Chapter Five

MINORITIES AND RELATED PROBLEMS
The question of minorities and issues related to it are among the most serious problems embittering Indo-Pakistani relations and are of importance only to the Kashmir dispute. (1) There were three problems relating to this question outstanding between India and Pakistan during the period 1960-65. They were: (a) the question of communal peace and general treatment of the minorities in the two countries; (b) the issue of deportation of alleged Pakistani Muslim infiltrators from eastern Indian States; and (c) the evacuee property problem. Of these, the first two were more irritating. Over the first, India expressed its special concern, while over the second, there was much excitement in Pakistan. The first question was the perennial Indo-Pakistani communal problem. The second problem came to the surface after the 1961 census of India, and particularly after mid 1962, when India started deporting Muslims in large numbers from Assam and Tripura. India contended that it was only expelling Pakistani infiltrators who had illegally entered into India, whereas Pakistan complained that the deportees were not Pakistani infiltrators but Indian nationals who were being evicted from India just because they were Muslims. The third issue was the old question of the property which the migrants from India and


Prime Minister Nehru in a speech in the Rajya Sabha in December 1956 said that "a fact which is more important than ... the Kashmir issue, is this fact of the continuous exodus from East Pakistan to India", *India, Rajya Sabha Debates*, vol. 16, 3 December 1956, col. 1325.
Pakistan, following the partition of the subcontinent, had left in these countries.

QUESTION OF COMMUNAL HARMONY AND TREATMENT OF MINORITIES

The Problem and Its Brief History up to September 1960

Genesis of the Problem  The problem of minorities in India and Pakistan is the direct result of the partition of the Indian subcontinent into India and Pakistan on the basis of Mohammed Ali Jinnah's "two-nation" theory. Pakistan's founder, Jinnah, had fought for Pakistan on the premise that the Hindus and the Muslims constituted two nations, each separate and distinct from the other, and that the Muslims should have a separate homeland of their own. After this was achieved, the question arose as to whether the Muslims left in India and the non-Muslims left in Pakistan were now aliens in their own homeland. What would happen to the Muslims living in India and the non-Muslims living in Pakistan?

By way of a lasting solution, Jinnah had suggested as early as 10 December 1945 that the non-Muslim population of Pakistan should be settled in India and that the Muslims of India should migrate to their homeland in Pakistan. (2) He repeated this suggestion on a number of occasions until September 1947. (3) This suggestion was welcomed by the Akalis, (4) but was flatly rejected by the Congress, which


(4) See the opinion of Swaran Singh, leader of the Panthie Assembly Party, expressed on 10 July 1947 and as cited in Satya M. Rai, n. 2, pp. 72-73.
had all along fought against the "two-nation" concept. As early as 2 December 1945, Mahatma Gandhi overruled the suggestion of exchange of population as "unthinkable and impracticable". (5)

The Muslim League itself soon realized the inability of Pakistan to provide food and shelter to the forty-five million Muslims of India. (6) Jinnah, therefore, repudiated the validity of the "two-nation" theory once Pakistan was formed. Addressing the Constituent Assembly of Pakistan on 11 August 1947, he declared:

... in course of time all these singularities of ... the Hindu community and the Muslim community ... will vanish. ... You may belong to any religion or caste or creed — that has nothing to do with the business of the State. ... in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims ... in the political sense as citizens of the State. (7)

So far as the Congress was concerned, Jawaharlal Nehru reiterated in a broadcast just a week after Jinnah had made the above mentioned speech, that "India is not a communal State, but a democratic State in which every citizen has equal rights". (8)

Communal Holocausts and the Agreements While the leaders of the Congress and the Muslim League were still trying to find a solution for the minority problem, communal riots started in the Punjab. In these, about six hundred thousand persons are reported to have been killed and about fourteen million persons are said to

(5) Quoted, ibid., p. 73.
have been driven out of their homes. (9) A big migration, "the greatest movement of population known to history", involving about twelve million people, took place between India and Pakistan. (10)

To deal with this situation the representatives of India and Pakistan issued joint statements on 22 July 1947 in which they guaranteed their protection to their respective citizens. (11) In September 1947 the two Governments also decided to take drastic action against violators of peace, (12) and in April 1948 they signed Inter-Dominion Agreement in which each Government recognized the responsibility of protecting the lives and properties of the minority communities residing in its territory and assured equal rights to all its citizens without any discrimination. (13) These were reiterated in another Inter-Dominion Agreement of December 1948. (14)

But communal violence again erupted in the subcontinent towards the end of 1949 — this time in the two Bengalis — and the situation around February 1950 was so gloomy that a war between the two


(10) Brown, n. 9, p. 162. Das Gupta, however, has put the figure of migrants at nearly 16 million. See Das Gupta, n. 3, p. 42.


(12) Das Gupta, n. 3, p. 223.


For text, ibid., Appendix I-B, pp. 325-30.
countries became a distinct possibility. (15) The Prime Ministers of India and Pakistan thereupon met and reached another agreement on the treatment of their minorities. This is known as the Nehru-Liaquat Agreement of 8 April 1950. Under the agreement, the two Prime Ministers assured their minorities of "complete equality of citizenship" and "a full sense of security in respect of life, culture, property and personal honour". The minorities were told to accept and acknowledge their allegiance and loyalty to the state of which they were citizens, and it was to the Government of their own state that they were to look for the redress of their grievances. There were also provisions in the agreement for punishing those found guilty of offences against the minorities and for setting up Minority Commissions for the implementation of the agreement. (16)

Communal Problem since the Nehru-Liaquat Agreement of 1950

Although the Nehru-Liaquat Agreement helped in allaying public fear and in dissipating the war scare of 1950, (17) it could not solve the problem of minorities. While resigning his post on 9 October 1950, in protest against the treatment of minorities in East Pakistan, J.N. Mandal, who was then the only Hindu Minister of Pakistan, complained against the treatment of the Nehru-Liaquat Agreement "as a mere scrap of paper" by the East Pakistani Government and against what he called "squeezing" of the Hindus out of that province. (18)

(15) On 5 February 1950 Liaquat Ali said that "if India wants war she will find us fully prepared" while Nehru talked on 2 March 1950 of adopting "other means". See Das Gupta, n. 3, p. 226.

(16) Text of Nehru-Liaquat Agreement is given in the Indian Commission of Jurists, n. 13, Appendix III, pp. 349-53. This agreement is also known as Nehru-Liaquat Pact.

(17) Brown, n. 9, p. 172.

In 1954 the first Constituent Assembly of Pakistan also adopted some Islamic provisions which were incorporated in the 1956 Constitution of Pakistan. It was laid down that only a Muslim could be elected as the President of Pakistan. (19) From 1954 onwards, there was an exodus of Hindu minorities from East Pakistan to India and it reached its climax in 1956. (20) As a result of this influx, suggestions were made in the Indian Parliament for the demand of additional territory from Pakistan for the resettlement of these refugees and for the planned exchange of population or territory between India and Pakistan, all of which were turned down by the Indian Prime Minister. (21) The Ministers of the two countries, therefore, met in July 1954, (22) in April 1955, (23) and in May 1956 (24) and held

(19) For details of the Islamic provisions in the 1956 Constitution, see G.W. Choudhury, Democracy in Pakistan (Dacca, 1963), pp. 79-81. About the adoption of Islamic provisions by the first Constituent Assembly of Pakistan, see Das Gupta, n. 3, p. 221.

(20) The figure of Hindu migrants in 1954, as given in the Report 1955-56 of the Ministry of External Affairs, Government of India (p.14), was 117,879, while in 1955 and 1956 it was 239,031 and 319,726 respectively. See the Report of the Ministry of External Affairs, Government of India, for 1956-57, p. 16.

(21) For the demand of additional territory see India, House of the Peoples Debates, pt 2, vol. 3, 29 March 1956, col. 3740; for the transfer of population etc, see India, Council of States Debates, vol. 13, 25 April 1956, col. 254. The Hindu (Madras) (29 March 1956) also editorially supported the demand of additional territory. In fact, India's first Deputy Prime Minister, Vallabhbhai Patel, had himself declared on 17 December 1948 at the Jaipur Session of the Congress that "if conditions were not created suitable for the Hindus to live in East Pakistan, Pakistan must accept his suggestion that a part of East Bengal be ceded to India for rehabilitation of refugees from East Bengal". Cited in R.C. Majumdar, "Exchange of Population is the Only Solution", Organiser (Delhi), vol. 19, 26 January 1966, p. 30.


(24) Rajan, n. 1, p. 484.
a joint tour of East Pakistan in April 1955. (25) As a result of these steps, the migration of minorities from East Pakistan into India was checked considerably. (26) The minority problem of the two countries, however, remained unresolved. In March 1959 a communal riot was also reported at Bhopal, in India. (27)

Minority Problem since September 1960

The period from 1960 to 1965 was bad from the point of view of communal harmony in India and Pakistan. There were repeated communal riots in India and East Pakistan in 1961, 1962, and 1964, the disturbances of 1964 being the most serious. As a result of these disturbances, there was movement of minorities from one state to another in large numbers, particularly after the riots of January 1964, which continued till the beginning of 1965. All this considerably embittered Indo-Pakistani relations. To deal with the situation, the Home Ministers of India and Pakistan, along with their advisers, met in New Delhi in April 1964. But they failed to make a breakthrough. They decided to meet again to resolve this problem and other related problems, but, unfortunately, they could never meet again and the problem of minorities remains till this day where it was before September 1960.

Communal Disturbances in India and Pakistan of 1961 and Mutual Reactions of the Two Countries

In 1961 communal riots took place in several places in India; they took place in Jabalpur and

(26) In 1957 and 1959 the number of migrants was 10,920 and 4,898 respectively, See Report 1958-59, n. 20, p. 22; In 1959 and 1960 it was 6,434 and 8,858 respectively. See Report 1960-61, n. 20, p. 25.
other parts of Madhya Pradesh in February and in Aligarh and other districts of Uttar Pradesh in October. About the same time, that is, during February, March, and May 1961, violent incidents were reported from several districts of East Pakistan. The two countries accused each other of not protecting their minorities and gave varied and different accounts of these happenings.

The Jabalpur trouble started on 4 February after a Hindu college girl, having been raped by two Muslim youths, committed suicide by setting fire to her clothes. (28) The incident soon inflamed communal passions and the Army had to be called into the city on 4 February. (29) On 9 February the trouble spread to other towns like Saugor of Madhya Pradesh, and the Army was again called in. (30) On 10 February fourteen persons were burnt alive in a village near Jabalpur. (31) According to the then Deputy Home Minister of Madhya Pradesh, N.R. Dixit, fifty-five people were killed, 158 were seriously injured, and 2,130 persons were arrested during the disturbances. (32) These disturbances alarmed the Muslim community of India. They held a convention in Delhi on 10 and 11 June. This convention was attended by 600 delegates from all over India, who expressed concern over the riots and asked for a fair treatment for their community. (33)

(28) *Times of India* (Bombay), 5 February 1961.
(30) Ibid., 10 February 1961.
(33) Ibid., 12 June 1961.
The Indian Government took a serious view of these riots. The Prime Minister repeatedly expressed his concern over the incident. (34) Steps for relief measures were taken and a comprehensive inquiry into these incidents was ordered. (35) Some of the officers of the affected areas were transferred. (36) There was even a serious move to ban all communal parties in India and to punish those guilty of promoting communal hatred. (37)

Pakistan reacted strongly to the communal violence in India. In his statements of 16 February and 4 March 1961, President Ayub Khan expressed his profound concern over the incidents. On 4 March he described them as well organized and pre-planned. (38) Concern was also expressed on 28 February by Pakistan's Home Minister, Zakir Hussain. (39) There were further reports of protest rallies in different cities of Pakistan against these riots. (40) Moreover,

(34) See his statements in The Hindu of 14 and 28 February and 24 April 1961. On 13 February he said that the events indicated that "our health is not good". See ibid., 14 February 1961.

(35) See statement of 21 February of Madhya Pradesh's Deputy Home Minister regarding relief measures, and inquiry, etc., ibid., 22 February 1961.


(37) See decision of the Congress Executive Committee as reported in The Hindu, 20 February 1961, and Home Minister, L.B. Shastri's announcement in Lok Sabha Debates, series 2, vol. 55, 4 May 1961, cols 15380-1. Two bills punishing those preaching or promoting communal disharmony were also introduced in the Lok Sabha in August 1961. See statement of India's Minister of State for Home Affairs, B.N. Datar, in Lok Sabha Debates, series 2, vol. 57, 30 August 1961, cols 5884-92.

(38) President Ayub's statements of 16 February and 4 March are given in Dawn of 17 February and 5 March 1961 respectively.

(39) Ibid., 1 March 1961.

(40) Ibid., 24 and 26 February 1961.
on 26 February, the Indian Chancery in Karachi was ransacked by
demonstrators, and thirteen members of the staff of the Indian High
Commission, including the Acting High Commissioner, were reportedly
injured. (41) A formal protest asking India to stop victimizing
Muslims was also lodged by the Government of Pakistan. (42) The
Pakistan Times editorially characterized the riots in India as "an
organized orgy" (43) and reported that one Muslim was being killed
in India every twelfth day. (44) Dawn in its editorials of 12 and
20 February likewise condemned the happenings in India. (45)

Soon after the disturbances in India of February 1961, attacks
on the minority community were reported in East Pakistan. On
26 February Hindu houses in the suburbs of Khulna were said to have
been burnt and five persons killed. There were reports of similar
incidents near Jessore on 28 February and in Rajshahi on 1 March. (46)
Two months later, a more serious disturbance was reported to have
taken place in the Gopalganj subdivision of Faridpur district in
which, according to an Indian official report, 500 persons were found
dead, injured, or missing. The trouble had erupted after a feud
between some Muslims and some Namasudra Hindus over damage to crops

(41) The Hindu, 26 February 1961. The Indian Government protested
against the attack on its Chancery and called it "pre-meditated,
pre-planned". Ibid., 27 February 1961.


(44) Ibid., 27 February 1961.

(45) In a report by M.A. Mansur, Dawn of 25 February 1962 also
talked about "deep-seated" Indian plan against the Muslims.

(46) Statement of Lakshmi Menon, India's Deputy Minister for
External Affairs, Lok Sabha Debates, series 2, vol. 51,
by cattle. The Deputy High Commissioner of India at Dacca wanted to visit the scene of occurrence, but he was allowed to do so only after about a month. On 20 June the Indian Government formally protested against the incidents of Gopalganj and asked the Pakistani Government to create necessary conditions for the dignified and secured living of the minority community in terms of the Nehru-Liaquat Agreement of 1950. (47)

The Indian accounts of the Gopalganj disturbances were challenged by Pakistan's Home Minister, Zakir Hussain, as "completely baseless". (48) The Governor of East Pakistan, Lt-General Azam Khan, while admitting that a small dispute had taken place, said that only four persons had died and added that the report of communal riots was an "utter lie". (49) However, some Indian newspapers pointed out that if no serious incident had taken place in Gopalganj, the Deputy High Commissioner of India at Dacca would have been allowed to visit the affected areas immediately after the reported incident. (50)

While attempts to fight the virus of communalism were still being made in India, communal riots again started in October 1961. This time it took place in Uttar Pradesh. It began on 3 October with a clash between students of two groups following the election of all thirteen members of Aligarh Muslim University Students Union from the minority community and following the burning of an effigy


(48) Stated on 24 May, Pakistan Times, 26 May 1961.

