of 30 June 1965

Provisions of the Agreement

The Kutch Agreement consisted of three Articles. Broadly, it provided for a cease-fire, the restoration of the status quo ante as on 1 January 1965, talks between the two parties first at the official level for the implementation of the provisions regarding the restoration of the status quo ante and the maintenance of the cease-fire and then at the ministerial level for the determination and demarcation of the Kutch-Sind boundary. In case of failure of the ministerial-level talks, the agreement made a provision for reference to an impartial tribunal for adjudication whose decision would be binding. Time-limits were fixed for the implementation of each of these provisions. Confidence that there would be a general reduction of tension all along the Indo-Pakistani border was also expressed, and informally the two parties agreed for the disengagement of their troops along their common boundary.

The first Article of the agreement dealt with the coming into effect of the cease-fire from 00.30 hours (GMT) 1 July 1965.

Article Two was concerned mainly with the provisions regarding the restoration of the status quo ante and maintenance of peace in the Rann area. Both India and Pakistan were to withdraw all their troops at once (i.e. within seven days) from the border separating Gujarat and West Pakistan. Indian police were then to reoccupy their post at Chhad Bet in strength not greater than that they had there on 31 December 1964. Indian and Pakistani police might patrol the tracks which they had been patrolling prior to 1 January 1965 provided they took care not to do it more intensively than they used to do before 1 January 1965. In case of the police of the two countries coming in contact with each other, they were to refrain
from interfering with each other. They should follow the border "Ground Rules" agreed to by India and Pakistan for this region in January 1960. In order to consider and agree on problems, if any, arising from the implementation of the aforesaid provisions, the officials of the two countries were to meet immediately and from time to time. These tasks were to be finished by the officials within one month of the cease-fire.

Article Three of the agreement, which related primarily to the machinery for the final settlement of the dispute, provided that after the officials had finished their work, the Ministers of India and Pakistan would meet "in order to agree on the determination of the border in the light of their respective claims, and the arrangement for its demarcation". In case they failed to reach an agreement "on the determination of the border" within two months of the cease-fire, the two Governments were to have recourse to a tribunal, as contemplated in their joint communique of October 1959, "for determination of the border in the light of their respective claims and evidence produced before it and the decision of the Tribunal shall be final and binding on both parties". The tribunal was to be constituted within four months of the cease-fire. It was to consist of three persons, none of whom were to be nationals of India and Pakistan. One member was to be nominated by each Government and the third member, the chairman, was to be selected jointly by the two Governments. In case the two Governments failed to agree on the selection of the chairman within three months of the cease-fire, they were to request the Secretary-General of the United Nations to nominate the chairman. Both Governments undertook to implement the findings of the tribunal in full as quickly as possible and to refer
to it for decisions any difficulties that might arise in the implementation of the findings. The tribunal was to remain in being until its findings were "implemented in full".

The respective claims of the two parties and the provisions regarding the Rann of Kutch dispute in their agreement of January 1960 were also noted in the agreement. (373)

Although the progressive disengagement of forces massed on the entire Indo-Pakistani border could not be written, because of the Indian opposition to it, into the Kutch Agreement, a via media was found by incorporating this hope of disengagement into the Preamble of the agreement. (374) In the Preamble, the parties expressed "the confidence" that the Kutch Agreement would "also contribute to a reduction of the present tension along the entire Indo-Pakistan border". In fact, both President Ayub and Prime Minister Shastri "made [it] clear" to the British Premier, Wilson, that after the completion of the agreement they would disengage their troops along their border. (375) As Shastri himself said on 1 July: "On our part we have indicated that since we have no desire to keep up a war-like atmosphere we would withdraw our troops from the present forward positions." (376) A Pakistani Foreign Office spokesman, while reporting the Kutch Agreement on 30 June, went even further and said that

(373) The text of the agreement is given in Foreign Affairs Record, vol. 11 (1965), pp. 130-1.
(374) The Times, 1 July 1965.
(375) See Wilson's statement in the House of Commons on 30 June as reported in The Times, 1 July 1965; see Jacques Navard's report from Karachi in New York Times (international edn), 1 July 1965 in which he noted this along with the provisions of the Kutch agreement.
although the mutual decision to withdraw troops from the entire
Indo-Pakistani border was not part of the Kutch Agreement, it was
also "a sort of written agreement". (377) Calling it a "second
agreement", President Ayub Khan described it as "even more important
than the agreement on the Rann of Kutch dispute". (378)

