

IN SEARCH OF LASTING PEACE

For India, the armistice was not the end of the problem. She now had other tasks to deal with. Bangladesh urgently required a massive reconstruction programme. Arrangements for the return of the refugees had to be made. All efforts were to be made for establishing amity in the Indian sub-continent by ironing out the long standing differences between India and Pakistan. In addition, the problems resulting from the Indo-Pak War of 1971, like the repatriation of PsOW, withdrawal of troops and conflicting claims of territories had to be settled. The Indian government soon took steps to solve all these problems, with a view to restore normalcy to the Indian sub-continent, and in search of lasting peace.

RECONSTRUCTION OF BANGLADESH

Return of Mujib

The defeat and surrender of the Pakistan armed forces in the east infuriated the people of Pakistan, who held Yahya Khan responsible for it. As a result, a spontaneous popular upsurge against Yahya Khan broke out throughout Pakistan(1). Processions were taken out against him at many places, including Lyallpur (now Faisalabad), Peshawar, Rawalpindi, Lahore, Gujarat, Sahiwal, Jhelum and Gujranwala(2). The processionists carried placards and shouted slogans - 'Pak-Chin Dosti Zindabad', 'Rusi Social Samraj Murdabad', 'Yahya Kutta Hai', etc.(3). He was also described as a drunkard and debauch. The allegation was also made that Yahya Khan had not sought aid from China as he did not want to annoy USSR. At several places, effigies of Yahya Khan were burnt. The initiative in organising the anti-Yahya demonstrations and processions on 17 and 18 December came from the workers of the Pakistan People's Party, and the example was followed by Jamaat-i-Islami and other rightist parties(4).

The popular upsurge against Yahya Khan being unsuppressible, and the military junta being discredited, he had no alternative but to hand-over power to the popular leader of West Pakistan, Zulfikar Ali Bhutto. Forgotten was his role as the instigator and supporter of Yahya's policies which had caused the debacle. Master tactician that he was, he had slowly distanced himself from the military junta after egging it on the crack down of March 1971. Bhutto, who was then leading the Pakistani delegation at the UN, was asked to return, and he took over charge as the

President of Pakistan and Chief Martial Law Administrator on 20 December 1971. Thus ended the military rule of Yahya(5).

Bhutto, after assuming power, in an attempt to popularise himself, assured the people in his first broadcast to the nation over the Radio Pakistan that he would obtain their approval on every decision. Knowing that Yahya's policies had become unpopular, he tried to prove that he was reversing his predecessor's policies. He announced the removal of the ban on the National Awami Party and the annulment of the results of the by-elections held in the erstwhile East Pakistan(6).

On 23 December 1971, President Bhutto appointed a 10-member Presidential Cabinet. Subsequently, he appointed four Advisers dealing with Political Affairs, National Security, Public Affairs, and Information, Waqf and Haj. He retired a number of military officers who were associated with the policies of Yahya Khan. Vice Admiral Muzaffar Hassan was replaced by Commodore Hassan S. Ahmed as Chief of the Pak Navy. A number of other naval officers were also retired. Similarly in the army, a large number of officers, including Yahya Khan and Gen Abdul Hamid Khan were retired. Lt Gen Gul Hassan was made the new Chief of the Pakistan Army(7).

In March 1972, President Bhutto made further changes in the higher echelons of the Pakistan Army and the Pakistan Air Force. Lt Gen Gul Hassan was replaced by Lt Gen Tikka Khan as the Chief of the Pakistan Army. Similarly, Air Marshal Rahim Khan, who was spared by Bhutto in the immediate changes in the Pakistan armed forces in Dec 1971, was replaced by Air Marshal Zafar Ahmed Chaudhry as the Chief of the Pakistan Air Force(8). Bhutto made these changes apparently to further consolidate his position by removing those officers who were inclined to dabble in politics or who held independent views.

The suspense regarding the fate of Mujib was removed by Bhutto's declaration, made at a news conference soon after taking over as the President of Pakistan, that he was alive and well(9). Bhutto stated that, in accordance with his declared policy, he would take a decision regarding Mujib's release and of initiating negotiations only after ascertaining the views of his people. However, he said that Sheikh Mujibur Rahman was being removed from jail to be kept under house arrest(10). He showed extreme caution in dealing with the matters relating to the release of Sheikh Mujib. He also remained silent about the demand for action against Yahya Khan and his

advisers. Obviously, he did not want to annoy the supporters of Yahya, many of whom were still in power as he could need their support to stabilize his position.

Bhutto, in an attempt to delay the recognition of Bangladesh, at least by friendly powers, which he thought would increase his bargaining position, used the prospects of releasing Mujib as a diplomatic ploy. While hosting a reception for diplomats in Rawalpindi on 27 December 1971, he stated that his government was working out the modalities of Mujib's release, and his people wanted him to negotiate with him, which was also the view prevailing outside Pakistan. Thus, he tried to convey that the possibility of reaching a compromise had considerably increased. He advised the powers not to act in haste in according recognition to Bangladesh as that could complicate matters. He also warned that such action would be regarded as a hostile act(11).

In his best dramatic style, Bhutto addressed a large public meeting in Karachi on 3 January in which he took the approval of the audience for Mujibur Rahman's unconditional release(12). He maintained later that the approval given by the people in Karachi was, in fact, the verdict of the entire nation. He also pointed out that world opinion also favoured the release of Mujib, and his government was honouring it. He hoped for talks with Sheikh Mujibur Rahman, who was still described by him as the leader of East Pakistan. Meanwhile, the people of Bangladesh were getting impatient with Bhutto's gimmicks. The Bangladesh Prime Minister, Tajuddin Ahmed, told President Bhutto to immediately return Mujib to Dhaka if he wanted to save his "Pakistan and ensure permanent peace in the Indian sub-continent"(13).

Finally, Sheikh Mujibur Rahman was released on 8 January 1972 early in the morning and flown from Rawalpindi to London by a special Pakistan International Airlines plane(14). Mujib was seen off by President Bhutto and the Punjab Governor. Radio Pakistan announced that Mujib had chosen to go to London on his own,(15) but it was later denied by him(16). At London, Mujib proclaimed Bangladesh as an unchangeable reality and called for world recognition and the admission of his country to the UN(17). He met the British Prime Minister (Edward Heath) there and requested him to recognise Bangladesh as a sovereign power(18).

Mujib arrived at New Delhi on 10 January 1972, where he was given a joyous welcome by the Indian people and dignitaries, including President V.V. Giri

and Prime Minister Indira Gandhi. Mujib expressed his gratitude to the Indian people for their untiring efforts for the freedom of Bangladesh. He said, "the people of India stood by us in our darkest hour and we will never forget it"(19). Indira Gandhi, while welcoming Mujib and expressing joy over his release, hoped that secularism and democracy would prosper in Bangladesh under his guidance(20)

Mujib flew the same day from New Delhi to Dhaka where he was given a tumultuous welcome. He was received by the Acting President Syed Nazrul Islam, the Prime Minister, Tajuddin Ahmed, members of the Cabinet,(21) and the representatives of all Diplomatic Missions except the Chinese and the Iranian, but including the American(22). A huge crowd had gathered at the airport to receive the Father of Bangladesh. The road from the airport to the Race Course, where he addressed the public later, was teeming with people. Almost everyone carried Joi Bangla flags and portraits of Mujib. The cheering crowds shouted 'Long live the Father of the Nation' and 'Long live Mujib Bhai'. Some processionists also carried placards saying "burn the 7th Fleet", "destroy American Imperialism" and "long live Bangladesh - Indo-Soviet Union friendship"(23). Mujib addressed his people in an emotionally surcharged atmosphere. He said that an independent Bangladesh was his life's mission and that mission had been fulfilled. He declared that the link between Bangladesh and Pakistan had been snapped for all time. He paid a handsome tribute to his people for their sacrifices and sufferings for the cause of freedom.

Sheikh Mujibur Rahman, soon after his arrival assumed the office of the Prime Minister of Bangladesh. A new 12-member Cabinet was formed. Justice Abu Sayeed Chowdhury was made the President of Bangladesh. In the new Cabinet, the previous Prime Minister, Tajuddin Ahmed, was given the portfolios of Finance, Planning and Revenue, and the previous Vice-President (who was also the Acting President), Syed Nazrul Islam, was given the charge of Industries.

On assuming the office of Prime Minister, Mujib began to identify the problems of the nascent country(24). The administrative machinery was badly battered. Economically, Bangladesh had been ruined. Ethnic problems generated by the war had to be tackled. Mujib and his Cabinet soon started a crash programme with Indian assistance, to reconstruct 'Sonar Bangla'.

