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C O N C L U S I O N

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### CONCLUSION

In Pre-British days, Indian society had not grown as a stable social element. The social and economic changes did not precede political development. The Muslims introduced in India, the divergencies of race, religion, language and social tradition. It greatly marred the growth of Indian nationality. Both Hindu and Muslim groups of people were living together in one country having their own modes of life and attitudes of mind.

The power structure of Medieval Indian society underwent a drastic changes in the 18th Century. The Muslim ruling class was challenged by the Hindus. Hindus, particularly Marathas, Jats, Rajputs became more politically ambitious in later half of the 18th Century. Facing with these increasing threats, Muslims tried to unite themselves by emphasizing common bond of religion. Aurangzeb spent twenty years in South to destroy Hinduisim. This fact is generally interpreted as religious fanaticism. His main aim was to destroy the local autonomy of Deccan rulers and make Southern India an intergrated part of Mughal Empire, he had political motives for it. Hindus, particularly Marathas, Jats, Rajputs also attempted to achieve their political ambition. It was a political confrontation between the Muslim emperor and staunch Hindus.

By middle of the 19th Century, the British had become supreme in India. British attitude towards Muslims till

1870 was one of suspicion and repression. The establishment of British rule in India brought in a new calamity on Muslims. The new political situation did not create in Muslims any new vision. British rule in India affected Muslims mainly because British established strong political authority and administrative institutions. Muslims, therefore, rose against British rule in 1857 not with an ambition of creating <sup>a</sup> new world, but to save the world which was not beyond all saving. After the Indian Mutiny in 1857, British officials always blamed the Muslims. Further various Indian Council Acts by British created a consciousness of one class or community dominating the political life <sup>of</sup> the country. These 'Acts' of the British contributed to religious awareness between Hindus and Muslims. It gave rise for communalism in Indian politics. British by their diplomacy could set up one community against the other. Similarly, Muslims also used religion in their attempt to widen the basis for political gain. The leadership of Muslim communalism in 19th Century arose from English educated class of Muslims.

There was an identify of views between upper class Muslims and Britishers. The establishment of Anglo-Oriented College at Aligarh was an expression of British anxiety to speed up the progress of the Muslims. Similarly, Sir Syed Ahamad Khan and others assured the British, their loyal determination and usefulness <sup>ness as</sup> subjects of British Crown. Up to 1906,

British policy had developed a difference which already existed between Hindus and Muslims. They gave separate and special treatment to Muslims. In this policy, the British were aided by religious revivalism among the communities themselves. Both British policy and religious revivalism were complimentary and a parallel progress. They encouraged the Muslims to adopt a different attitude to any constitutional advancement in India.

The All India Muslim League was established at Dacca on 30th December, 1906. Two of its promoters, who took initiative and had a committee appointed to draft its constitution, were Mehdi Ali (Nawab Mohsin-ul-Mulk) and Mushtaq Husain (Nawab Vigar-ul-Mulk). They had full support of Sultan Mahammad Shal, (Aghakhan) the religious head of the Khoja community. The birth of Muslim League was largely the result of the 'Budget Speech' in which Lord Morley indicated constitutional reforms and as a measure of political representation on the Legislative Council. The Muslim community always felt the need of separate electorate. All these developments were largely introduced by the British policy; conducive to the rise of separatist tendencies.

There was little in common between the Indian National Congress and All India Muslim League. They were different in their composition and outlook. The Congress was

organised to represent all classes ~~and~~ creeds in the country. Congress had committed itself ~~and~~ resolutely to win freedom from foreign domination. The Hindus certainly predominated the party, but that fact in no way diminished ~~from~~ its representative character. Its composition was indeed a tribute to Indian political awakening.

In contrast, the Muslim League was found with the object of safeguarding the interest of the Muslims as a community. Muslim League demanded many concessions which were anti-democratic which demanded preferential treatment for them. The birth of Congress gave birth to Muslim League! So long as Congress remained primarily a socio-political body of social reformers the British allowed it to exist and prosper. But when the extremist element in Congress got upper hand and began to fight for freedom of India, British authorities decided to make political capital out of the existing religious differences between Hindus and Muslims, which widened the gap between the Congress and Muslim League. All this development brought various conflicting trends in Indian politics.

Jinnah always pointed: " the leadership of Congress had been responsible for alien<sup>a</sup>ting the Musalmans..., Hindu policy would not give any justice..., majority community would clearly have Hindustan for the Hindus under the name of

.nationalism...; If few crumbs are thrown to the Musalmans in present disorganised and helpless State, you can manage them...; They are sadly mistaken if they think that Muslmans are imposed upon". Jinnah by pointing the relations between Hindu and Hindustan wanted to hint at future course of one community one nation. Muslim League was more inclined towards two nation-theory.