Reactions to the Agreement in India and Pakistan In India, the
Government expressed its satisfaction at the agreement by saying
that it was in keeping with the nation's "honour and dignity" (379)
and that "the basic conditions laid down by us were duly complied
with". (380) The newspapers of India also unanimously welcomed
it (381) and the Hindustan Times thought that all the stipulations
of Shastri "have been fully met" in the agreement. (382) Persons
like C. Rajagopalachari (383), J.P. Narayan (384), and Vinoba
Bhave (385) also acclaimed it.

The Jana Sangh, the Samyukta Socialist Party, the Praja
Socialist Party, the Revolutionary Socialist Party, and some
independents, however, were very much critical of the many of the

(377) Pakistan Times, 1 July 1965.
(378) See President Ayub's statement of 30 June 1965, Dawn, 1 July
1965.
(379) See Shastri's statements at a meeting in New Delhi on 11 July,
The Hindu, 12 July 1965 and Lok Sabha Debates, series 3,
vol. 44, 16 August 1965, col. 171.
(380) Shastri's speech in Rajya Sabha Debates, vol. 53, 19 August
1965, col. 725.
(381) See editorials of 1 July 1965 of Times of India, Hindustan
Times, Indian Express, The Statesman, The Patriot (New Delhi),
and The Hindu.
(382) See editorial of 1 July 1965.
(384) Ibid., 3 and 20 July 1965.
(385) Ibid., 3 July 1965.
provisions of the agreement. (386) The Communist Party of India was critical of the provisions relating to the tribunal. (387) Members of the Gujarat Swatantra Party (388) and some members of the Congress were also critical of some of the provisions of the agreement. (389) These criticisms related to the use of the words "determination of the border" in the agreement, provision for the withdrawal of Indian troops from the Rann area, acceptance of Pakistan's patrolling right over a track in the area, and the provision regarding the tribunal.

In Pakistan, the Government expressed its satisfaction (390) and happiness at the agreement. President Ayub Khan hailed it as a

(386) Telegram of 1 July of six members of Parliament to the Indian President against the agreement, ibid., 2 July 1965. See Jana Sangh's attempted demonstration against the agreement before the Indian External Affairs Ministry on 30 June, ibid., 1 July 1965 and their mass rally before the Parliament on 16 August 1965, The Statesman, 17 August 1965. Also see their criticism in Lok Sabha Debates, series 3, vol. 44, 16 August 1965; again, ibid., 17 August 1965; in Rajya Sabha Debates, vol. 53, 19 August 1965 and again, ibid., 23 August 1965. H.V. Kamath, in particular called the agreement as "pact for abject appeasement of the aggressor", (Lok Sabha Debates, 17 August 1965, col. 481), while J.B. Kripalani called it "sinful" and asked the Government to "scrap this agreement". Ibid., col. 510.


(388) See views of Bhailabhai Patel, President of the Gujarat Swatantra Party in The Hindu, 30 June 1965 and of Daya Bhai Patel in Rajya Sabha Debates, 19 August 1965, col. 736. The Swatantra Party, as a whole, however, supported the agreement. See Ranga's views in Lok Sabha Debates, 16 August 1965, cols 182, 186 and of M. Rithnaswami, in Rajya Sabha Debates, 23 August 1965, col. 1008.


(390) See statement of the Pakistani Foreign Office spokesman on 30 June, Pakistan Times, 1 July 1965.
"victory of commonsense" and as one constituting "a turning point" in the future relations of India and Pakistan. (391) It was also held that Pakistan had scored a major point in the agreement by getting the principle of arbitration accepted as one of the measures for finding a settlement of the dispute. (392) A member of the National Assembly acclaimed it by calling it "one of the landmarks in the Indo-Pakistan history". (393)

