

The Making of South Asia's Minorities

A Diplomatic History, 1947–52

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In April 1950, the prime ministers of India and Pakistan met in Delhi to sign the landmark inter-dominion agreement known as the Nehru–Liaquat Pact, according to which India and Pakistan would be accountable to one another for the treatment of minorities in their countries. This agreement was the outcome of a mutual necessity for both governments to regulate the unchecked movement of minority population across the border, which led them into an unlikely—though nonetheless structurally integral—position of compromise and dialogue. In order to grapple with the phenomenon of cross-border movement of minorities, the two governments had to enter into a series of bilateral dialogues about how this could be regulated, and synchronised for both sides.

If the genocidal violence of partition on the western side of the Radcliffe Line had decisively settled the question of the status of minorities in the Punjab provinces within a few weeks of the partition, the position of Muslims in West Bengal and Hindus in East Pakistan remained a far more fraught question, lasting well past a decade. Indeed by 1962, some one and a half million refugees trekked across the border from West Bengal into East Pakistan alone (Chatterji 2007: 107).¹ The sheer scale, and duration, of migration across the Bengal delta, as well as the philosophical question this posed for the two governments, who were trying to prove effectiveness of the two new nation states by demonstrating their complete control over borders, forced the leadership of India and Pakistan to consider means they could execute together. Their endeavour was to make the scale of migration and inter-dominion movement less daunting.

This article is based on the findings of a larger project, in which I studied the instances—surprisingly numerous and diverse—of cooperation and dialogue between the nascent states of India and Pakistan. Indeed, in the decade after independence, the two governments found that in order to secure for themselves a stable political future they would have to enter into numerous cooperative engagements, and dialogues, to seal off the “uncertainties” arising out of the process of partition. These included, for instance, a great deal of cooperation and dialogue on issues such as Evacuee Property, the delineation of the boundary line, division of the assets, including the terms of the financial settlement from Britain’s sterling balances, as well as a limited extent of agreement on both country’s international obligations. Such acts of cooperation, moreover, were based on concrete imperatives on both sides, which related to the necessity of firmly upholding the fact of the partition, and the finality and sanctity of the boundary line.

So despite the backdrop of an extremely hostile bilateral relationship, the governments of India and Pakistan did choose to cooperate on a series of issues in the interests of domestic political stability. The act of setting up a joint machinery to deal with the concerns of minorities represented this aspect of India–Pakistan relationship: for all the vitriol, animosity and violence that this equation presented, this was a platform, on which the two countries had no option but to cooperate—and in an enduring manner. The prospect of enormous and unregulated numbers of migrants streaming across the eastern boundary line posed, moreover, a philosophical question to two nation states eager to demonstrate complete

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control over the boundaries. This necessitated a measure of cooperation between both countries. Such cooperation was certainly not based on either government's sensitive feelings about its minority citizens, but rather on the necessity to assert, both to themselves and the world at large, that these were two, separated, sovereign, and viable international entities.

Thus in April 1950, after a series of inter-dominion conferences over the past three years on this question, the prime ministers of the two countries signed the landmark Nehru–Liaquat Pact. The pact made the two governments accountable to one another on the question of minorities in their countries. The welfare of Hindus in Pakistan, and Muslims in India could thus fall within the ambits of the government across the border. In many ways, this was a remarkable agreement, making the governments, for the first time, formally accountable to one another for the welfare of their minorities. But this agreement also represented all the paradoxes of the process of partition: it entrenched the permanent separation between the states of India and Pakistan, even while they continued to be intimately involved with the concerns of minorities across the border.

An attempt is made here to trace how the position of South Asia's minorities became the topic of a diplomatic conversation between the governments of India and Pakistan by studying the proceedings of the early inter-dominion conferences on this issue. While a detailed discussion of the comparative position of minority communities on either side of the Bengal boundary line is out of the scope of this article, I will attempt to highlight how the governments of India and Pakistan carried on discussions on minority rights in a consciously synchronised pattern.

This article foregrounds the discussion about the making of a refugees' regime in South Asia with an analysis of the immediate international developments in the aftermath of World War II. It argues that the Indo–Pakistani diplomatic engagement over the concerns of minority communities across the border was a part of a strategy to avoid a sudden and uni-directional flow of refugees. The article also examines the deliberations—between a variety of concerned stakeholders—at the conferences between India and Pakistan on the question of minorities, and argues that the Nehru–Liaquat Pact was a product of the political self-interest of both governments.

While the arrival of refugees in significant, and potentially uncontrollable numbers led state governments in both countries to panic,² the transborder movement also needs to be contextualised against a more complex picture: the movement of travellers across these regions had, in fact, predated partition.³ This was particularly true of the Bengal delta, where the movement of migrants across the new border was a part of a larger—and durable—ecosystem, which could not be broken.⁴ Ranabir Samaddar (1997) argues, for instance:

Although such migratory patterns had predated partition by many decades, the meaning of 1947 entailed that traffic across the border after Independence was analysed primarily in terms of religion and nationality by both governments.

