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Trade as an Engine of Growth _First Gear_Case of Sri Lanka

J. W. WICKRAMASINGHE

Introduction

Dialectic of two fundamentally different perspectives on the relationship between trade and economic growth in developing countries, is well known. These differ on the mechanism which brings the link between trade and growth. According to the traditional version, trade permits more efficient allocation of resources through changes in prices, domestically and internationally. The optimal allocation of resources is made by equating the costs and benefits of production and consumption at the margin.

However, the perspective of development theory, in variation to the traditional version, assumes that there is remote possibility of substitution in production or consumption domestically or internationally. Hence, changes in relative prices have a less significant influence on the allocation of resources. According to this version what is important is the external demand. Importance of trade lies in that it permits the utilisation of hitherto unused resources, rather than permitting more efficient use of inefficiently used resources. The inevitable conclusion arising from this stand is that foreign exchange must be earned or saved regardless of the cost.

The main purpose of this paper is to examine how trade links economic growth, in developing countries in general and Sri Lanka in particular. In other words, what is examined here is the role played by the external factors working through international trade in determining the economic growth of developing countries in general and, Sri Lanka in particular. This is tested by examining the price and income elasticities of demand for the exports of Sri

Lanka in general, and its main items in particular, in relation to resource allocation in production and consumption within Sri Lanka and abroad as reflected by changes in export volume.

The Traditional Theory

Adam Smith in his *An Inquiry into the Nature and Cause of the Wealth of Nations*, explicitly built up a case for free trade by showing that international trade promotes economic efficiency, which enhances wealth of a nation. His famous proposition that international trade permits division of labour and the latter's operation is constrained by the former is the 'king pin' of the traditional trade theory. The division of labour improves productivity; improved productivity in turn increases income and investment. Increased investment generates extra capacity and income and also ability to accumulate more.

More recent development of the traditional theory, the neoclassical version concentrates more on the link between trade and growth. This theory is based on the differences in factor endowments in countries and the ensuing relative price differences in factors of production. These differences in the relative prices between countries which influence both supply and demand are the basis for trade. This version is capable of explaining how the existing trade pattern of the developing and developed countries was responsible for creating the present weak economic structure of the former.

Accordingly, it is clear that the traditional theory grasped connection between trade and growth as an indirect one, which works through improving efficiency of resource allocation.

Development Theory

The development theory, on the other hand presumes that a developing country's economic growth would depend indirectly on its ability to expand international trade, i.e., its ability to export and import. Nurkse, Lewis, etc., described international trade as an engine of growth. Nurkse showed that international trade had been an engine of economic growth during the nineteenth and in the first half of the twentieth century. However, of late it has lost its steam and now no longer could it be relied upon to perform the same task, as the developed countries are unable to generate sufficient demand for the exports of the developing countries as they did in the past. Now they are trapped in a stagnating path.

Lewis too brought forward a similar argument in 1980 wherein he pointed out that the engine, since the world war, has been loosing steam. He advocated a different kind of fuel for this engine, i.e., trade between developing countries, or 'south south trade'. According to the radical critics of the development theory, such as Myrdal, Singer, Raul Prebisch, etc., international trade is the single most obstacle to economic development.

The main area of enquiry in this paper is the trade engine theory. As the term itself indicates it connotes a mechanical link between not only different parts of the engine but also the engine and the rest of the vehicle. (The latter problem is dealt elsewhere). It is logical to assume that different parts of the engine are connected by gears. The efficiency of the machine would depend on the 'tightness or fit of these gears'. It also assumes that foreign exchange is a *sine quo none* of economic development and that the only source of foreign exchange for developing countries is exports. Other surces of foreign resources, such as aids and private capital are either not available or their availability is linked to internatinal trade.

The gear link growth of the developing countries could be examined from two angles. Here the rationale of the selection is on the constraints on economic growth. The traditional theory examines this problem from two angles, i.e., whether the constraints result from the supply side or the demand side. The supply side version is based on the growth theory in which economic growth is assumed to be determined by the supply of capital, labour and technological development which increase productivity of such factors of production, and international trade which ensures the availability of special type of resources, investment goods.

