Appendix-1

Pakistan Resolution of the Lahore Session of the All India Muslim League

February 22-March 4, 1940

Legal Document No 68

While approving and endorsing the action taken by the Council and the Working Committee of the All-India Muslim League, as indicated in their resolution dated the 27th of August, 17th and 18th September and 22nd of October 1939, and 3rd of February 1940 on the constitutional issue, this Session of the All-India Muslim League emphatically reiterates that the scheme of federation embodied in the Government of India Act, 1935, is totally unsuited to, and unworkable in the peculiar conditions of this country and is altogether unacceptable to Muslim India.

It further records its emphatic view that while the declaration dated the 18th of October 1939 made by the Viceroy on behalf of His Majesty's Government is reassuring in so far as it declares that the policy and plan on which the Government of India Act, 1939 is based will be reconsidered in consultation with the various parties, interests and communities in India, Muslim India will not be satisfied unless the whole constitutional plan is reconsidered de novo and that no revised plan would be acceptable to the Muslims unless it is framed with their approval and consent.

Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basis principles, viz. that geographically contiguous units are demarcated into regions which should be constituted with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern and zones of India should be grouped to constitute 'Independent State' in which the constituent units shall be autonomous and sovereign.

The adequate, effective and mandatory safeguards should be specifically provided in the Constitution for Minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in mother parts of India where the Musalmans are in a minority adequate, effective and mandatory safeguards shall be specifically provided in the Constitution for them and other Minorities for the protection of their religious, cultural, economics political, administrative and other rights and interests in consultation with them.
Appendix - 2

Mujib’s Six Point Formula

Pakistan shall be a Federation granting full autonomy on the basis of the six-point formula to each of the federating units:

Point No. 1

The character of the government shall be federal and parliamentary, in which the election to the federal legislature and to the legislatures of the federating units shall be direct and on the basis of universal adult franchise. The representation in the federal legislature shall be on the basis of population.

Point No. 2

The federal government shall be responsible only for defence and foreign affairs and subject to the conditions provided in (3) below, currency.

Point No. 3

There shall be two separate currencies mutually or freely convertible in each wing for each region, or in the alternative a single currency, subject to the establishment of federal reserve system in which there will be regional federal reserve banks which shall devise measures to prevent the transfer of resources and flight of capital from one region to another.

Point No. 4

Piscal Policy shall be responsibility of the federating units. The federal government shall be provided with requisite revenue resources for meeting the requirements of defence and foreign affairs, which revenue resources would be automatically appropriable by the federal government in the manner provided and on the basis of the ratio to be determined by the procedure laid down in the constitution. Such constitutional provisions would ensure that federal government’s revenue requirements are met consistently with the objective of ensuring control over the fiscal policy by the governments of the federating units.
**Point No. 5**

Constitutional provisions shall be made to enable separate accounts to be maintained of the foreign exchange earnings of each of the federating units, under the control of the respective governments of the federating units on the basis of a ratio to be determined in accordance with the procedure laid down in the constitution. The regional governments shall have power under the constitution to negotiate foreign trade aid within the framework of the foreign policy of the country, which shall be the responsibility of the federal governments.

**Point No. 6**

The government of the federating units shall be empowered to maintain a militia or paramilitary force in order to contribute effectively towards national security.

Source: The Government of Pakistan White Paper
Appendix – 3

President Yahya Khan’s Broadcast of 26th March 1971

My dear countrymen,

Assalam-o-Alaikum,

On the 6th of this month I announced 25 March as the new date for the inaugural session of the National Assembly hoping that conditions would permit the holding of the session on the appointed date. Events have, not satisfied that hope. The nation continued to face a grave crisis.

In East Pakistan a non-co-operation and disobedience movement was launched by the Awami League and matters took a very serious turn. Events were moving very fast and it became absolutely imperative that the situation was brought under control as soon as possible. With this aim in view, I had a series of discussions with political leaders in West Pakistan and subsequently on 15 March I went to Dacca.

As you are aware I had a number of meetings with Sheikh Mujibur Rehman in order to resolve the political impasse. Having consulted West Pakistan leaders it was necessary for me to do the same over so that areas of agreement could be identified and an amicable settlement arrived at.

As has been reported in the Press and other news media from time to time, my talks with Sheikh Mujibur Rehman showed some progress. Having reached a certain stage in my negotiations with Sheikh Mujibur Rehman I considered it necessary to have another round of talks with West Pakistani leaders in Dacca.

Mr.Z.A.Bhutto reached there on 21st March and I had a number of meetings with him.

As you are aware, the leader of the Awami League had asked for the withdrawal of Martial Law and transfer of power prior to the meeting of the National Assembly. In our discussions he proposed that this interim period could be covered by a proclamation by me whereby Martial Law would be withdrawn, provincial Governments set up and the National Assembly would, ab initio, sit in two committees- one composed of members from East Pakistan and the other composed of members from West Pakistan.
Despite some serious flaws in the scheme, in its legal as well as other aspects, I was prepared to agree in principle to this plan in the interest of peaceful transfer of power but on one condition. The condition which I clearly explained to Sheikh Mujibur Rehman was that I must first have unequivocal agreement of all political leaders to the scheme.