The International Context

When the Nehru–Liaquat Agreement was inked, challenges arising from the hasty redrawing of state boundaries, and the ensuing “evacuation” or forced migration of minorities to other territories were very familiar terrain indeed to several governments across the globe. Governments around the world were grappling with a strikingly similar set of concerns: how they should confront the challenges posed by enormous transfers of population after a partition; what framework to apply for a viable definition of minority rights; and how much the state ought to be responsible for the upholding of a universally held definition of human rights of its citizens. For example, in the aftermath of the break-up of the Habsburg Empire, ethnic and linguistic divisions made for an increasingly exclusivist approach to the shaping of the nation state (see, for instance, Carr 1967; Mazower 1998).

Not un-coincidentally then, the two governments approached the question of movement across the border in terms of a “refugee problem.” During the first half of the 20th century, influential individuals all over the world believed that population transfers according to ethnicity, language and religion could lead to overall peace and stability. Therefore, the two states strengthened themselves and asserted their legitimacy as participants in the international order by looking at the question of inter-dominion migration through the lens of refugee policy and governmental response—there were examples from Palestine, Central and Eastern Europe inter-war and post-war periods, as well as from Cyprus, few years earlier.⁵ In a context where forced migration was, to many serious and influential thinkers at the time, a viable, and ultimately less painful solution, in Bengal the two countries settled for somewhat different and more drawn arrangements. For a variety of reasons—some to do with the fragility of the two nations—the governments of India and Pakistan opted instead to create a precarious refugee regime in this region.

But while both nation states were, in part, committed to look after the interests of those displaced by the partition, in practice, this was exceedingly difficult given the limited financial and infrastructural resources at their disposal. Both India and Pakistan had, in fact, asked that their refugee populations be taken into account when the mandate of the United Nations Refugee Convention was being drafted. Pia Oberoi (2001) has pointed out how India and Pakistan created an independent refugee regime after being thwarted in their efforts at influencing the shaping of the United Nations Refugee Convention. The United Nations' definitions of refugees were narrower than what either India and Pakistan could accept, and concentrated mainly on the plight of European refugees left stateless in the aftermath of World War II (Oberoi 2001).

Nonetheless, India and Pakistan tried to resolve the question of inter-dominion migration with the post-war definitions of “refugee rights.” This reflected an attempt by both India and Pakistan to occupy a distinct space as separate nation states in a global dialogue about refugee rights. The minorities regime in India and Pakistan was constructed not only out of the politics of South Asia in the first half of the 20th century, but was

also given its specific shape in the context of a global conversation about nationalism, exclusivism and paradoxically enough, internationalism (Zamindar 2007).

Making Minority Policies Accommodative

The inter-dominion conferences were aimed at limiting the flow of refugees from across the border. The scale of the migration, its complexity, as well as a historical legacy of travel across the Bengal delta had convinced both governments that their efforts had to be directed, not towards rehabilitation, but instead at persuading migrants to remain in place. It was immediately recognised that this would have to be a collaborative task: the arrival of refugees would only be stemmed if minority policies across the border could become more accommodative. The governments endeavoured to put a structure in place to accomplish this. In this section, I look at the discussions between delegates of the governments of India and Pakistan on the means to be adopted to achieve these objectives.

These questions were also reflective of the set of assumptions behind the rehabilitation effort in Bengal. In India, while the East Punjab government had been given relatively generous resources for the rehabilitation of migrants, in Bengal, this was very far from the case. For refugees in Bengal, the option of having a central government aid in their relocation and rehabilitation was not present (Chatterji 2001). Their arrival into India was a fallout of a variety of factors—including the severing of economic and trade links across Bengal, the political climate of fear and uncertainty this entailed, as well as policies of discrimination that were playing out in the years that followed the partition. While a direct examination of just how and why migration patterns in Bengal were changing after the partition is outside the scope of this paper, it is nonetheless important to examine how these discussions affected their position vis-à-vis the government in Bengal.