Due to various reasons, developing countries are incapable of producing these non substitutable investment goods and such products have to be imported. Unfortunately, according to this version, sufficient quantities of foreign exchange cannot be obtained either from other sources such as direct investment or foreign aids, and domestic consumption sacrifices or savings, too cannot be substituted for these investment goods.

On the other hand, the demand side version envisages a dualistic economic structure, i.e., traditional and advanced sectors coexisting side by side in the developing countries. The traditional sector is stagnating with low investment, low productivity, low capital with high unemployment of labour.

The advanced sector is an enclave which caters to the markets of the developed countries. The productivity of labour is higher in the advanced sector and transfer of labour from traditional to advanced sector improves productivity of labour and also increases exports, hence economic growth. However, the demand for exports from these enclave is determined by the elasticity of demand for these products in the developed markets. Thus the growth of the developing countries is linked to the external market through the first gear of the engine of growth.

The exponents of this trade gear theory made a serious mistake by treating the developing countries as the sole producers of primary products. In fact, developing countries produce less than half of the total primary products that get into the world trade. However, if an individual country is taken in isolation it is not difficult to sort out some countries which specialise in export of primary products. A good example is Sri Lanka which had been basically primary product exporter until about 1970. Until 1966 more than 90 per cent of her exports consisted of primary products, tea, rubber and coconuts. Thereafter, a rapid transformation of the export sector is visible when the aggregate values of export commodities are taken. If exports are valued on domestic value added the changes in relative positions between primary products and non traditional products is not all that significant. The bulk of the growth in exports has come from petroleum products and garments, whose domestic value added component is microscopically small.

When the bone of contention of these two versions is examined, it appears that the contest is on the price elasticity of demand for exports of the developing countries. The traditional theory assumes that price elasticity of these products is significant and that relative price changes would result in substitution between goods, both in the world and domestic markets, i.e., both in demand and supply. However, the development theory does not accept that the price elasticity of demand is a significant factor. In fact, it assumes that these products are price inelastic, and the demand for exports of the developing countries is determined by the income elasticity of demand for these products in the developed markets.

Now the work of these two gears is very clear. The first gear works through the assumption that demand for exports of the developing countries, particularly primary products, is inelastic in developed markets as such products are price inelastic, and the growth of the exports is directly linked to the

growth of demand or expenditure in those countries, which grows rather slowly. Second gear rests on the assumption that the growth impulses would result only in the advanced export sector and there too, growth is determined by the ability to import, which in turn is conditioned by the growth of the export sector. Hence, growth of the rest of the economy is directly linked, through the second gear, to the growth of the export sector.

In order to add further strength, the trade engine argument was underpinned by the declining terms of trade argument. For instance, Presbisch showed that terms of trade has been moving adversely to the primary commodities, and again on the above mentioned false premise of treating developing countries as sole producers of such commodities.

Empirical Evidence

There were drastic changes in the structure of exports in developing countries, reducing the share of the primary commodities to slightly more than 20 per cent of the world total exports in 1982. However, the value of fuel exports have increased swiftly, a phenomenon largely attributable to increases in fuel prices.

A more important change that has taken place is the rising share of the manufactured exports from the developing countries. This was not due to any significant price changes in these commodities over the years, but the result of hard effort made by these countries to market penetration during last two or three decades. Table 1 shows the structure of developing country exports in selected years between 1955-82.

TABLE I
Structure of developing country exports selected years between 1955 and 1982

	<i>Percentage</i>				
	1955	1960	1970	1980	1982
Total Exports	100	100	100	100	100
Food	37	34	27	11	13
Agricultural Raw Materials	21	18	10	4	3
Minerals, Ores	10	11	14	5	5
Fuels	25	28	33	63	58
Manufactures	8	9	16	17	22
Share of exports of developing countries to developed countries					
Total Non-fuel Exports	76	74	72	61	58
Manufactures	46	54	61	59	59

Source : *World Trade Statistics*.