I thereupon discussed the proposal with other political leaders. I found them unanimously of the view that the proposed proclamation by me would have no legal sanction. It will neither have the cover of Martial Law nor could it claim to be based on the conditions that will ensue. They also considered that splitting of the National Assembly into two parts through a proclamation would encourage divisive tendencies that may exist. They, therefore expressed the opinion that if it intended to lift Martial Law and transfer power in the interim Constitution Bill and present it for my assent. I entirely agreed with their view and requested them to tell Sheikh Mujibur Rehman to take a reasonable attitude on this issue.

I told the leaders to explain their views to him that a scheme whereby, on the one hand, you extinguish all source of power, namely Martial Law, and on the other, fail to replace it by the will of the people through a proper session of the National Assembly, will merely result in chaos. They agreed to meet Sheikh Mujibur Rehman, explain the position and try to obtain his agreement to the interim arrangement for transfer of power to emanate from the National Assembly.

The political leaders were also very much perturbed over Sheikh Mujibur’s idea of dividing the National Assembly into two parts right from start. Such a move, they felt, would be totally against the interest of Pakistan’s integrity.

The Chairman of the Pakistan People’s Party, during the meeting between myself, Sheikh Mujibur Rehman and him had also expressed similar views to Mujib.

On the evening of 23rs March the political leaders, who had gone to talk to Mujib on this issue, called on me and informed me that he was not agreeable to any changes in his scheme. All he really wanted was for me to make a proclamation, whereby I should withdraw Martial Law and transfer power.
Sheikh Mujibur Rehman’s action of starting his non-cooperation movement is an act of treason. He and his Party have defied the lawful authority for over three weeks. They have insulted Pakistani’s flag and defiled the photograph of the Father of the Nation. They have tried to run a parallel government. They have created turmoil, terror and insecurity.

A number of murders have been committed in the name of the movement. Millions of our Bengali brethren and those who have settled in East Pakistan are living in a state of panic, and a very large number had to leave that wing out of fear for their lives.

The Armed Forces, located in East Pakistan, have been subjected to taunts and insults of all kinds. I wish to compliment them on the tremendous restraint that they have shown in the face of grave provocation. Their sense of discipline is indeed praiseworthy. I am proud of them.

I should have taken action against Sheikh Mujibur Rehman and his collaborators in such a manner as not to jeopardize my plan of peaceful transfer of power. In my keenness to achieve this aim I kept to tolerating one illegal act after another, and at the same time I explored every possible avenue for arriving at some reasonable solution. I have already mentioned the efforts made by me and by various political leaders in getting Sheikh Mujibur Rehman to see reason. We have left no stone unturned. But he has failed to respond in any constructive manner; on the other hand, he and his followers kept on flouting the authority of the Government even during my presence in Dacca. The proclamation that he proposed was nothing but a trap. He knew that it would not have been worth the paper it was written on and in the vacuum created by the lifting of Martial Law he could have done anything with impunity. His obstinacy, obduracy and absolute refusal to talk sense can lead to but one conclusion—the man and his party are enemies of Pakistan and they want East Pakistan to break away completely from the country. He has attacked the solidarity and integrity of this country—his crime will not go unpunished.

We will not allow some power-hungry and unpatriotic people to destroy this country and play with the destiny of 120 million people.
In my address to the Nation of 6 March I told you that it is the duty of the Pakistan Armed Forces to ensure the integrity, solidarity and security of Pakistan. I have ordered them to do their duty and fully restore the authority of the Government.

In view of the grave situation that exists in the country today I have decided to ban all political activities throughout the country. As for the Awami League, it is completely banned as a political party. I have also decided to impose complete press censorship. Martial Law Regulations will very shortly be issued in pursuance of these decisions.

In the end let me assure you that my main aim remains the same, namely, transfer of power to the elected representatives of the people. As soon as situation permits I will take fresh steps towards the achievements of this objective.

It is my hope that the law and order situation will soon return to normal in East Pakistan and we can again move forward towards our cherished goal.

I appeal to my countrymen to appreciate the gravity of the situation, for which blame rests entirely on the anti-Pakistan and secessionist elements, and to act as reasonable citizens of the country because therein lies the security and salvation of Pakistan.

God be with you. God bless you.

Pakistan Paindabad

Source: Pakistan Horizon, XXIV, No. 2, pp. 107-10.
Appendix - 4

Resolution of the Indian Parliament 31 March 1971

Moved by Mrs. Indira Gandhi

This house expresses its deep anguish and grave concern at the recent developments in East Bengal. A massive attack by armed forces, dispatched from West Pakistan, has been unleashed against the entire people of East Bengal with a view to suppressing their urges and aspirations.

Instead of respecting the will of the people so unmistakably expressed through the election in Pakistan in December 1970, the Government of Pakistan has chosen to flout the mandate of the people.

The Government of Pakistan has not refused to transfer power to legally elected representatives but has arbitrarily prevented the National Assembly from assuming its rightful and sovereign role. The people of East Bengal are being sought to be suppressed by the naked use of force, by bayonets, machine guns, tanks, artillery and aircraft.

The Government and people of India have always desired and worked for peaceful, normal and fraternal relations with Pakistan. However, situated as India is and bound as the people of the sub-continent are by centuries-old ties of history, culture and tradition, this House cannot remain indifferent to the macabre tragedy being enacted so close to our border. Throughout the length and breadth of our land, our people have condemned, in unmistakable terms, the atrocities now being penetrated on an unprecedented scale upon an unarmed and innocent people.