(49) Said on 14 June, ibid., 15 June 1961.

(50) See editorials of Indian Express, 2 and 24 June 1961 and National Herald (Lucknow), 24 June 1961.
of the leader of the group which had lost in the Union elections. (51)
It soon spread to other towns of Uttar Pradesh. (52) Towns affected
worst were Aligarh, Meerut, and Chandausi. (53) According to the
UP Home Minister, Charan Singh, 32 persons were killed, about 100
injured, and over 1,600 arrested during these disturbances. (54)

India's Vice-President, S. Radhakrishnan, and Prime Minister
Nehru deplored the incidents on 6 and 8 October respectively. (55)
Union Ministers visited the disturbed areas. (56) Two inquiry
commissions were also instituted. (57)

In Pakistan, these happenings were condemned in the severest
terms. On 8 October Pakistan's Foreign Minister, Manzur Qadir,
expressed his concern, (58) and on 9 October President Ayub Khan
made a statement to the effect that the majority community of India
seemed to have forgotten the norms of civilized behaviour and was
out to annihilate the Muslim minority and that the administration was
perhaps in league with them. (59) There were demands from responsible
people in Pakistan that the reported persecution of Muslims in India
should be brought to the attention of the United Nations (60) and

(51) The Hindu, 4 and 7 October 1961.
(52) Ibid., 6 and 7 October 1961.
(53) Ibid., 13 October 1961.
(54) He said this on 10 October, Ibid., 12 October 1961.
(55) See The Hindu respectively of 7 and 9 October 1961.
(56) Ibid., 6 October 1961.
(57) Ibid., 12 October 1961.
(59) Ibid., 10 October 1961.
(60) This was suggested by Pakistan's Attorney General, Chaudhry
Nazir Ahmad Khan, on 12 October. Ibid., 13 October 1961; also
see Dawn's editorial of 16 October 1961.
also that Pakistan should ask for territory from India to rehabilitate the Muslim refugees coming from there. (61) The Government of Pakistan lodged a formal protest on 10 October with the Government of India against what it called "organised killing of Muslims in India" and "acts of barbarism". (62) A request to permit Pakistani officials to visit the affected areas was also made (63) which was accepted by the Indian Government on 12 October. (64)

Apart from these riots, another development worsening the Indo-Pakistani relations was the closure of their Minority Affairs Section at Dacca and at Calcutta in 1961. Pakistan took this step in April 1961 and India followed some time later. (65)

Fresh Communal Outbreaks in India and Pakistan in 1962

There were again reports of communal violence in India and Pakistan. These came from West Bengal in March and April 1962 and from East Pakistan districts in April 1962. The nature of these disturbances were the same as those of 1961 except that this time each side accused the other of a large number of casualties. Moreover, this time the trouble in India was primarily confined to the tribals and the Muslim minorities. Furthermore, it was admitted by the Pakistani side that the Army had to be brought in to quell the disturbances in East Pakistan.

(61) See *Dawn's* editorial of 16 October 1961; on 8 October 1961, *Dawn* had also editorially asked its Government and people under the caption "Must We Idly Watch?".


(64) *The Hindu* and *Dawn*, 13 October 1961.

The disturbances in West Bengal started in Malda following an assault by a Muslim on a Santhal woman on 9 March. Although the situation is said to have been controlled at that time, there was trouble again on 22 March following an incident in which colour was thrown on Muslims by some members of the Santhal tribe during the Holi celebrations. Some Muslim houses were burnt. According to the Indian version nine Muslims were killed in the incidents. (66)

The Pakistani Government protested against the Malda riot of March 1962. (67) The Deputy High Commissioner of Pakistan also visited the affected areas. (68)

In April trouble again erupted in Malda. According to Indian sources, four Muslims died and twenty-eight injured in this incident. (69) Pakistani reports, however, claimed that 100 persons were killed in Malda alone, (70) that the trouble had spread to other areas of West Bengal as well, (71) that 150 Muslims were killed and another 1,500 Muslim girls abducted in Murshidabad, (72) that by 26 April about 350 were killed, (73) that mosques had been burnt (74)

(66) For details of the Malda incidents, see Nehru's statement in Lok Sabha Debates, series 3, vol. 3, 12 May 1962, cols 4106-7. Nehru said that this was "not Hindu-Muslim riot, and only the Santhals were concerned", col. 4107. About the casualty figures also see West Bengal Home Minister's statement in The Hindu, 1 April 1962.

(67) Pakistan Times, 4 April 1962.

(68) Nehru's Lok Sabha statement, n. 66, cols 4107-8.

(69) Details, ibid., col. 4108.

(70) Pakistan Times, 25 April 1962.

(71) Ibid., 27 April 1962.

(72) Ibid., 26 April 1962.

(73) Ibid., 27 April 1962.

(74) Pakistan Times and Dawn, 26 April 1962.
and that the troops had participated in killings and the rape of Muslim women. (75) A report by Robert Trumbull in the New York Times (international edn) of 5 May, which was given wide publicity by the Pakistani newspapers, further alleged that 1,000 persons had been killed in Malda. Although the figures given by Indian official sources of the casualties in West Bengal cannot be regarded as accurate, the figures published in the Pakistani newspapers in Robert Trumbull's messages could definitely be considered exaggerated and false. For example, although mass killings and abduction were said to have taken place in Murshidabad, a correspondent of the Pakistan Observer who toured that area reported the following: "My two-day visit in Murshidabad district areas and talks with reliable and influential non-official Muslims and officials confirmed that there had been no clash or even minor incident in Murshidabad, preceding, during or after the Malda disturbances." He further added that the people there told him that the Muslims constituted 80 per cent of the population in Murshidabad and that if trouble had started there, the Hindus would have suffered. (76) Again, the figures given in the New York Times were based not on the observation by the newspaper's reporter of what had happened in Malda but on what he could gather from the refugees in Rajshahi. In fact, as reported editorially by a Sudanese daily, El Rai El Amm, on 24 May 1962, after having been approached by the Pakistani Embassy with the cutting of the said report of the New York Times along with the complaint for ignoring that news, "we went back to consult our foreign news editor and we were sure that no international news agency has ever reported

(76) Pakistan Observer (Dacca), 2 May 1962.
such news about the massacre which the New York Times alleged to have taken place in West Bengal". (77) Moreover, had the report of the New York Times or Pakistani newspapers been correct, large numbers of people from Pakistan would not have been visiting West Bengal following such events. But the fact was that in the months of April and May 1962, when the riots were reported in West Bengal, 14,776 and 12,720 Muslims respectively came to West Bengal from East Pakistan as against 14,264 and 13,053 Muslims who left West Bengal for East Pakistan in April and May 1962 respectively. (78) Kingsley Martin also considered the Pakistani figures of casualty "sheer nonsense". (79) Stephen Barber's report from Dacca similarly reported that only ten Muslims were killed and eight injured in the Malda area in March, while in mid April 1962 twenty people are said to have been killed in that area. (80)

The West Bengal disturbances of April 1962 were widely condemned in Pakistan. While Pakistan's Foreign Minister, Manzur Qadir, accused India of systematically killing and driving out Muslims from their homes, (81) the Governor of East Pakistan called the incidents "uncivilised" (82) and described it as "the blackest chapter in Indian history". (83) President Ayub Khan said that the

(77) See reports in World Press Review (New Delhi), no. 5899, 13 June 1962.
(83) Ibid., 2 May 1962. Remark of 1 May.
pages of Indian history bore testimony to the fact that the attitude of the Hindus towards the people of other faiths had always been guided by narrowmindedness and expediency. (84) A formal protest was also lodged by the East Pakistani Government. (85) Great concern was further expressed by the Pakistani Foreign Minister in the National Assembly on 19 June 1962. (86)

In East Pakistan, on the other hand, as a result of reaction to the reports of the killings in West Bengal, which were given exaggerated and wide publicity in Pakistan, trouble started in April. According to Indian reports, a Calcutta-bound train was attacked on 25 April outside the Rajshahi station and "a large number of people were killed". A large number of Hindu refugees who were said to have accumulated at a place at Rajshahi were also said to be killed. It was also reported that there had been killing at Dacca and other places. (87)

Although the Government of East Pakistan denied these reports in the beginning, (88) it admitted the riots later when it wrote to

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(84) He said this on 27 April while condemning West Bengal riots. Ibid., 28 April 1962.

(85) Pakistan Times, 23 April 1962.

(86) Foreign Minister Mohammed Ali complained that the Muslims of India who were "the flesh of our flesh and the blood of our blood" were "victims of religious frenzy of the Hindus of India" and that India "has not honoured" the Nehru-Liaquat Pact. He held that "unfortunately" India did not "come up even to 10% of our standards" in protecting its minorities. National Assembly of Pakistan Debates, vol. 1, 19 June 1962, pp. 186, 188.

(87) Details given in Nehru's statement in Lok Sabha Debates, series 3, vol. 3, 12 May 1962, cols 4109-10. Stephen Barber in his report from Dacca also mentioned the disturbances in Rajshahi, Pabna, and Dacca and wrote that "it is admitted here that seven Hindus were killed and 13 wounded in communal clashes over the weekend". Daily Telegraph, 3 May 1962.

the Indian Government that as many as 1,908 persons had been arrested in the affected areas and that further charge-sheets were being filed everyday. (89) In fact, the Army had also been sent to Rajshahi to restore order. (90) The Pakistani Government, however, took prompt steps to rehabilitate the riot-stricken people. (91)

The Government of India protested on 12 May against these disturbances to the Pakistani Government. (92) In India, newspapers like The Statesman also tried to find out the motive behind the riots in Pakistan. It was considered by them as a devise to provide "background music for the Security Council debate". (93)

On 16 June the Government of India further protested against the reported firing by East Pakistani forces at 600 Santhals who were fleeing from Rajshahi district on the morning of 15 June. (94) But the Pakistani Government rejected it as a "normal border incident". (95)

Exodus of Minorities during 1962-63 From mid 1962 onwards, the exodus of minorities from both sides is said to have gone on at an accelerated pace. Since the middle of 1962 India had started

(89) Referred to by Nehru in Lok Sabha Debates, series 3, vol. 4, 4 June 1962, cols 8570-1.
(90) Pakistan Times, 2 May 1962.
(91) This was stated in a note sent by the Pakistani Government to the Government of India. See Nehru, n. 89, col. 8571.
(92) Ibid., col. 8570.
(93) See editorial of The Statesman, 4 May 1962. It might be mentioned that the Security Council had resumed its debate on Kashmir after a silence of four years in 1962.
(95) Cited in ibid., cols 11394-5.
deporting from Tripura and Assam persons whom it called Pakistani infiltrators. But Pakistan described these deportees as Indian Muslims and complained about the Indian action. On the other hand, according to Indian sources, 11,000 Santhals came to India from East Pakistan by the end of July 1962 (96) and the number of those who migrated to India between 1 January and 31 October 1963 was about 45,700. (97) The matter was discussed at the Chief Secretaries' Conference at Dacca in August 1962, (98) but without success.

Among factors that might have led to the movement of refugees between the two countries are communal riots. And so far as the movement of refugees from East Pakistan to India was concerned, two other factors might also be added. The first was the arrival of "deportees" from Tripura and Assam in East Pakistan which helped in creating a tense communal situation there. (99) The second was the announcement of a new constitution in Pakistan in March 1962 which contained a number of Islamic provisions. (100) This meant that a non-Muslim in Pakistan "must live as a member of a social minority if only because he is a part of a religious minority". (101)


(98) Pakistan Times, 3 August 1962.


(101) Abbott, ibid., p. 353.
Pakistan's Foreign Minister, Mohammed Ali, however, thought that the West Bengal Government was "trying to encourage migration of minorities from our country so as to send out and drive out the minorities from their country". (102)

Communal Orgy of January and March 1964 During January-March 1964 a communal holocaust engulfed the eastern part of the subcontinent, the like of which had never happened since 1949-50. The trouble started in January 1964 from East Pakistan after the theft of the Holy relic from the Hazratbal shrine in Kashmir. This soon spread to West Bengal, from where it travelled back to East Pakistan. Large numbers of people were killed in these January riots. Even before the normal situation had been restored and the minorities reassured of their safety, another wave of killing began in parts of West Bengal, Bihar, Orissa, and Madhya Pradesh in March 1964.

The riots began following too much playing up, by the Pakistani leaders and newspapers, of the theft of the holy relic from the Hazratbal shrine on 27 December 1963. (103) On 3 January 1964 a


(103) Z.A. Bhutto on 30 December 1963 called the theft a part of India's plan to reduce Muslim majority of Kashmir to minority and the "destardly attack" on Muslim religious sentiments, Dawn, 30 December 1963. Dawn's editorial of 30 December 1963 carried the same theme. Pakistan's Home Minister, Habibullah Khan, further expressed his "shame" at the Indian dealings. Ibid., 30 December 1963. Nation wide protest was organized in Pakistan on 3 January and, as East Pakistan's Bengali daily Sangbad (Dacca) of 6 January 1964, reported, communal passions were incited and religious fanaticism and communalism was "openly encouraged". World Press Review, no. 36, 17 January 1964. Even after the outbreak of disturbances in Khulna, the Pakistani President, Ayub Khan, chose to call the theft of the relic a calculated political conspiracy to subject the Muslims of the "occupied" Kashmir and said that no Muslim, however sinful, could even think of committing such a sacrilege. Pakistan Times, 5 January 1964. Sangbad of 6 January and Ittefaq (Dacca) of 5 January 1964 felt that "Khulna riots..."
procession of about 20,000 persons in Khulna turned violent, "damaged a number of houses and looted some shops and set fire to some houses". (104) The Army had to be called in in Khulna where a "reign of terror" had been "let loose" by the hooligans. (105) The trouble soon spread to other areas of East Pakistan. (106) An East Pakistani daily, Ittefaq, felt "saddened and ashamed" at the incidents, (107) and seven newspapers of East Pakistan said that they were "shocked and horrified" at them. (108) Three members of the minority community of the East Pakistan Assembly criticized the district authorities of Khulna for "their inactivity and indifference". (109) According to the East Pakistani Government, could have been prevented" if the authorities could have held the goonda elements in check. World Press Review, no. 36, 17 January 1964. Na! Duniya (Jaunpur) of 21 January 1964 and the Musalman (Madras) of 18 January 1964 of the minority community of India, also blamed the Pakistani newspapers, the radio, and the leaders for the riots in East Pakistan. See their citation in Information Service of India, Muslim Press on Kashmir (Delhi, 1965), pp. 11-12.


(105) Pakistan Observer, 5 January 1964. About the patrolling of Khulna by East Pakistan Rifles, see also East Pakistan Government's Press note, n. 104. As for the calling in of the Army, see the statement of Pakistan's Communications Minister, Khan A. Sabur, Dawn, 6 January 1964.

(106) Indian Commission of Jurists; n. 13, p. 31.


twenty-nine persons were killed during the disturbances between 3 and 6 January. (110) Indian sources, however, believed that about 200 persons had died in the riots. (111)

The East Pakistani disturbances soon had their impact on West Bengal. (112) Some West Bengal newspapers (113) and some other interested elements also helped in bringing about the outbreak of violence. (114)

(110) Ibid. See also reference to it in Nanda's speech in Lok Sabha Debates, series 3, vol. 15, 11 February 1964, col. 162.