Return of the Refugees

After the liberation of Bangladesh, the most

important problem, which the Indian government had to tackle, was the return of the refugees to Bangladesh. This, certainly, was not an easy task. Before sending them back, administrative arrangements had to be made. There was also a fear of massacre of non-Bengalees in Bangladesh. The Indian Army soon took over task of establishing law and order and arrangements were made for their return. It is interesting to note that even before the Indian government could make arrangements, a large number of refugees had started returning on their own, after the liberation of Bangladesh. However, the Government of India made necessary arrangements soon and their planned movement began from 1 January 1972(25). The Indian government placed a large number of trucks, jeeps and ambulances(26) at the disposal of Bangladesh for the benefit of the refugees. The refugees were issued certificates to enable them to take benefits meant for the refugees in Bangladesh. India also placed at the disposal of Bangladesh Rs.185.8 million for giving cash doles to the refugees(27). These refugees had been living at 825 relief camps. By 25 March 1972, all refugees from these relief camps had left for Bangladesh. On that day, the last batch of refugees, consisting of 3,869 persons, left for Bangladesh. By that time, out of the total of 9,899,305 persons, 9,840,127 persons had left for Bangladesh. The remaining 59,178 non-camp refugees were dealt with under the Foreigners' Act(28). India supplied food, medicines, etc., for the refugees in large quantities. The Bangladesh government drew up a long term plan of Rs.20,000 million for the rehabilitation of the refugees(29). The minorities were also properly looked after(30). Thus, within a short period of about three months, the gigantic task of sending back the ten million refugees was accomplished without any trouble.

Civil Affairs

The other important problem facing nascent Bangladesh and India was the restoration of civil administration. A good administrative set-up was to be established in Bangladesh to put her on a sound footing. Joint plans for it were formulated(31). It was decided that the Indian Army, in cooperation with the Bangladesh forces, would assist the civil administration to restore normalcy and the essential services(32). In addition plans were chalked out to mop up the remnants of the Pakistani forces of occupation in Bangladesh, to safeguard the lines of communications of Joint Command of Bangladesh and India, to protect the ethnic minorities, specially

Bihari muslims and West Pakistani elements, against mob violence and to take the criminals into custody. The Indian government was committed to give all possible assistance to Bangladesh by placing at her disposal the required administrative and technical personnel(33). A Civil Affairs Organisation was established for the restoration of civil administration inside Bangladesh and to ensure law and order. Senior officers from India of the rank of Commissioners and District Magistrates were detailed(34). In addition, officers from the Ministries of Railways, Posts and Telegraphs, Finance and Food Corporation of India were also sent to Bangladesh as Advisers(35).

By the end of the first week of January 1972, the Collectors and Superintendents of Police had at most of the places been positioned(36). Law and Order was restored. Arms from the Mukti Bahini soldiers were collected. The administrative machinery began to function normally. All banks and treasuries in Dhaka were handed over to Bangladesh officials who began to function as early as 27 December 1971(37). With the assistance of the Indian Army, a National Militia was also established in Bangladesh, which included the freedom fighters. By 17 January 1972, a total of 24,234 freedom fighters had joined this Militia. Many more joined it later(38). In addition, the Indian Army assisted in the organisation of the Defence Forces of Bangladesh(39).

Food and Essential Items

The Indian government immediately after the war supplied food and other essential items on emergency basis to meet the requirements of Bangladesh. A foodgrain stock was built up at Dhaka(40). The supply of the different items was planned well before the surrender. Supplies were moved into Bangladesh on a crash programme basis. Later, Bangladesh sought more foodgrains and other essential items, which were despatched immediately(41).

India also supplied urea, High Speed Diesel and lubricating oil, seeds and bullocks in large quantities. In addition, large quantities of blankets, clothes, utensils, milk powder, baby food, shoes, ground sheets, tents and poly-fibre plastic rolls, etc., were sent(42). By November 1972, India had given 750,000 tonnes of foodgrains as a grant to Bangladesh. This was augmented by another 150,000 tonnes by the end of the month, against payment by Bangladesh and by the UNROD (United Nations Relief Organisation Dacca) to meet shortages in northern Bangladesh(43).

The Government of India, in February 1972, announced an initial grant of rupees two hundred and fifty million to Bangladesh to enable her to import some of her most urgent requirements from India(44). The Government of India also granted a loan of £5 million to meet the immediate foreign currency requirements. In the same month, India gave two Fokker Friendship aircraft as well as other accessories worth Rs.29,000/- for the restoration of internal civil aviation in Bangladesh(45).

In addition to aid, India advanced loans to meet the requirements of Bangladesh. Three credit agreements were signed at Dhaka on 16 May 1972, under which India gave loans totalling Rs.240 million to Bangladesh. By one agreement, India gave a loan of Rs.100 million for the rehabilitation of the railway system, the supply of telecommunications stores and for post and telegraph equipment. Another agreement provided for a loan of Rs.60 million for the supply of two ships and two Fokker Friendship aircraft and spares and services related thereto. The third loan of Rs.81 million was meant for the purchase of 500,000 tonnes of crude oil(46).

Later, the Indian aid for rehabilitation and reconstruction was further diversified to improve Bangladesh's economy. A provision of Rs.2,000 million was made in the financial year 1972-73. Out of this, Rs.1,664 million had been fully allotted by the end of November 1972, Rs.1,328 million in the form of grants and Rs.336 million in the form of loans on concessional terms. The grants were largely utilised for foodgrains and other essential commodities. Loans were used to procure oil, railway rolling stocks, ships and planes, telecommunication equipment etc(47).

Alongwith the re-establishment of civil administration and meeting the requirements of food and other essential items, the problem of communications was successfully tackled. Within a short period, telegraph and telephone facilities had been restored at most of the places where they had existed formerly. Equipment was flown in from India for important telephone circuits between Bangladesh and India. Within Bangladesh also, telecommunications were restored. By 10 January 1972, the microwave system, the land-line system and the channelling system had been restored. Two hundred and forty-two trunk circuits, out of a total of three hundred and twenty-two; and sixty-four telegraph circuits out of a total of one hundred and fifteen had been restored(48).

The postal administration in Bangladesh had

asked for necessary material assistance in the way of equipment and stores, which was also provided. Besides, the Indian security press printed postage stamps and money order forms with security marks for Bangladesh. The Bangladesh postal administration sought the advice of technical experts from India to organize their accounts branch dealing with the international postal accounts. A few experts were detailed for this work who completed their task within a short period(49).

Role of Indian Army in Reconstruction

The Indian Army played a significant part in the reconstruction of Bangladesh. Railway lines, roads, and bridges needed repairs, while inland water-ways and ports had to be cleared of the mines. It successfully completed these tasks in about three months' time.

For repairing and constructing railway lines, personnel from Indian Railways and the Railway Engineering Territorial Army Units were sent. Indian Railways supplied four diesel locomotives to the Chittagong area and nine diesel locomotives in the South-Western Sector. Besides, a large quantity of stores and equipment were also supplied by India. Important railway lines were immediately repaired by the personnel of the Indian Railways and the Railway Engineering Units of Territorial Army(50). The Indian contingents cleared the embankments of the mines and also laid new tracks on those portions where no tracks existed. They operated the train services till the Bangladesh Railways could take over(51). They repaired not only the railway lines but also the damaged bridges on their routes. The Indian Railways Engineers completed the repairing of the Hardinge Bridge in Bangladesh which was reopened to traffic on 12 October 1972(52). By the beginning of April 1972, about 75% of railway system in Bangladesh had been restored(53).

The Indian Army Engineers with the help of local engineers of roads and highway department, took up the repair work of roads and bridges. By the beginning of April 1972, important bridges had been repaired and were open to traffic. The Indian Army Engineers had also constructed approximately 90 bridges, including one about 425 metres long across the Madhumati river. They also constructed a jetty at Faridpur which was connected with a 8-km long track. The airfields at Dhaka and Jessore were repaired, and a large number of bombs and land mines were cleared(54).

One of the most immediate and important tasks taken up by the Indian Navy was the opening up of the

sea-ports of Chittagong and Chalna and important links of the Inland Waterways Transportation System for traffic. As the road and rail links in Bangladesh had been disrupted by the Mukti Bahini even before the commencement of the hostilities, and they were further damaged by the Pakistani forces, the restoration of the Bangladesh sea and river ports and Inland Water Transportation assumed the greatest importance. It was realised that this only could enable the early resumption of major mercantile and trade activities in Bangladesh(55). Three teams of Indian Navy personnel, organized on 26 December 1971 at Dhaka, Chittagong and Khulna, were assigned the task of clearing the mines from port areas and rivers(56). Before taking up the task, all available information about the minefields was gathered from the officers of the Pakistan Navy. The operation for sweeping the mines was then started(57).

A team of divers was assigned the task around Chittagong port to salvage crypto material, bullion and arms and ammunition. After clearing the harbour area, draught channel clearance was taken up. It commenced on 30 January 1972, and was completed by 12 February 1972(58). By mid-February 1972, almost all port facilities at Chittagong had restarted functioning, and the swept channel established earlier was made usable again by international shipping approximately upto 6 metres draught and 150 metres length. In addition, a new channel about 1,270 metres wide and 42 km long was cleared of mines. Similarly, the Indian Navy Mine-sweepers cleared the mines from Khulna/Chalna/Mongla complex. The mines laid at the entrance of the Pussur river were cleared and the Mongla sea-port was made fully operational(59). Most of the Inland Water Transport routes were made usable again by the Indian Navy by mid-January 1972(60). By April 1972, it had put in operation the raft ferry at Nawabganj. The ferry services from Dhaka to Khulna, Faridpur, Daudkandi and the cross ferry service at Ashuganj and Hardinge Bridge, were also put into operation after removing mines(61). Thus, by the beginning of April 1972, the ports in Bangladesh and Inland Water Transport System had become operational by the hard work of the experts of the Indian Navy.