From time, Muslim League co-operated with Congress, thus underlining its importance for British. For the rest of the period India's struggle for freedom, it bitterly opposed the Congress movement and in effect sided with British. Upto 1940, the efforts of Muslim League were directed towards the attainment of special rights, Safeguards and privileges for Muslim in India. The struggle of Muslim League was directed towards getting their community recognised as a separate political entity with <sup>a</sup>view to legitimize their position. The pattern of Muslim demands of this period can be best illustrated from 'Delhi Proposals' in 1927 and 'Fourteen points' formed by Jinnah. In the name of cultural autonomy, the Muslim Leaders had always sought political autonomy. 'The 'Communal Award' in 1932 of British, fulfilled all major demands of the Muslims. The communal situation in India became worse after limited power was transferred to Indian hands in 1937 under the Government of India Act 1935. Jinnah demanded unhampered rule of Muslims at least in five provinces in British India.

The partition of India began with the formation of Congress Ministries in the provinces in 1937 and their resignation 1939. These two events caused the fundamental shift in attitude of Muslim League and nature of colonial policy of British India. When Congress withdrew their support from Second War effort in 1939 and Muslim Leaders' defacto support to the war effort convinced the British Government the Hindus generally as their enemy and Muslims their friends.

After 1940, the Muslim League consolidated her organisational position for the planned Pakistan movement. It was, therefore, at Lahore in March 1940, Jinnah elaborated his two-nation theory, and demanded Pakistan. Though the 'Lahore Resolution' in 1940 was vague at many points, yet the demand of separate homeland was quite clear. Muslim League had now made it. (two nation theory) a political objective. Muslim League Leaders took shelter behind religion to safeguard their political ambitions. Jinnah also charged Congress with 'Intoxication of Power'. The League's campaign against Congress bore the striking resemblance to Nazi propoganda which had become familiar through-out the world for presenting fable as fact. The British were also reluctant to the transfer of power. At this stage the primary object of the British Government was winning the War with Japan.

The political situation in India became worst during the period of 1940-1947. This period saw various partition



plans of the country. The 'August Offer' was really a death blow for United India which the Congress leaders always dreamt. It was definitely the victory of Muslim League. When Sir Stafford Cripps proposals <sup>were</sup> announced in 1942, the British policy was bent upon the division of India. British Government wanted to create a middle eastern sphere of influence; and wished to bring about the creation of separate Pakistan. Similarly Congress resignation <sup>in</sup> 1939 left the political field entirely to Muslim League and British Government.

On the other hand Gandhiji who stood for unconditional co-operation in the war was not supported by Congress party because British Government was helpless in meeting the immediate demands of Congress. The 'Rajaji Offer' in fact was the projected compromise with Muslim League. The Congress visualised the unavoidability of India's partition. Jinnah as a staunch politician insisted that Gandhi and Congress should accept the 'two nation theory'. To Jinnah, Rajaji's offer was not consistent with 'Lahore Resolution'. One vital difference which emerged from this 'Offer' was, while Congress wanted partition scheme to be a bipartite agreement between it and Muslim League to be implemented after British had quit. The Muslim League would like it to be a tripartite agreement, by which the responsibility of dividing <sup>the</sup> country devolve upon the power that would quit. Jinnah did not accept 'Rajaji Offer' because it left the whole question of creating



Pakistan to proposed provisional government, which did not possess necessary sanction. 'Rajaji Offer' only enhanced the prestige of Jinnah. He became more active in Muslim politics which was based entirely on political basis.

Viceroy Lord Wavell attempted to devise a basis for setting up an Interim Government in India through negotiations with Congress and League. Wavell Plan failed mainly due to the refusal of the Muslim League to accept the Congress credentials as a national organisation of all India. It is also true that war with Japan was still to be won and His Majesty's Government would not support the formation of 'Executive Council' without Muslim League. The failure of Wavell Plan, negatively again strengthened the position of Jinnah and Muslim League. Simla Conference, thus, left only 'Hobson's Choice to Partition'.