(111) See Nanda's statement, n. 110, col. 162; see also text of the Indian President's letter to the Pakistani President of 16 January 1964 in Indian Information (Delhi), vol. 7, 15 February 1964, p. 32.

(112) The Indian Government repeatedly pleaded that the West Bengal communal flare-up of January 1964 was in reaction to similar riots earlier in that month in East Pakistan. In this connexion, see Home Minister Nanda's statements of 10 and 11 January in The Hindu of 12 and 13 January 1964. Also see his statements in Lok Sabha Debates, series 3, vol. 25, 11 February 1964, cols. 162-3; Rajya Sabha Debates, cols 3277-8.

(113) Hiren Mukerjee's statement in Lok Sabha Debates, series 3, vol. 25, 12 February 1964, cols 322-3. Home Minister Nanda also held that "in aggravation of recent communal disturbances a certain section of the newspapers in India is at any rate not above blame", Ibid., vol. 30, 15 April 1964, col. 11310.

(114) According to Nanda, some vested interests, who owned land in some bustees in the suburbs of Calcutta and who wanted to take away their lands from those who lived in these bustees by turning them out, had a hand in the disturbances. Rajya Sabha Debates, vol. 46, 20 February 1964, col. 1405. See also "India and Pakistan: We Hindus, We Bengalis", The Economist (London), vol. 210, 8 February 1964, p. 493.
The trouble started on 6 January 1964 in the suburbs of Calcutta and soon spread to other West Bengal districts of 24-Parganas, Nadia, Howrah, Hooghly, and Burdwan. On 11 January, the Army was brought into Calcutta to control "widespread communal disturbances". According to Indian official sources, 208 persons of both communities were killed during the disturbances, in addition to 56 others who lost their lives as a result of police action. 84,098 persons lost their homes or left their homes from a sense of insecurity, but 90 per cent of them returned to their homes by 11 February 1964. About 15,000 persons were arrested all over West Bengal. (115) Pakistan's Central Minister of Communications, Abdus Sabur Khan, however, put the figure of dead as five to ten times

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Nanda thought that a few Muslims also provided some provocations to the Muslims and quoted a letter from one Kazi Abdul Gani which read that some "designing persons ... were engaged here for creating panic amongst the minority community and inducing them to leave for Pakistan", "Haika Sabha Debates", vol. 46, 5 March 1964, cols 3278-9.

President Ayub Khan, on the other hand, alleged that in West Bengal disturbances "certain elements in the majority community have drawn encouragement from the policy that the Government of India has been following over the two years ... to drive out Muslims living in districts bordering East Pakistan". See text of his message of 13 January 1964 to President Radhakrishnan of India in Field Marshal Mohammad Ayub Khan, Speeches and Statements (Karachi, n.d.), vol. 6, p. 126.

(115) About the outbreak of the riots, see India's Defence Minister, Chavan's statement in Lok Sabha Debates, series 3, vol. 27, 16 March 1964, col. 5655. For other details, see Nanda's statement in Lok Sabha Debates, series 3, vol. 25, 11 February 1964, cols 163-4. The figure of those killed was earlier given to be 150. In this connexion see Nanda's statement in The Hindu, 16 January 1964 and the Indian President's letter of 16 January to his Pakistani counterpart in Indian Information, vol. 7, 15 February 1964, p. 32.
more than the figures furnished by the Indian authorities. (116) The Pakistan Times editorially described the whole thing on 15 January as "1947 all over again".

To control the situation, India's Home Minister and Army Chief visited Calcutta. (117) The former also announced that "all disturbances should cease" (118) and promised "fullest protection to all citizens". (119) To help the displaced persons, West Bengal Criminal Law Amendment was immediately promulgated and relief measures taken. (120) The Press was requested "to abjure the use of inflammatory language". (121) The Prime Minister himself appealed from his sick-bed on 23 January for "calm" and restraint", (122) and the President assured the Indian minorities, in his Republic Day message, that the "Government can and will take every step necessary to put down anti-social behaviour". (123)

Before the situation had returned to normal in West Bengal, serious riots broke out in East Pakistan, "where the Press has tended to pour oil instead of water on the flames of communal riots


(118) Ibid., 12 January 1964. He declared it on 10 January.


(121) Appeal on 18 January by India's Minister for Information and Broadcasting, Indian Information, vol. 17, 15 February 1964, p. 34.

(122) The text, Ibid., p. 33.

in India". (124) They are reported to have started this time on 13 January at Dacca, and soon they spread to Narayanganj and Mirpur areas. (125) Ryerbazar, where more than 50,000 Hindus lived, was turned into "a town on some front line". (126) An orgy of killing, looting, and rape started resulting in the death of "hundreds to thousands" and in many areas bodies were "simply tossed in rivers and not counted". (127) Other horrible tales were also

(124) Editorial observation of Christian Science Monitor (Boston, Mass.), 22 January 1964. Pakistan Times, 15 January 1964 editorially wrote that "the streets of Calcutta flow with Muslim blood". In its report of 19 January and editorial of 20 January it also talked about the Indian plan to oust Muslims and held that "the Calcutta carnage was deliberately planned and executed". Naz Roohi (Karachi) of 13 January 1964 carried headlines like "Massacre of Muslims... After Bengal, Muslims in Bihar, Assam, Rajasthan and Uttar Pradesh also attacked. 25 Muslim villages burnt, 31 mosques destroyed. Police fired upon Namazis". Indian Commission of Jurists, n. 13, p. 39. Hurriyat (Karachi) wrote on 4 February 1964 that "rivers of Indian Muslims' blood is flowing in Bharat". Cited by Chagla in Security Council Official Records (SCOR), yr 19, mtg 1090, 10 February 1964, p. 7. The Indian Government, therefore, held that it was largely as a result of the incitement provided by "extremely exaggerated, false and inflammatory accounts of incidents in West Bengal" that led to fresh violent disturbances in East Pakistan. See Nanda's statement in Lok Sabha Debates, series 3, vol. 25, 11 February 1964, col. 155; and L.B. Shastri's speech, ibid., 19 February 1964, col. 1542.


(127) Despatch in Globe and Mail (Toronto, Ont.), 2 March 1964.
reported. (128) The figure of casualties, according to the Pakistani Government, was reported to be 150 dead. (129) The Government of India, on the other hand, put it at "several thousands". (130) The number of refugees at Dacca and Narayanganj was said to be a lakh. (131) On 6 February the East Pakistan Rifles also fired at a "defenceless group of refugees" who were crossing into India, killing two persons and injuring at least eleven other refugees. (132) In these incidents non-Bengali Muslims are said

(128) N.C. Chatterji, in his speech in the Lok Sabha, quoted Canadian Times as reporting that the screams of killed and wounded so much filled the air at Dacca that a lawn tennis play taking place at that time at Dacca had to be cancelled. Lok Sabha Debates, series 3, vol. 25, 12 February 1964, col. 354. S.N. Dey reported that the East Pakistani Government itself had notified that the water of two rivers near Dacca and Narayanganj should not be used by the people because they had been polluted by floating dead bodies, ibid., col. 337. The Indian Commission of Jurists in its report complained about police atrocities on minorities in East Pakistani districts during the disturbances. See n. 13, p. 31. This was substantiated editorially by El Popolo (Rome), 1 April 1964, World Press Review, no. 243, 8 April 1964. A Reuter report from Dacca also gave a vivid picture, The Hindu, 23 January 1964. This was, however, declared as incorrect both by the Pakistani Government and the US Consular-General at Dacca. See Pakistan Press Release, no. 4, 29 January 1964.


(130) See the Indian President's address to the Parliament, ibid., 10 February 1964, col. 24; Nanda put the figure at over a thousand, n. 129, col. 165. The Indian Commission of Jurists also gave the casualty figure as "a few thousand", n. 13, p. 310.

(131) Nanda, n. 129, col. 165.

to have taken the main part. (l33)

To control the situation, the President of Pakistan, Mohammad Ayub Khan, issued a fervent appeal on 13 January to his people, asking them to "consider it as their duty to protect the minority community and to maintain complete law and order". (l34) On 1 February he further assured the minorities that his Government would provide complete security to them and proposed "to curb disorder wherever it might take place". (l35) The Governor of East Pakistan, Abdul Monem Khan, also declared on 12 February that his Government would take back those Pakistanis who had crossed into India recently and promised that he would restore to them all their properties when they came back. (l36)

Although the communal holocausts in West Bengal and East Pakistan had stopped by the end of January, unfortunately it again erupted in India in mid March. This time it was no longer confined to West Bengal but spread to parts of Bihar, Orissa, and Madhya Pradesh. The disturbances were the unforeseen result of the Indian Government's decision to resettle the large number of migrants from East Pakistan in different rehabilitation camps in various

(133) For details see Samar Guha, "Riots in East Pakistan Were Officially Organised", Patriot (New Delhi), 19 April 1964. See also "India and Pakistan: We Hindus, We Bengalis", The Economist, vol. 210, 8 February 1964, p. 493. It wrote: "This time a fair number of Bengali Moslems opposed violence. ... The killers and looters ... were reportedly drawn mainly from non-Bengali Moslem immigrants."

(134) Text of appeal in Ayub Khan, n. 114, p. 124. It should, however, be mentioned here that except for the above mentioned sentence, the entire text of the President's appeal was full of criticism of happenings in India and of Indian policy.

(135) Pakistan Times, 2 February 1964.

(136) Ibid., 14 February 1964.
other Indian States. (137) The Chief Ministers of Andhra Pradesh, Madhya Pradesh, Maharashtra, Orissa, and West Bengal had discussed the question of rehabilitation with the Indian Home Minister on 8 February. (138) Unfortunately, as the trains carrying these refugees passed through Bihar, Orissa, and Madhya Pradesh, the pitiable "sight" of them and "the account of their sufferings in East Pakistan roused feelings which some misguided and ill-intentioned elements utilised to work up communal passions". (139) The tales of the sufferings of the tribal people who had come in large numbers into India as refugees from East Pakistan provoked the tribal peoples of West Bengal, Bihar, Orissa, and Madhya Pradesh. (140) Some militant communal organizations are also reported to have incited communal passions, (141)

The disturbances started simultaneously at Belgharia in the 24-Parganas district of West Bengal and at Chakradharpur in south Bihar on 16 March. They soon spread to the Jamshedpur area in

\[\text{(137) New York Times (city edn), 21 March 1964.}\]
\[\text{(138) About discussion with the Chief Ministers, see Nanda's statement in Lok Sabha Debates, series 3, vol. 25, 11 February 1964, col. 157.}\]
\[\text{(139) Nanda's statement, ibid., vol. 28, 23 March 1964, cols 6911-12; see also New York Times (city edn), 21 March 1964.}\]
\[\text{(140) About rousing of the tribal population of India see Inder Malhotra, "Political Commentary: Policy in Face of Minorities' Woes in East Pakistan", The Statesman, 27 March 1964; also see reports in New York Times (city edn), 29 and 30 March 1964.}\]
\[\text{(141) J.P. Narayan's views as reported in Pakistan Times, 19 April 1964; also the view of Frank Anthony in Lok Sabha Debates, series 3, vol. 29, 14 April 1964, col. 11074. Also see "India and Pakistan: Self-Righteous Indeed", The Economist, vol. 211, 18 April 1964, p. 261 which reports that these riots "was purposefully organised in advance" and that "the leader of a Hindu paramilitary organisation is known to have been touring the region just before the outbreak".}\]
Bihar, Rourkela, Jilbani, Sundergarh, and Sambalpur in Orissa and Raigarh and Bharamjegarh in Madhya Pradesh. The areas affected worst were Rourkela and Jamshedpur where troops had to be called in. (142) According to Indian Home Minister G.L. Nanda's reports in the Lok Sabha of 8 April, 346 persons were said to have been killed and 458 injured in these riots by that date. (143) The Government of Pakistan, however, considered that at least 2,500 Muslims had been killed in the recent riots in Jamshedpur, Rourkela, and other areas. (144) It was also reported by the local units of the political parties of the Jamshedpur area that the Government authorities had failed to take into preventive custody all goondas and habitual offenders immediately after the recent riots. (145)

To reassure the minorities once again, Nanda declared in the Lok Sabha on 23 March "that whatever may be the cost and whatever the effort involved, we will discharge our sacred duty to protect the lives, property and honour of all sections of the community" (146) and made a broadcast to the nation for communal peace the same day. (147) An appeal was also issued by the Indian Prime

(142) See Nanda's statement in Lok Sabha Debates, series 3, vol. 25, 23 March 1964, col. 6911; also see reports in The Hindu, from 18 to 21 March 1964 and in Pakistan Times from 18 to 23 March 1964.

(143) This report, which was placed on the table of the Lok Sabha, is reported in The Hindu, 9 April 1964.

(144) See their aide-memoire presented to the Indian Government on 23 March, as reported in Pakistan Times, 29 March 1964.

(145) The Hindu, 17 April 1964.


Minister. (148) On 30 March a conference of the Chief Ministers of West Bengal, Bihar, Orissa, and Madhya Pradesh further decided to impose punitive fines on the residents of the localities where communal riots had taken place. (149)

As a result of these communal disturbances, the movements of minorities between the two countries also started at an alarming rate. As stated by Nanda on 7 April 1964, over 200,000 refugees had come to India from East Pakistan from the beginning of 1964 to the day he made the statement and their rate of coming was between 3,000 and 4,000 a day. (150) According to India's Rehabilitation Minister, Mahavir Tyagi, by 23 April the figure had reached 299,326 out of which 45,000 were said to be Christians and 11,000 Buddhists. (151) These figures, to a great extent, were acknowledged to be true by foreign observers. (152) This movement from East Pakistan was

(148) Nehru's broadcast of 20 March, ibid., p. 158.
(152) Rawle Knox in his report wrote early in March that about 100,000 refugees had come to India from East Pakistan in the past two months and that the figure might soon go up by half as much again. Daily Telegraph, 10 March 1964. The correspondent of The Economist wrote in mid April that "more than 200,000" had come. See The Economist, vol. 211, 18 April 1964, p. 261. The large-scale migration of the Christians from East Pakistan was acknowledged by many other Western newspapers. Sunday Telegraph, 23 February 1964 gave the figure of Christian refugees who had come to India from Pakistan as 35,000. A number of German newspapers of 25 February 1964 estimated it to be 50,000. See World Press Review, no. 154, 4 March 1964. New York Times (city edn), 23 February 1964 also gave the figure as 35,000. See also in this connexion report of Globe and Mail, 11 April 1964.
considered to be "a most considerable migration that has taken place in this area of the world since the tragic days of 1947 partition". (153) The Government of Pakistan, however, first contended that there was no truth in the reports that the Christians were "fleeing from East Pakistan" (154) and then held that about 10,000 of them had gone over to India. (155) But in January 1965 they admitted the exodus of the Christians from East Pakistan by reporting that by 2 January 1965, 20,561 Christians, who had earlier left East Pakistan for India, had returned to their homes. (156)

From the Indian side also, a large Muslim migration was reported. Although it was held by the Government of India early in February 1964 that "slightly more than 5,000" Indian Muslims had gone to Pakistan following the disturbances, (157) their number was considered to be several times higher even at that time by the Pakistani authorities. According to Pakistan's Home Minister, Khan Habibullah Khan, 53,278 Indian Muslims from West Bengal entered East Pakistan between 8 January and 29 February 1964 on account of


communal disturbances in India of January 1964. (158)

Reactions to These Disturbances in India and Pakistan and the Exchange of Protests and Other Communications  There was strong reaction in India and Pakistan to these communal holocausts and to the subsequent massive migration of minorities from one country to the other. Several suggestions were made in both the countries to deal with the situation. Strong mutual protests at Government level were also made. References were made to these incidents by Pakistan's Foreign Minister, Bhutto, during the Kashmir debate in the Security Council. Letters were exchanged between the Presidents of Pakistan and India and between the Indian Prime Minister and the Pakistani President.