This House expresses its profound sympathy for and solidarity with the people of East Bengal in their struggle for a democratic way of life.

Bearing in mind the permanent interests which India has in peace, and committed as we are to uphold and defend human rights, this House demands immediate cessation of the use of force and the massacre of defenceless people. This House calls upon all people and Government of the world to take urgent and constructive steps to prevail upon the
Government of Pakistan to put an end immediately to the systematic decimation of people which amounts to genocide.

This House records its profound conviction that the historic upsurge of the 75 million people of East Bengal will triumph. The House wishes to assure them that their struggle and sacrifices will receive the wholehearted sympathy and support of the people of India.

Source: Bangla Desh Documents, p 672.
Appendix -5

The Indo-Soviet Treaty of Peace, Friendship and Co-operation,

9th August 1971

Desirous of expanding and consolidating the existing relations of sincere friendship between them,

Believing that the further development of friendship and co-operation meets the basic national interests of lasting peace in Asia and the world,

Determined to promote the consolidation of universal peace and security and to make steadfast efforts for the relaxation of international tensions and the final eliminations of the remnants of colonialism,

Upholding their firm faith in the principles of peaceful co-existence and co-operation between States with different political and social systems,

Convinced that in the world today international problems can only be solved by co-operation and not by conflict,

Reaffirming their determination to abide by the purposes and principles of the United Nations Charter,

The republics of India on the one side, and the Union of Soviet Socialist Republics on the other side,

Have decided to conclude the present treaty, for which purposes the following plenipotentiaries have been appointed:

On behalf of the republic of India: Sardar Swaran Singh. Minister of External Affairs.

On behalf of the Union of Soviet Socialist Republics : Mr. A.A. Gromyko, Minister of Foreign Affairs.

Who, having each presented their credentials, which are found to be in proper form and due order, have agreed as follows:
(Article I)

The High Contracting Parties solemnly declare that enduring peace and friendship shall prevail between two countries and their peoples. Each party shall respect the independence, sovereignty and territorial integrity of the other party and refrain from interfering in the other’s internal affairs.

The High Contracting Parties shall continue to develop and consolidate the relations of sincere friendship, good neighbourliness and comprehensive co-operation existing between them on the basis of the aforesaid principles as well as those of equality and mutual benefit.

(Article II)

Guided by the desire to contribute in every possible way to ensure enduring peace and security of their people, the High Contracting Parties declare their determination to continue their efforts to preserve and to strengthen peace in Asia and throughout the world, to halt the arms race and to achieve general and complete disarmament, including both nuclear and conventional, under effective international control.

(Article III)

Guided by their loyalty to the lofty ideal of equality of all peoples and nations, irrespective of race or creed, the High Contracting parties condemn colonialism and racialism in all forms and manifestations, and reaffirm their determination to strive for their final and complete elimination. The High Contracting Parties shall cooperate with other States to achieve these aims and to support the just aspirations of the peoples in their struggle against colonialism and racial domination.

(Article IV)

The Republic of India respects the peace–loving policy of the Union of Soviet Socialist Republics aimed at strengthening friendship and co-operation with all nations.

The Union of Soviet Socialist respects India’s policy of non-alignment and reaffirms that this policy constitutes an important factor in the maintenance of universal peace and international factor in the maintenance of universal peace security and in the lessening of tensions in the world.
(Article V)
Deeply interested in ensuring universal peace and security, attaching great importance to their co-operation in the international field for achieving these aims, the High Contracting Parties will maintain regular contracts with each other on major international problems affecting the interests of both the States by means of meetings, and exchanges of views between their leading statesmen, visits by official delegations and special envoys of the two Governments, and through diplomatic channels.

(Article VI)
Attaching great importance to economic, scientific and technological co-operation between them, the High Contracting Parties will continue to consolidate and expand mutually advantageous and comprehensive co-operation in these fields as well as expand trade, transport and communications between them on the basis of the principles of equality, mutual benefit and most-favoured nation treatment, subject to the existing agreements and the special arrangements with contiguous countries as specified in the Indo-Soviet trade agreement of 26th December 1970.

(Article VII)
The High Contracting Parties shall promote further development of ties and contracts between them in the fields of science, art, literature, education, public health, press, radio, television, cinema, tourism and sports.

(Article VIII)
In accordance with the traditional friendship established between the two countries, each of the High Contracting Parties solemnly declares that it shall not enter into or participate in any military alliance directed against the other Party.

Each High Contracting Party undertakes to abstain from any aggression against the other Party and to prevent the use of its territory for the commission of any act which might inflict military damage on the other High Contracting Party.

(Article IX)
Each High Contracting Party undertakes to abstain from providing any assistance to any third country that engages in armed conflict with the other party. In the event of either being subjected to an attack or a threat thereof, the High Contracting parties shall immediately enter into mutual consultations in order to remove such threat and to take appropriate effective measures to ensure peace and the security of their countries.

(Article X)

Each High Contracting Party solemnly declares that it shall not enter into any obligation, secret or public, with one or more States, which is incompatible with this Treaty. Each High Contracting Party further declares that no obligation be entered into, between damage to the other party.

(Article XI)

This Treaty is concluded for the duration of twenty years and will be automatically extended for each successive period of five years unless either High Contracting Party declares its desire to terminate it by giving notice to the other High Contracting party twelve months prior to the expiration of the Treaty. The Treaty will be subject to ratification and will come into force on the date of the exchange of Instruments of ratification which will take place in Moscow within one month of the signing of this Treaty.