Muslim League strengthened its position in the election of 1946. The 1946 elections made differences more acute between Congress and League. 'Cabinet Mission' 1946 attempted the task of bringing into being a constitution making body and Interim Government, both supported by major political parties. The essence of the 'Cabinet Mission Plan' in 1946 was creation of 'Loose Confederation' in India with 'Weak Centre'. It was also true that cabinet proposals made an earnest effort to satisfy the Indian Muslims by offering them reality of Pakistan in United

India through groups of Provinces. Although Congress and League accepted the 'Cabinet Plan', there were wide divergencies in their interpretations. They had different concepts of the role of Constituent Assembly, the power of the Centre and the position of the provinces in the groups. The decision of Muslim League in late 1946 to enter the Government of India only further complicated the problem.

In February 1947, Prime Minister Attlee made his famous statement that British would withdraw from India, if necessary power would be transferred to Indian Provinces. This statement, negatively gave defacto Pakistan to Muslim League. This lent further urgency to League's need to form provincial governments in Muslim majority areas. Muslim League passed a resolution in 1946 to bid a good bye to constitutional method and withdraw its acceptance of 'Cabinet Mission Plan'.

Lord Mountbatten realised that cabinet mission plan was unacceptable to the Congress and League, and some form or partition was inevitable. He presented in his plan a blueprint of country's partition. Lord Mountbatten prepared his plan on basis of two dominion, of which Pakistan was comprised of the Muslim majority areas only. Congress accepted the division of the country in hope that India and Pakistan live in peace with each other.

Partition of Indian sub-continuet solved few problems. For India, it left the problem of cultivating the secular way of life. It also helped to inject new issue in politics both in internal politics, and in the context of international politics. For Pakistan, it created a fundamental problem of its own identity.

The post partition years, the prospect of Indo-Pak relations of neighbour<sup>li</sup>ness became ~~more~~ almost bleak. The Congress League antagonism of pre-partition years became international dispute after the creation of Pakistan through 'Kashmir Issue'.

Kashmir presents multi-racial society, speaking different languages having different religions and conforming to different traditions and customs. Kashmir is a testing ground for Indian secularism...

Geographically, Kashmir has importance in international sphere. This placed the Maharaja of Kashmir in a typical position. If he acceded to Pakistan, nationalistic Muslims and non-Muslims would definitely have resented such action. On the other hand accession to India would have provoked adverse reaction in areas contiguous to Pakistan. Besides, Maharaja was also toying<sup>with</sup> the idea of independence. Maharaja was advised in offering to enter into interim agreement with two dominions. Pakistan signed the 'Stand Still Agreement' while India wanted time to examine its implications.

Even after the execution of 'Stand Still Agreement' the relations between Kashmir and Pakistan were far from cordial. Besides there was no love lost between ~~Shikh~~ Shaikh Abdullah, the leader of National Conference Party in Kashmir, and Jinnah. Pakistan also deliberately misinterpreted the close relationship between Nehru and Shaikh Abdullah. Pakistan decided ~~on~~ <sup>to</sup> resort ~~to~~ force to annex Kashmir. It is in this context of invasion and coercion that Kashmir ~~thought~~ thought of acceding to India. For Maharaja there were two ways, either to accede to India or surrender to Pakistan. In choosing second course meant end of Nationalist Kashmiris who believed in Secularism and democratic set up. India's obligation, arose from a number of factors to participate in Kashmir crisis. India's national interest mainly forced India to interfere in Kashmir crisis.

It was Pakistan's military invasion on Kashmir that pushed Maharaja to Join India. Maharaja of Kashmir, backed by Shaikh Abdullah offered the unconditional accession of Kashmir to India. Maharaja felt quite sure that Kashmir would be safe with India. With ratification of 'Instrument of Accession' on 27th October, 1947, the transaction defining Kashmir's political relations with India became final. The agreement was made, not under an Indian law, but under Statute passed by British Parliament, the Indian Independence Act of 1947. Jinnah sent messages through Sir Claude Auchinleck, to Governor General Mountbatten and Nehru to discuss the Kashmir, under these circumstances. India <sup>was</sup> prepared to avoid

war and took steps which aimed at solving the Kashmir issue peacefully. Indo-Pak relations after partition had been expected to improve but the Kashmir issue continued to be the bone of contention between two countries. It was Nehru's firm belief that with partition, he would solve the problems between India and Pakistan.

The relevant principles of contemporary 'International Law' would appear to confirm the continuing sovereignty of India in the State of Jammu and Kashmir. Pakistan took recourse to force to satisfy its claim <sup>on</sup> of Kashmir. Pakistan acted contrary to the rule of prohibition of the use of force. It is also proved that India was not obligated in 'International Law' to hold a plebiscite in Kashmir. The offer of plebiscite was not an integral part of the 'Instrument of Accession'. Pakistan as a third-state had no right to claim plebiscite.