The first inter-dominion conference on minorities was held in Calcutta in the sombre and imposing settings of the Writers Building in January 1948. The head of the Pakistani delegation at this conference was Ghulam Muhammad, Minister for Finance; the Indian delegation was headed by K C Neogy, Minister for Rehabilitation. Discussion at the conference quickly focused around the issue of the extent, and reasons, for both governments being involved with the concerns of minority populations in the other country. H M Patel, a senior Indian Civil Service (ICS) official, who had been a member of the Steering Committee of the Partition Council, urged that the question not be addressed “in terms of the prestige of either government,” but rather as a “big, human problem”.⁶ The prospect of rising numbers of migrants travelling across the border in search of relief and rehabilitation was clearly a mutual problem, and its solution had to be bilaterally evolved. Nor was this only about the perception of a strong state. All through the 1950s, the central governments of both India and Pakistan faced criticism from provincial leaders over inadequacies in providing resources and rehabilitation to the vast numbers of refugees flooding the provinces of Assam, Bengal, and Sindh. The chief ministers of Assam and Bengal, Gopinath Bardoloi

and B C Roy, for instance, regularly criticised the centre for its inept response to the refugee crisis. The inter-dominion conferences were thus aimed at synchronising the two governments’ positions on migration, so that a sudden change in the legislation of one country would not lead to an additional flood of refugees in search of rehabilitation across the border.

The coming into force of the Radcliffe Line also demanded that the two sides of Bengal rupture an ecosystem that had sustained the region over many decades. The movement of goods and commodities, as well as employment, could no longer be easily countenanced by either government. After all, if a partition had to have any national meaning, the two economies of India and Pakistan had to develop independently of each other. But as efforts to sever economic connections between the two sides of Bengal intensified, the position of minorities across the delta also grew more precarious. After returning from a tour in East Pakistan, J N Mandal, Law Minister of Pakistan met with the Indian deputy high commissioner in Karachi, M K Kirpalani. He argued that the exodus was taking place due to economic and not political reasons. “India’s strangulation of East Pakistan,” and the resultant economic crisis, was responsible for the increasingly hostile environment for Hindus in the region.⁷ In August 1948, Subimal Dutt, a senior official in the Indian Ministry of External Affairs noted that “since the Calcutta Agreement...there has been no radical change... [and] the Pakistan Government have entered on an undeclared war against India.”⁸ Complaints came in increasing numbers regarding the movement of food and other everyday commodities between East and West Bengal. The district magistrate, West Dinajpur, reported:

In spite of the decision of the Inter-dominion conference, movement of eggs, fish vegetable, bamboo, fuel, etc, are not being allowed by the Pakistan officials and people.⁹

Dutt, who was to become a key figure in the ministry in matters related to Pakistan, argued that India’s implementation of the clauses in the agreement, relating to the supply of coal and steel—“materials that were essential to the prosecution of that war”—could be halted.¹⁰

At the Calcutta conference of 1948, a diverse set of actors were involved in the crafting of policy with regard to inter-dominion movement. The governments of the provinces of the eastern boundary line—East Pakistan, West Bengal, Assam, and Tripura—became critical players in deciding how movement across the boundary line was to be defined—and who would constitute a migrant, or refugee. The conference opened with an outburst from the Chief Minister of Assam, Gopinath Bardoloi, on the influx of migrants from East Pakistan into his state.

Bardoloi, a staunch advocate of the policy of protecting Assam from the influx of “outsiders,” complained that the policies of the East Bengal government were driving migrant cultivators—both Hindu and Muslim—into his state in increasingly large numbers. He argued that a 1945 agreement between the Government of Assam and the Muslim League gave the former the rights to evict those—mainly Muslim cultivators—who had migrated to the province after 1938.¹¹ But

K Shahbuddin, a member of the delegation from Pakistan, argued that this would only drive out minority cultivators into East Pakistan.

This was certainly a game that both sides could play. While the question of migrants coming in from East Pakistan was the source of much discontent to the chief ministers of the eastern provinces in India, the delegations from Pakistan could also argue that the movement into Sindh had in turn crippled that Government of West Pakistan. Ghulam Muhammad argued that “if you really want to purge the minds of hatred we must cover *all* those areas.”¹² Moreover, he pointed out, the Indian high commission was closely involved in the concerns of minorities in West Pakistan: “Mr Sri Prakasa looks after the interests of Hindus in Sind. My government gives him every facility to do so... Ask him if his house is not the beehive of lots of people.”¹³

If the policies of discrimination towards minorities in East Pakistan could be a cause for complaint in the inter-dominion conferences, then the treatment of Muslims in India, especially in states like Bombay, Bihar and Uttar Pradesh was also a valid cause for concern. Shahbuddin pointed out that the Pakistani government was entitled to raise the issue of the treatment of Muslims throughout India, since it was also “a question of principle, involving both the governments’ concerns with minority welfare across the border.”¹⁴ Indeed, according to the 1951 Census, about 7,00,000 people had migrated from India to East Bengal, compared to some six and a half million to West Pakistan.¹⁵ The Indians, however, were reluctant to bring in other states into the discussions, arguing that the conference had “met principally for East and West Bengal.”¹⁶ These discussions did, however, underscore that minority policies in both India and Pakistan had to be part of an interconnected process.