In general, the agreement was greeted in Pakistani private circles with mixed feelings. So far as Dawn was concerned, in its editorial of 2 July 1965, it regarded the agreement as "a significant landmark in Indo-Pakistan relations" which was "welcome for more than one reason" and as "a triumph of commonsense over arrogant unreasonableness". In its whole-hearted appreciation of the agreement, it noted the following significant things: (1) It brought to an end a tense situation which could have escalated into a full-scale war between the two countries; (2) the agreement left no loopholes for its non-compliance; (3) India accepted the nature of the dispute concerning the Rann of Kutch; (4) the two countries agreed to disengage their forces which were poised against each other all along the border; and (5) it was the first agreement between India and Pakistan which provided for a settlement of territorial disputes through arbitration. Other sections in Pakistan were, however, not so jubilant over the agreement. The Pakistan Times in its editorial of 2 July considered the agreement as one "based on the principle of

(391) Text of President's statement of 30 June in Dawn, 1 July 1965.
reciprocity" in which "both India and Pakistan have made concessions". (394) Strong feelings, moreover, were expressed in some circles against the provisions relating to the Pakistani withdrawal from the Rann area, and it was felt that what Pakistan "had won in the battle-field" it "lost on the table". (395)

Analysis of the Agreement The agreement was, as rightly put in some circles (396), a compromise solution. It only partially vindicated the stand of both India and Pakistan.

The Indian position was endorsed by the Kutch Agreement in more than one way. Pakistan was made to withdraw not only from Biarbet and Point 84 but also from Kanjarkot, and Pakistan was not allowed to retain even a single post in the Rann area. (397) Moreover, as was reported, Pakistan's request for a reference in the agreement that it had voluntarily agreed to vacate Kanjarkot was not accepted. (398) Again, India was allowed to have a police

(394) Also see Abdul Majid, "Weekly Commentary: The Kutch Settlement", Pakistan Times, 6 July 1965.


(396) President Ayub Khan said on 30 June: "It would be wrong to present this agreement as a victory for India and Pakistan. It is a victory for commonsense". See Dawn, 1 July 1965. See also the editorial in Pakistan Times of 2 July 1965 referred to above. The Statesman in its editorial of 1 July said: "The cease-fire agreement will not satisfy anyone, but no agreement does."

(397) See statement of the Indian official spokesman on 30 June 1965 as reported by K. Rangaswami, The Hindu, 1 July 1965. In fact, as Shastri claimed later, "As a result of this Agreement, Pakistan Army and Police have withdrawn from Indian territory". Rajya Sabha Debates, vol. 53, 16 August 1965, col. 225.

post in Chhad Bet, and this was the only post to be retained by either side in the area which Pakistan disputed, thereby indicating the Indian control of this area, as against Pakistan's, prior to 1 January 1965. (399) Furthermore, India was authorized to have the entire Rann area patrolled by its police while Pakistan's right was recognized only over a small track in the area, that between Dung and Surai. The Pakistani claim that they were patrolling the entire "disputed" area before 1 January 1965 was not recognized. (400) Finally, the Indian contention that no other dispute should be included in the agreement and that the scope of the tribunal should be strictly limited to the Kutch issue was also endorsed. (401) Shastri was, thus, right in claiming that India's basic stand was fully complied with in the agreement.

The Pakistani claims were also vindicated to some extent. India and Pakistan finally agreed, although informally, as a result of this agreement, that they would disengage their troops along their entire common border, and confidence that there would be a general reduction of tension all along the Indo-Pakistani border was mentioned in the Preamble of the agreement. As mentioned earlier, this was the chief Pakistani condition for agreement. Again, India agreed, against its previous proclamations to the contrary, that the boundary in the Kutch area was not merely to be demarcated but also

(399) Ibid.

(400) See Shastri's statements in Lok Sabha Debates, series 3, vol. 44, 16 August 1965, cols 172-3; Ibid., 18 August 1965, cols 713-14; and in Rajya Sabha Debates, vol. 53, 16 August 1965, cols 224-5. See also editorial of Indian Express, 1 July 1965. Also see Mankar, n. 306, p. 37.

(401) See Article 3(1)(C)(ii) of the agreement.
to be "determined" (402) and thus recognized indirectly that the area was in dispute. (403) Thirdly, India was made to dismantle all the posts set up by it since 1 January 1966 including those at Vigokot, Sardar, Karimshahi, and Siadbet (404) and withdraw troops from the area which it claimed to be its own. Finally, Pakistan was allowed to patrol a track in an area south of Kanjarkot.