United Nations has always treated Pakistan as a legitimate claimant to Kashmir, interpreting India's conditional commitment of ascertaining<sup>ing</sup> the wishes of people. When Pakistan found that India would not tamely surrender to Pakistan's unreasonable and illegitimate demands, it became even more hostile to India. Pakistan gained military aid from U.S.A. and China for the purpose of using it against India. This also made 'Kashmir issue' more difficult.

With this background 'Tashkent Declaration' took place to normalize the relations between <sup>the</sup> two countries. Tashkent Declaration was a compromise formula. Tashkent Declaration also left room for various interpretations. For India, it resolved outstanding problem with Pakistan but that differences. Pakistan had reaffirmed its obligation under U.N. charter to settle disputes through peaceful means. India had achieved 'very tangible results' through Tashkent Agreement. On the contrary, Pakistan hoped that 'Tashkent Declaration' recognised 'Kashmir' being <sup>a</sup> subject of dispute between India and Pakistan. Pakistan believed that all provisions of 'Tashkent Declaration' in their view focused on 'Kashmir'. Pakistani rulers denied Pakistan's obligation, under the U.N. charter not to use force, by pointing <sup>that</sup> Article 51 of the U.N. Charter recognised 'the ultimate right of a nation to wage its struggle for freedom'. Pakistan's post Tashkent policy was never conducive for normalization of Indo-Pak relations.

The hostilities between India and Pakistan became more hostile on <sup>the</sup> crisis <sup>in</sup> of East Pakistan (Liberation of Bangladesh). The refugee problem was only <sup>a</sup> by-product of underlying political problem. Refugee influx amounted to demographic aggression committed by Pakistan against India. Pakistan had involved India in many problems without engaging a full-fledged war.

Indira Gandhi tried to appraise to many Western leaders abroad the seriousness of situation in Indian sub-continent. India appealed to Western leaders to use their good offices with Pakistan rulers to settle their dispute with East Pakistan. India tried and made efforts in all respects to avoid war.

Nevertheless President Yahya Khan launched a full scale war against India on 3rd December, 1971. Thus, war on Bangladesh had become a war on India. All Indian armed forces with help of 'Mukti Bahini' achieved the success in a brief period of 14 days in 1971. After the surrender of 93 thousand Pakistani soldiers on 16th December, 1971, India announced the unilateral cease-fire. Pakistan on 17th December, 1971 agreed to halt the fighting. Bhutto became the President of Pakistan on 20th December, 1971.

With this background 'Simla Agreement' took place. 'Simla Agreement' was a compromise between India and Pakistan. It was a product of concessions made by both sides. Pakistan insisted on bringing in the U.N. resolutions on 'Kashmir issue' but it was not accepted by India. India urged bilateral negotiation on Kashmir whereas Pakistan seemed to be interested in bringing U.N. in the picture.

The 'Simla Agreement' provided that the two countries resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful

means or mutually agreed upon between them. Both India and Pakistan agreed that in Jammu and Kashmir, the actual line of control resulting from the ceasefire of 17th December, 1971 would be respected by them 'without prejudice <sup>to</sup> the recognised position of either side'. India agreed to return all 3,000 square miles of Pakistan territory, without any hesitancy probably because of her 'vital gain' in Kashmir.

The 'Simla Agreement' did not settle the 'Kashmir issue'. But it marked the positive step in that direction. The Agreement on broad principles like renunciation of use of force was positive achievement of the 'Simla Agreement'. The reference to a final settlement of Kashmir and clause relating to bilateral settlement of bilateral differences without outside intervention gave hope <sup>for an</sup> era of friendship between two countries. India's pressure for bilateral negotiation, shows the stroke of Indian diplomacy. India was interested in direct talks on 'Kashmir issue' without anybody's interference.

Hence Indo-Pakistan relations have been subjected to both, historical forces and the super-power interests in Indo-Pakistan relations. It is since Simla Agreement both these countries, have adhered to some extent (in principle) to the Simla Agreement. Nevertheless Pakistan to-day is confronted with its own problems. If there is no war since



'Simla Agreement', it is not solely because of it, but to-day Pakistan has been ~~threatened~~ threatened from various other aspects and factors. Perhaps Pakistan had no other problems, and only had the problem of Kashmir, because of which she took to war on more than one occasion; and as her problems have increased to-day, she may be pressed to establish better relations with India; and help herself to solve the known problems.

*Q. Was a case to*  
April 15, 1982.