(Article XII)

Any difference of interpretation of any Article of this Treaty which may arise between the High Contracting Parties will be settled bilaterally by peaceful means in a spirit of mutual respect and understanding.

The said Plenipotentiaries have signed the present Treaty in Hindi, Russian and English, all text being authentic and have affixed thereto their seals.

Done in New Delhi on the Ninth day of August in the year One Thousand Nine Hundred and Seventy One.

On behalf of the Union of Soviet Socialist Republics

(Sd.) A.A. Gromyko,
Minister of External Affairs,

On behalf of the Republic of India

(Sd.) Swaran Singh,

Minister of External Affairs.

Appendix - 6

Mr Chou En-lai’s Letter to
President Yabia Khan of 13 April 1971

I have read Your Excellency’s letter and Ambassador Chang Tung’s report on Your Excellency’s conversation with him. I am grateful to Your Excellency for your trust in the Chinese Government. China and Pakistan are friendly neighbours. The Chinese Government and people are following with close concern the development of the present situation in Pakistan. Your Excellency and leaders of various quarters in Pakistan have done a lot of useful work to uphold the unification of Pakistan and to prevent it from moving towards a split. We believe that through the wise consultations, we would like to present the actions and efforts of Your Excellency and leaders of various quarters in Pakistan, the situation in Pakistan will certainly be restored to normal. In our opinion, the unification of Pakistan and the unity of the people of East and West Pakistan are the basic guarantees for Pakistan to attain prosperity and strength. Here, it is most important to differentiate the broad masses of the people from handful of persons who want to sabotage the unification of Pakistan. As a genuine friend of Pakistan, we would like to present these views for Your Excellency’s reference.

At the same time, we have note that of late the Indian Government has been carrying out gross interference in the internal affairs of Pakistan by exploiting the internal problems of your country. And the Soviet Union and the United States are doing the same one after the other. The Chinese press is carrying reports to expose such unreasonable interference and has published Your Excellency’s letter of reply to Podgorny. The Chinese Government holds that what is happening in Pakistan at present is purely the internal affair of Pakistan, which can only be settled by the Pakistan people themselves and which brooks no foreign interference whatsoever. Your Excellency may rest assured that should be the Indian expansionists dare to launch aggression against Pakistan, the Chinese Government and people will, as always, firmly support the Pakistan Government and people in their just struggle to safeguard Stage sovereignty and national independence.
Appendix - 7

Maulana Abdul Hamid Khan Bhasani Appeal to World Leaders

On April 21, 1971

President Mao Tse-Tung, Premier Chou En-Lai, Peking, China

Ideology of socialism is to fight against oppression. I appeal to save seven and half crores of oppressed people of Bangladesh from save the atrocities committed on them by the military junta of dictator General Yahya Khan. Yahya’s military government, by the help of modern war weapons supplied by your government, are mercilessly and brutal slaying the innocent, unarmed, helpless peasants, labourers, students intelligentsia, women and children of Bangladesh. If your government do not protest this brutal atrocities committed on oppressed masses of Bangladesh by the military junta with the help of vested interests of West Pakistan, the world may think that you are not a friend of oppressed people.

No such example of oppression, which the military junta is inflicting upon the innocent masses of Bangladesh, will be found even in times of Chirang Kai-Shek's rule in your own land, Czar's rule in Russia and in times of British imperialism in pre-independent India. The reports of atrocities and oppression, which are being given publicity by various Indian agencies, are in fact the smallest portion of the volume and nature of oppression and atrocities which are really happening in Wretched land of Bangladesh at present. World will come to know the true pictures and actual nature, and we'll know the truth of many complaints, is the journalists, intelligentsia, politician of any country, even of the countries friendly to Yahya's government, made field survey.

You are well aware that there are tremendous people’s supports behind the independent Bangladesh government than that of Sinhanouk Government's Cambodia. I, therefore, earnestly request you to please extend your support, recognition and all possible help to the Government of independent People's Republic of Bangladesh.

I had to undergo 31 years of imprisonment to achieve independence of Indo-Pak sub-continent to achieve people’s rights in Pakistan. I am at present and old man of 89. At this stage of my life my humble residence has been gutted by the barbarous soldiers of Yahya Khan. My precious
collection of books from different countries has also been burnt by them. I do not know what has happened to the fate of my family after my house was set on fire.

Secretary-General Brezhnev, President Podgorny, Chairman Kosygin, Kremlin, Moscow, U.S.S.R.

On behalf of 75 million people of Bangladesh may I convey to you our appreciation of the statement issued by the presidium of Supreme Soviet through President Podgorny on the situation in East Bengal? I should, however, like to point out that more positive action is urgently required to stop the barbarous massacre of hundreds of thousands of unarmed, helpless masses of Bangladesh by the brutal military dictatorship of general Yahya Khan. These massacres are being perpetrated by the West Pakistani army with modern weapons of War supplied by U.S.A and China. People are being butchered by the trigger happy soldiers west Pakistan irrespective of caste, creed and sex including women, children and even new born babies and their mother's arms. They excel in their brutality anything that has happened in history before. I earnestly appeal to you to stop this bloody massacre and not supplied any aid to the military dictatorship of Pakistan. Your country and your people, under the enlightened and wise leadership of Lenin, have stood for the rights of a oppressed peoples to self determination, and have given moral, political and material support to national liberation movements in various parts of the world. I would, therefore, appeal to you to do the same for Bangladesh and give it immediate recognition and all possible help to the Government of the People’s Republic of Bangladesh.