The Pakistanis also claimed that the provision for the tribunal in the agreement was a great victory for Pakistan. A Pakistani Foreign Office spokesman claimed on 30 June 1965 that it was the "first agreement" between India and Pakistan which provided for a settlement of territorial dispute through arbitration, that India had "now conceded" on the principle of settlement of territorial disputes through arbitration, and that it might set a "precedent" for the settlement of other disputes, including Kashmir. (405) President Ayub Khan similarly thought that the agreement constituted "a model for the manner in which all India-Pakistan disputes can be settled". (406)

(402) Ministers of the two countries were to meet in order to agree "on the determination" of the border (Article 3(1)(C)(1)) and in event of their failure to do so the tribunal was to be asked "for determination of the border" (Article 3(1)(C)(ii)).

(403) See in this connexion the criticism of the agreement in the Indian Parliament in Lok Sabha Debates, series 3, vol. 44, 16 August 1965 by Hem Barua (col. 144) and P.V. Shastri (col. 467). H.V. Keswani (ibid., 17 August 1965, col. 482) and J.B. Kripalani (col. 504) also criticized it. In the Rajya Sabha A.B. Vajpayee, Dayabhai Patel, and others came down heavily on it, Rajya Sabha Debates, vol. 53, 19 August 1965, cols 718, 736.

(404) See claim of the Pakistani Foreign Office spokesman on 30 June in Pakistan Times, 1 July 1965.

(405) Pakistan Times, 1 July 1965. A similar view was expressed editorially on 2 July 1965 by Dawn as mentioned earlier.

(406) See his statement of 30 June in Dawn, 1 July 1965.
The Pakistani claim with regard to the tribunal was, however, not correct. In any case, it was not the first time that India had agreed for a tribunal to resolve the Kutch issue. It had agreed to it much earlier in the joint communique of October 1959. Still earlier to this, it had agreed for boundary awards by Radcliffe in 1947 and by Bagge in 1950. Recently, after the fighting in the Kutch, it had specifically expressed its acceptance of a tribunal on 3 May 1965. (407) Again, as Shastri correctly pointed out in the Rajya Sabha on 19 August 1965 "the Tribunal's sole task would be to identify and determine the boundary between India and Pakistan in this Kutch sector after partition and after accession of the State of Kutch to India" and that "such identification or determination would have to proceed solely on the basis of evidence produced and not on the basis of any other considerations". (408) In fact, as an official spokesman of the Indian Government declared on 30 June 1965, the tribunal would adjudicate and not arbitrate. (409) The tribunal's task was, thus, solely confined to the determination of the Kutch boundary. Shastri clarified it further by saying: "I would also like to add that it does not of course follow that wherever Pakistan raises trouble we should immediately agree to refer the matter to tribunal. ...

(407) See Shastri's statement in the Rajya Sabha referred to earlier in n. 339 of this Chapter.

(408) Rajya Sabha Debates, vol. 53, 19 August 1965, col. 729; see also Article 3(1)(c)(ii) of the agreement.

(409) The Hindu, 1 July 1965; see also the editorial in the Times of India, 14 July 1965, in which while opining that "what the Kutch agreement envisages is not arbitration but adjudication", it held that in arbitration "there is always an element of personal caprice" but in adjudication "the verdict is based on strict legal interpretation of the evidence and documents produced by the two parties to the dispute".
Kashmir certainly does not come into this category at all." (410)

In addition to being partially satisfactory to both India and Pakistan, the agreement had the additional advantage of providing for the final settlement of the main irritant of the border problem. The Rann of Kutch, as we know, was the only area on India's western border with Pakistan where no agreement had been possible in January 1960. Moreover, this was the only Indo-Pakistani border dispute in which an area as extensive as 3,500 square miles was involved. The agreement, therefore, removed a major irritant in the Indo-Pakistani relations. More than this, it saved the Indian subcontinent at that time from a general conflagration and averted a war. (411) Finally, for the time being, it appeared to open the door to a general improvement in Indo-Pakistani relations. President Ayub Khan held that "these agreements" signified that "all India-Pakistan disputes can be settled through peaceful means". (412) Sharing this view, Dawn, in its editorial of 2 July, referred to above, wanted the agreement to become "the first step towards a general improvement in relations between India and Pakistan". These sentiments were shared in some Indian circles also. (413) The British Prime Minister,

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(411) See editorials of Times of India and The Times of 1 July 1965 and of Pakistan Times of 2 July 1965. Pakistan Times moreover held: "The most significant impact of the agreement ... is that it put an end to the dangerous military confrontation along the border. ... Never before had the two countries come so perilously close to war in the last few months. The threat has now receded and peace in this region is saved." As stated earlier, Dawn in its editorial of 2 July 1965 had made a similar observation.