Withdrawal of the Indian Army

As India had no intention of occupying any part of the territory of Bangladesh, she had announced that her troops would be withdrawn from Bangladesh by 25 March 1972(62). However, as the task of reconstruction and restoration of law and order was

accomplished earlier than expected, the Indian Army left Bangladesh thirteen days ahead of the scheduled date. The Prime Minister of Bangladesh took the salute at the farewell parade and marchpast of the Indian Army on 12 March(63). Sheikh Mujibur Rahman paid rich tributes to the Indian armed forces for their role in the struggle for liberation of Bangladesh and later in the reconstruction of the country. The Indian troops were withdrawn from Bangladesh in a phased manner. About 131,000 troops had entered Bangladesh. By 25 January 1972, except 58,500 the rest had been withdrawn(64). These were also withdrawn by 15 March 1972. Later, however, a detachment of the Indian troops had to be sent in at the request of Bangladesh to help her forces in anti-insurgency operations against the Mizo rebels and the Razakars in the Chittagong Hills. This detachment also left Bangladesh in the middle of May 1972(65).

Bangladesh in the International Community

After the liberation, Bangladesh fulfilled all requirements for recognition as a sovereign independent state, namely popular support, representative government, effective control of territory, stability, and ability and willingness to abide by international obligations(66). The story of the emergence of Bangladesh itself was a proof of popular support to the Bangladesh government. It had announced policies which were in conformity with the principles of liberal democracy and non-alignment and a resolve to abide by the provisions of the UN Charter and the Charter of the Human Rights.

Of course, India was the first country to accord recognition to Bangladesh on 6 December 1971 after an appeal was made by the Acting President, Syed Nazrul Islam(67). India considered that Bangladesh government had a legitimate right to recognition as it reflected the will of the overwhelming majority of the people. India also entered into a number of bilateral agreements with it on 7 December 1971, covering the vital fields of defence, foreign relations and trade. The Defence Agreement pledged India's help to Bangladesh in her struggle for liberation. It was also decided that the liberated areas would be handed over to Bangladesh immediately. In foreign affairs, both the countries declared their allegiance to Panch Shila and non-alignment. India also pledged economic aid of Rs.1000 million for Bangladesh's reconstruction(68).

The Soviet Union recognised Bangladesh within a little more than a month of her liberation, i.e. on 24 January 1972(69). Most of the western states

including Britain, West Germany, France, the Netherlands, Sweden, Italy and Canada recognised Bangladesh before the end of February 1972(70). By this time, most of the neighbours of Bangladesh viz. Bhutan, Burma, Nepal, Singapore, Thailand, Indonesia and Malaysia had recognised her(71). She concluded a 25-year Treaty of Friendship, Cooperation and Peace with India on 19 March 1972. The United States also gave diplomatic recognition to the new state in April 1972(72). She also committed immediately a grant of \$90 million to Bangladesh. This aid was increased to \$400 million by the end of November 1972. Such massive aid, it was apprehended, was given to build up US's influence over Bangladesh and to undermine the very close friendship between India and Bangladesh(73). The reported CIA activities and the generation of anti-Indian feelings, particularly amongst the powerful student's group led by Rab and Siraj, pointed the accusing finger towards the US(74). The US desired that Bangladesh should not adopt the policy of non-alignment and accept the role of a puppet nation to suit US needs in the sub-continent. However, the nascent Bangladesh government was able to thwart such attempts.

Bangladesh was admitted to the Commonwealth of Nations on 18 April 1972(75). She was the first state to be negotiated into the membership of the organisation. Pakistan, in protest against the admission of Bangladesh, left the organisation(76). Bangladesh was also admitted to the Afro-Asian People's Solidarity Organisation in April 1972(77). In May 1972, she was admitted to three other international organisations - International Monetary Fund, World Health Organisation and United Nations Conference on Trade and Development. The Bangladesh government also made a formal application to the UN Secretary General for the membership of the United Nations. The Foreign Minister of Australia, Hubert Bowen, on his visit to Bangladesh at the end of May 1972, said that Australia would sponsor a move for admission of Bangladesh to the UN in the next session of the General Assembly(78). The UN, by this time, had committed an aid programme of 625 million dollars for Bangladesh.

On the eve of the Simla Summit, 76 countries had recognised Bangladesh. Bangladesh was admitted in June 1972, to the World Bank and ILO also. By the end of the year 1972, over 95 countries had recognised Bangladesh. Though Bangladesh was not able to secure admission to the UN by then, she had been accorded observer's status. The delay in her admission to the UN was due to the intransigent attitude of China, on the strength of her veto power(79).

Though Bangladesh was by then firmly established in the international community, Pakistan refused to face the facts by withholding recognition to it. The question of Pakistan's recognition of Bangladesh took a dramatic form on the eve of the Islamic Summit at Lahore in February 1974. Bhutto came under severe pressure from Islamic countries to recognise Bangladesh to enable that country to participate in the summit. A seven-member delegation of Islamic countries went to Dhaka to persuade Mujib to attend the summit, and to assure him that Pakistan would recognise Bangladesh. On the inaugural date of the summit, 22 February 1974 - Pakistan recognised Bangladesh and within a couple of hours Bangladesh reciprocated by recognising Pakistan, and Mujib arrived at Lahore to attend the summit(80).

Bangladesh was wedded to the path of non-alignment. She declared her desire for friendship with all countries, in particular the major powers. The Bangladesh Foreign Minister announced on 9 August 1972, that the UN Charter and the five principles of co-existence form the basic principles of Bangladesh's foreign policy(81). By the end of 1972, Bangladesh had amply testified it through her relations with other countries.

Thus, Bangladesh within a space of about a year of its liberation had consolidated its position internally and also gained a respectable place in the international community. India's financial, economic, administrative and moral support played a crucial part in setting up the nascent nation on its feet. The Indian armed forces, after the surrender of the Pakistani Army, helped in the establishment of law and order, in restoring communications and giving all help requested by the Bangladesh government. Having accomplished their task within a very short time, the troops were withdrawn even before the scheduled date. India's help to Bangladesh was absolutely without any strings or desire for acquiring any advantage for herself. Her main object was to have a friendly and stable neighbour whose national and international policies would promote durable peace in the sub-continent.

PRISONERS OF WAR AND TERRITORIAL ADJUSTMENTS

Besides the question of rendering help to the newly emerged Bangladesh nation, there were several other important problems in the aftermath of the war, whose solution was imperative for the establishment of a durable peace in the sub-continent. The most important among these problems were the questions of

Prisoners of War and territorial adjustments required because of the developments during the course of the war.

Pakistani Prisoners of War and Civil Internees

India, in this war, captured two types of Pakistani Prisoners of War. In the Western Theatre, she captured 545 Pakistani Prisoners of War, who were directly and exclusively under her control(82). In the Eastern Theatre, the Joint Command of Bangladesh and India had 92,208 Prisoners of War and Civil Internees on 15 March 1972. This included 55,692 men of the regular army, 1,047 men of the Pak Navy, 838 men of the Pak Air Force, 449 men of the Merchant Navy, 16,354 men of the para-military forces, 5,296 men of the civil police, 6,403 civilians under protective custody, 1,922 wives of the military and civil officials and 4,207 children(83).

India treated the Prisoners of War and the Civil Internees in accordance with the Geneva Conventions of 1949. A committee was formed in the third week of December 1971, to prescribe the guidelines for the treatment of the Pak Prisoners of War in the light of the Geneva Conventions. In accordance with its recommendations, the regulars of the Pakistan Army as well as para military and civil armed forces were treated as Prisoners of War. Razakars, Al Badar, etc., did not respect any law or customs of war and a large number of them were guilty of general crimes. They did not fulfil the conditions of the Geneva Conventions mentioned either in Article 4-A(2) or in Article 4-A(6) to be treated as Prisoners of War. However, as a gesture of generosity, the public officials, Razakars and others were given all the benefits available to the 'Protected Persons'. It was made clear that those who were guilty of war crimes and genocide could be tried in accordance with international law(84).

The Bangladesh people were naturally seething with rage to take revenge for the atrocities committed by the Pak forces. To protect them from the fury of the people, the Pak PsOW and Internees had to be removed at the earliest. The Indian Railways placed a number of trains at the disposal of the Indian Army for bringing in the large number of Prisoners of War and Protected Persons. More than eighty special trains were run for this purpose. Within three weeks the movement of more than ninety-two thousand Prisoners of War and Civil Internees from Bangladesh to the Indian camps was completed. Forty-nine Prisoners of War camps were established at 13 stations, namely, Meerut, Roorkee, Allahabad, Agra, Faizabad, Fatehgarh, Gaya, Ranchi, Dhana, Ramgarh, Bareilly, Gwalior and Jabalpur(85).