The primary commodity exports in the total non-oil exports of the developing countries in 1955 was more than 90 per cent. However, by 1970 this share had fallen to 75 per cent leaving manufactured exports a share of 25 per cent. This development further strengthened itself and by 1982 manufactured exports accounted for more than half the total value, 52 per cent to be exact. However, the growth in manufactured exports has not been even. A few developing countries, such as Korea, Brazil, Mexico and Taiwan, have been able to score rapid growth in manufactured exports while the majority recorded only a moderate rate of growth. Accordingly, the aggregate figures obscure the real position. Four East Asian countries, Korea, Taiwan, Singapore and Hong Kong and two Latin American countries, Mexico and Brazil accounted for the bulk of the manufactured exports of the developing countries. In these countries the manufactured exports account for more than 60 per cent of the total exports. But population wise these countries account for only a small fraction of the entire developing world.

However, these structural changes in exports have not made a significant change in the direction of trade. Developed countries still account for the bulk of the exports from the developing countries. Intra-trade between developing countries has not shown much change during that period. However, the link between trade and income has altered only on one of the gears, i.e., competitiveness of the exports of the developing countries have improved during this period but not a significant shift in the destination.

Figures show that broadly non-competitive items of commodities of the developing countries, i.e., food, agricultural raw materials and metals and minerals, share has increased while directly competing exports of the above category have recorded a drop. All of them belong to primary commodities category excluding fuel.

The share of the manufactured exports to developed countries from developing countries has not shown any significant growth. The average share rose from just 1.7 per cent in 1970 to 3.4 per cent in 1979. According to Hughes and Waelbroeck (1981) only four categories, leather, knitted apparel, fur and jewelry, exceeds the 25 per cent of the total manufactured exports of the developed countries. However, in clothing and electrical goods the share in 1980 was little more than 4 per cent.

Sri Lanka

Three primary commodities, tea, rubber and coconut were the dominating export items in Sri Lanka, up till about 1966. These three commodities between them, accounted for more than 90 per cent of the total export earnings during this period. According to Snodgrass (1966) ". . . traditional export industries depended heavily on what happened to world demand. . . . Although output was not easily varied in the short run regardless of price levels, steady long-run growth in output required that the general level of prices be satisfactory relative to costs and taxes; it was also desirable that it did not fluctuate too violently from year to year." However, he showed two factors which determined profit level of the export firms; world market prices and ability to reduce cost of production. The first factor was beyond the control of the producers, but there was some scope for the expansion of profits through cost reduction. Real structural change began in 1966. Since then a secular declining in the share of the primary commodity exports has been recorded, and by 1986 this share had fallen below 50 per cent.

Table 2 shows GDP, exports and the share of exports in GDP. Annual average growth rate of the GDP was 4.4 per cent over the period 1953-89 while the annual average rate of growth exports was 6.5 per cent over the same period. The share of exports in GDP was 34 per cent in 1953; it rose to the highest ever value of 52 per cent in 1956. Thereafter it takes an erratic movement with a downward trend until about 1974. From that year up till 1984, an increasing trend is visible and thereafter the share of exports in GDP shows a declining trend reaching 22 per cent in 1989.* From 1960 up to 1972 the share of exports in GDP has been less than 20 per cent displaying the impact of import substitution industrialisation. During that time emphasis was on the production to domestic market rather than for exports.