Among the important proposals made in India and Pakistan during and after the communal riots were: taking the minority problem to the United Nations, (159) exchange of

(158) National Assembly of Pakistan Debates, vol. 1, 18 March 1964, p. 195. In its note of 19 February 1964 to the Government of India, the Pakistani Government had also given the figure as 50,000. Pakistan Times, 21 February 1964. On 11 May Bhutto said that 100,000 Muslims had come to Pakistan from India since the riots of January last, SCOR, yr 19, mtg 1114, 11 May 1964, p. 8.


In Pakistan persons like the Governor of East Pakistan (statement of 29 April, Pakistan Times, 30 April 1964) and the Central Home Minister (see Hubibullah Khan's remarks in National Assembly of Pakistan Debates, vol. 1, 18 March 1964, p. 209) expressed themselves for it. The report in Pakistan Times, 16 January 1964 and its editorial of 15 February 1964 supported it.
population, (160) and demand of territory for the rehabilitation of minorities. (161) There were also suggestions to the effect that the relationship with the other country should be severed (162) and that the Nehru-Liaquat Agreement of 1950 should be scrapped. (163) Some sort of an Indo-Pakistani confederation to deal with the communal problem was also hinted at in some Indian circles. (164) Setting up of an International High Commission under the auspices of an international authority to maintain communal peace was another of the suggestions. (165) None of these was, however,

(160) In India, the Bharatiya Jana Sangh pleaded for it on an optional basis. See Organiser, vol. 17, 9 March 1964, p. 7. The Hindustan Standard (Calcutta) of 1 February 1964, in an article by its staff correspondent supported the idea as a "permanent solution". Five distinguished persons of Calcutta, including R.C. Majumder, Triguna Sen, N.R. Sen Gupta, and P.C. Chakravarty, although not approving the idea, urged for "mass migration of the entire Hindu population of East Bengal to India". See Organiser, vol. 17, 3 February 1964, p. 1.

In Pakistan, Abdul Aziz, an Independent member of National Assembly held this view, Dawn, 15 January 1964.

(161) In India, this was suggested by P.R. Patel and Mahavir Tyagi in Lok Sabha Debates, series 3, vol. 25, 13 February 1964, col. 549.

In Pakistan, it was proposed by Begum Khudeja Khan in National Assembly of Pakistan Debates, vol. 1, 18 March 1964, p. 231 and by Akhtaruddin Ahmad, ibid., p. 242.

(162) In India, the All-India Convention on East Pakistan Minorities appealed on 19 April for diplomatic and economic sanctions against Pakistan, Indian Express, 20 April 1964. These were also proposed by Chandra Shekhar in Rajya Sabha Debates, vol. 47, 28 April 1964, cols 852-3.

In Pakistan, a prominent religious leader, Naqshbandi Muhammed Ibtisamui Haq Thanvi favoured breaking of diplomatic ties with India, The Times, 23 January 1964.


(164) See the views of Rammanohar Lohia of 18 January in Hindustan Times, 20 January 1964 and those of J.P. Narayan of 4 April, ibid., 6 April 1964.

(165) Suggestion of the editor of Ababi Dunya (Lahore), Salahuddin Ahmad. For details of his plan see letter to the Editor column, Pakistan Times, 25 January 1964.
taken seriously by the Governments of the two countries, and some were even outrightly rejected. About the reference to the United Nations, both the Governments realized the legal difficulties and the limitations the United Nations had in dealing with the problem. (166) Moreover, so far as India was concerned, its unhappy “experience of going to the United Nations” deterred its Government from such a move. (167) Furthermore, Prime Minister Nehru felt that the issue of violation of the Nehru-Liaquat Agreement could not be taken to any international body also because of the fact that it had been made many years ago and “it cannot be said that it must be followed for ever”. (168) So far as the question of exchange of population was concerned, the Indian Government considered it “utterly wrong” (169) and “abhorrent” (170) and the Pakistani Government also rejected the proposal (171) and said that it was against any migration of minorities. (172) The Indian Government, however, favoured that on humanitarian grounds, those non-Muslims who wanted to come to India from East Pakistan should be allowed to do so and that facilities should be provided.


(168) Ibid., col. 851.


(170) Chagla’s declaration in SCOR, yr 19, mtg 1090, 10 February 1964, p. 8; see also opposition of L.B. Shastri to it in The Hindu, 29 March 1964.

(171) President Ayub Khan described it on 1 March as “senseless, not possible, not feasible”. Pakistan Times, 2 March 1964.

(172) See later Habibullah Khan’s and his delegation’s attitude at Indo-Pakistani Home Ministers’ conference of April 1964.
to them for doing so. (173) Persons like West Bengal's Chief Minister, P.C. Sen, also threw hints at a planned evacuation of the Hindus from East Pakistan over a period of five years. (174) The suggestion that facilities should be granted to the non-Muslim migrants from East Pakistan were severely criticized in Pakistan, and motives, attributed. (175) With regard to the other proposals made in India and Pakistan, the two Governments showed indifference to them. (176)

(173) See Home Minister Nanda's announcement to ease the conditions for the migration of non-Muslims from East Pakistan to India on compassionate grounds at a Press conference at Calcutta on 29 January in The Hindu, 31 January 1964 and in Lok Sabha Debates, series 3, vol. 25, 11 February 1966, col. 166. In the India-Pakistan Home Ministers' conference of April 1964 he suggested the grant of a number of facilities to such migrants. Details in India, Lok Sabha Secretariat, Foreign Policy of India; Texts of Documents 1947-64 (New Delhi, 1965), pp. 373-4.


(175) See Habibullah Khan's statement of 13 February in Pakistan Times, 14 February 1964; Bhutto's view in SCOR, yr 19, mtg 1089, 7 February 1964, p. 9. See also the Pakistani Government's protest note to the Indian Government on 19 February and 3 March 1964 in Pakistan Times of 21 February and 4 March respectively. In its note of 3 March the Pakistani Government held that India was encouraging the minorities of East Pakistan with a view to unsettling them and bringing bad name to Pakistan. The suggestion of P.C. Sen for the evacuation of non-Muslims from East Pakistan was also considered by Bhutto as India's endorsement of the idea of exchange of population. See, General Assembly Official Records (GAOR), session 19, plen. mtg 1319, 22 January 1965, p. 16. Pakistan Times in its editorial of 6 February 1964 considered the liberalisation of migration rules by India as "mischievous" and "a propagandist move" made with an eye to the Security Council and for "casting aspersions" on the "loyalty" of Pakistani minorities "to their country" and thus "openly interfering in Pakistan's internal affairs and gradually creating mischief".

(176) Regarding the idea of severance of economic and diplomatic relations with Pakistan, Nehru thought them to be harmful to the interests of the minorities in Pakistan. Rajya Sabha Debates, vol. 47, 23 April 1964, col. 353.
Although the Governments of India and Pakistan did not adopt any of the courses suggested in their countries (mentioned above), they took strong exception to communal disturbances. As early as 7 January 1964 a spokesman of the Indian Ministry of External Affairs expressed concern over the disturbances and lawlessness against the minority community in East Pakistan. (177) This concern was conveyed to Pakistan’s High Commissioner in New Delhi on 9 January by India’s Commonwealth Secretary. (178) Similar concern about the disturbances in West Bengal was expressed by Pakistani officials on 10, 11, and 14 January. (179) On 13 January Bhutto complained about "shameful and cowardly" attacks on minorities in West Bengal, (180) and on 19 January Sabur Khan talked about genocide of the Muslims in India. (181) On the other hand, on 23 January, Nehru spoke about "distressing news of happenings in East Pakistan". (182) Protest notes to the Pakistani Government were further sent on 1, 13, (183) and 29 February. (184) The Indian Government also complained that the Pakistani Government did not accept the repeated requests made

(178) Ibid., 11 January 1964.
(180) Pakistan Times, 14 January 1964.
by it since 10 January that the officials of the two countries should be allowed to visit the affected areas on a reciprocal basis. (185) Likewise, Pakistan's Communications Minister, Sabur Khan, complained on 17 January and 18 February that suggestion for an exchange of visit between him and the Chief Minister of West Bengal had received no response. On 17 January he added that a request by the Pakistani High Commissioner to be allowed to visit the riot-affected areas in West Bengal had been refused. (186) Further protests were made by the Pakistani Government in its letters of 1 (187) and 19 February. (188) On 7 February Bhutto also complained during the Kashmir debate in the Security Council that since the Nehru-Liaquat Pact of April 1950 more than 550 riots had taken place in India. (189) With some difference this remark was reiterated by several other Pakistani spokesmen. (190) After the March 1964 disturbances in India, some more protests, on 20 (191) and 28 March, were made to the Indian Government by the Pakistani


(186) Pakistan Times, 18 January and 19 February 1964.

(187) Ibid., 2 February 1964.

(188) Ibid., 21 February 1964.

(189) SCOR, yr 19, mtg 1089, 7 February 1964, p. 3.

(190) Earlier, on 19 June 1962, the Foreign Minister of Pakistan, Mohammed Ali, had said that since the Partition the number of riots in India had exceeded 540. National Assembly of Pakistan Debates, vol. 1, 19 June 1962, p. 186. Now on 1 May 1964 President Ayub Khan noted that there had been some 500 communal riots in India since Partition. Pakistan Times, 2 May 1964.

(191) Pakistan Times, 21 March 1964.
Government, against what it called organized genocide of the Muslims in India. (192) It also asked for the facilities for its officials to visit the disturbed areas in India and promised similar facilities to the Indian officials. (193)

But more significant than these protest notes and exchanges were the letters that were exchanged between the President of Pakistan on the one hand and the President and Prime Minister of India on the other. On 13 January, after the outbreak of disturbances in West Bengal, the President of Pakistan sent a message to the Indian President asking him to "take effective action immediately to restore order and peace in West Bengal such as would create a sense of security in the minds of the Muslim minority and enable these refugees to return to their homes" in the larger interests of both India and Pakistan. (194) The Indian President replied on 16 January and suggested to the Pakistani President that the two Governments should "put their heads together and devise ways and means of bringing to an end the recurring cycle of such incidents and disturbances in both countries" and, as a first step, proposed that "you and I join in an immediate appeal to the people of our two countries for communal peace and harmony". (195) The proposal for a joint appeal was turned down by the President of Pakistan on the plea that he had already issued an appeal to his people. (196)

(192) Ibid., 29 March 1964.
(193) Ibid., 4 April 1964.
(194) See the text in Ayub Khan, n. 114, p. 126.
(196) See the text of President Ayub's reply of 21 January to President Radhakrishnan in Ayub Khan, n. 114, p. 128 and as Doc. S/5522/Annex II in n. 195, pp. 46-47.
Leading Pakistani newspapers not only disapproved the idea of a joint appeal, but said that it was a subtle move on India's part "to create an impression in the world as if Muslims of Pakistan were just as guilty of communal violence as Hindus of Bharat". (197) Another suggestion made by the Government of India on 16 January for a meeting of the Home Ministers of India and Pakistan (198) was also sidetracked by the Pakistani Government. According to a note of the Pakistani Government, before such a Ministerial conference could take place, the Indian Government must take the sternest measures to restore law and order in West Bengal and create conditions for the return and rehabilitation of the Muslim refugees who had crossed over to East Pakistan after the outbreak of the riots. (199) Thus, for the time being, no progress was made in the direction of any joint move to deal with the communal problem of the two countries, although some Western pressure on India and Pakistan for this had also been reported. (200)

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(198) See a reference to it in the memorandum presented by the Indian High Commissioner to Pakistan's President along with the Indian Prime Minister's letter of 19 March 1964. Indian Information, vol. 7, 15 April 1964, p. 159. See also Nanda's statements in Lok Sabha Debates, series 3, vol. 25, 11 February 1964, cols 155-6 and vol. 29, 13 April 1964, col. 10701.

(199) Pakistan Times, 25 January 1964; also see Nanda's statements in n. 198. Dawn's editorial of 18 January 1964 also hinted at it.

However, when communal violence broke out afresh in India in March, the Indian Prime Minister renewed the proposal of an Indo-Pakistani Home Ministers’ Conference in his letter to the Pakistani President on 19 March, (201) and the latter agreed to it. (202) Interestingly, however, while accepting the idea, the President of Pakistan held that had his Government’s suggestion of 24 January for a similar meeting “been accepted earlier, perhaps the series of communal disturbances [i.e., those of March in different part of India] might have been averted”. (203) This he did in spite of the fact that it was India that had made this suggestion and it was Pakistan that had shown indifference to it.

**India-Pakistan Home Ministers’ Conference (7 to 11 April 1964)**

In accordance with the decision of the Governments of India and Pakistan, the Home Minister of India, G.L. Nanda, and the Home Minister of Pakistan, Khan Habibullah Khan, along with their advisers, (204) met in New Delhi between 7 and 11 April 1964 to discuss the problem of minorities and communal harmony. They

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(201) Text of letter in *Indian Information*, vol. 7, 15 April 1964, p. 158.

(202) Text of the letter in *Ayub Khan*, n. 114, pp. 179-80. This source gives the date of President Ayub’s reply as 27 March, whereas *Indian Information*, n. 201, p. 160 gives the date of President Ayub’s letter under reference as 23 March. It might be mentioned here that about this time The Times had also felt the necessity of some outside intervention to put down the communal holocaust in the subcontinent. See its editorial of 25 March 1964.