All the weapons with the Prisoners of War and Civil Internees had been withdrawn in accordance with the Geneva Conventions. Valuables and currency that could help in escape were also withdrawn before the Prisoners of War started the journey by train to the various camps in India. On the arrival of Prisoners of War in the camps, their rolls and documents were prepared. The sick and wounded Prisoners of War were taken directly to the Military hospitals. All clothing issued to the Prisoners of War, and their own clothing which they were allowed to retain, had to be marked in black-marking ink with a cross for security reasons(86). Civil Internees, including public officials, Mujahids, Razakars and armed civilians, were given all the benefits available to Protected Persons. Civilians who were not guilty of crimes, were given all the facilities of the Fourth Geneva Convention(87). Prisoners of War were segregated according to their rank and sex. Separate lodgings were provided for senior officers, other officers, JCOs, Jawans, civilians and families with children. However, no distinction was made on the basis of caste or region as Pakistan did in the case of the Indian Prisoners of War in Pakistan(88). The Prisoners of War were given not only the facilities provided under the Geneva Conventions, but also certain other privileges on humanitarian grounds, which were not included in the Geneva Conventions. These included supply of daily news-papers, periodicals, retention of a number of their own transistors and radio sets and holding of free cinema shows(89). PsOW were even permitted periodic visits to their wives in privacy, and generous cash allowances were paid even to the ladies(90). The International Committee of the Red Cross was impressed with the facilities and treatment given to the Pak Prisoners of War and the Civil Internees(91).

The rations provided to the Prisoners of War were at the scale of the Indian troops. Most of the Prisoners of War admitted that they got better rations than what they used to get in Pakistan. A month's advance of pay was arranged, as laid down in Article 60 of the Geneva Conventions(92). Canteen facilities were also provided in each camp from where Prisoners of War could procure articles of daily use. Each camp was provided with a medical aid room, and each group of camps had a hospital. Adequate facilities were provided for religious festivals and ceremonies(93). There was a mosque in each block. Church services were also conducted in camps for the few Christian Prisoners of War. Each POW and civilian under protective custody was issued two postal envelopes and four post-cards free of cost every month. They were

also given all facilities to play both indoor and outdoor games.

During their long stay, certain attempts for escape revealed that many Prisoners of War had managed to hide their valuables, currency notes, gold rings, watches, etc. A pistol was also detected in a sponge pillow. A few Prisoners of War were able to escape. This speaks of certain loop-holes in the security arrangements of the camps.

Prisoners of War received more than generous treatment in India. The report of the International Commission of Red Cross in March 1972 clearly stated that Prisoners of War were well-fed and the rations were sufficient. In fact, there were surplus rations. Meat was served three times a week in accordance with the Islamic rites. The PsOW expressed full satisfaction to the ICRC team about the general conditions in the camps, food, the attitude of Indian soldiers, medical care and hygiene(94).

The interrogation of the Prisoners of War and the Civil Internees was carried out with dignity and without undue pressure. Only the questions permitted by the Geneva Conventions were asked(95). However, the official records suggest that often valuable information which fell into the hands of the interrogators was not transmitted to the HQ immediately. Hence, it could not be utilized by the Indian forces during the operations. One of the glaring examples of such lapses was reported by the Air HQ Evaluation Team. One Pak Pilot, Flt Lt Amjad Ali, who was captured near Amritsar on 7/8 December 1971 was found carrying maps showing the Pak positions, observation posts (OPs) near his parent airfield, the local Signal Unit (SU), and Radio Transmitter (RT) frequencies by which they would be contacted. But there was no proper system of feed back of intelligence information, and probably the interrogators of the captured aircrew were unable to evaluate the information, so this valuable intelligence remained unused by the Indian Army(96).

Indian Prisoners of War in Pakistan

In the Western Theatre, the Pak Army captured 616 Indian Prisoners of War, including 8 civilians and 10 Indian Air Force Officers(97). While the Indian Army personnel were kept in two camps of the civil jail at Lyallpur, the Indian Air Force Officers were kept at Rawalpindi(98).

The treatment given to the Indian Prisoners of War was not in accordance with the Geneva Conventions.

Many were blind-folded hit with rifle butts and kicked. All were deprived of cash and valuables which were never returned. Pak troops even took away the woollen clothing from many prisoners. Only a few wounded prisoners were given first aid at the time of capture. During the process of their transfer to the main camps, Prisoners of War were deliberately exposed to abuses, ridicule, rough treatment and in some cases, even to stoning by the public. The public reaction was understandable in the wake of defeat, yet it was the duty of the Pak Army to make proper arrangements for the security of the PsOW according to the Geneva Conventions.

In the POW camps, the Indian Prisoners of War were segregated into different groups. There were separate arrangements for Officers, JCOs (except Muslim JCOs), Hindus, Sikhs, Christians, NE Hill tribesmen, and Muslim JCOs and ORs(99). From the information obtained from repatriated Indian Prisoners of War, it is gathered that the Muslims were given better treatment than the others. The Indian Prisoners of War were allowed to celebrate their festivals, but no special facilities or extra rations were provided. They were occasionally taken to gurudwaras, temples, churches and mosques. In the initial stages, the Prisoners of War were supplied rations given to criminals, but things improved after March 1972, when Pak authorities learnt that Pakistani Prisoners of War were being treated far better in India. Of course, the Prisoners of War were granted monthly allowances, but they were much less than the allowances given to Pak Prisoners of War in India(100).

Canteen facilities were also provided for purchasing the items of daily use. The Prisoners of War wore only minimum clothing. They were issued one Mazri shirt and one pair of trousers each. One quilt and one pillow per Officer and JCO was issued. Quilts were issued at the scale of two for every three ORs, for some inexplicable reason.

Till the middle of March 1972, no radio facilities were provided, but later on radio sets were installed from which Pak news, film songs and Colombo Radio programme were broadcast. After June 1972, BBC and Indian news were also relayed. Newspapers were issued after 4 April 1972, and included Pakistan Times (English) and Daily Jung (Urdu). Old copies of Times and National Geographic magazines were given to the Officers. This was done to show the visiting ICRC team the facilities provided to the Indian Prisoners of War.

Facilities were provided for indoor and outdoor games after the first week of January 1972. It was reported that on the occasion of Baisakhi (13 April 1972), the Gorkhas were forced to play a football match when the ICRC team was due to visit the camp. The Indians were given only the minimum of writing material and only two inland letters a week. Mail was cleared once a month only. Indian PsOW received the first mail on 5 March 1972. They also began to receive gift parcels from India after 7 March 1972. After the Simla Agreement, however, no restrictions were imposed on the number of letters to be written by the Prisoners. Writing pads and ball point pens, received from India, were also issued. The medical facilities were far from satisfactory. Medicines were in short supply, and the Prisoners of War had to buy them from the camp canteens. Of course, serious cases were sent to the District Hospital, Lyallpur and to the Central Medical Hospital, Lahore(101).

The repatriated Prisoners of War stated that they were thoroughly interrogated by the Pakistani troops and intelligence officials. The techniques employed by them were against all international norms. Broadly speaking, they employed five different methods for interrogation. The first was the 'Direct Question' method. It was usually used for simple minded persons. The second was the 'Bullying' method, which was used against more difficult subjects. The third was the 'Know-all', used particularly against the senior officers(102). The fourth was the 'Mutt and Jeff' method which was used whenever required(103). The fifth was the 'Third Degree' method which was specially used against the officers. This method involved humiliation of officers in front of juniors and other officers, stripping of the subject naked and beating him with a stick, torturing the subject by pushing pins in his body, making him stand in cold water for a long period and threats of violence on private parts of the subject.

The interrogations were carried out in three parts - preliminary, detailed and expert. The preliminary interrogation was carried out immediately on capture. Here, generally, the interrogators were very harsh. The detailed interrogation was carried out at the Prisoners of War Camps. Those who were regarded important were taken to Islamabad for expert interrogation. Here the Prisoners of War were kept segregated from others yet to be interrogated. Prisoners of War were interrogated for long hours and in many sittings. All kinds of the last four methods, mentioned earlier, were used here. In violation of the Geneva Conventions, the Pak interrogators enquired

about location of armed forces, air squadrons, operational plans at various levels, topographical information, the Russian equipment with the Indian Army, capabilities of the Indian ordnance factories and reasons for India's intervention in Bangladesh(104).

Pak authorities adopted subtle methods of propaganda and indoctrination among the Indian Prisoners of War to create separatist feelings among the different ethnic and religious groups. Not only were the different communities kept separated - like Muslims, Hindus, Sikhs, Christians, tribal people of north-east India and Gorkhas - but efforts were also made to inculcate in them separatist tendencies. The Muslims were given a better treatment than others. Obviously, they were trying to win them over. The Sikhs were told that Pakistan would give them all assistance to create a separate homeland. The Sikh Prisoners of War, except the JCOs, were taken to Panja Sahib and Nankana Sahib even against the orders of the Company Commander. Similarly, the Mizo Prisoners of War were also exhorted to fight for their freedom(105).

Territorial Claims

As a result of the 1971 War, each side gained some territories and also lost some to the other side. Pakistan's major loss was, of course, East Bengal which emerged as an independent nation. Besides, she lost about 895 sq km to India along the Cease Fire Line in Kashmir, while she gained from India about 167 sq km along this line. In Jammu and Kashmir and Punjab along the International Border, India gained about 1,115 sq km from Pakistan while she lost about 192 sq km to Pakistan. In Rajasthan and Kutch Sector, India gained about 14,272 sq km, while she lost about .16 sq km to Pakistan. Thus, India, as a result of war, had gained about 16,279 sq km while Pakistan had gained about 359 sq km(106).