(412) Dawn, 1 July 1965.

(413) See editorial in Hindustan Times, 1 July 1965.
Harold Wilson, (414) and other Western observers also expressed the same sentiments. (415) However, they soon proved themselves to be mere wishful thinking as Pakistan had already prepared a plan to seize Kashmir if possible by force, just a month afterwards.

Implementation of the Agreement The Indian and Pakistani troops started pulling out from the Kutch area from 1 July after the cease-fire came into effect at 6 a.m. (IST) that day. (416) The withdrawal of these troops was completed as scheduled by 8 July. (417) In order to help in the reduction of tension all along the IndO-Pakistani border, the Indian Defence Ministry also issued orders on 1 July removing the restrictions imposed on personnel of the defence services taking leave. (418) The two countries further agreed for the exchange of prisoners captured during the fighting in the Kutch. (419) This took place on 14 August 1965. (420)

(414) Wilson thought on 30 June that the agreement might "prove to be the first step towards a general improvement in relations between India and Pakistan". See H.K. Burki's report in Pakistan Times, 2 July 1965. See also report in Daily Telegraph, 1 July 1965.

(415) Baltimore Sun, in its editorial of 2 July 1965, thought that "it does offer hope ... that lesser points of contention between India and Pakistan may one by one be taken care of until finally some solution fair to both sides may be found even on Kashmir". See World Press Review, no. 424, 6 July 1965.

(416) The Hindu, 2 July 1965; also see President Ayub's broadcast of 1 July 1965 as reported in Dawn, 2 July 1965.


(418) Ibid., 2 July 1965.

(419) Pakistan Times, 22 July 1965.

(420) Ibid., 16 August 1965; see also reply to questions by D.S. Raju, India's Deputy Minister for Defence, in Lok Sabha Debates, series 3, vol. 44, 30 August 1965, col. 2535. Five Pakistani soldiers, including a Major, were exchanged for 36 Indian personnel of army and police. See Defence Minister Chavan's statement, ibid., col. 2537.
On 29 July the police officials of the countries met at a place four miles from Chhad Bet. (421) They understood to have agreed about the strength and intensity of patrolling, a fortnightly meeting of the officials of the two sides, and a joint review of patrolling arrangements and other related matters. (422) The date for a meeting of the Foreign Ministers of the two countries was also finalized and it was announced that it would take place on 20 August 1965. (423)

In the meantime, massive Pakistani armed infiltration began in Kashmir, (424) and the demand for the annulment of the agreement grew stronger in India. (425) In view of this new development, the Indian Foreign Minister, Swaran Singh, wrote on 17 August to his Pakistani counterpart, Z.A. Bhutto, that as there was little likelihood of any agreement emerging from the Ministerial meeting, the Ministerial conference scheduled for 20 August need not take place. He suggested instead that the two countries submit the Kutch issue directly to the tribunal as provided for in the agreement. (426) This decision

(421) Pakistan Times, 30 July 1965.
(422) Ibid., 1 August 1965; also The Statesman, 1 August 1965.
(423) Pakistan Times, 30 July 1965.
(424) For details, see Ch. Seven.
(426) K. Rangaswami's report in The Hindu, 19 August 1965 and J. Anthony Lukas's report in New York Times (international edn), 19 August 1965. Also see Shastri's announcements in Lok Sabha Debates, series 3, vol. 44, 18 August 1965, col. 725 and in Rajya Sabha Debates, vol. 53, 19 August 1965, cols 726-7. While announcing it, however, Shastri made it clear "categorically" that "we stick to this agreement and we do not deviate from it" and that "we do not reject the reference to the tribunal". Lok Sabha Debates, 18 August 1965, cols 724, 726.
of the Indian Government was widely acclaimed in India. (427) The Pakistani Foreign Minister also, while expressing his regret over the Indian suggestion, acquiesced in it in a statement to the Press on 18 August. (428)