Much of the discussion was, in fact, focused on the nature of rights that minorities would enjoy in both countries. As Ghulam Muhammad pointed out at the conference: “When we are trying to work out the rights of minorities, if you want it I am quite prepared to have an identical thing for both the Dominions.”¹⁷ If the flow of minorities across the border had to be curtailed, it was necessary for both governments to take action to ensure their security in their current situation. A joint declaration that committed both governments to protect minority rights was a possible solution. Ghulam Muhammad, for instance pointed out that “A great service would be provided for the minorities, wherever they are,” if the conference could lay down machinery for the protection of minorities in both countries.¹⁸ While such a machinery would not necessarily lead to a complete halt in the movement of people across borders, it would nonetheless provide both governments with means to address and contain the threats it posed. Sri Prakasa, the high commissioner of India in Karachi, also suggested that a joint undertaking on behalf of minorities across the subcontinent would “clear the air.” The question of how minority populations across the border could look to the governments for protection and guidance, therefore, could be controlled by this means.

The Calcutta Conference

Delegates at the Calcutta conference acknowledged that the economic viability of the region as a whole rested partly on the traditional networks of commerce and migration. The issue of migrants from East Bengal, minority communities in that province, and trade between East Bengal and India were all deeply connected with the politics and economics of the provinces of Assam, East and West Bengal. The delegates also agreed that the chief secretaries of East and West Bengal would meet every month to deal with issues relating to traffic between the two provinces, including the terms of transit and customs for goods.¹⁹

Framing inter-dominion agreements on the rights of minorities, therefore, provided both governments a way to carve out a separate and sovereign voice, continue their links with the concerns of minority populations across the border, and also prove the legitimacy of their state structures. One way to achieve this was to make both governments formally accountable to each other for the protection of the interests of minority populations. The clauses of the Inter-Dominion Agreement of Calcutta of 1948 were all drafted keeping this intention in mind. The agreement declared that both governments “are determined to take every possible step to discourage such exodus and to create such conditions as would check mass exodus in either direction, and would encourage and facilitate as far as possible the return of evacuees to their ancestral homes.”²⁰

To this end, it “guaranteed equality in rights, opportunities, privileges and obligations” to minorities, and, significantly, also stipulated that “all tendencies towards an economic boycott of minorities or strangulation of their normal life should be curbed.”²¹ Provincial and district minorities boards with representation from members of the minority community who had been elected in the legislative assemblies were, moreover, to be set up under the terms of this agreement for the daily welfare of minority-related concerns.

The Calcutta agreement failed, however, in bringing substantial relief to the scale of migration along the Bengal border. B C Roy argued, for instance, that the influx of migrants into West Bengal was the result of “a deliberate policy of the government of East Bengal to drive out the minorities.”²² Both foreign offices exchanged a great deal of correspondence on instances of violation of the agreement, although this had little effect on the actual decision-making on these issues in the months that followed. On 22 October 1948, while Jawaharlal Nehru was away in Europe, Gopaldaswami Ayyangar met Syama Prasad Mookerjee, K C Neogy, Mohanlal Saxena, and B C Roy—a group of individuals who had been expressing dissatisfaction with the centre’s policy with Pakistan. The feasibility of the option of holding a complete exchange of all minority populations of India and Pakistan was discussed, as a “possible alternative for preventing uncontrolled migration on a large scale of non Muslims from East Bengal.”²³ A few days later, Ayyangar reported to Nehru that “the grave situation in West Bengal owing to the arrival of large numbers of Hindu refugees is daily worsening... West Bengal is faced with complete disruption of its economy.”²⁴ Moreover,

Ayyangar warned, the cabinet was increasingly of the view that this migration was caused by a deliberate policy on the part of Pakistan and that “we must decide soon on a strong policy on this issue.”²⁵ Powerful politicians such as Syama Prasad Mukherji, leader of the right-wing Hindu organisation, the Jan Sangh, B C Roy, and Vallabhbhai Patel were calling for an “outright solution,” in terms of a wholesale exchange of minority population, or recourse to war, with the object of gaining more territory from Pakistan where these migrants could be settled.

But this was not a position that either government felt comfortable with: partly because this would also have the added danger of redrawing lines that had already been decided by the Radcliffe Commission, and partly because this could have led to a definite worsening of the India–Pakistan relationship. The sizes of the minority populations in Bengal, for one thing, and the mutual unwillingness to enter into a war over the minorities question for another, meant that the only way the logic of partition could be “sealed” and finalised was by putting in place a reciprocal structure of accountability.