India's gains included areas in Shyok Valley, Kargil, Northern Gallies, Uri, and Tithwal Sectors including portions of Lipa Valley and Kaiyan. A few commanding heights across the Cease Fire Line in the Punch, Rajouri and Naushera Sectors, and Chicken's Neck in Jammu Sector were also occupied by India. Areas in Shakargarh, Dera Baba Nanak, Ajnala, Amritsar, Khalra, Khemkaran, Ferozepur, Mamdot and Fazilka Sectors were also acquired by India. In Rajasthan, border posts including Bijot, Islamgarh, Bareh Ka Toba and a few other posts adjoining the Jaisalmer Sector, and the area upto Naya Chor in Barmer Sector, were also gained by India. In

addition, in Kutch-Sind Sector, a large area was occupied by India(107).

Pakistan's gains included little areas in Kargil, Northern Gallies, Tithwal (including Kartan Ki Gali and a portion of Lipa Valley occupied in May 1972), Uri, Punch/Rajouri, Naushera and some portions of Chicken's Neck (including Thako Chak). Some territory in Amritsar, Khalra, Khemkaran (including China Bidi, Chand and Kals) and Jalalabad Sectors (including Nambeke and Ganjekalan) were also captured by Pakistan(108).

The Tangle

The issues of Prisoners of War, Civil Internees and the territorial adjustments, proved difficult due to the divergence of opinion between India, Pakistan and Bangladesh. While Pakistan gave priority to the return of Prisoners of War and Civil Internees and to the return of occupied territories, India desired a durable peace in the sub-continent by solving all the problems that had embittered the relations between the two countries. Bangladesh desired recognition by Pakistan and the repatriation of non-Bengalees in Bangladesh and Bengalees in Pakistan.

After the cessation of hostilities, Pakistan insisted that the repatriation of Prisoners of War and Civil Internees and the return of occupied territories be sorted out bilaterally between India and Pakistan. Islamabad argued that Pakistan had lost territories (both in the east and in the west) to the Indian forces, and that the Pakistani forces in the Eastern Theatre had surrendered to the Indian troops, so participation of Bangladesh was not necessary in settling the issues. New Delhi, on the other hand, held the view that the Pakistani forces in the Eastern Theatre, had surrendered to the Joint Command of India and Bangladesh and so Bangladesh's participation was essential to settle the issues concerning Prisoners of War taken in the Eastern Theatre. New Delhi was prepared to settle bilaterally the issue of the Prisoners of War taken in the Western Theatre only. Bangladesh, desired that before tackling the problems between Bangladesh and Pakistan, the latter should recognise the former, so the problems between the two countries could be sorted out through negotiations. The problems that concerned these countries were the repatriation of 'Bihari Muslims' (109) to Pakistan and of Bengalees to Bangladesh, and the exchange of property or compensation to the above mentioned categories of people. It was reported by the International Committee of Red Cross that, besides the Pak Civil

Internees in India, there were Pakistani employees of various categories in Bangladesh numbering 12 to 15 thousand, and about 1.2 million 'Bihari Muslims'. On the other hand, Pakistan had about 46 thousand Bangladeshi civilian employees, businessmen, soldiers, etc. and about 400 thousand Bangladesh nationals(110).

Between India and Pakistan, in addition to the problem of Prisoners of War and the Civil Internees, the issue of territorial adjustments also proved difficult. In this matter again, the approach of the two countries differed in regard to the Cease Fire Line in Kashmir. While Pakistan demanded the withdrawal of forces of both the countries to the old Cease Fire Line, India wanted to retain the positions obtaining after the 1971 War. India did not recognise the Cease Fire Line of 1949 as valid any longer. So far as the International Border was concerned, both the countries were prepared to withdraw their forces behind it.

India's main objective, after the war, being the establishment of a durable peace, she patiently and persistently worked towards it. Her initiatives and willingness to give concessions and to accommodate Pakistan, as far as practicable, ultimately bore fruit in removing the obstacles and creating conditions for an agreement with Pakistan which opened the prospect for a durable peace in the sub-continent.

THE SIMLA AGREEMENT

The Indian Initiative

Taking the initiative in this direction, the Prime Minister of India sent a letter on 14 February 1972, addressed to the Secretary General of the UN, indicating India's readiness to hold bilateral discussions with Pakistan at any time, at any place, without pre-conditions. A copy of this letter was also sent to Pakistan through the Swiss government. However, this initiative did not evoke proper response from Pakistan, except for the repetition of public statements by Bhutto of his readiness to meet the Indian Prime Minister. Taking a cue from it, India took another initiative in proposing Emissary level talks to prepare the way for the summit meeting. This proposal was accepted by Pakistan. D.P. Dhar, the Special Emissary of the Prime Minister of India, went to Murree and Rawalpindi and had talks there from 25 to 29 April 1972(111). The Pakistani side was represented by Aziz Ahmad, Special Emissary of the President of Pakistan. Dhar met others also, including the Pak President.

The Summit Meeting

The Emissary level talks showed the differences in the approach of the two countries towards the settlement of the problems facing them. In the discussions and in the draft agenda, the Pakistan side emphasized the need for the immediate repatriation of the Prisoners of War and withdrawal of the Pakistani and Indian forces to the pre-War positions. The Pak draft, thereafter, put forward a step by step approach, to normalise relations in stages as the climate improved. They desired to leave the basic causes of the conflict, like the Kashmir issue, to an indefinite future. The Indian side, on the other hand, emphasized the need for a comprehensive approach, dealing first with the question of durable peace by putting an end, once for all, to the confrontation during the last 25 years. D.P. Dhar stressed that the step by step approach advocated by Pakistan would not create a conducive atmosphere for lasting peace. He desired to deal with the basic issues first. Following his meeting with President Bhutto in Rawalpindi, he was able to obtain the consent of the Pakistani side to an exchange of views on important matters. Dhar suggested a compromise approach, whereby the two leaders of India and Pakistan would seek to reach agreement in principle on all basic issues, but the implementation of the the agreement could be done in stages(112).

Consequently, an Agreed Agenda was prepared that gave priority to the identification of the elements of durable peace and on the repatriation of Prisoners of War and withdrawal of forces from each other's territory. Items connected with normalisation of relations and development of cooperation then followed in order of priority. President Bhutto had agreed to discuss Jammu and Kashmir at the summit meeting. The Emissaries also drew up a list of Agreed Principles aimed at putting an end to the confrontation and for commencing a new chapter of peace and good neighbourly relations. The Agreed Principles emphasized the need for the establishment of durable peace, casting aside the shackles of the past policies, bringing an end to military confrontation, cooperation in agreed fields, and cessation of hostile propaganda. This Agreement was signed on 29 April 1972 at Rawalpindi(113).

The Emissary level talks had visualised that the proposed summit meeting would take place either at the end of May or in the beginning of June 1972. However, exactly after a month of the conclusion of the Emissary level talks, President Bhutto announced his thirteen day tour of West Asian and African

countries. Due to his tour, the summit meeting had to be postponed. President Bhutto ostensibly went to thank them for the support extended to Pakistan during the Indo-Pak War, but actually to enlist the support of the West Asian and African countries for Pakistan's view of repatriation of Prisoners of War and withdrawal of forces to the Cease Fire Line of 1949 in Kashmir(114). This obviously was done to put pressure on India to agree to Pakistan's demands.

Finally, the summit meeting was held from 28 June to 3 July 1972 at Simla, a hill station in north India. While the Pakistan team was led by President Bhutto, the Indian team was headed by the Indian Prime Minister Indira Gandhi. There were a number of official level meetings, and four meetings between the two Heads of the Governments. Unfortunately, D.P.Dhar, due to his serious illness, could not participate in the meetings after the second day. His place was taken by P.N. Haksar, the then Principal Private Secretary to the Prime Minister. No military expert or Service Officer was included in the Indian team, which, many felt, led to an inadequate weightage being given to strategic considerations in the negotiations(115).

The different approaches of two sides again cropped up at Simla. The Pakistan team, in spite of the Agreed Principles and the Agreed Agenda, went back to their original stand. Right in the beginning, the Pakistani representatives made it clear that they were immediately concerned with the early repatriation of their Prisoners of War, withdrawal from occupied areas and immediate resumption of diplomatic relations. As regards the other questions, they advocated a "step-by-step" approach. They also held the view that the time was not ripe for taking up the fundamental questions for the establishment of durable peace in the sub-continent, including the Kashmir issue. They were in agreement with the Indian view about the desirability of establishment of durable peace, including a settlement on Kashmir, but pleaded that the time was not propitious for far-reaching commitments at that stage. They wanted the solution of the Kashmir issue to be left to a future summit as they thought that Pakistan being the defeated nation did not enjoy equality in negotiations(116). They repeatedly emphasized that President Bhutto needed time to prepare the Pakistani public for accepting decisions on such fundamental issues which had ruined the relations between the two countries(117).