(204) The Indian delegation included the Union Home Secretary, the Commonwealth Secretary, the Union Joint Secretary to Home Affairs and the Chief Secretary of West Bengal, whereas the Pakistani Home Minister’s team included the Central Home Secretary, Pakistan’s High Commissioner to India, the Director of External Affairs Ministry, and the Chief Secretary of East Pakistan.
discussed three main items: (1) questions relating to the restoration of communal harmony and establishment of security and confidence among the minorities of each country; (2) migration and movement of refugees; and (3) the eviction of the Muslims from the Indian States bordering East Pakistan. (205)

During the conference the main emphasis of the Indian delegation was on the creation of an "effective implementation machinery" for the maintenance of migration rules and provision for protection to minorities intending to migrate. (206) For promotion, maintenance and restoration of communal peace, some of the important proposals made by the Indian delegation related to the framing of such administrative machinery as would facilitate quick investigation, speedy trial, and deterrent punishment to those guilty of offences against minorities; advising the Radio and the Press to act with responsibility; designing of education curricula in such a manner as to promote communal harmony; exchange of cultural delegations; freer circulation of newspapers between the two countries; revival of the Minority Commission; frequent meetings of the provincial Chief Secretaries, the Central Home Secretaries, and of the Home Ministers of the two countries; and joint tours by the Ministers of India and Pakistan to areas where communal disturbances might take place. A number of facilities to the intending minority migrant, including protection during transit, non-requirement of income-tax certificate before migration,

(205) For convenience of discussion two committees were set up during the conference, one dealing with the first question and the other with the other two. Details given in Pakistan Times, 8 April 1964 and The Hindu, 9 April 1964.

temporary permission to the Indian Government to establish more visa offices in East Pakistan, permission to intending migrant to take as much of his movable properties as possible, and continuance of the ownership right of the migrant over his immovable properties, were also suggested by the Indian delegation. (207) In fact, the Indian delegation tried its best to revive the Nehru-Liaquat Pact of 1950 (208) which contained many of the Indian suggestions. It was also ready to show relaxation in matters relating to what it called deportation of Pakistani infiltrators provided Pakistan agreed to grant certain facilities to the refugees coming from East Pakistan to India and accepted certain other measures proposed by it for communal harmony. (209)

On the other hand, the Pakistani delegation concentrated mainly on the question of what it called "eviction" of Indian Muslims from the Indian states bordering East Pakistan. It held that the communal disturbances in the subcontinent were primarily the result of the Indian policy of eviction of the Muslims. (210) On matters of communal peace and harmony, the Pakistani proposals were confined to taking steps to restore normal conditions and to prevent recurrence

(207) Brief heads of the proposals made by the Indian delegation (placed by Nanda on the table of the Lok Sabha on 13 April 1964) in Lok Sabha Secretariat, n. 173, pp. 370-4.

(208) See Nanda's opening speech of 7 April, The Hindu, 8 April 1964; also see report in Times of India (Bombay), 10 April 1964.


of disorder; prevention of the dissemination of news and mischievous opinion calculated to rouse communal passion and punish those found guilty of it; and disallowing propaganda against each other's territorial integrity and the like. With regard to migration, it wanted to limit it only to those possessing valid travel documents. (211)

The two items on which serious differences arose between the Indian and Pakistani delegations were those relating to the eviction of the Muslims from India and the migration of minorities. Of these, the first will be discussed separately in the following section. With regard to the second, the Pakistani delegation wanted its Indian counterpart not to agree to migrations of minorities. It also wanted India not to insist on reviving the provisions of the Nehru-Liaquat Pact providing facilities to minorities to sell their property, etc. which, according to the Pakistani delegation, had an unsettling effect on minorities in the two countries (212) and encouraged minorities to develop extra-territorial loyalties. (213) According to Pakistan's Home Minister, the policy of encouraging migrations of minorities would virtually lead to exchange of population between the two countries. (214) The only concession

(211) See the list of the Pakistani proposals as laid down on the table of the Lok Sabha on 13 April 1964 in Lok Sabha Secretariat, n. 173, pp. 375-7.

(212) *Pakistan Times*, 8, 10, and 12 April 1964 and *Times of India* (Bombay) of 9 and 11 April 1964.

(213) *Times of India* (Bombay) and *The Hindu*, 10 April 1964.

which he was prepared to offer in this connexion was to ensure freedom of movement and protection to genuine cases of migrants subject to their possessing valid documents. He described a "genuine" migrant as one who might like to migrate from one country to another to join his kith and kin. (215) He also accused India of offering inducements to minorities in East Pakistan to come to India (216), an allegation which was considered very uncharitable by the Indian Home Minister. (217)

The Pakistani delegation, moreover, showed little interest in the Indian proposals for joint appeals and joint tours for maintaining communal harmony. (218) Pakistan's Home Minister thought that they required further consideration. (219) He was also reported to have felt that the suggestion of joint tours meant abrogation of sovereignty to the extent that an outsider was permitted to tour affected areas and make his own appraisal. (220) The Pakistani delegation is further said to have set some more conditions (other than those for an agreement on the "eviction" problem and on the freezing of minority migrations) for an overall settlement of the communal problem. They were: (1) undertaking by the two Governments to rehabilitate those refugees who were willing to go back before a

(216) The Hindu, 10 April 1964.
(217) See Nanda's statement at a Press conference on 11 April, ibid., 12 April 1964.
(218) The Hindu, 9 April 1964; Times of India (Bombay), 10 and 12 April 1964.
specified date; and (2) agreement by India to re-employ those Pakistani nationals whose resignations had been accepted by the Calcutta Port Trust when they had threatened to quit en masse after the January 1964 riots there. (221)

In spite of the differences mentioned above, the two delegations were able to arrive at an agreement on general principles of communal harmony. They agreed fully over the necessity of promoting communal harmony between the various communities in their countries and on the need to establish a sense of security and confidence in the minds of minorities. The responsibility of the respective Governments to protect their minorities was also reiterated, and the minorities of the two countries were assured of "complete equality of citizenship..., a full sense of security in respect of life, culture, property and personal honour". The two Home Ministers also "expressed their firm determination to take all measures to maintain communal peace in their respective countries". (222) They agreed to take stern measures to stop recurrence of communal riots, to mete out deterrent punishments to the miscreants and to rehabilitate the victims of riots. (223) A measure of understanding was, moreover, reached on subsidiary points like the setting up of some machinery to look into the alleged cases of abduction of women in recent communal disturbances and the

(221) Times of India (Bombay), 11 April 1964.


(223) See Habibullah Khan's reply to newsmen at Chaklala airport in Pakistan on 13 April in Pakistan Times, 14 April 1964. About agreement on proper rehabilitation of refugees also, see Nanda's statement in the Lok Sabha, n. 219, col. 11315.
desirability of measures to prevent publication of inflammatory material in the newspapers of the two countries. (224) The two delegations agreed, furthermore, to resume their discussion in Karachi or Rawalpindi "in the near future". (225) Pakistan's Home Minister said in his Press conference on 11 April that the Home Ministers' conference had been adjourned for a short period, (226) and the Indian Home Minister informed the Lok Sabha that "the agreement has not been concluded". (227)

The Home Ministers of India and Pakistan hardly made any significant progress in the solution of the minorities problem. Instead, they found themselves deadlocked on many of the crucial problems mentioned above. This fact was recognized by the two Home Ministers themselves who used very guarded language about their assessment of the talks. India's Home Minister, Nanda, while denying that their conference had been a failure, admitted that it "has not taken us far". (228) Habibullah Khan, Pakistan's Home Minister, while holding that on the necessity of restoring communal harmony there had been "some substantial agreement" between the two countries, said that "it is very difficult to say, at this stage, whether these talks have been a complete failure or a complete success or a partial failure or a partial success" and added that "unfortunately there has

(224) *Pakistan Times*, 8 April 1964; for agreement on abduction of women see also Nanda, n. 219, col. 11314.


(226) *Pakistan Times*, 12 April 1964.

(227) Nanda, n. 219, col. 11317. He further stated in the Lok Sabha that Pakistan's Home Minister had told him that since his National Assembly was coming to a close within two days and as it appeared that their talks would take a longer time, they should meet again to consider the problem. Ibid.

been no agreement" on the issues of forcible eviction of the Muslims from India and the migration of the Hindus from East Pakistan. (229) The Press in the two countries also took a pessimistic view of the achievements of the talks. The Pakistan Times of 13 April captioned its editorial "Inconclusive Talks" and Dawn remarked editorially on 16 April that the conference was "a little more than an exercise in futility". Commenting on the joint communiqué, it observed: "One wonders if the drafting of a document of this kind could not as well have been arranged between the two Ministers on a trunk telephone". Similarly, in India, the Times of India in its editorial of 13 April entitled "A Deadlock", tried to find some "little comfort" from the fact that the two Ministers would meet again. The Hindustan Times of 13 April editorially took a similar view. Not only this, the Calcutta correspondent of The Economist (London) also thought that the two Home Ministers "failed ... to find ways of restoring communal peace in the sub-continent" and added: "Yet there must be some satisfaction that they agreed to carry on the dialogue." (230)

Minorities Problem after the Home Ministers' Conference of April 1964 For some time after the Indo-Pakistani Home Ministers' talks of April 1964 there were hopes for the solution of the communal problem between the two countries. This was due to the general improvement in Indo-Pakistani relations during that time. Sheikh Abdullah's talks with the leaders of India and Pakistan, following his release from detention, kindled the hope of some

(229) National Assembly of Pakistan Debates, vol. 1, 15 April 1964, p. 2073; also see his Press conference at Chaklala airport in Pakistan on 13 April in Pakistan Times, 14 April 1964.

(230) "India and Pakistan: Self-RIGHTEOUS Indeed", The Economist, vol. 211, 18 April 1964, p. 201.
solution of the Kashmir problem emerging. After the death of Nehru on 27 May and assumption of the Indian Prime Ministership by L.B. Shastri some healthy feelers were exchanged between the Indian and Pakistani leaders leading to an overall improvement in the relations between the two countries for some time. (231) All this had its impact on the communal problem. The problem, however, remained unsolved and as the general relations between the two countries started deteriorating once again, particularly from October 1964, (232) the bitterness over this problem between the two countries once more manifested itself. The much-talked-about second Home Ministers' conference never took place, and the communal problem remained unresolved.

For a few months after the Home Ministers' conference, there were some attempts by the two Governments to reassure their minorities. In India, PresidentRadhakrishnan visited some of the areas in central Calcutta on 30 June, and while expressing his "deepest sympathy" to the minorities there, he said that "the Central and State Governments will do all in their power to make you happy". (233) Moreover, as in 1961, there was again a move in India to impose a ban on communal parties. (234) On the other hand, in Pakistan, Home Minister Habibullah Khan visited different areas in East Pakistan and met leaders of minority communities in June 1964. (235) Broadcasting to

(231) See Ch. Three.
(232) See Ch. Three.
(233) The Hindu, 1 July 1964.
(234) See report of the Jain Committee of the Congress Parliamentary Party, ibid., 6 July 1964. This proposal could not be conclusively carried out because a Chief Ministers' Conference which met on 14 December 1964 preferred to take steps to put down activities of communal nature. See Ibid., 15 December 1964.
(235) See a reference to it in the Pakistani note of 24 June to the Indian Government, Pakistan Times, 22 July 1964. See also President Ayub's broadcast of 1 July 1964, Pakistan Press Release, no. 24, 8 July 1964.
his nation on 1 July, President Ayub Khan further declared that he regarded the minorities of Pakistan "as a sacred trust" and asked those who had left East Pakistan for India to return to their homes. (236) Similar assurances were given by him to the minorities in his country during his election campaign in East Pakistan in October 1964. (237) Meanwhile, the Pakistani Government disallowed discussion of motions in the Pakistan National Assembly on "Genocide of Muslims in India" (238) and on "Eviction of Muslims from India" (239) on 15 April and 4 June respectively on the ground that the discussions might vitiate the atmosphere between the two countries. As a result of these steps of the Government of Pakistan, a good number of people of minority communities, who had left East Pakistan for India following the disturbances there, returned to their homes. (240)

Some healthy notes were also exchanged between the two Governments.

In a letter to the Home Minister of India, the Pakistani Home Minister referred to his tour of East Pakistan, said that he was "convinced

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(236) Text in Pakistan Press Release, no. 24, 8 July 1964.

(237) He told the minorities that they were full citizens of Pakistan and that they could neither be held responsible for the terror let loose on Indian Muslims nor could they be made to suffer for that. Pakistan Times, 1 November 1964.

(238) See the Pakistani Home Minister's suggestion in National Assembly of Pakistan Debates, vol. 1, 15 April 1964, p. 2074.


(240) According to India's Foreign Minister, Swaran Singh, 9,176 refugees from East Pakistan returned to their homes in Pakistan by 1 January 1965. Lok Sabha Debates, series 3, vol. 39, 8 March 1965, col. 2951. According to the Pakistani Government, however, 69,830 persons had returned to their homes in East Pakistan from India by 2 January 1965. Pakistan Press Release, no. 4, 11 January 1965.
that the members of the minority community have been reassured", and requested that the Indian Home Minister should take a similar step. (241) Reiterating this suggestion, President Ayub Khan of Pakistan further declared on 1 July that "any step" that the new leadership in India might take in the direction of dealing with the communal problem would "find us willing to meet them more than halfway". (242) These proposals were welcomed by the Indian Home Minister, although he wanted "some more information" from his Pakistani counterpart indicating the parts of India from which persons had migrated to East Pakistan before undertaking a tour of the areas in India affected by communal violence in January and March last. (243)

In spite of these overtures nothing substantial happened to improve the communal position in the two countries. The proposed second Home Ministers' conference of India and Pakistan was postponed from one date to another (244) until it was indicated by the Pakistani Home Minister on 19 November that it would take place in March 1965. (245) The President of Pakistan had in the meantime despaired of such a conference achieving anything. (246) And the conference, as stated already, never took place.

The flow of minorities from one country to another continued as before. Between 1 January 1964 and 1 January 1965, 855,956 persons

(241) Pakistan Times, 22 July 1964. This letter was sent to the Indian Home Minister in June, but the text was released to the Press on 21 July 1964.

(242) The text is in Pakistan Press Release, no. 24, 8 July 1964.


(244) See reports, ibid., 15 April, 26 July, 1 and 16 August, 6 September, and 2 November 1964.

(245) Ibid., 20 November 1964.

(246) Ibid., 4 November 1964.
of minority communities were reported to have come to India from East Pakistan, (247) and their number was said to have reached 920,192 by 27 February 1965. (248) This influx of migrants from East Pakistan into India fell "appreciably" (249) after the Indian Government decided to seal off the border between India and East Pakistan from 1 April 1965 and to allow entry only to those who had valid travel documents. (250) On the other hand, the Pakistani Government held that as on 25 July 1964, 242,554 Muslim refugees had come to Pakistan from the Indian States of West Bengal, Bihar, and Orissa. (251)

Moreover, there was a report in September 1964 of an entire village of 600 persons in East Pakistan having been converted to Islam. The Indian government lodged a protest. (252) In January 1965 the Indian Government further appointed a three-man commission to inquire into the exodus, particularly as it had gone on since


(250) Swaran Singh's statement, ibid., vol. 41, 6 April 1965, col. 8073.

(251) Pakistan Press Release, no. 27, 6 August 1964. See also Pakistan Press Release, nos. 40, 42-45, 49, 51-52, and 56 of 1964 and nos. 3, 5, 7, 8, 10, 18, 26, 27, 33, 43-44, 46, 61, 64-66, and 68 of 1965 giving their number from time to time. The difficulty with the figures given in most of these, however, is that they include the "evictees" from India as well along with the number of refugees arrived in Pakistan from India.

1 January 1964, of East Pakistani minorities into India. (253) The Pakistani Government protested against it. (254) But the protest was rejected by the Indian Government. (255) During the Rann of Kutch crisis, again, some allegations against the maltreatment of minorities were made against each other by Pakistan (256) and India. (257)

Some unfortunate statements were also made by the Pakistani leaders doubting on the one hand the loyalty of their minorities and declaring themselves on the other as the champions of the Indian Muslims and trying to develop extraterritorial loyalty in them. On 16 August 1964, for example, East Pakistan’s Revenue Minister, Fazlul Bari, said that "minorities were the sacred trust of the country so long as they remained loyal to the state". (258) This led a leader of the Christian minority in Pakistan to write that "it is sad that while loyalty in a Muslim is presumed, in a non-Muslim it has always to be proved by him to earn his protection". (259) On 1 December 1964, President Ayub Khan himself made another unhappy statement that the rights of five crores of the Indian Muslims could be safeguarded only by a strong centre in Pakistan. (260)


(254) *Pakistan Times*, 9 June 1965.