Delegates raised this question again and again in the inter-dominion conferences. Two years later, in April 1950, Nehru and Liaquat Ali Khan met in New Delhi, and signed a landmark declaration that their governments would protect the interests of minorities in both their countries. Both governments were now accountable to each other on the issue of protection of rights of minorities, and the Declaration set out a variety of infrastructure by which its requirements would be implemented. It was specifically aimed at checking the flow of migrants from across the border, composed of minority populations in search of a state they would feel secure in. The declaration, fairly comprehensive in its definitions of minority discrimination, stated that the governments would

Solemnly agree that each shall ensure, to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality.²⁶

The agreement guaranteed safety of movement for migrants who were leaving areas which had seen communal tension, and stipulated that they not be harassed by customs officials at the border. Migrants were entitled to continued ownership of their property while absent, and entitled to rehabilitation from their government, should restoration of property not take place.²⁷

Second, minority commissions would be set up in East and West Bengal, and Assam. These would be chaired by the chief minister of that province, along with a Hindu and Muslim member, who were elected representatives of the state legislature. The commissions would have their own staff, and would supervise the implementation of the agreement in the province. Subsequent to the April Agreement, C C Biswas and A M Malik, the ministers for minority welfare, met in August to review the steps taken to implement the pact, and to put in place arrangements whereby cases of discrimination would be promptly investigated, and redressed. The annexure also

called for the results of the enquiry, and action taken, be communicated to the other government.²⁸ It was also decided that travellers between East and West Bengal, via the border stations of Darshana and Benapole in Pakistan, and Banpur and Bongaon in India, would be counted jointly by both sides of border officials. The agreement also specified that the figures released of inter-dominion travel would be mutually agreed upon by both sides of officials, although this was seldom true in practice.

In the weeks and months that followed the agreement, however, the gap between Hindus arriving weekly into that state, and departing back to East Bengal reduced to a significant extent.²⁹ The number of Hindus returning to East Bengal, meanwhile, also rose in the months after the Delhi Pact had been signed. For example, the last week of March 1950 had seen a net influx of approximately 1,00,000 Hindus from across the border into West Bengal. In July, the Government of West Bengal estimated that it had rehabilitated some 7,907 Muslim families of returned migrants.³⁰ Similarly, the Assam government also reported that 15,727 families of displaced Muslims had been provided for by the state.³¹ The agreement brought about temporary relief in the scale of migration across the border, but more importantly, its terms validated and replenished a structure whereby such a flow could be addressed, and regulated.

The Only Path of Sanity

These trends are clearly reflected in an exchange between Liaquat Ali Khan and J N Mandal, Pakistan’s first law minister. In October 1950, Mandal sent a particularly strongly worded letter of resignation to the cabinet, which was subsequently published in both the *Dawn*, and *Anandabazar Patrika*. His letter castigated the Government of Pakistan for being unsympathetic to the position of the minorities. Mandal asserted that the recently concluded Minorities Pact was “treated as a mere scrap of paper alike by the East Bengal Government and the Muslim League,” and that in fact “the future of Hindus in East Bengal as a result of the Delhi Agreement...is not only unsatisfactory but absolutely hopeless.”³² Liaquat Ali Khan responded to these allegations in a speech to the constituent assembly of Pakistan. He pointed out that the pact had been signed as a means of preventing a situation of war, since the alternatives to this step, which Mandal now seemed to be advocating, were an exchange of the minority populations of both countries. This scenario, warned Liaquat Ali Khan, could only culminate in outright war between the two countries, and “would bring anarchy and chaos to this whole subcontinent.” He added that the “Delhi Agreement...is the only path of sanity and peace,” and that, furthermore, “whatever resentment might be felt at the conduct of an individual, it should never be allowed to affect our national policy and our duty towards the minorities.”³³

Yet, what this exchange also shows is that in order to assert a separate and sovereign existence, it was necessary that the machinery of bilateral dialogue acknowledge the concerns of minorities. Liaquat Ali Khan was defending the process of a

bilateral dialogue that had a differentiated improvement on the situation of minorities on the ground. What he was nonetheless arguing for, however, was a method of having a cooperative framework with regard to minorities, as a means of upholding political stability in both countries. His argument, in effect, was that, whatever the shortcomings of the implementation of the Minorities Pact, it was nonetheless critical to the interests of both India and Pakistan as nation states. The pact may have essentially put in place a structure in which the welfare of minorities could be used as a bargaining counter in the relationship between the two countries, but it was essential to maintain this arrangement for securing the survival of both states.