The Indian team on the other hand, emphasized the fundamental importance of first determining the elements of durable peace, in accordance with the

Agreed Principles and the Agenda prepared in April 1972. They desired a solution of the Kashmir issue, which was the main source of conflict between the two countries. The Indian Parliament and people also held the view that there could be no durable peace till the Kashmir problem was solved. Peaceful means like mediation, arbitration, judicial settlement, etc., could be resorted to under the UN Charter through bilateral agreement. But spelling out these methods in an agreement would convey the impression of continuing mistrust and suspicion on both sides. They pointed out that the talks were on the basis of equality. Indira Gandhi told Bhutto: "Our Foreign Minister was asked by our people to demand more land, a corridor, to get reparations, etc. There is considerable feeling in our political circles on these matters. We are holding them back as the price for peace"(118). India had been victim of aggression several times and a durable peace could be possible only if the main points of dispute like the Kashmir issue were resolved. The Indian people had also to be prepared to accept the Agreement, same as the Pakistani people(119).

On the question of PsOW from the Eastern Theatre, the Indian side held the view that the participation of Bangladesh was essential from both the legal and practical points of view. They refuted Pakistani assertion, that the PsOW had surrendered to the Indian forces alone, by pointing to the Instrument of Surrender signed by Lt Gen Niazi at Dhaka, which stated, "Pakistan Eastern Command agree to surrender all Pakistani Armed Forces in Bangladesh to Lt Gen Jagjit Singh Aurora, General Officer Commanding-in-Chief of the Indian and Bangladesh Forces in the eastern theatre". So any repatriation of PsOW from the Eastern Theatre was a joint responsibility of India and Bangladesh(120). As regards the Pak argument that the repatriation of PsOW must take place according to the Geneva Conventions as the hostilities had ended, India pointed out that according to the Geneva Conventions, the repatriation of PsOW had to take place on the termination of hostilities and not merely on the cessation of hostilities. Termination of hostilities took place only after successful negotiations for an agreement. The danger of renewed war could increase if repatriation of PsOW took place on the cessation of hostilities alone. In this particular case, Pak forces would be augmented by four divisions if the PsOW were repatriated, and the danger of resumption of hostilities would increase if there was no negotiated agreement for durable peace.

On the resumption of diplomatic relations and other measures of normalisation, the Indian

representatives suggested that these would have meaning only if they followed an agreement on the establishment of durable peace. They also emphasized the concern of bilateralism in relations between the two countries. India suggested that the problems between them must be solved through mutual negotiations without third party intervention(121).

After some discussions it was agreed that the draft of a treaty should be prepared by both the sides. Pakistan put forward a draft joint statement that completely left out the essential elements of durable peace, and also introduced as an annexure a compulsory machinery for the settlement of disputes through mediation, arbitration and judicial processes. India also submitted a draft treaty which incorporated acceptable provisions from the above mentioned draft of Pakistani joint statement. The Pakistani side did not like the Indian draft. However, later they were persuaded to consider the Indian draft and specify the provisions which they did not like. The Pakistani representatives submitted on 30 June 1972, what they called a revised draft. But in fact both the Pakistani drafts were basically the same. After long discussions a working draft emerged. Later, changes were made to it as the summit meeting progressed. It is interesting to note that no less than 7 drafts were discussed during the summit meetings, of which four were formulated by Pakistan and three by India. This very fact shows that India did not make any attempt to impose a dictated treaty on Pakistan. Discussions on all these drafts contributed substantially to each side being able to explore fully the other's position. As a result of the discussions, it became possible for the two sides to come to an understanding regarding the major problems affecting the relations of the two countries. Finally, an agreement was signed between the two Heads of Governments on 12 July 1972(122).

The Agreement

The Simla Agreement dealt with two types of issues : one arising out of the Indo-Pak War of 1971 and the other more basic issues which had obstructed normalisation of relations between India and Pakistan. The accord contained 6 Articles. Three articles prescribed the principles to govern the relations between the two countries, two dealt with the problems of the Indo-Pak War 1971, and one dealt with the procedure of ratification of the treaty by both the countries. By Article 1, both the countries resolved to put an end to conflict, to work for the promotion of friendly relations and the establishment of peace in the sub-continent. To achieve the above mentioned aims, both the countries would follow the UN Charter

in spirit, settle their differences by peaceful means through bilateral negotiations, respect each other's territorial integrity and sovereignty, not interfere in each other's internal affairs and abjure the use of force against each other. Article 2 provided for prevention of hostile propaganda and dissemination of information to promote friendly relations. By Article 3, the normalisation of relations was to be achieved through the 'step by step' approach. It called for cooperation in various fields like communications, travel, economic development and science and cultural development. Article 4 dealt with the problems in the aftermath of the Indo-Pak War, 1971. Both the countries agreed to withdraw their forces to their sides along the International Border and in Jammu and Kashmir along the Line of Actual Control as on 17 December 1971. Article 5 dealt with the procedure for ratification of the agreement by both the countries. Article 6 provided for subsequent meetings between the representatives of the two countries to work out the modalities for the establishment of a durable peace, normalisation of relations, repatriation of Prisoners of War and the Civil Internees, resumption of diplomatic relations, and a final settlement of Jammu and Kashmir.

However, as far as the Prisoners of War from the Eastern Theatre were concerned, it had been made clear during the talks that in the settlement of the matter Bangladesh would be involved, due to both legal as well as political reasons(123). This also meant that Pakistan had to recognise Bangladesh before any agreement was reached on the Prisoners of War. India also did not discuss the issues of war criminals and Bihari Muslims on which Pakistan had insisted. Thus, the interests of Bangladesh were fully protected while concluding this Agreement.

Normally, a victor claims compensation from the vanquished in a war, especially when the latter had committed aggression, as Pakistan had in the 1971 War. It was estimated that India had incurred a total expenditure of about Rs.5,435 million in connection with the war, including expenditure on the maintenance of the refugees which amounted to Rs.3,216 million(124). This amount could have been claimed by India as war reparations from Pakistan, but as a generous gesture and for the sake of establishing a framework of durable peace, she does not seem to have even raised this point during the Simla talks.

The Simla Agreement was a big step towards the establishment of a durable peace in the sub-continent. It sought to set in motion the process of reconciliation and good neighbourly relations between India and Pakistan. Far from imposing any settlement on Pakistan, India went to the utmost limit to meet Pakistan's views and to accommodate her in view of the psychological trauma and internal difficulties faced by her leader because of the crushing defeat. By agreeing to withdraw from Pakistan's territory,(125) India fully demonstrated that she coveted not even an inch of Pakistan as repeatedly declared by Indira Gandhi(126).

Unlike the Tashkent Declaration, the Simla Agreement was reached without the intervention of any third party. The Agreement provided for peaceful resolution of problems through bilateral discussions between India and Pakistan. It was for the first time that Pakistan accepted the principle of bilateralism. In the past she had always tried to internationalise various issues either by bringing in other powers or through the UN(127).

The Tashkent Declaration had recognised the 1949 Cease Fire Line. At the Simla Summit, Pakistan made strenuous efforts to retain the 1949 Cease Fire Line and its UN supervision. However, the Agreement by providing for the Line of Actual Control in Jammu and Kashmir, confirmed the Indian position that the 1949 Cease Fire Line had become defunct because of its repeated violations by Pakistan during wars of aggression against India. Pakistan also agreed not to alter it unilaterally or by use of force(128). India was keen for a final settlement of the Kashmir problem as it had been the basic cause of Indo-Pak Conflicts in the past. Pakistan agreed that the Kashmir issue had to be settled for a durable peace, but pleaded that the people in Pakistan were not yet ready for it(129). India, in the interest of promoting peace, accommodated Pakistan by agreeing to a procedure for a gradual solution of problems through peaceful means and bilateral negotiations.

The Simla Agreement, though it was a definite step forward to promote normal and friendly relations between India and Pakistan, cannot be said to have made a firm foundation for it. The provision regarding Jammu and Kashmir, which had been the basic cause of conflicts between the two countries, was vague and unlikely to lead to a solution because of the different interpretations given to it. Another major drawback of the Agreement was the non-participation of Bangladesh because of Pakistan's refusal to recognise it. No firm and durable peace in the sub-continent was possible without the participation of Bangladesh.

Atal Behari Vajpayee, President of the Bharatiya Jana Sangh, described the Agreement as a "sell out" and a "black Agreement". He stated that Indira Gandhi, instead of getting a "package deal" had been "out-manoeuvred" by President Bhutto into a "step-by-step Agreement". As a result, important issues such as vacation of Pakistani aggression in Kashmir, war damages, settlement of prepartition debts, evacuee property and compensation for the burden of looking after the refugees before the liberation of Bangladesh, had been by-passed. He alleged that instead of consolidating the military victory to promote lasting peace, the government had, through the Agreement, relapsed into a state of "self-delusion under ritualistic homage to peace, non-interference and friendship"(130).

He may have been right judging by the subsequent history of Indo-Pak relations. But it was surely worth trying. Whatever may have been the lacunae in the Simla Agreement, it can hardly be denied that it was the only practical and realistic step possible towards promotion of normal and friendly relations between India and Pakistan which could lead to a durable peace in the sub-continent. India also ensured that Pakistan in its own interest would have to recognise Bangladesh to get back the Prisoners of War from the Eastern Theatre. Indira Gandhi correctly appraised the Agreement when she told the Lok Sabha on 31 July 1972: "I have made no tall claim for the Simla Agreement, I make no tall claim now. All I may say that it is beginning. It is a small beginning perhaps, but it is a good beginning"(131).