On 7 October 1965 Pakistan nominated Nasrollah Entezam of Iran as its nominee on the tribunal. (429) India later nominated Ales Bebler of Yugoslavia. (430) As the two countries could not agree on the selection of the chairman, the Secretary-General of the United Nations was asked to nominate him, who in turn asked for extension of time until 31 December 1965 for this purpose. (431) On 20 December 1965 the UN Secretary-General nominated Gunnar Lagergren, of Sweden, as the chairman of the tribunal. (432) The tribunal began its session in Geneva on 16 February 1966 (433) and is still seized with the issue.

Aftermath of the Agreement

Although hopes were expressed in some circles that the agreement on Kutch would usher in a new era of Indo-Pakistani amity, these hopes

(427) Shastri's announcement of the cancellation of the Foreign Ministers' conference was greeted with tremendous applause by the Lok Sabha on 18 August. See The Statesman, 19 August 1965, Hindustan Times and Times of India in their editorials of 20 and 21 August respectively also welcomed the decision. Hindustan Times in fact captioned its editorial "A Wise Step".

(428) Pakistan Press Release, no. 67, 20 August 1965. Pakistan Times, however, in an editorial of 20 August 1965 regarded the Indian decision as "unwarranted" and accused India of "bad faith".

(429) The Hindu, 8 October 1965.


(431) Ibid.


were soon belied. Neither side appeared in a happy mood after the Kutch incidents. So far as Pakistan was concerned, even while talking about the settlement of the Kutch question, it always emphasized the importance of finding a solution of the Kashmir problem and made no secret that nothing was settled unless that issue was settled. Even before the cease-fire agreement was concluded, the Permanent Representative of Pakistan in his letter of 7 June 1965 to the President of the Security Council had explained his country's case on the Kutch issue and had stated that the "Kashmir dispute ... lies at the root of the present trouble". (434) After the conclusion of the agreement, while explaining the futility of a war over Kutch, Pakistan's Foreign Minister, Z.A. Bhutto, told Pakistan's National Assembly that "if we subscribe to the principle of total war then it is not in Dharamsala or Karimghari or Kanjarkot or Chhad bet or Biarbet [All in the Rann of Kutch] that we have to fight; we have to fight where the problem lies, i.e. in Jammu and Kashmir" and that Pakistan "can never be complete without the people of Jammu and Kashmir forming part of Pakistan". (435) Similarly, writing editorially on the Kutch Agreement on 2 July 1965, the Pakistan Times opined: "Only when this [Kashmir] central hurdle has gone out of the way will the peace be secured in the sub-continent". Even Dawn, which enthusiastically welcomed the Kutch Agreement editorially on 2 July, wrote in the same editorial that "the Rann of Kutch ... is merely the symptom of the disease that afflicts relation between the two countries" and that "to completely get rid of the disease, it is


necessary to remove its source, viz. the Kashmir dispute. Pakistan had, in fact, already started preparing itself for seizing Kashmir even while the Kutch Agreement was being signed between the two countries. (436)

In India, on the other hand, there was a strong feeling of self-righteousness. The violation of the status quo in the Rann of Kutch by Pakistan and the fighting there had brought about a transformation in Indian thinking. Although India did not strike at Pakistan at the point of its own choosing, as had been feared in some circles, and a dark situation had been averted by British mediation, it was now no longer ready for any concessions to Pakistan. This mood was clearly reflected in the cancellation of the Foreign Ministers' conference scheduled to commence on 20 August 1965. This was done to express India's anger at the fresh Pakistani adventures in Kashmir (437) which marked the beginning of a new chapter in the history of Indo-Pakistani relations.

(436) Explained in Ch. Seven.

(437) K. Rangaswami's report, The Hindu, 19 August 1965. See also J. Anthony Lukas's despatch from New Delhi in New York Times (international edn), 19 August 1965, in which he wrote: "India's call for cancellation of the conferences is more significant as an indication of the pressures building up here for a hard line towards Pakistan."