The Deliberations

In November 1948, Surendranath Halder, ex-chairperson of the Jessore municipality, met B C Roy. Halder presented a report on the situation of Hindus in the Jessore District of East Pakistan, and urged the chief minister to use his position to alleviate their position. His report concluded:

The whole show of house searches, arrest warrants, and sealing of houses is to dub the individuals as enemies of the state, blackmail them in open public and strike terror into the hearts of the people.³⁴

Roy promised that he would look into the matter, and instructed the deputy high commissioner of India in Dhaka, Surjit Basu to raise the matter with the authorities in Jessore. A few months later, the Ministry of External Affairs in Delhi received a letter from the Pakistani deputy high commissioner in Calcutta, requesting that he be allowed to visit the town of Silchar in Assam, to enquire into disturbances that had taken place there recently. A disagreement between a Muslim shopkeeper and his Hindu customer had turned violent, and resulted in “brickbats and stone chips freely thrown on the fixed shops and sheds in the bazaar.”³⁵ As a means of restoring peace in the neighbourhood, Abdul Hamid Chowdhry, the Pakistani deputy high commissioner in Calcutta, accompanied by D M Gupta, deputy secretary in the branch secretariat went on a day-long tour of Silchar, talked to eyewitnesses at the bazaar, and met local leaders, the chairperson of the municipality board, and other state officials.³⁶ After submitting a joint report on the situation on the ground, and assuring the locals of their continued assistance, the officials returned to Calcutta.

The first high commissioners, Sri Prakasa and Zahid Husain, discovered from the very first few days in office that their foremost task, and immediate relevance, would concern the demands of the minority population of both countries. The diplomatic missions of India and Pakistan in New Delhi and Karachi were immediately swamped by petitions relating to the concerns of members of the minority population across the border, as well as with applications pertaining to inter-dominion travel. Surjit Bose, the Indian deputy high commissioner in Dhaka from 1949–51, found that his duties predominantly related to the condition of the Hindu population in the province. The deputy high commissioner forwarded, almost daily, to the foreign office in Dhaka, complaints on unlawful requisition of land, harassment of Hindus by customs officials on the border,

cases of abduction of women, seizure of cattle following raids from parties of peasants across the border, and a variety of complaints of different scale.³⁷

Following an inter-dominion conference between India and Pakistan in January 1948, a “Branch Secretariat” of the Ministry of External Affairs (MEA) was set up in Calcutta. Its primary purpose was dealing with the concerns of migrants in the eastern borders. The secretariat carried out an enormous amount of correspondence with the foreign ministry in Dhaka regarding the treatment of migrants at the border check-posts by the Pakistani government. It was not seen as doing particularly critical work in promoting the foreign policy of India. Only four years later, an official in the secretariat noted:

The branch secretariat had been reduced to a secretariat of the minorities minister and the main part of its work is devoted to long-range and often interminable correspondence on individual cases of harassment of non-Muslims in East Bengal.³⁸

Yet, its existence in the first place—a machinery that was after all designed to officiate over and intervene in the grievances of the citizens of another country—needs to be explained further.

Although occurrences such as the one, in Assam, undoubtedly, reflected the precarious condition of minorities—in both India and Pakistan—the reason they entered into bilateral machinery was not because of any particularly urgent concern about their position on part of the officials. Nor did these instances, in themselves, constitute any obvious flouting of international law. Yet, reports on the conditions of minorities in the two Dominions went back and forth to both the foreign offices well into the late 1950s. This was true for several reasons. For one thing, as S Sen, the chief secretary of West Bengal in 1947, noted in a letter to the Indian high commissioner, this practice would have a “steadying effect” on Hindus who wished to leave East Bengal and migrate to India.³⁹ The strategy of leaving minorities to grapple with their own government without any assurances of security from diplomatic missions based there was also risky. They feared that this would lead to an increase in the number of migrants. Second, there was also the principle of reciprocity. Sen pointed out “If we want our high commissioner or deputy high commissioner to pursue complaints from Hindus in East Bengal, a similar request from Pakistan is sure to come.”⁴⁰ Too close a relationship between the minority populations and the diplomatic missions would also lead to “Muslims in India coming to regard the government of Pakistan as their protector.” This could “be taken advantage of by Pakistan and lead to embarrassing results.” Moreover, the consequence of such a policy would also require the granting of facilities to the Pakistan deputy high commissions to “visit all parts of the Indian Union, since it is their contention that Muslim migration has been taking place from all across the Indian Union.”

This was often ambiguous terrain: although the practice of the deputy high commission being a place for appeal for Hindus continued well into the late 1950s, the precise significance of such a practice was not clear. Subimal Dutt has written that “Nehru himself was not clear in his mind as to what the

Government of India could do to assist those who were nationals of Pakistan and were still living in East Bengal.⁴¹ He instructed the first deputy high commissioner at Dhaka, S Bose, that “in strict theory, minorities must seek the protection of their government, and not of the government of the neighbouring dominion.” In the same note, Dutt told Bose:

You should advise the complainants accordingly, while at the same time keeping a note of the complaints so that at a suitable opportunity, either informally or on the occasion of the chief secretary's or premier's conference, you can point out that minorities are not being treated in the way provided by the Delhi Agreement.⁴²

While the involvement of the high commissions made little material impact on the uneasy situation of minorities in these areas, they were nonetheless a means of incorporating the two state structures of India and Pakistan into the dealings of minorities with their governments.