The Soviet Union is part of Asia as well as Europe. The Leninist policy of peace is a great stabilizing factor for development throughout the world, particularly in the developing countries. What is happening in Bangladesh today is the worst form colonialism and imperialism. Looting, arson, gangsterism, mass killings and molestation of women are the order of the day. We rely on the people of the U.S.S.R to raise your voice against these barbarities and the suppression of human rights. I hope that your government will give immediate attention to this urgent problem and see that the 75 million people of Bangladesh are allowed the freedom to decide their own destiny without any interference from the military dictatorship of Yahya Khan.

I had to undergo 31 years of imprisonment to achieve independence of Indo-Pak sub-continent to achieve people's rights in Pakistan. I am at present and old man of 89. At this stage of my life my
humble residence has been gutted by the barbarous soldiers of Yahya Khan. My precious collection of books from different countries has also been burnt by them. I do not know what has happened to the fate of my family after my house was set on fire.

President Nixon, Washinton, D.C., U.S.A.

Under the direction of director general Yahya Khan and with the help of modern war weapons supplied by yours and China governments the barbarous soldiers of West Pakistan are brutally slaying lots of innocent, unarmed and helpless masses of Bangladesh respective of caste, creed and sex including women, children and even new-born babies in their mother’s arms. I fervently appeal to you to please stop fresh supply of arms and to do the needful to give an effective check in using those weapons previously supplied, so that Yahya's Government could not use these arms and killing the unarmed masses in Bangladesh.

Please extend your immediate recognition and all possible help to the Government of People’s Republic of Bangladesh.

I shall be highly obliged if you be kind enough to make an arrangement so that the foreign correspondents of different news Agencies are able to tour inside Bangladesh to see the nature and volume of looting, arson, gangsterism, mass killings, and molestation of women in Bangladesh by West Pakistani army so that they can reveal the true picture of sordid tales of Bangladesh to the people of the world. (Source: The Liberation War of Bangladesh, Volume-4, Page-470-473)
Appendix - 8

Mr. Justice Abu Sayeed Chowdhury’s Speech on Liberation War in London & Europe

It is written in the newspaper that the East Pakistanis are leaving their country and taking shelter in refugee camps, and thousands of people have become victims of a genocide carried out by the Pakistanis. But why? What is the genesis of this genocide? Who are responsible for this misery of the people?

You all know that during the end of the British rule in 1947, two states were created in the Indian sub-continent. India succeeded in preparing a constitution in a short time but Pakistan could not do so even after the lapse of considerable time.

Later when Pakistan prepared its constitution in 1456, the theory of "majority” and “minority” was created.

East Bengal through a majority province was given same number of seats with minority West Pakistan. Despite this discrepancy, there was assurance of basic human rights, independence of Judiciary and other important issues in the constitution. But before any general election could be held the constitution was abrogated and Field Marshal Ayub Khan seized state power. Realising the sentiment of the people for not allowing the election Ayub Khan formed a constitution commission under the leadership of the retired Dhaka High Court Chief Justice, that is Chief Justice of Pakistan Shahabuddin. It may be noted that Chief Justice Shahabuddin had come from Madras to settle in Pakistan.

I was myself a member of that commission. We were nominated by Field Marshal Ayub Khan but we had a clear idea of the situation were conscious about responsibilities. We had recommended for a Constitution that world reflect adult franchise, fundamental human rights, independence of the Judiciary and greater autonomy for the provinces but a government representation tried to impose they are plan for a centralised government. There are papers to support this. Even in 1961 they were not in favour of a provincial legal council. Later, Justice Shahabuddin informed the members of the commission about the president’s desire to meet them. In that meeting Ayub Khan laid emphasis on the government. Returning from Karachi’s President House, I asked Justice Shahabuddin
“what are you doing?” “The people of Pakistan will never accept” government after the USA model.

The chairman remained very form about his opinion regarding USA style government. We had recommended for a representative government but it was not accepted. Our recommendation was actually in favour of a genuine USA type government.

After sometime we received the sad news that Justice Shahabuddin had died. The Pakistan times a Publication from Lahore wrote: Justice Shahabuddin retired from the post of Chief Justice of Pakistan in 1960. As an expert on constitution he was made the chairman of constitution commission. But his recommendations not accepted by the rulers.

This was a great sorry for the late Justice. He refused to accept the government award in 1962.

Forming a representative government was not possible without a movement. The recommendation of a commission formed by the President himself was not accepted by because of the fact that he never had any desire to hand over power to the people. The nation continued to be governed buy a strong military junta. Big but the president had to prepare a constitution for of some description overlooking our recommendations.

In the constitution of 1962 he made provision for limited power to provincial legal council, an election commission, basic democracy which was never heard of before. These, however, could not satisfy anyone.

The People's movement became so intense in 1969 that Ayub Khan had to give up power. He was replaced by the Army chief Yahya Khan. Yahya Khan soon realised that he will have to give a promise for a representative government in view of the people's movement. He announced that general election would be held in 1970 and it was done so.