THE IMPLEMENTATION

However, the implementation of the Simla Agreement was not as smooth as was envisaged. The delineation of the Line of Actual Control in Jammu & Kashmir, on which the withdrawal of armed forces depended, ran into trouble. Under the original provisions of the Agreement, it was stipulated that delineation and withdrawal would be completed within a period of 30 days. To achieve these objectives, talks were held between the Senior Military Commanders of India and Pakistan. Pakistan seemd to be going back from the terms of the Simla Agreement in this connection, and demanded that the agreement about the Line of Actual Control in Jammu and Kashmir be applied to only those portions of the Cease Fire Line which had been "disturbed" and undisturbed portions of the old Cease Fire Line should continue to be called as such and be governed by the provisions of the Karachi Agreement. This was a clear violation of the Simla

Agreement in which it was agreed that "in Jammu and Kashmir, the Line of Control resulting from the Cease Fire of December 17, 1971 shall be respected by both sides"(132). Obviously, Pakistan was trying to retain the recognition of the CFL of 1949 in Kashmir. This matter was discussed between the two sides first at Rawalpindi from 24 to 31 July and then at New Delhi from 25 August to 29 August 1972. In both the meetings, the Pakistani delegation was led by Aziz Ahmad and the Indian delegation by P.N. Haksar. After reviewing the developments since the Simla Agreement, the two sides agreed that the Line of Actual Control in Jammu and Kashmir would be delineated "along its entire length and respected by both sides, without prejudice to the recognised positions of either sides". It was further agreed that this delineation would be completed by 4 September 1972 and the withdrawal of troops would be completed by 15 September 1972. However, the delineation talks were deadlocked in the subsequent rounds over a small area called Thako Chak. In the seventh round the Indian side pointed out that as the Jammu-Sialkot border was an International Border, the area occupied across this border, i.e. about 180 sq km of Chicken's Neck Shakargarh area occupied by the Indian troops, and Thako Chak area of about 3.88 sq km on the Jammu-Sialkot International Border occupied by Pakistani troops, came under the provisions of paragraph 4(i) of the Simla Agreement(133). India was prepared to withdraw her forces from Chicken's Neck and Shakargarh areas but Pakistan was not prepared to withdraw from Thako Chak. When the Senior Military Commanders of India and Pakistan failed to formulate a solution, the two Chiefs of Army Staff, General Manekshaw and General Tikka Khan, met in Lahore on 28 November and 7 December, after which Pakistan agreed to withdraw from Thako Chak. As a gesture of goodwill India agreed to rationalise the Line of Actual Control with minor adjustments of mutual claims. In the process, India gave up her claim to about 1.16 sq km comprising two villages, Dhum and Chikot, in the Uri Sector along the Line of Actual Control. As a result of the new agreement, Indian and Pakistani troops took up their new positions on the readjusted Line of Actual Control on 17 December 1972(134).

The question of the release of Prisoners of War was also tackled. As there was no dispute regarding the Prisoners of War captured in the Western Theatre, on 1 December 1972, India and Pakistan repatriated Prisoners of War captured there. In addition, from time to time, India repatriated sick and wounded Pakistani Prisoners of War. With the consent of Bangladesh, the sick PsOW and Civil Internees captured in Bangladesh, were also repatriated from time to

time. During 1972, a total of 770 sick and wounded Pakistani Prisoners of War were repatriated in seven batches by India and 35 Indian Prisoners of War were repatriated by Pakistan. India also repatriated 184 civilian prisoners on the eve of Id as a gesture of goodwill, besides 168 sick and wounded Prisoners of War(135).

As mentioned earlier, the Prisoners of War captured in Bangladesh, involved the three countries - India, Pakistan and Bangladesh. Bangladesh linked the repatriation of the Pakistani prisoners with the problems of repatriation of non-Bengalees in Bangladesh to Pakistan and of Bengalees in Pakistan to Bangladesh. Bangladesh's decision to try 195 war criminals further complicated the issue. Pakistan, on the other hand, did not want to take the non-Bengalee population from Bangladesh, on the plea that it would create a demographic imbalance in certain parts of Pakistan(136). Moreover, Islamabad was vehemently opposed to the trial of 195 Pakistani soldiers for war crimes as demanded by Bangladesh. Pakistan held the view that the Pakistani soldiers fighting in their own country for its defence could not be said to have committed any war crimes. They could only be tried by Pakistan for crimes against their own citizens(137). To counter this proposed trial, Pakistan even threatened to try senior Bengalee officers in Pakistan.

India consulted Bangladesh to solve this issue and a joint offer of three-way repatriation was made in April 1973. According to this formula, there was to be simultaneous repatriation of Pakistani Prisoners of War and Civil Internees to Pakistan except those required by the Bangladesh government for trial, of Bangladeshis from Pakistan to Bangladesh, and of Pakistanis in Bangladesh to Pakistan. In this offer, Bangladesh even dropped the condition of her recognition by Pakistan. Initially, Pakistan did not like the offer and moved the International Court of Justice to prevent Bangladesh from trying the 195 suspected war criminals. However, later at the insistence of India, Pakistan withdrew the case from the International Court of Justice and agreed to hold talks. After two meetings in July and August 1973, Pakistan agreed to the three-way repatriation. But it could not be carried out because of Pakistan's refusal to recognise Bangladesh. Finally, after Pakistan recognised Bangladesh in February 1974, a tri-partite meeting was held at the level of foreign ministers of the three countries - India, Pakistan and Bangladesh - in New Delhi from 5 to 9 April 1974(138). In this meeting, an agreement was reached in regard to the repatriation of Pakistani Prisoners of War and the

Civil Internees, and more than 90,000 Prisoners of War and Civil Internees were returned to Pakistan by 30 April 1974. These included the 195 suspected war criminals earlier detained for trial in Bangladesh. Mujib, who after recognition by Pakistan attended the Islamic Summit meeting in February 1974, had announced at the meeting that the issue of trial of 195 PsOW for war crimes would be settled satisfactorily. Subsequently, as a goodwill gesture, he decided not to proceed with the trials. The last Prisoner of War to be repatriated was, at his own request, Lt Gen A.A.K. Niazi.

After the repatriation of Prisoners of War and Civil Internees, the relations between India and Pakistan further improved. An agreement in September 1974, on exchange of postal articles, telecommunications, visa facilities and visits to religious shrines was concluded. In November 1974, a trade agreement was also signed, and was followed by a more comprehensive trade agreement in January 1975. In May 1976, India and Pakistan re-established full diplomatic relations.

Thus, most of the provisions in the Simla Agreement concerning the problems created in the aftermath of the war were haltingly implemented during the course of about 4½ years. The problems were complex and Pakistan needed time to reconcile herself to the traumatic experience of the loss of her Eastern Wing. But even after the restoration of diplomatic relations, the true spirit of the Simla Agreement was missing, Pakistan kept up her anti-Indian postures. Pakistan's hostile attitude prevented any progress towards the solution of the Kashmir problem which was basic for a durable peace. It tried again and again to internationalise the Kashmir issue by taking it to the UN and indulged in rabid anti-India propaganda on various issues.

At the Emissary level talks and also at the Simla Summit, India had made all possible efforts and concessions for the establishment of a durable peace. In preparing drafts for discussion at the Simla Summit, besides the question of withdrawal of troops, repatriation of PsOW and the solution of the Kashmir problem, India had comprehensively considered proposals for close and friendly relations between the two countries in wide ranging fields, e.g., trade, economy, science, culture, customs, communications, postal exchange, travel facilities, and border check-posts. India had even considered presenting draft of a Treaty of Peace, Friendship and Cooperation between India and Pakistan in its search for a durable peace in the sub-continent(139). But all these

exercises and preparations made by India for securing durable peace proved futile and they could not be even discussed at the Simla Summit because of Pakistan's prevarications and objections to any comprehensive settlement. The Simla Summit was even threatened with a breakdown because of Pakistan's rigid attitude, which thinly disguised its basic hostility to India. An agreement could be reached only because of India's willingness to accommodate Pakistani views as far as they could be reconciled with its minimum national interests. It resulted in ambiguities in the Simla Agreement. To some of its clauses, Pakistan gave interpretations not only opposed to India's views but clearly contrary to the very spirit of the Agreement.