Questions on how to handle complaints from minorities in East Pakistan had been debated from the beginning. Much of the work of the diplomatic representatives of both the countries involved voicing the discontent of minority populations against the policies of their government. The Pakistani high commissioner suggested that such correspondence could be restricted to “only major cases involving whole classes of people, breaches of clear rules, action designed to embarrass one of the two countries politically, for example, pushing in refugees, and important individual cases.”⁴³ Azizuddin Ahmed, a senior ICS official, who at that time was the chief secretary in East Pakistan and would later become foreign secretary, proposed that the deputy high commissioners of both countries need not contribute, since this would have consisted largely of accusations against his government on violations of agreements on minority protection. B K Acharya, the Indian deputy high commissioner in Dhaka from 1952–56, obstreperously replied that it was

absurd that at conferences in which the deputy secretaries, secretaries, board of revenue, etc, of the two provincial governments freely take part in the discussions without any objection being raised, objections should be taken only when the deputy high commissioners open their mouths.⁴⁴

Moreover, he noted, “the Pakistan deputy high commissioner has been speaking freely at these conferences in connection with the desecration of mosques etc.”⁴⁵ The mission in Karachi was instructed that since complaints continued to be received from the Government of Pakistan, it should present “important cases” to the notice of the foreign ministry of Pakistan.

The commentary around the position of minorities across the border was frequently hostile, prompting concerns that this would exacerbate the situation further. The Indian high commissioner, Sri Prakasa, became concerned at the impact that Patel's and other Indian leaders' statements on the option of exchanging land for refugees had in the Pakistani press. His despatches to Delhi argued that it

is necessary for responsible Indian authorities in public statements to credit [the Pakistan] Government with good intentions, [since] if we attack the government, Hindus will be encouraged to leave.⁴⁶

He delivered the same message in the Pakistani press himself, and made a statement to the effect that the intentions of

the Government of Pakistan “were trying to do justice to Hindus and had issued instructions to their officials to treat the minorities well.” This, however, led to a strong reaction in India. Sri Prakasa received an angry telegram from B C Roy, the very next day, demanding “further explanation” of such a statement.⁴⁷

Sri Prakasa's argument was that the best strategy would be to withhold statements hostile to the Government of Pakistan, until the Indian government had “finally decided to take strong action.” In the interim, an openly hostile stance would only stoke further unease. This approach, however, failed to cut ice with any of the Indian leadership. An additional terse telegram arrived from Nehru, stating that “Unfortunately what Pakistan Government says is not reflected in local policy in East Bengal.”⁴⁸ While Sri Prakasa attempted to argue for the necessity for taking slow, tempered measured steps to accommodate the interests of those caught in the middle of the partition, in order to avoid widespread panic and chaos, his efforts were thwarted by the need to uphold a structure where the treatment of minorities on one side of the border had to be informed by their well-being on the other.

Nether Spaces

As people across the Bengal delta traversed the complex, frequently bloodied distances between the categories of minorities, migrants, refugees and citizens, they discovered they had to negotiate with two governments which were determined to impart lasting meaning to the consequences of the partition. But while both governments were determined to avoid circumstances that allowed people to belong to “both” countries, the only way this could be achieved, paradoxically, was the collaborative construction of an infrastructure that could enter into the nether spaces of the effects of the partition. The central concern, moreover, in all these exchanges was about symmetry. Even in 1952, the Ministry of Home Affairs in India instructed state governments across the country to send reports to the MEA on communal incidents in their states, “in order to deal with representations from the Government of Pakistan or their high commissioner in India.”⁴⁹ While the bilateral dialogue about the position of minorities, and the methods to curb their migration was, doubtless, seen as “lengthy and interminable,” it was nonetheless important to perpetuate this structure of linkages, but also, paradoxically, of separation. Indeed, the only way that both governments could assert their final separation from one another had to be through a process that synchronised and calibrated their dialogues about the position of minorities across the border.

NOTES

- 1 See also Das (2003).
- 2 On tensions between central and provincial governments on refugee rehabilitation, see also, Ansari (2005).
- 3 For example, Ranabir Samaddar has argued that the fact of movement of labour across political boundaries is as old as shift of capital and industrialisation shaped by the requirements of a colonial empire, and later, the changes in industrial centres. Samaddar (1997).
- 4 Willem Van Schendel (2003).
- 5 See, for instance, Reinisch and White (2011).