Because of many years of political and economic exploitation, the people of East Bengal found out that despite East Bengal being a majority province, Karachi was the capital of the country. Later, this capital city was handed over 2 the provincial government of West Pakistan. Besides, another beautiful capital was handed over to the provincial government of West Pakistan. But nothing was done for the development of East Bengal's communication, agriculture, industry and flood protection.
The central administration was being run by the west Pakistani civilian officials and armed forces (Except the East Bengal Regiment). Driven by economic and political exploitation the people of East Bengal took part in the election in December, 1970.

They cast their votes in favour of Sheikh Mujibur Rahman's Awami League and made him victorious, as he promised them realisation of 6 point demand, in which Control of foreign trade and other issues would safeguard the interest of East Pakistan. Besides, both the provinces would march forward as one Pakistan towards the goal of peace and progress. Only Foreign Affairs and defense would be in hands of Central Government in the style of USA. When Sheikh Mujibur Rahman's who won in all the seats except two in East Pakistan, the advisers of Yahya Khan could not tolerate the result. His party had won 167 seats out of 169. The military dictators could realise that time was nearing fast when they would have to hand over power to the civilian elected representatives. This thought disturbed them a lot and they began to patronize Zulfiqer Ali Bhutto. Bhutto's party had won 80 seats in West Pakistan.

President Yahya Khan did not call the session of legal council for drafting the constitution. But As pressure mounted for holding the session we finally called the session on 3rd March, 1971. In the mean time Zulfiqer Ali Bhutto insisted that Sheikh Mujib would have to accept some sort of negotiation on the question of 6 points. He also demanded that he has to be given the assurance that the parliament members would pass a constitution to which he would give his consent. It is clear now who was the arrogant party and why the people had been hoping for a representative government for so long.

In the Lahore public meeting Zulfiqer Ali Bhutto announced that he would buy cut the session of legal council on 3rd March and would not allow any constitution to be made without the consent of his party. Like a fascist, he declared that no West Pakistani would be allowed to go to Dhaka. But defying his announcement nearly 30 members of West Pakistan came to Dhaka. But under fresher from the military Junta, Yahya Khan had to call of the session. Sheikh Mujib wanted to keep Pakistanis together. When the great peace-maker Mahatma Gandhi wanted independence, he opted for non-violent movement. In this case the difference was that all the people of East Bengal joined the movement. No one went to work. No majistracy was open. The secretariat became non-functional.
The people of East Pakistan considered Sheikh Mujib as the legal ruler of East Bengal. Under such circumstances General Yahya Khan gave the proposal for discussion. Sheikh Mujib agreed to sit in discussion. Keeping Sheikh Mujib busy in discussion, General Yahya Khan brought ships-load of soldiers and arms from Pakistan. I have mentioned that in the beginning of my speech.

On the night of 25th March, when my students were inside the students' hostel, the teachers and the quarters and the whole city in sleep, the Pakistani soldiers entered into the city. They bombarded the students' hostel and kill the students and teachers. You must have read about this Barbaric incident in newspapers. You know how foreign journalists versant out of Dhaka. They were not even allowed to take any photographs or notebook with them. Why? Because the military wanted to suppress their heinous crime.

The people of East Pakistan grows in a body to attain independence. Just resulted in the birth of a new country named Bangladesh. According recognition to Bangladesh by our country is a technical matter. The reality Wars, the soldiers of General Yahya destroyed the cities, entered into villages and burned down the thatched huts of the poor people. The whole Nation rejected the army. It was not possible for any authority is to suppress Bangladesh and the control of this Army. It was not possible for an army like this to rule over 7 and a half crore people. The sooner this reality is accepted the better.

In my opinion, there is no trace of any civility in East Bengal. If a non political person like me think like this then what others would do? My responsibility is to contribute to the implementation of rule of law. But I am not able to go back to my own country. Because I am not being able to carry out my responsibilities for safeguarding the constitution and implementing rule of law for which I had taken the oath. Underwater dictate of law a sleeping nation is being butchered? What a assurance of can I give them?

There is a mass grave in my University where the dead bodies were thrown over one another. This I have not heard from any Bengali, but a British friend of mine who had seen for himself.

This is clear now that this is a killer government. The people of Bangladesh have rejected this government. It is not correct to say that the soldiers and government of West Pakistan has control over is East Pakistan. At gunpoint some officials are going to the secretariat and returning home under military protection. They do not have subordinate staff to carry
out their work properly. The city of Dhaka is dead. Nearly 70% of the population has left the city. Most of the staff of the secretariat has also gone away. No government messages reach the villages. The courts are not functioning. No one can rule over a nation by terrorising and torturing it. The military has destroyed Pakistan. Responsibility of Pakistan should be on the military and Zulfiqar Ali Bhutto. In my life I never viewed differently about Hindu, Muslim, a Christian, a Buddhist, and East Pakistani or a West Pakistani. but today, Yahya has imposed the rule of West Pakistan over East Pakistan. This is tantamount to military aggression. We have been relegated to the position of a Colony. We want our territory back and banish the occupation forces.

As a nation, we have been subjected to betrayal. We are a separate egg net entity in our temperament, culture and language. We are a different nation all together. The UN Charter us the right for self rule. As we cannot remain silent seeing the misery of a large segment of a population, we have come to the aid. This has to be done taking the present reality in full consideration. This is the will of the people of Bangladesh. Unless we recognise the reality, and look for some strategy, we shall not be able to get to the root of the problem, and establish long-lasting peace in the subcontinent.