Hardly had the ink on the Simla Agreement dried, when President Bhutto assumed postures and gave interpretations to some of its clauses which clearly showed that he was not prepared to take sincere follow-up steps for ushering in an era of durable peace in the sub-continent. The Simla Agreement did not refer to the UN resolutions on Kashmir, and provided for the resolutions of disputes through bilateral negotiations and peaceful means(140). But Bhutto told the Pakistan National Assembly on 14 July 1972, barely two weeks after the signing of the Agreement, that for the first time after the Tashkent Declaration "the Kashmir question has been activated" and it could again be taken to the UN if bilateral talks failed. He went on to give a 'solemn pledge' that as soon as the "people of Kashmir launch their struggle", the people of Pakistan would go "all out in support and assistance", and would not hesitate to "shed their blood" for the people of Kashmir(141). Bhutto's stand was not only contrary to the spirit of the Simla Agreement but also violated provisions of its Article 1(ii) which provided for abstaining from any step "detrimental to the maintenance of peaceful and harmonious relations", pending the final settlement of any problem between the two countries(142):

According to the Indian view, Pakistan's acceptance in the Simla Agreement of the Line of Actual Control in Kashmir resulting from the Cease Fire of 17 December 1971, indicated the new limits within which the final solution would have to be found(145). Bhutto, in his Karachi speech referred to above, claimed that Pakistan had been able to 'delink' the Jammu and Kashmir dispute from the International Border as no withdrawals were to take place from the Line of Actual Control in Jammu and Kashmir, and thus refuted India's claim that Jammu and Kashmir was an integral part of India. He further stressed that "pending final settlement", Pakistan could not accept

the position of India in Jammu and Kashmir, and subject to this alone, Pakistan accepted the position regarding respecting each other's territorial integrity(146). He thus made it clear that as far as Kashmir was concerned, Pakistan was keeping open options other than peaceful bilateral negotiations for its settlement. The Simla spirit had served its purpose, and was blown away.

The Indian people and armed forces had made all the required sacrifices, and the Indian government had made every possible concession, in search of lasting peace. But the ominous pronouncements of the Pakistani leaders showed clearly that the Simla Agreement had not ushered in a lasting peace, but had produced only an armistice, till the next round.

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NOTES AND REFERENCES

1. From Official Records.
2. Ibid.
3. Ibid. Translated into English these slogans would mean, Long-live Pak-China friendship, Death to Russian Social imperialism, and Yahya is a dog.
4. Ibid.
5. Bhutto's overthrow and execution by the military junta a few years later shows perhaps that the junta did not forget his perfidious role.
6. From Official Records.
7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Sunday Mail, 9 January 1972. Cited in BD II, p.598.
14. BD II, p.598.
16. From Official Records. BD II, p.598.
17. Ibid.
18. The Sunday Times, 9 January 1972.
19. The New York Times, 11 January 1972.
20. The Indian Express, 11 January 1972.
21. The Statesman, 11 January 1972.
22. From Official Records.
23. The Statesman, 11 January 1972.
24. From Official Records.
25. Ibid.
26. Ibid.
27. Ibid.
28. Ibid.
29. Ibid.
30. Ibid.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. According to the Official Records, the following officers had been sent by 11 January 1972.
 - (1) Advisers - 20
 - (2) Chief Civil Affairs Liaison Officer - 1
 - (3) Regional Civil Affairs Liaison Officers - 4
 - (4) District Civil Affairs Liaison Officers (Excluding 9 Indian Army Officers for CA) - 19

36. From Official Records.
 37. Ibid.
 38. Ibid.
 39. Ibid.
 40. Ibid.
 41. From Official Records.

Supply For Bangladesh (Upto 15 February 1972)

	Immediate demand (in tonnes)	Subsequent demand	Grand total
a. Wheat	21,000	72,000	93,000
b. Rice	21,000	36,000	57,000
c. Sugar	500	--	500
d. Salt	800	--	800
e. Edible Oil	2,300	--	2,300
f. Oil Seeds	2,000	--	2,000
Total	47,600	1,08,000	1,55,600

42. Ibid.
 Blankets 625,100; clothes 1,188 bales; and 219 bags and 115 cartons; utensils 500,000 sets, and 676 boxes of kitchen utensils; milk powder 4,775 bags, baby food 320 cartons; canvas shoes 58 bundles; ground sheets 260 bundles; mosquito net 285 bundles; tents 18,245; poly-fibre plastic rolls 34,365 were supplied to Bangladesh upto 15 February 1972.
43. From Official Records.
 44. Ibid.
 45. Ibid.
 46. Ibid.
 47. Ibid.
 48. Ibid.
 49. Ibid.
 50. The following three lines were immediately repaired:-
- The Bangaon-Jessore-Khulna line;
 - The Gede-Darsana-Poradaha-Golundo-Faridpur line; and
 - The Sylhet-Akhaura line (extended upto Karimganj).
51. From Official Records.
 52. Ibid.
 53. Ibid.
 54. Ibid.
 55. Ibid.

56. Ibid.
57. Ibid.
58. Ibid.
59. Ibid.
60. Ibid.
61. Ibid.
62. Ibid.
63. Ibid.
64. Ibid.
65. Ibid.
66. Ibid.
67. BD II, p.589.
68. AR, 1-7 January 1972.
69. From Official Records.
70. Ibid.
71. Ibid.
72. Ibid.
73. Ibid.
74. It was reported that soon after the liberation of Bangladesh, the CIA started its operations to create a wedge between India and Bangladesh. It systematically spread the feeling that India was exploiting Bangladesh. The mysterious visit of two American Professors - William Griffith of the Massachusetts Institute of Technology and Robert Sciapins of California University - to Calcutta was suspected to be a move in this direction. They were regarded as experts at masterminding subversion. The modus operandi of CIA was to buy over intellectuals to create an opinion in Bangladesh favouring US goals. The US was supposed to have pumped in \$494,000 through the Asia Foundation under the 'intellectual rehabilitation scheme' to win over academicians and students to the US side. In addition the CIA created law and order problems to dis-credit the new government in Bangladesh. Various splinter groups with extremist leanings, who operated from the hill bases were given support in subversive activities. It was also reported that under the garb of relief supplies, arms and ammunition were supplied by the CIA. As mentioned earlier, the Bangladesh government had to borrow a contingent of the Indian Army to deal with them in May 1972. (For further account see Garg, pp.170-172).
75. From Official Records.
76. Shelly, p.141.
77. From Official Records.
78. Ibid.
79. Ibid.
80. After Bangladesh was recognised by Pakistan in February 1974, China gave up her policy of opposing Bangladesh's admission into the UN. Hence, Bangladesh was admitted to the UN in

98. From Official Records.
99. Maj S.S. Choudhary of 4 Grenadiers who was the senior most Indian Officer at the Lyallpur POW camp, substantiated it in his interview on 10 April 1985.
100. The monthly allowances paid to Indian PsOW by Pakistan were as follows:-

Sepoy and Lance Naik	Rs. 9/-
Naik	Rs.12/-
Hav	Rs.18/-
JCOs and other Officers upto the rank of Captain	Rs.57/-
Major	Rs.60/-

It may be mentioned that India gave minimum of Rs.14/- below the rank of Havildar. Havildars were given Rs.22/- JCOs and other Officers below the rank of Major were given Rs.92/-, Major and others upto Colonel were given Rs.111/- and other senior Officers above the rank of Colonel were given Rs.139/-

101. From Official Records.
102. The IAF Officers and other senior Officers of the Indian Army, in their reports pointed out that this method was invariably used against them. It is likely that in certain cases they might have collected some information regarding these senior Officers from ORs and then they used this method to get confirmation of those facts.
103. In this method, a pair of officers used to play hot and cold on the subject. One officer used to treat the subject very harshly and the other very politely to win over the PsOW so that ultimately, the latter may be broken by the polite officer.
104. From Official Records.
105. Though the official records mention that there was no impact of this kind of propaganda, yet it is worthwhile to examine the long term effects on the Sikh Prisoners of War and the Mizo Prisoners of War of this propaganda.
106. From Official Records. These figures are not accurate, as large areas under Indian occupation in Sind (Pakistan) were not surveyed by 29 January 1973. It is also mentioned that India claimed 1,123.5 sq km while Pakistan claimed 173.35 sq km along the Cease Fire Line in Kashmir. However, records of later date give the figures given in the text.
107. From Official Records.
108. Ibid.
109. 'Bihari Muslims' was a generic term used for all non-Bengalee Muslims who migrated from India to

East Pakistan after the partition of the country.

110. From Official Records.
111. Ibid.
112. Ibid.
113. Ibid.
114. Ibid.
115. Interview with Fd. Marshal Manekshaw.
116. From Official Records.
117. Ibid.
118. Ibid.
119. Ibid.
120. From Official Records. Bhutto seems to have accepted the Indian position in this regard. He said that he was not against Mujib's participation in the talks but the difficulty was regarding the manner and method. He admitted : "Perhaps we have committed a mistake by not according recognition to Bangladesh earlier". He even wanted India to persuade Mujib to meet him without pre-conditions, when he would consider Pak-Bangladesh matters sympathetically. There was difficulty because Bhutto had taken a public stand that there could be no recognition of Bangladesh without a prior meeting with Mujib.
121. From Official Records.
122. Ibid.
123. FM's statement on 3 July 1972. Ibid.
124. From Official Records. The details of the reparations which India could claim are given in Appendix V.
125. As mentioned earlier, India actually withdrew from over 16,000 sq km.
126. From Official Records.
127. Ibid.
128. Ibid.
129. Ibid.
130. AR, 15-22 July 1972.
131. From Official Records.
132. Ibid.
133. Ibid.
134. Ibid.
135. Salunke, pp.10-11.
136. It was likely that most of the repatriated persons would have settled in Sind and they could threaten the supremacy of the Pakistan People's Party there.
137. From Official Records.
138. Ayoob, pp.85-133.
139. From Official Records.
140. Ibid.
141. Ibid.
142. Ibid.
143. Ibid.
144. Ibid.
145. Ibid.
146. Ibid.