TABLE 2
GDP, Exports and the Share of Exports in DGP of Sri Lanka

obs	GDP	SLEX	SEXSH
1953	6062.000	2069.000	0.341307
1954	6098.000	2322.000	0.380781
1955	6633.000	2352.000	0.354591
1956	5818.000	2999.000	0.515469
1957	6361.000	2053.000	0.322748
1958	6647.000	2065.000	0.310667
1959	6725.000	2037.000	0.302900
1960	8547.000	1463.000	0.171171
1961	8725.000	1488.000	0.170544
1962	9123.000	1530.000	0.167708
1963	9381.000	1463.000	0.155953
1964	9985.000	1593.000	0.159539
1965	10210.00	1655.000	0.162096
1966	10601.00	1832.000	0.172814
1967	11141.00	2101.000	0.188583
1968	12062.00	2001.000	0.156893
1969	12645.00	1883.000	0.148913
1970	13187.00	2035.000	0.154319
1971	13209.00	2011.000	0.152245
1972	13361.00	2255.000	0.168775
1973	14130.00	2865.000	0.202760
1974	14585.00	2544.000	0.174426
1975	14987.00	3249.000	0.216788
1976	15431.00	3911.000	0.253451
1977	16078.00	3895.000	0.242257
1978	17401.00	3928.000	0.225734
1979	18501.00	4366.000	0.235987
1980	19575.00	4895.000	0.250064
1981	20706.00	6052.000	0.292282
1982	21756.00	7062.000	0.324600
1983	22935.00	6288.000	0.274166
1984	23993.00	7873.000	0.328137
1985	28209.00	6886.000	0.244107
1986	26825.00	5583.000	0.208127
1987	25565.00	6240.000	0.244084
1988	27967.00	6449.000	0.230593
1989	31383.00	6935.000	0.220979

Source : Central Bank of Sri Lanka.

Table 3 shows the change in structure of exports in Sri Lanka. As mentioned earlier up to about 1966 more than 90 per cent of the exports consisted of primary commodities. The situation changed dramatically and by 1989 the share of the primary commodities had fallen below 50 per cent of the total export earnings. This was due mainly to three reasons; the rapid expansion of manufactured exports, in particular textile and garment and petroleum products. Secondly, secular fall in the value of primary export earnings was mainly owing to reduction in production mainly due to two factors, neglect of the plantations owing to the risk of nationalisation and the adverse weather. Thirdly, the secular fall of world market prices of primary commodities is also an important factor which contributed towards this. However, if assessed on domestic value added criterion the changes in the structure of exports is only marginal.

TABLE 3
Composition of Exports in Sri Lanka

Year	Percentage	
	Primary Commodities	Industrial
1960	91	-
1965	92	-
1966	90	-
1970	84	-
1974	72	14
1975	76	13
1976	70	16
1977	72	14
1978	71	14
1979	66	24
1980	64	31
1981	59	34
1982	46	39
1983	51	35
1984	62	35
1985	57	40
1986	49	47
1987	43	49
1988	41	48
1989	40	51

Changes in the composition of manufactured exports in Sri Lanka is shown in Table 4. It is seen that spectacular growth has taken place in garment manufacturing and petroleum products. In 1976 textile sector accounted for less than 10 per cent of the total manufactured exports. This increased continuously and by 1984 its share had reached 50 per cent and by 1987 it had come very close to two third of the total manufactured exports. However, it appears that this gain in share by the textile sub-sector is at the cost of petroleum product exports. In 1976 the share of the petroleum product exports was 70 per cent. This gradually reduced to less than 10 per cent in late 1980s. The establishment of the free trade zone (GCEC) and Foreign Investment Advisory Committee (FIAC) to attract foreign investment was a major contributory factor for this development.

TABLE 4
Composition of Manufactured Exports of Sri Lanka

Year	Percentage		
	Textile	Petroleum	Others
1974	-	-	-
1975	-	-	-
1976	9.6	70.3	20.1
1977	15.6	65.9	18.5
1978	26.6	51.6	21.8
1979	30.7	53.5	15.8
1980	33.1	56.9	40.0
1981	42.5	53.1	4.4
1982	42.3	-	-
1983	53.6	-	-
1984	-	-	-
1985	55.7	27.1	17.2
1986	60.6	14.8	24.6
1987	64.4	13.0	22.6
1988	62.9	9.9	27.2
1989	61.9	7.9	28.2

Source: Central Bank of Sri Lanka.

Results

Estimates of statistical relationship between volume of total exports and the traditional exports, tea, rubber and coconuts, of Sri Lanka and the real income of the important developed countries for the full period 1954-88, and for two segments 1954-70 and 1970-88, have been worked out and the results are shown in Table 5. (See Appendix for the names of the Countries) The statistical relationship between volume of total exports, tea, rubber and

coconut exports and the real income of relevant developed countries and also unit value indices of relevant items, were estimated separately.