The present impasse may take a turn for a continental warfare. There are hidden elements that may jeopardize peace. The people of East Bengal have refused to believe economically exploited and politically subjugated by the West Pakistani anymore. The financial assistance taken in the name of East Pakistan is being spent for Industrial development of West Pakistan.

Therefore, we must become independent and take control of the foreign currency earned by our products. We shall be able to develop our agricultural and industrial sectors with the foreign assistance and foreign currency we earn ourselves. We shall build prosperous and sovereign People's Republic of Bangladesh. We shall follow the policy of non non-alignment.

(The above speech was given by Mr. Justice Abu Sayeed Chowdhury on 8 June, 1971 at the royal Commonwealth society headquarter.)
Appendix -9

U Thant’s Memorandum to the President of the
Security Council 19 July 1971

For some months now members of the Security Council and many other members of the United Nations have been deeply preoccupied with developments in East Pakistan and adjacent Indian States and their consequences of possible consequences. I myself, expressed my concern over the situation to President Yahya Khan shortly after the events of March 1971 and have been in continuous touch with Governments of Pakistan and India, both through their Permanent Representatives at the United Nations and through other contacts. In these exchanges, I have been acutely aware of the dual responsibility of the United Nations, including the Secretary General under the Charter, both to observe the provisions of article 2, paragraph 7 and to work within the framework of international economic and social cooperation to help promote and ensure human well being and humanitarian principles.

It was with this latter responsibility in mind that I appealed for assistance both for refugees from East Pakistan now in India and for the population of East Pakistan. In order to channel assistance given in response to those appeals, I designated the United Nations High Commissioner for Refugees as focal point for assistance to refugees in India and appointed with the agreement of the Government of Pakistan, a Representative in Dacca in order to make as effective use as possible of international assistance made available for relief of the population of East Pakistan. Both of these humanitarian efforts have been reported upon in detail elsewhere and the Economic and social Council held a full discussion on both operations on 16 July 1971. Based on statements to the Council by the United Nations High Commissioner for Refugees and the Assistant Secretary-General for Interagency Affairs, I take this opportunity to express my warm gratitude to the Governments, United Nations Agencies and programmes and to the voluntary organizations which have responded generously to my appeals. I also wish to express my appreciation to the Governments of India and Pakistan for their coordination with my representatives in the field.
As weeks have passed since last March, I have become increasingly uneasy and apprehensive at the steady deterioration of the situation in the region in almost all its aspects. In spite of the generous response of the international community to my appeals for assistance for refugees from East Pakistan now in India, the money and supplies made available are still nowhere near sufficient and the Indian Government still faces the appalling and disruptive problem of caring for an unforeseeable period of time for millions of refugees whose number is still increasing. In East Pakistan international and governmental efforts to cope with results of two successive disasters, one of them natural, are increasingly hampered by the lack of substantial progress towards a political reconciliation and the consequent effect on law, order and public administration in East Pakistan. There is a danger that serious food shortages and even famine could soon add to the suffering of the population unless conditions can be improved to the point where a large scale relief programme can be effective. Equally serious is the undoubted fact that reconciliation, an improved political atmosphere and success of relief efforts are indispensable prerequisites for the return of any large proportion of the refugees now in India. The situation is one in which political, economic and social factors have produced a serious of vicious circles which largely frustrate efforts of the authorities concerned and of international community to deal with the vast humanitarian problems involved.

These human tragedies have consequences in a far wider sphere. Violent emotions aroused could have repercussions on the relations of religious and ethnic groups in the subcontinent as a whole and relationship of the Government of India and Pakistan is also a major component of the problem. Conflict between principles of the territorial integrity of States and of self-determination has often before in history given rise to fratricidal strife and has provoked in recent years highly emotional reactions in the international community. In the present case there is an additional element of danger, for the crisis is unfolding in the context of long standing and unresolved differences between India and Pakistan, differences which gave rise to open warfare only six years ago. Although there can be no question of deep desire of both Governments for peace, tension between them shows no sign of subsiding. The situation on the borders of East Pakistan is particularly disturbing Border clashes, clandestine raids and acts of sabotage appear to be becoming more frequent and this is all the more serious since refugees must cross this disturbed
border, if repatriation is to become a reality. Nor can any of us here in the United Nations afford to forget that a major conflict in the subcontinent could all too easily expand.

In the tragic circumstances such as those prevailing in the sub-continent, it is all too easy to make moral judgements. It is far more difficult to face up to political and human realities of the situation and to help the peoples concerned to find a way out of their enormous difficulties. It is this latter course which in my view the United Nations must follow.

I do not think I have painted too dark a picture of the present situation and of its possible consequences. In the light of information available to me I have reluctantly come to the conclusion that the time is past when the international community can continue to stand by watching the situation deteriorate and hoping that relief programmes, humanitarian efforts and good intentions will be enough to turn the tide of human misery and potential disaster. I am deeply concerned about the possible consequences of the present situation not only in the humanitarian sense but also as a potential threat to peace and security and for its bearing on the future of the United Nations as an effective instrument for international co-operation and action. It seems to me that the present tragic situation, in which humanitarian, economic and political problems are mixed in such a way as almost to defy any distinction between them presents a challenge to the United Nations as a whole which must be met. Other situation of this kind may well occur in the future. If the Organization faces up to such a situation now it may be able to develop new skill and new strength required to face future situations of this kind.