(255) *Indian Information*, vol. 8, 1 July 1965, p. 338.

(256) *Pakistan Times* of 30 April and 19 and 26 May 1965.

(257) See India’s protest note of 21 May in *Indian Information*, vol. 8, 15 June 1965, p. 313. See also a similar protest made later on 23 August, ibid., 15 September 1965, p. 519.

(258) *Pakistan Times*, 18 August 1964.

(259) Letter to the Editor by Joshua Fazal-ud-Din, ibid., 29 August 1964.

(260) Ibid., 2 December 1964.
The minority problem, thus, continued to be as explosive between 1960 and 1966 as it had been before. Indeed, during 1960-65 another irritant was added to this problem, namely the alleged eviction of the Muslims, whether Pakistanis or Indians, from India. This made any solution of the general problem of communal peace difficult.

**Some Concluding Observations**

From this account of the minority and communal problem in India and Pakistan, it is possible to make following observations:

1. Communal disturbances have generally started with trivial incidents like the rape of a girl of one community by persons of another community (as in Jabalpur in February 1961), election of all the persons of only one community in students' union elections (as in Aligarh in October 1961), throwing of colours during the Holi by persons of one community on those of the other community (as at Malda in 1962), or quarrel over damage of crops by cattle (as in Gopalganj in East Pakistan in May 1961). In normal circumstances these incidents would hardly have been taken note of. But in the vitiated atmosphere of fear and suspicion between the Hindus and the Muslims they incited communal passions. The disturbances were sometimes a reaction in one country to communal violence in the other (as in 1964 and during 1961 and 1962 communal riots). Inflammatory reports in the newspapers following an attempt by one country to make capital out of the troubles of the other (as Pakistan did on hearing reports of the Hazratbal theft of 27 December 1963 to strengthen its case over Kashmir) have also led to communal violence. This was particularly so, as regards the violence of January 1964.
(2) From the above observation it follows that in general some deep mistrust, suspicion, and hatred persist between the two major communities of the subcontinent. Had that not been the case, minor incidents or inflammatory propaganda would not have led to communal disturbances. Here it might be added that the propaganda made from 1939 onwards emphasizing the separateness of the two communities, the Hindus and the Muslims, by the Muslim League and the resulting creation of Pakistan on the basis of the two-nation theory widened the gulf which to some extent had existed in the body politic of India from the days of the advent of the Muslims. Although after the creation of the two states of India and Pakistan, the two-nation theory was discouraged to some extent in Pakistan itself, (261) mutual suspicion and hatred in the two communities remained. Again, the association of many Indian Muslims with the Muslim League leadership until 14 August 1947 in the hope that the creation of Pakistan would provide a solution to all their problems and the pre-Independence association of the Hindus of Pakistan with the Indian National Congress further aggravated the suspicion of the majority community towards the minority community. (262) Excessive interest shown by the Governments of the two countries in each other's minorities only added to this distrust.

(261) Muhammad Ali Jinnah's statement of 11 August 1947 has been quoted earlier. Here Suhrawardy's statement of October 1956 may be cited in which he said that once Pakistan was created, the two-nation theory lost its force even for the Muslims. *Dawn*, 11 October 1956.

(262) Ziya-ul-Hasan Faruqui writes: "The Indian Muslims are a minority the bulk of which supported the demand for Pakistan. This is a complex situation. The majority community does not seem to forget the past. . . ." Ziya-ul-Hasan Faruqui, "Indian Muslims and the Ideology of the Secular State", in Eugene Smith, n. 100, p. 143.
(3) The communal problem has generally become acute when the
overall relations between the two communities have deteriorated.
Early in 1961, it might be remembered, the jehad slogan for Kashmir
was raised in Pakistan, and it continued till mid 1962. In 1962
Pakistan again brought the case of Kashmir before the Security
Council after a gap of four years and a tense situation developed
between the two countries. Again, around the end of 1963 Indo-
Pakistani relations suffered a set-back. Communal violence in the
two countries coincided with these developments and took place in
1961, 1962, and early 1964. It might, however, be added that although
Indo-Pakistani relations touched the lowest ebb in April and September
1965, yet no communal disaster took place.

(4) Communal disturbances, in turn, have always embittered
the relations between the two countries.

(5) The intermingling of the minority problem with the
question of alleged eviction of the Muslims from India has further
complicated it. This is due to the following reasons: (1) Whenever
the evictees or the deportees, of whichever nationality, went to
Pakistan after having been deprived of the means of subsistence they
had in India, it created irritation in Pakistan. (2) They (the
evictees) in turn spread communal feeling and vitiated the atmosphere
there. (3) They were considered in Pakistan as Indian Muslim evictees,
and it made the atmosphere even more vicious. (4) During the period
of communal riots the eviction of these persons gave the impression
that they were the victims of the riots in India. (In fact, most of
the figures of refugees from India put forward by Pakistan include
these persons as well). (5) In Pakistan this problem is all important,
and it was felt that unless this issue was settled, the general
communal problem could not be solved.
(6) Finally, it can be suggested that the minority problem of the two countries can be solved by creating the following conditions: (a) general improvement in Indo-Pakistani relations; (b) a change in the outlook of the people of the two countries so that merely on the basis of religion one is not considered to be associated with one country or the other; (c) the Governments of the two countries should stop taking undue interest in each other's minorities and should put a control on the Press of their respective countries; (d) people in general in both the countries should be made to believe that the people and the Government of the other country are not squeezing out their minorities and that there is no deliberate plan to do so; (e) the two-nation theory should be repudiated completely by both the countries, more particularly by Pakistan; (f) non-Muslims in Pakistan should not be disqualified from being a candidate for Presidency in Pakistan, because the President of Pakistan, under the present constitution, is not only the Head of the State but also the head of the government. This will reassure the minorities in Pakistan; and (g) full protection to the minorities should be given by the Governments of the two countries and exemplary punishments should be given by them to those guilty of inciting communal violence or of discriminating against minorities.

PROBLEM OF DEPORTATION OF ALLEGED PAKISTANI MUSLIMS FROM EASTERN INDIA

A new problem which has become a major irritant in Indo-Pakistani relations since June 1962 is the problem of the deportation of the alleged Pakistanis from eastern India to East Pakistan. When it became clear that the Muslim population of the Indian States
bordering East Pakistan, particularly Assam and Tripura, had abnormally increased during the last ten years and that about 250,000 to 300,000 Pakistani Muslims had illegally infiltrated into these Indian States, steps were taken in India, particularly after June 1962, to drive out those persons. This action of the Government of India evoked sharp reaction in Pakistan. The Pakistani Government vehemently criticized the Indian action and held that the deportees were not Pakistani nationals but Indian citizens who were being exterminated and squeezed out of India just because they happened to be Muslims.

**Genesis of the Problem**

Since the beginning of the twentieth century, and particularly since 1911, there has been a continual flow of "land hungry Bengali immigrants, mostly Muslims, from the districts of Eastern Bengal" to Assam. (263) As a result, the Muslims, who formed only 26.89 per cent of the total population of Assam in 1901, were 33.73 per cent of its total population in 1941. (264) Although the Indian Prime Minister claimed on 7 August 1961 that "since partition ... this overflow (of population from East Bengal to Assam) has stopped", (265) a hue and cry was raised by the Opposition in the Indian Parliament, (266) and great concern was expressed by the people and


(265) Nehru, n. 263, col. 167.

Government of Assam in 1961 and 1962. (267) It was then disclosed by the Indian Government that at least between 250,000 and 300,000 "infiltrators" had entered Assam during the preceding ten years. (268) It was also held that about 45,000 Muslims had "infiltrated" into Tripura. (269) Similar "infiltrations" were also reported in West Bengal and Manipur. (270)

After the 1961 census of India it was found that during the previous ten years the Muslim population in Assam had increased by 38.56 per cent, (271) in Tripura by 67.96 per cent, in West Bengal by 36.48 per cent, and in Manipur by 30.62 per cent, as against the general rise of Muslim population in India during that period by only 25.61 per cent. (272) It was further noticed that in some of the districts of Assam which bordered East Pakistan there was a significant increase in Muslim population and as against this in many of the districts of East Pakistan, which bordered Tripura and Assam, the rise in Muslim population was surprisingly low. Alarming

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(269) L.B. Shastri's reply to a question in Lok Sabha Debates, series 3, vol. 6, 13 August 1962, col. 1399.


rise in the Muslim population in some of the West Bengal districts bordering East Pakistan was also noticed. (273)

In India, some members of Parliament tried to find a sinister Pakistani design behind the rise in the Muslim population in Assam, Tripura, and West Bengal, which was thought to be the result of deliberate infiltration by the Pakistanis. Jinnah's original plan of including Assam and Bengal in the State of Pakistan was remembered. (274) The Speaker of the Lok Sabha himself expressed this fear when he said that "if in the guise of coming in, a large number migrate from that country [East Pakistan] to this country, some day they might ask for partition of Assam also". (275) A member of the Pakistan National Assembly, in fact, substantiated this Indian fear when he said in March 1963 that "if India fails to honourably and peacefully settle the Kashmir and Junagadh affairs we will be reverting back to our

(273) The Muslim population of the Assam districts of Khasi and Jaintia Hills was reported to have gone up by 88 per cent and of Garo Hills by 49 per cent as against the increase in Muslim population in East Pakistan districts of Noakhali by only 4.7 per cent, of Comilla by 15.4 per cent, and Sylhet by 13.9 per cent as against the overall increase of the Muslim population of East Pakistan by 26 per cent during the last ten years. In the West Bengal districts of Darjeeling the Muslim population increased, during the last ten years, by 200 per cent, in Dinajpur by 74 per cent, in Malda by 62 per cent and in Nadia by 63 per cent. These figures were given by Vijay Lakshmi Pandit in GAOR, session 18, plen. mtg 1221, 30 September 1963, p. 23 and by M.C. Chagla in SCOR, yr 19, mtg 1088, 5 February 1964, pp. 27-28.


original demand for Assam that it should form part of East Pakistan". (276)

The Government of India, therefore, adopted two methods to deal with what it considered the problem of infiltration from East Pakistan. It approved early in 1962 a scheme of the Assam Government for adding additional police staff to strengthen patrolling and vigilance on the border between India and East Pakistan and to take effective action against those who, after coming to Assam with valid travel documents, did not leave the country on the expiry of their authorized period of residence, (277) Thus steps to prevent further infiltration and to deport those who were thought to have infiltrated were taken. Although the deportation had begun earlier (278), it was from June 1962 that it was mainly started in earnest, (279) A large number of people were sent out of


Nehru, however, did not specifically think any particular political move behind in the infiltration which he thought to be "purely due to other considerations, economic and the rest". Lok Sabha Debates, series 3, vol. 21, 16 September 1963, col. 6197.


Tripura, (280) and as stated by the Minister of State in the Indian Home Ministry, B.N. Datar, on 5 September 1962, 30,000 persons were proceeded against, convicted, and then expelled from Assam itself. (281) "A phased programme of getting rid of this large class of illegal infiltrants as early as possible" was adopted by the Indian Government. (282)

**Pakistani Reaction to Indian Deportation**

In Pakistan the move of the Indian Government was considered to be a policy of evicting the Muslims. Speaking in the National Assembly of Pakistan on 19 June 1962, the Minister for Power and Natural Resources, Z.A. Bhutto, accused India of "a calculated and callous policy ... to liquidate the minorities living in India" whose only crime was that they professed another religion. (283) Similar feelings were expressed by Pakistan's Foreign Minister, Mohammed Ali. (284) On 28 June 1962 Pakistan's High Commissioner in India further expressed his Government's concern over the issue in a meeting with the Indian Prime Minister. (285) In the Indi-

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(280) See report in *Pakistan Times*, 10 June 1962 about first eviction from Tripura. On 6 December 1962 Bhattu gave the figure of registered evictees from Tripura as 16,133. *National Assembly of Pakistan Debates*, vol. 2, 6 December 1962, p. 499. Also see Mohammed Ali's statement in the General Assembly saying that 9,000 Muslims from Tripura were evicted in ten days in July 1962 alone. *GAOR*, n. 279, pp. 314-15.


(282) Ibid.


(284) Ibid., p. 187.

Pakistani Chief Secretaries' Conference at Dacca on 1 and 2 August 1962, the matter was again discussed. (286) Pakistan's Foreign Ministers, Mohammed Ali and then Z.A. Bhutto, also raised the question during the general debate in the General Assembly at its seventeenth and eighteenth sessions respectively. (287) Mohammed Ali pointed out in the General Assembly that according to an inquiry commission set up by the East Pakistani Government, 100 per cent of the deportees from India had been found to be Indian nationals. (288) Strong sentiments were expressed on several occasions by members of the National Assembly of Pakistan (289) and by its Press. (290) India was accused of violating the Nehru-Liaquat Pact, and it was held that "India might not have done this but for the massive arms aid". (291)

(286) Pakistan Times, 3 August 1962. Also see Lakshmi Menon's statement in Lok Sabha Debates, series 3, vol. 8, 7 September 1962, col. 6702.


(288) Ibid., session 17, plen. mtg 1151, 12 October 1962, p. 462. The Jabbar Commission which is said to have examined 897 deportee families, reportedly opined that all of them had been evicted on false pretexts. Pakistan Times, 25 March 1963. Reporting with regard to the number of cases examined by the Jabbar Commission and its findings differ. See The Hindu and Times of India (Bombay), 10 April 1964.


In Pakistan, several motives were seen behind what it considered the eviction of the Muslims from India. The following motives were attributed: (1) jeopardizing Pakistan's economy and hindering progress in Pakistan's development fields (292); (2) creating a Muslim-free belt around East Pakistan (293); (3) sending of trained regiments of spies with refugees into East Pakistan (294); and (4) a prelude to India's offensive against Pakistan. (295)

A number of suggestions were made in Pakistan to deal with the problem. Some of them were: (1) taking the issue to the United Nations (296) and even asking the world body to take the


responsibility of maintaining the evacuees in Palestine and elsewhere (297); (2) demanding extra territory from India for the settlement of these persons (298); and (3) taking up arms if India failed to come to terms with Pakistan over this issue peacefully. (299)

**Pakistani Arguments and Indian Contentions**

Mainly two arguments were put forward by the Government of Pakistan in favour of its contention that India was evicting its own Muslim nationals. In the first place, it was argued that with memories of incredible suffering, loss of human life, and destruction of property at the time of the Partition, "it is inconceivable that hundreds of thousands of Muslims ... would surrender the safety and security of their homeland in Pakistan to migrate with their women and children to the uncertainty and perils awaiting them in a hostile land beyond the frontier". Secondly, it was contended that the Indian authorities had introduced a strict system of border checkpoints to prevent the entry of non-Indians through unauthorized routes into Indian territory and that this had resulted in almost complete

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(299) Suggested by Ghulam Muhammad Wassan, ibid., p. 246. Earlier Abdul Bari had suggested that India should be told that "we shall not flinch from any counter-move, to any harmful move". Ibid., vol. 2, 11 June 1963, p. 249. Ghulam Sabir Khan asked his Government to tell its Indian counterpart that "persecution of Muslims in India may lead to their own persecution in Pakistan", Ibid., p. 291.
stoppage of entry from East Pakistan to Assam, Tripura, and West Bengal. (300)

It was also held by the Pakistani Government that even if it were a fact that Pakistani citizens had entered India illegally — which was not true — the Government of India should have had recourse to the procedure laid down in the agreement between India and Pakistan on the specific problem of illegal immigrants from one country into another. (301) The procedure as laid down in paragraph 17, sub-paragraphs 3 and 4 of the Indo-Pakistani Passport and Visa Agreement of 1953 was that "all the relevant facts" regarding the deportees "along with a certified copy of the judgement convicting him of illegal entry" should be communicated to the nearest diplomatic mission of the other country concerned which would give its decision whether it acknowledged the prisoner concerned as its repatriate and that those released would not be sent across the border by force. (302)

It was pointed out, moreover, by Pakistan's Foreign Minister, Bhutto, that it could be ascertained by any inquiry commission "whether these unfortunate, helpless people" were Indians or Pakistanis and suggested that an international inquiry commission, a United Nations inquiry commission, a Commonwealth inquiry

(300) See Pakistani Foreign Minister Z.A. Bhutto’s speech in SCOR, yr 19, mtg 1089, 7 February 1964, pp. 6-7. The inability of Pakistanis to infiltrate into India was also expressed by Farid Ahmad and Begum Khudeja Khan in National Assembly of Pakistan Debates, vol. 3, 12 December 1963, pp. 825, 836.