- 6 Proceedings of the Inter-dominion Conference on 18 April 1948 at Writers Building, Calcutta; File No F 8-15/48-Pak I; MEA, Pak I Branch; NAI.
- 7 Fortnightly Reports from Deputy High Commissioner, September 1948-January 1950, File No 8-15/48-Pak I; Min of EA, Pak I Branch, NAI.
- 8 Minutes of conference of representatives of two dominions held on 20 June 1948 regarding implementation of agreements at inter-dominion conference in April 1948, File No F 8-2/48-Pak I; Min of EA, Pak I Branch, NAI.
- 9 "Non-observance of the Terms of the Calcutta Agreement by the Government of Pakistan," File No 8/48-Pak I (Part II), MEA, Pak I Branch, NAI.
- 10 Ibid.
- 11 See note 6.
- 12 See note 6.
- 13 See note 6.
- 14 Ibid.
- 15 T P Wright, "Indian Muslim Refugees in the Politics of Punjab," *The Journal of Commonwealth and Comparative Politics*, Vol XII, No 2.
- 16 S P Mookerji, Proceedings of the Inter-dominion Conference on 18 April 1948 at Writers Building, Calcutta; File No F 8-15/48-Pak I; MEA, Pak I Branch; NAI.
- 17 Proceedings of the Inter-dominion Conference on 18 April 1948 at Writers Building, Calcutta; File No F 8-15/48-Pak I; MEA, Pak I Branch; NAI.
- 18 Ibid.
- 19 See note 8.
- 20 "Text of Inter-dominion Agreement," File No F 8-14/48-Pak I, Min of EA and CR, Pak I Branch, NAI.
- 21 Ibid.
- 22 B C Roy to Nehru, 1 December 1949, *Sardar Patel's Correspondence, 1945-50*, Durga Das (ed.), Ahmedabad, 1974, Vol IX, p 37.
- 23 Minutes of meeting on 22 October 1948, "Influx of Refugees from East Bengal," File No F 9-10/48-Pak I, MEA, NAI.
- 24 Telegram, Gopalaswami Ayyangar to Nehru, 25 October 1948, File No File No F 9-10/48-Pak I, MEA, NAI.
- 25 Ibid.
- 26 Text of Nehru-Liaquat Agreement, 8 April 1950, File No 20(16)-R/C/50, Ministry of States, Rehabilitation Branch, NAI.
- 27 The text of the Nehru-Liaquat Pact is included as an appendix to this dissertation.
- 28 Annexure to Nehru-Liaquat Pact, Press Note of Government of India, 16 August 1950; File No 20 (16)-R/C/50; Ministry of States, Rehabilitation Branch, NAI.
- 29 "Statement Showing Weekly Arrival and Departure of Hindus and Muslims from and to East Bengal and West Bengal from 13 February 1950," File No 20 (16)-R/C/50; Ministry of States, Rehabilitation Branch, NAI.
- 30 "A Note on the Implementation of the Indo Pakistan Agreement," File No 20 (16)-R/C/50; Ministry of States, Rehabilitation Branch, NAI.
- 31 Ibid.
- 32 J N Mandal to Liaquat Ali Khan, 8 October 1950, copy in Afzal, M Rafique (ed), *Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan, 1941-51*, Lahore 1967.
- 33 Liaquat Ali Khan's statement in the Constituent Assembly of Pakistan, 14 October 1950; *Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan, 1941-51*, Afzal, M Rafique (ed), Lahore, 1967.

- 34 "Exodus of Non-Muslims from East Bengal," File No 9-10/48-Pak I, MEA, Pak I Branch, NAI.
- 35 "Alleged Communal Incidents in Assam State," File No L/52/6544/1, MEA, BL Branch, NAI.
- 36 Ibid.
- 37 Copies of these complaints, and responses to them, are to be found in the Political Confidential Reports of the Home Department, National Archives Bhaban, Dhaka.
- 38 Note by M J Desai, File No PIII/53/66112/1-2, "Indo-Pakistan Officials Conference at Calcutta Regarding Settlement of Eastern Zone Problems," MEA file, Pak III Branch, MEA Archives.
- 39 Ibid
- 40 Ibid.
- 41 Dutt (1977: 48).
- 42 "Line of Approach for the Deputy High Commissioner at Dacca in Dealing with the Complaints from Persons from Minority Community in East and West Bengal," File No 23(44)-Pak III/50, MEA Archives.
- 43 Letter from High Commissioner of Pakistan to Ministry of External Affairs, 15 March 1950, File No 12(21)-Pak III-50, Ministry of External Affairs, Pak III Branch, NAI.
- 44 Acharya to S Dutt, 1 March 1952, File No L/52/6614/1, MEA, BL branch, NAI.
- 45 Ibid.
- 46 "Exodus of Non-Muslims from East Bengal," File No F 9-10/48-Pak I, MEA File, NAI.
- 47 Ibid.
- 48 Ibid.
- 49 "Communal Incidents-Submission of reports to the Government of India by the State Government," File No L/52/6546/1 MEA, BL Branch, NAI.

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