It is for these reasons that I am taking the unusual step of reporting to the President of the Council on a question which has not been inscribed on the Council’s agenda. The political aspects this matter are of such far-reaching importance that the Secretary General is not in a position to suggest precise course of action before members of the Security Council have taken note of the problem. I believe, however, that the United Nations with its varied resources for conciliation and persuasion, must and should now play a more forthright role in attempting both to mitigate human tragedy which has already taken place and to avert further deterioration of the situation.
The Security Council, the world’s highest body for the maintenance of international peace and security, is in a position to consider with the utmost attention and concern, the present situation and to reach some agreed conclusions as to the measures which might be taken. Naturally, it is for members of the Council themselves to decide whether such consideration should take place formally or informally, in public or in private. My primary purpose at this stage is to provide a basis and an opportunity for such discussions to take place and to express my grave concern that all possible ways and means should be explored which might help to resolve this tragic situation.

The suggestion is simply that a small number of representatives of the High Commissioner might take to field with strictly limited terms of reference and on an experimental basis. The area in which these representatives might operate would be decided upon by the Governments concerned in consultations with the United Nations High Commissioner for Refugees. This suggestions was made with the sole aim of facilitating if possible, repatriation of refugees.

The other document (the memorandum by U Thant to the President of the Security Council) deals with a far reaching political matter relating to international peace and security and is primarily within the competence of the Security Council, apart from the Secretary General’s competence under the Charter in such matters, I recall that at its 1329th meeting on 2 December 1966, members of the Security Council unanimously endorsed a statement that they fully respect his- the Secretary-General’s position and his action in bringing basic issues confronting the Organization and disturbing developments in any part of the world to their notice.

The memorandum is not an official document of the Security Council and was intended to record my own deep concern with the wider potential dangers of the situation in the region and to provide an opportunity for an exchange of views among members of the Security Council on the potentially very grave situation.
Appendix 10

INSTRUMENT OF SURRENDER

The PAKISTAN Eastern Command agree to surrender all PAKISTAN Armed Forces in BANGLA DESH to Lieutenant-General JAGJIT SINGH AURORA, General Officer Commanding in Chief of the Indian and BANGLA DESH forces in the Eastern Theatre. This surrender includes all PAKISTAN land, air and naval forces as also all para-military forces and civil armed forces. These forces will lay down their arms and surrender at the places where they are currently located to the nearest regular troops under the command of Lieutenant-General JAGJIT SINGH AURORA.

The PAKISTAN Eastern Command shall come under orders of Lieutenant-General JAGJIT SINGH AURORA as soon as this instrument has been signed. Disobedience of orders will be regarded as a breach of the surrender terms and will be dealt with in accordance with the accepted laws and usages of war. The decision of Lieutenant-General JAGJIT SINGH AURORA will be final, should any doubt arise as to the meaning or interpretation of the surrender terms.

Lieutenant-General JAGJIT SINGH AURORA gives a solemn assurance that personnel who surrender shall be treated with dignity and respect that soldiers are entitled to in accordance with provisions of the GENEVA Convention and guarantees the safety and well-being of all PAKISTAN military and para-military forces who surrenders. Protection will be provided to foreign nationals, ethnic minorities and personnel of WEST PAKISTAN origin by the forces under the command of Lieutenant-General JAGJIT SINGH AURORA.

(JAGJIT SINGH AURORA)
Lieutenant-General
General Officer Commanding in Chief
India and BANGLA DESH Forces in the
Eastern Theatre
16 December 1971.

(AAK Niazi)
Lieutenant-General
Martial Law Administrator Zone B and
Commander Eastern Command (Pakistan)
16 December 1971.
Photo No. 8

AURORA AND NIAZI SIGNING INSTRUMENT OF SURRENDER ON
16 DECEMBER 1971 AT DACCA
CIVILIAN LEADERS OF INDIA DURING 1971 BANGLADESH LIBERATION WAR

Mrs. Indira Gandhi

Babu Jagjivan Ram

Sardar Swaran Singh

Mr. D. P. Dhar (Diplomat)

Mr. P N Haksar (Diplomat)
Photo No. 10

THREE INDIAN CHIEFS DURING BANGLADESH LIBERATION WAR (1971)

Admiral SM Nanda, Navy Chief (on the left), General S.H.F.J. Manekshaw, Army Chief & Joint Chief of Staff (in the centre), and Air Chief Marshall P.C.Lal (right)
Photo No. 11

Photographs Showing Indian Army Commanders involved in the Bangladesh Liberation War 1971

(Source: Race to Dacca, Coffee Table Book Published by HQ Eastern Command Kolkata)
Photo No. 12

Sheikh Mujibur Rahman
President of Bangladesh

Syed Nazrul Islam
Actg. President

Tajuddin Ahmed
Prime Minister

Col M.A.G. Osmani,
Commander-in-Chief Mukti bahini
Photo No. 13

Pakistan Leadership During 1971

Photographs showing General Yahya Khan (President and Commander-in-Chief of Pakistan, left), Mr. Zulfiqar Ali Bhutto, leader of PPP (centre), and Lt Gen A.A.K. Niazi, Commander of East Pakistan Forces 1971.
Indira Gandhi Congratulating Sheikh Mujibur Rahman