(301) Foreign Minister Mohammed Ali’s statement in GAOR, session 17, plen, mtg 1141, 3 October 1962, p. 315.

commission or any other third-party commission mutually agreed upon between India and Pakistan should be set up "to investigate and determine the future" of these evicted persons. (303)

The above arguments put forward by the Pakistani Government were contested by the Government of India. Denying the charge of squeezing out the Indian Muslims, it was pointed out that while the population of the Muslims in East Pakistan had increased by 26 percent during the census period of 1961-61, the Hindu population there had remained stationary. On the other hand, the Muslim population in West Bengal had increased much more than the average rate of growth of population in the State. Again, in reply to the argument as to why the Muslims from East Pakistan with horrible memories of the Partition days should go to India, it was stated that the fact was that 40,000 Pakistani Muslim nationals were working and earning their livelihood in India on a proper visa, that 250,000 Muslims visited India during 1963 on short-term Indian visas, and that if the Muslims were insecure in India, this large number of Muslims from Pakistan would not be travelling to India. In refutation of the claim that with strict visa regulations and police supervision of the border, it was not possible for Pakistanis to infiltrate into India, it was indicated that there was an open frontier of 2,000 miles between eastern India and East Pakistan and neither passport regulations nor the strictest police surveillance in the world could prevent people from crossing the border. (304) The border was,

(303) GAOR, session 18, plen. mtg 1221, 30 September 1963, p. 24; yr 19, mtg 1039, 7 February 1964, pp. 8-9. It might be mentioned here that after the death of Mohammed Ali in January 1963, Bhutto became the Foreign Minister of Pakistan.

(304) Chagla's speech in SCOR, yr 19, mtg 1090, 10 February 1964, pp. 8-9.
moreover, so artificial that it cut across towns and villages and "sometimes even houses". (305) The abnormal growth in the population of the Indian districts of Assam and Tripura bordering East Pakistan and the low rate of population growth in the East Pakistani districts were also pointed out. (306)

With regard to the suggestion that the procedure as laid down in the Indo-Pakistani Passport and Visa Agreement of 1953 should be followed in deporting anybody from India, India's Permanent Representative to the United Nations, B.N. Chakravarty, pointed out the developments that had taken place since the signing of that agreement of 1953 and said that they had put an end to the provisions of the subparagraphs 3 and 4 of paragraph 17 of the agreement. (307)

The Indian Government described as unacceptable the proposal to set up a third-party inquiry commission for the determination of the future and the nationality of the deportees from India. While speaking in the Security Council, India's Education Minister, M.C. Chagla, expressed his country's inability to abdicate its sole right to decide which aliens it should admit or permit to reside on its territory and to determine who was a national and who was an alien. (308)

Adoption of Revised Deportation Procedure
by India and Pakistani Reaction

Following strong protests from the Government of Pakistan, the

(305) Argued by India's Permanent Representative, B.N. Chakravarty, in GAOR, session 17, plen. mtg 1141, 3 October 1962, p. 312.

(306) See n. 273.


(308) Chagla's statement, n. 304, p. 10.
Indian Prime Minister is reported to have indicated to the Pakistani High Commissioner in New Delhi on 29 June 1962 that the Indian Government would go slow with the process of deportation. (309) Sometime afterwards, in view of the continuing agitation in Pakistan, the Government of India also decided that "physical pushing out" of the "infiltrators" should not be done. (310) It was further decided to take steps first of all to ascertain who were illegal immigrants and then to give them formal notice after inquiry. Attempts were made to devise some methods of inquiry because it was not considered desirable to leave the matter "merely to a police agency which may not perhaps decide quite correctly in some cases". (311) It was, therefore, decided to set up six tribunals in Assam and one in Tripura for this purpose. (312) Each of these tribunals was to consist of a retired District Judge. (313) Four such tribunals for Assam were appointed early in 1964. (314) In addition, the Government of India agreed to discuss the issue of "infiltration" at a Minister-level meeting with the Government of Pakistan, although it proposed that the subject

(309) Hindustan Times, 30 June 1962; see also the Pakistani Home Minister Habibullah Khan's claim to this effect in National Assembly of Pakistan Debates, vol. 1, 18 March 1964, p. 209.


(311) Nehru's statement, ibid., cols 332-3.

(312) See answer to question by India's Minister of State for Home Affairs, Hajarnavis, ibid., vol. 26, 4 March 1964, col. 3693; also see Nehru's statement, ibid., vol. 24, 16 December 1963, col. 4799.


should first be discussed at the official level so that the points to be dealt with at the Minister-level meeting might be formulated in the light of the result of official discussions. (315)

At the same time, however, the Government of India also gave thought to the question of devising methods to prevent infiltration from Pakistan and to drive out those whom it considered to be Pakistani infiltrators. As indicated by India’s Home Minister Nanda at a Press conference after his return from Assam on 21 March 1964, he proposed to take the following steps to deal with the problem:

(1) to clear a stretch of territory all along the border between Assam and East Pakistan so that the security forces of the State and the Centre might gain the mobility needed to prevent fresh infiltrations which were still reported to be taking place under the convenient cover of jungles; (2) to prescribe “stringent punishment” for those who harboured illegal immigrants; and (3) to issue identity cards to all inhabitants in the border areas of Assam. (316) At a Press conference at Gauhati Nanda also expressed his Government’s hope to clear out at least 80 to 90 per cent of Pakistani “infiltrators” from Assam in the course of a year. (317) The deportation, in fact, continued (318) and, according to India’s Minister of State for Home

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(317) Ibid.

Affairs, J.L. Hathi, about 8,430 persons were expelled from Assam between January and March 1964. (319) Earlier, in January 1964, President Ayub Khan of Pakistan had indicated that by the end of December 1963 the number of "refugees" who had been registered with the Government of East Pakistan had reached 95,613. (320) The Pakistani Government, therefore, went on expressing its concern against the Indian policy of deportation (321) and also threatened to take it to the United Nations. (322) Meanwhile, the heads of the Governments of two countries decided in March 1964 to convene a Home Ministers' conference to discuss the various aspects of the minority problem including what Pakistan called the eviction of the Muslims from India. (323)

**Indo-Pakistani Home Ministers' Conference (7-11 April 1964)**

When the Home Ministers of India and Pakistan, assisted by their advisers, met in New Delhi between 7 and 11 April 1964, the


(320) See text of President Ayub Khan's message of 13 January 1964 to the Indian President, Ayub Khan, n. 114, p. 126.

The Times correspondent, however, reported from East Pakistan that only 47,000 persons had been expelled from India about that time, The Times, 6 December 1963.

(321) Bhutto raised this question in the general debate of the General Assembly at the 12th session and in the Security Council on 7 February 1964 as mentioned earlier. President Ayub also expressed his concern on 6 March, see Pakistan Times, 7 March 1964.


(323) Details see in the preceding section.
Pakistani delegation proposed that the Indian Government should immediately suspend eviction and that it should agree to set up a tribunal — consisting of a Pakistani judge of the rank of a Supreme Court Judge, an Indian judge of the same status, and a mutually agreed impartial judge from another country — to examine the general claims of Indian authorities that all evictees deported from Assam and Tripura and from other parts of India were Pakistani infiltrators. It also proposed that similar tribunals — consisting of High Court judges — should be established to deal with cases of individual persons already evicted and with cases of those who might be evicted in the near future and to repatriate to their homes in India those who were not found to be infiltrators. (324) The Pakistani delegation also mentioned to its Indian counterpart the findings of the Jabbar Commission declaring that as many as 95.87 per cent of the 857 deported cases looked into by this Commission were evictees from India. (325) The Indian officials did not accept the validity of the Jabbar Commission's report and argued, on the other hand, that of the 174 cases that had been dealt with by the Assam High Court, doubts had been expressed only in 2.5 per cent of the cases. (326) So far as the suggestion for the setting up of third-party tribunals was concerned, the Indian delegation found it to be "totally unacceptable". (327) It, however, offered to consider modifications to the

(324) For details of Pakistani proposals as placed on the table of the Lok Sabha by India's Home Minister on 13 April 1964, see Lok Sabha Secretariat, n. 173, pp. 375-6. See also Home Minister Nanda's statement in Lok Sabha Debates, series 3, vol. 29, 13 April 1964, col. 10703.

(325) The Hindu, 10 April 1964.

(326) Times of India (Bombay), 10 April 1964.

(327) Nanda's statement in the Lok Sabha of 13 April 1964, n. 324, col. 10703.
procedure relating to the issue of quit notices to the evictees.

In order to enable such a review of the procedures to be made and further if the Pakistan Government would be prepared to agree to the grant of certain facilities to the refugees coming from East Pakistan to India and if they would further agree to certain other measures proposed for the establishment of communal peace and harmony, the Indian delegation indicated that the Government of India would be prepared not to issue quit notices on any person for a period of two months. (328)

It was also suggested that the Government of India would be prepared to review and re-examine the cases of any persons who had gone away to Pakistan under quit notices, but who claimed to be Indian citizens. (329) But as the Pakistani delegation was very insistent on the setting up of an inquiry commission which was "not acceptable" to the Indian delegation, the two Home Ministers decided to resume discussions in the near future. (330)

Thus the Home Ministers' conference proved almost a complete failure with regard to the eviction issue. Pakistan's Home Minister rightly said that "unfortunately" the two Ministers "could not see eye to eye" on the matter. (331)

The Eviction Problem after the Home Ministers' Conference of April 1964

The problem of eviction continued unresolved even after the Indo-Pakistani Home Ministers' conference of 7-11 April 1964. No

(328) Nanda's statement, ibid., cols 10703-4; also see the text of Indian proposals in Lok Sabha Secretariat, n. 173, pp. 374-5.

(329) Lok Sabha Secretariat, n. 173, p. 375.

(330) See Nanda's statement of 13 April 1964, n. 324, col. 10704. About the Pakistani delegation's firmness on setting up an inquiry commission, see also reports in Pakistan Times, 10 and 12 April 1964 and the Pakistani Home Minister's statements in a Press conference on 13 April, ibid., 14 April 1964.

settlement could be reached between the two countries. Pakistani irritation notwithstanding, the Indian Government went ahead with its deportation policy. The Home Ministers of India and Pakistan, who had promised to resume their discussions on the problem, never met.

After the failure of the Indo-Pakistani Home Ministers' talks, the process of deportation of the "infiltrators" was accelerated in India. At a joint meeting of the Pradesh [State] Congress Executives of West Bengal, Bihar, Orissa, Assam, Tripura, and Uttar Pradesh, held on 26 April 1964, a resolution was adopted asking the Indian Government not to relax the process of deportation of the infiltrators. (332) Similar feelings were expressed in the Lok Sabha on 13 April. (333) On 17 June, therefore, India's Minister of State for Home Affairs, J.L. Hathi, reiterated in general the suggestions made by Nanda about three months ago as regards the "infiltration" problem. He spoke about his four-point procedure which was as follows: (1) preparation of a national register of all persons in Assam based on the 1961 census and containing their thumb impression and examination of any person not found on this register and serving quit notice on him if he was found to be a foreigner; (2) clearing of a half-mile belt on the border; (3) increasing the number of checkposts on the border; and (4) construction of about 300 miles of roads on the border to facilitate the movement of the security forces. (334) Accordingly, the Government of India sanctioned the establishment of 180 additional police watch-posts on the border between Assam and Pakistan. Steps to implement the other

(334) Times of India (Bombay), 18 June 1964.
points of the plan were also taken, and a barbed-wire fence was erected in selected places. (335)

As a result of the adoption of the above measures, the Government of India claimed that the number of fresh infiltrators fell considerably. (336) According to official Indian figures, from 1961 to 1964, 109,145 persons were evicted from Assam, 19,277 from Tripura and 14,000 from West Bengal. (337) From February to May 1965, 7,299 persons were further reported to be deported. (338) The Government of India also claimed that out of the 33,150 cases referred up to November 1964 to the tribunals set up by the Government of India, 32,887 were found to be Pakistani infiltrators. (339)

The Pakistani Government, on the other hand, gave a much larger figure of the evictees from India. According to them, as many as 5.26 lakh Muslims were evicted from India up to 30 June 1965. (340)

(335) The Hindu, 23 November 1964.


(337) Hathi's answer to questions, ibid., col. 1127 and vol. 42, 26 April 1965, col. 11111.


(339) Hathi's reply to questions, ibid., vol. 42, 26 April 1965, col. 11112.

Protest against the Indian deportation policy continued unabated in Pakistan. (341) Strong protests were lodged with the Indian Government on many occasions. (342) Protests were also lodged with the Indian Government against the expulsion of Pakistani employees from Jamsheedpur, Calcutta, and other places in 1964. (343) On the eve of the Kutch crisis, the Pakistani Government further protested against what it called the eviction of the Muslims from the Kutch area. (344) The Pakistani Government also set up an inquiry commission headed by a retired judge of the Supreme Court, Justice Amiruddin Ahmad, to examine the causes of the exodus and eviction of the Muslims from India. (345)

Strong feeling was expressed against the deportation policy of the Indian Government by Pakistani spokesmen. Many of them felt the need to take the matter to the United Nations. (346) But the difficulty in doing so was soon realized by the Pakistani Government.

(341) See appeals by Khan Sabur Khan, Central Communications Minister, Pakistan Times, 19 June and 27 July 1964; by Home Minister, Habibullah Khan, ibid., 14 January 1965; and by Foreign Minister, Z.A. Bhutto, National Assembly of Pakistan Debates, vol. 2, 13 July 1965, p. 1403; see also editorials of Pakistan Times, 26 May and 21 June 1964.

(342) See Pakistan Times, 3 April and 1 July 1965. Also see reference in Indian Information, vol. 8, 15 July 1965, p. 370.

(343) See The Hindu, 1 June 1964 and Pakistan Times, 1 September 1964.

(344) Dawn, 6 May 1965.

(345) Pakistan Times, 23 August 1965.

To quote Z.A. Bhutto, "We would have taken it to the United Nations ... if that were the answer. ... We know the limitations of the United Nations' Charter. The United Nations is not a supra State, it is not a Supreme Court." (347) A similar view was expressed some time later by Pakistan's Parliamentary Secretary for Home Affairs, Syed Hamid Raza Gilani. (348) Another idea that was expressed by some Pakistani spokesmen was the demand for extra territory from India for the rehabilitation of the Indian evictees. (349) But this idea also could not be pressed.

Some Concluding Observations

The problem of eviction from eastern Indian states of a large number of persons, thus, continued as a festering sore in the relations between two countries throughout the period beginning from mid 1962, i.e., when the problem came to the surface, to September 1965, i.e., till the end of the period under study. And so far as Pakistan was concerned, on no other Indo-Pakistani problem, excepting, of course, the Kashmir problem, were such strong feelings expressed as on this problem.

As regards giving an opinion on the question whether the persons who were deported during the period under study as illegal Pakistani infiltrators by India were Pakistani or Indian Muslims,


(348) He said that "India, being a sovereign country", he did not see any way apart from building up pressure of world opinion to "bring about dictation on the policies of India". Ibid., vol. 2, 24 July 1965, p. 1997.

one must express one's difficulty in doing so. It is because the arguments of the two sides are so much at variance that there is no common ground at all. It is, however, safe to presume that there was infiltration in good numbers into the Indian States of Assam and Tripura and West Bengal from East Pakistan. (350) The influx of the Muslims from Eastern Bengal to Assam, as has been mentioned earlier, is a very old problem dating back to the early twentieth century. The population figures of the Eastern Indian States and to some extent of some of the East Pakistani districts also give some indication of it. In fact, as claimed by a Burmese daily, as many as 200,000 Pakistanis infiltrated into Burma as well. (351) On the other hand, it can also be said that, at least in some cases, some Indian Muslims might have been evicted. This is recognized by The Times (352) and in a despatch in New Age. (353) This would have been particularly so during the early days of eviction when the entire process of deportation in India had completely been left to the police authorities and the inquiry tribunals had not been set

(350) This fact is recognized also in "Pakistan: Carpenter in Trouble", The Economist, vol. 209, 2 October 1963, p. 34.

(351) See comment of U Yan Gon in Rangoon Daily, 17 January 1964 in which he also observed that "we are afraid that the illicit Pakistanis' entry into Burma may in future become problematical like the illegal migration of Pakistanis into India". Cited in World Press Review, no. 43, 20 January 1964.

(352) See reports in The Times, 6 and 16 December 1963.

(353) New Age (New Delhi), vol. 10, 15 July 1962, p. 14. The despatch entitled "Background to Drive Against Pak Infiltration" also gives a full account of Pakistani infiltration.
EVACUEE PROPERTY PROBLEM

Genesis of the Problem and its History up to September 1960

The evacuee property problem was the result of mass migration of the non-Muslims to India and of the Muslims to Pakistan in the wake of the Partition and communal riots in the Indian subcontinent. At that time about nine million Hindus and Sikhs migrated to India from Pakistan and some 7,900,000 Muslims moved from India to Pakistan. (355) These movements took place in such circumstances that the migrants could not dispose of their immovable properties before leaving. Nor could they carry with them their movable property. (356)

Although Pakistan contended that India held more Muslim evacuee property than the Hindus and the Sikhs had left in Pakistan, (357) the properties left by the non-Muslims in Pakistan were considered to

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(354) The fact that the police agency might not always take the right decision had been recognized by the Government of India, as referred to earlier. Here one might refer to the motion of Amjad Ali in the Lok Sabha in which he complained that between April and June 1961 about 700 Indian Muslims had been deported, Lok Sabha Debates, series 2, vol. 57, 1 September 1961, col. 5471. Even as late as 1965 some members of the Assam Legislative Assembly suggested some modifications in the procedure of deportation which was admitted by India's Minister of State for Home Affairs. Ibid., series 3, vol. 45, 8 September 1965, col. 4453.

(355) J.B. Das Gupta, n. 3, p. 188.


(357) See statement of Pakistan's Minister for Refugees and Rehabilitation, I.H. Qureshi, of 14 June 1961 as quoted in Joseph B. Schechtman, "Evacuee Property in India and Pakistan", India Quarterly (New Delhi), vol. 9 (1953), p. 4; also see Ahsen Chaudhri, n. 356, p. 96.
be many times more than those left by the Muslims in India. (358) The figures given by the Government of India for the verified claims of the urban immovable evacuee property of West Pakistan was Rs 5,000 million only, while similar Muslim property in India was valued at Rs 1,000 million only. (359)

Among the problems relating to the evacuee immovable property and the evacuee movable property, the former proved more intractable and has remained unsolved till this day. With regard to the evacuee immovable property, a number of meetings between the representatives of India and Pakistan were held between August 1947 and April 1950 but in vain. (360) India, then, suggested in October 1952 a

(358) Schechtman on the basis of an Indian Government bulletin of 1950 wrote that Indian evacuees left properties worth Rs 38.1 billion in Pakistan as against the properties of Rs 3.8 billion left by Pakistani evacuees in India. See Joseph B. Schechtman, "Evacuee Property in India and Pakistan", Pacific Affairs (New York, N.Y.), vol. 24 (1951), p. 407. Das Gupta, however, on the basis of India News (London), 21 June 1952, held that the total value of the non-Muslim evacuee property left in Pakistan was of £ 1500 million as against those of the Muslims property in India of £ 375 million only. Das Gupta, n. 3, p. 189. The fact that the Indians had left more property in Pakistan was recognized also by Dawn, 22 June 1952, when it wrote that "the people who had migrated into India belonged on the whole to the capitalist class" while those "who replaced them in Pakistan belonged economically to the toiling class".

(359) This figure is given by Das Gupta on the basis of Rehabilitation Retrospect (Ministry of Rehabilitation, India, New Delhi, 1957), p. 4. See Das Gupta, n. 3, p. 189. The fact that verified claims with regard to immovable urban properties owned by Indian citizens in West Pakistan has also been reiterated by India's Deputy Minister for External Affairs, Dinesh Singh, in Rajya Sabha Debates, vol. 42, 19 March 1963, col. 3366, and India's Rehabilitation Minister, M.C. Khanna, in Lok Sabha Debates, series 3, vol. 14, 7 March 1963, col. 2724 and by the Rehabilitation Minister Mahavir Tyagi, ibid., vol. 34, 30 September 1964, col. 4527. In about mid 1964 Tyagi became Rehabilitation Minister and Khanna remained in charge of Works, Housing and Supply.

(360) For details see Das Gupta, n. 3, pp. 190-202, 203.
government-to-government settlement of this problem. But this was rejected by the Pakistani Government in March 1953. They, in turn, emphasized sale and exchange of urban evacuee property through individual efforts. (361) As no agreement could be reached, both the Governments started compensating the refugees from the evacuee properties. (362) In January 1958 a Ministerial level meeting was held to discuss the matter, but without success. (363)

With regard to movable property, however, considerable progress was made. An agreement, the Nehru-Liaquat Agreement, was signed on 8 April 1950 which provided that the refugees from East and West Bengal, Assam, and Tripura should be permitted to carry with them all their movable personal effects and cash up to Rs 150 by each adult person and Rs 75 by each migrant child. (364) This provision was soon made applicable to all other evacuees in the same year. (365) At a conference held in July-August 1953 steps were taken for further implementation of the agreement. In April 1955 a meeting between the Indian Minister for Rehabilitation and his Pakistani counterpart took place in Karachi in which all outstanding issues relating to the movable property of the evacuees and to the evacuees' bank accounts were resolved. (366) In January 1956 the two Governments also agreed on the procedure for the bulk of transfer of evacuee property.

(361) Ibid., p. 205; also see Rajan, n. 1, p. 486.
(362) Das Gupta, n. 3, p. 204; see also Rajan, n. 1, p. 488.
(364) See para B(1) to (iii) of the Nehru-Liaquat Agreement as given in the Indian Commission of Jurists, n. 13, Appendix III, pp. 349-50.
bank accounts, lockers, and safe deposits. (367) Meetings of the implementation Committee were held in 1956, 1957, and 1958. (368) Ministers of the two countries further considered the issue in November 1957 and January 1958. (369) Although an impasse was reached in respect of several measures discussed at the ministerial talks, (370) which continued till September 1960, (371) and although, in contravention of the Nehru-Liaquat Agreement of 1950, the Pakistani Government, under its revised currency regulation, allowed the traveller from Pakistan to India to carry Rs twenty only, (372) considerable progress was made regarding the payment of pensions of the evacuees at the meeting of the Indian and Pakistani Finance Secretaries in July-August 1959. (373)

**Evacuee Property Problem from September 1960 to September 1966**

During the period under review, no agreement was made concerning the immovable property problem. (374) But with regard to

(367) Rajan, n. 1, p. 488.

(368) About the meetings of 1956 and 1957 see Report 1956-57, n. 20, p. 17. About 1958 meeting see the reply to questions by Indian Deputy Minister for Rehabilitation in Lok Sabha Debates, series 2, vol. 48, 8 December 1960, col. 4537.

(369) Report 1957-58, n. 20, p. 16.


(371) Report 1959-60, n. 20, p. 27.

(372) In this connexion see Nehru's statement in Lok Sabha Debates, series 2, vol. 58, 8 September 1961, cols 8014-15.


the movable property of the evacuees some progress was made. This related to transfer of safe deposits and lockers, and the evacuee banks and the payment of pensions. In 1964 the Government of India proposed that those wishing to migrate should be given facilities to carry with them their movable property and to dispose of their immovable property. This was to facilitate a large number of refugees who had started coming to India from East Pakistan following communal disturbances there in January 1964. But the proposal was turned down by the Pakistani Government.

During 1960-62 the representatives of India and Pakistan met on a number of occasions in order to implement the agreements reached before 1960 on movable evacuee properties. The first such meeting, that of the Implementation Committee, was held on 29-30 November 1960 in New Delhi. At this meeting, they agreed to expedite the settlement of outstanding issues and to make every endeavour possible to restore the movable assets of displaced persons in either country. (375) At another meeting of the Implementation Committee, held in February 1961 in Rawalpindi, some further agreement was arrived at with regard to items like sale proceeds of movable property. But on more important items, like transfer of lockers and safe deposits and transfer of bank accounts, they failed to reach any agreement. (376)

In July 1961, therefore, the Rehabilitation Minister of India and


Pakistan met at Calcutta, and as a result a number of agreements were reached with regard to the status of displaced banks, transfer of bank accounts and funds of evacuees and transfer of lockers and safe deposits. (377) About the same time the Implementation Committee also met which worked out the procedure for the transfer of bank accounts, exchange of lockers, etc., as agreed to by the two Rehabilitation Ministers. (378) According to a New Delhi announcement of 10 September 1961, in accordance with the ministerial agreement of July 1961, 59 Indian banks were declared as non-evacuee concerns which had now the option either to operate in Pakistan, if allowed to do so by the Pakistani Government, or to repatriate their surplus assets. (379) By the end of 1961, contents of 676 lockers and safe deposits were also transferred to India. (380) At yet another meeting of the Implementation Committee, held in March 1962, settlement was reached with regard to transfer of the remaining lockers and safe deposits still left with banks, exchange of further lists of shares and securities of evacuees lying with banks, and some other related matters. It was hoped that the remaining work relating to the exchange of lockers and safe deposits, transfer of sale proceeds of movable property and the rest would be completed during the next two or

(377) For details, see text of the joint Press communiqué issued by the two Ministers at Calcutta on 6 July 1961 in Indian Information, vol. 4, 1 August 1961, pp. 379-80.


(379) Ibid., 1 October, 1961, p. 523.

three months. (381) On 28 August 1962 it was announced by the then India's Minister of Works, Housing, and Supply, M.C. Khanna, that exchange of bulk of the lockers and safe deposits between the two countries had taken place and that "only a few lockers and safe deposits still remain to be exchanged". So far as the position with regard to bank accounts was concerned, M.C. Khanna indicated that India was to transfer accounts worth Rs 10.73 lakhs to Pakistan, whereas Pakistan was to make a similar transfer of India worth Rs 47.73 lakhs. (382)

So far as the question of payment of pensions was concerned, in January 1961 the Governments of India and Pakistan agreed that the payment of pensions of the persons who had migrated from India to Pakistan and vice versa during the period from 1 July 1956 to 31 December 1960 might be arranged through their respective High Commissions. (383) The High Commissions, accordingly, advised the interested persons to submit their applications by 31 March 1961. This date for the submission of claims was later extended to 30 June 1962. (384)

Thus, in matters of movable property of the evacuees, much progress was made till 1962. Since 1962 there has been no outstanding development in this matter.

(381) For details, see text of the joint communique in Hindustan Times, 3 April 1962; also see M.C. Khanna's statement in Lok Sabha Debates, series 3, vol. 1, 19 April 1962, col. 123.


In 1964, however, when, following disturbances in East Pakistan in January that year, large number of persons started migrating from East Pakistan to India, the Indian Home Minister took up the question of the properties of those persons with the Pakistani Home Minister. During the Indo-Pakistani Home Ministers' conference held in New Delhi during 7-11 April 1964, it was proposed by the Indian delegation that every intending migrant should be permitted to remove as much of his personal properties and personal household effects, including jewellery, as he might wish to take with him and that each adult should be allowed to carry cash up to Rs 150. It was further proposed that the right of ownership in or occupancy of the immovable property of a migrant should not be disturbed, that he should have "unrestricted right" to dispose of his property, and that the East Pakistan Displaced Persons (Rehabilitation) Ordinance, 1964 and its amendments of 4 April 1964 restricting the right of the members of the minority community to transfer their immovable properties should be abrogated. (385) The Pakistani delegation found it difficult to accept these proposals and instead wanted an agreement against facilitating migrations of minorities and on giving up insistence on reviving those provisions of the Nehru-Liaquat Agreement which granted facilities to minorities to sell their properties, etc, because that was considered to have an unsettling effect on the minorities of the two countries. (386) The Home Minister of Pakistan, Habibullah Khan, in fact, was against

(385) Details of the proposal (as laid down on the table of the Lok Sabha by Home Minister Nanda on 13 April 1964) is given in Lok Sabha Secretariat, n. 173, pp. 373-4.

(386) Pakistan Times, 10 April 1964.
any policy of granting facilities to migrants. (387) The result
was that none of the Indian proposals referred to above, were
accepted by the Pakistani delegation. The second Home Ministers' 
conference which was scheduled to be held never took place. (388)

Thus, the position regarding the evacuee property problem 
during the period 1960-65 was that whereas the agreements with 
regard to movable property were implemented to a great extent, the 
question of immovable property was not touched at all. Agreement 
also could not be reached with regard to the properties of those 
who had started migrating in 1964. The total effect of all this 
was that although the evacuee property problem did not directly 
influence Indo-Pakistani relations, its continuance as a problem, 
nevertheless was not very congenial to the development of happy 
relations between the two countries.

(387) Ibid., 12 April 1964.

(388) As stated by India's Rehabilitation Minister Mahavir Tyagi, 
the Indian Government had, in fact, a plan to discuss the 
question of properties left behind by displaced persons in 
East Pakistan at the next Indo-Pakistani Home Ministers' 
talks. See Lok Sabha Debates, series 3, vol. 25, 
25 November 1964, col. 1523.