TABLE 5
Ex - post price and income elasticities of demand in
developed countries for Sri Lankan Exports

Commodity	1954-88		1954-70		1970-88	
	price	income	price	income	price	income
Total Exports		-0.599		0.370		-0.787
Tea		0.128		0.338		0.228
Rubber		-0.503		0.853		-0.767
Cocoanuts		-1.405		-0.368		-2.463
Total Exports	-0.043*	-0.618	0.0007*	0.370	-0.084*	-0.800
Tea	-0.032*	0.196*	0.072*	0.320	-0.032*	0.388*
Rubber	-0.203	0.590	0.005	0.855	0.136	-1.474

* Not significant at 05 per cent level.

Source : Author's Calculations.

Except in tea, the relationship has been unstable. Even in the case of tea the relationship has changed over time, reducing its value by one-third from 1954-70 to 1970-88 period.

Income elasticity of demand for total exports of Sri Lanka has fallen dramatically from 1954-70 to 1970-88. During the former period it stood at 0.37 and that fell to -0.79 in the latter period. This was mainly due to two factors. Firstly, the direction of trade changed quite dramatically since 1970 and the earlier important developed countries either became relatively less important importers of Sri Lankan traditional exports by shifting towards Sri Lankan industrial exports or shifted away from Sri Lankan exports altogether. For instance, Britain in 1970, was the principal export market accounting for about 23 per cent of the total exports. Then tea consisted the bulk of exports. However, in late 1980s garments was the biggest exports pushing tea to the second place. USA in 1950s was substantial purchaser of Sri Lankan primary commodity exports but today it has become the largest market for Sri Lankan exports, by being the largest purchaser of the Sri Lankan exports. On the other hand two old trading partners, Australia and Canada showed a decline in the share of Sri Lankan exports falling from 7.6 per cent and 6.9 per cent in 1970 to 1.2 per cent and 1.3 per cent respectively in 1989.

Secondly, the composition of Sri Lankan exports too changed quite rapidly particularly, in the latter part of the 1970s. What these results suggest is that income elasticity of demand for Sri Lankan exports in the developed countries, during the period 1954-70 was very low in the case of total exports and tea, and that in rubber was relatively high though still the demand is inelastic. However, subsequently income elasticity became a less important factor with its value becoming negative, which is rather meaningless.

In the case of tea the income elasticity of demand 1954-79 was positive 0.34. This fell as in the case of total exports to a negative value, -0.26 . This reflects the change of direction of trade in tea over the years. Socialist block and the Middle East countries have become more important buyers of Sri Lankan tea in recent years. In the case of rubber the income elasticity of demand was relatively high during 1954-70, 0.85. During this period China purchased the bulk of rubber as much as 45 per cent of the total rubber exports and another substantial quantity was purchased by the socialist block countries leaving only a small percentage for the developed countries. However, this value too became negative during the latter period 1970-88, -0.77 . With the termination of China-Sri Lanka Trade Pact other socialist country's share increased at the cost of China's share. USSR, Poland and China in 1980s accounted for more or less equal shares around 20 per cent by each country. Coconut exports do not show any meaningful income elasticity of demand. In the initial period it was negative and was not significant either. However, during the latter part, this negative value has increased and the level of significance has improved tremendously.

It is important to examine whether the fluctuations in the export revenue results from supply shocks as the income elasticity of demand is very low for these products.

Price elasticity of demand for Sri Lankan exports is not significant in any of the periods. This suggests that price changes have had quite insignificant influence in determining the quantity changes. The significance level or the 't' value has improved during the 1970-88 period, but the magnitude is not sufficient to show that the variable has a significant association with the quantity changes. This change in the value of 't' suggests that price variations too are becoming an important factor for the determination of export quantity variations during the recent past with the change in the composition of exports.

The low income elasticity of demand for Sri Lankan exports may suggest that fluctuations in the export revenue were due to supply shocks. Trade engine theory hypothesises the same and that the changes in revenue, which are invariably falling, come from price and quantity changes, which occur in opposite directions.

These hypotheses can be tested by analysing variance of price, quantity and revenue and the covariance of price and quantity.* The sign of the covariance is normally used as an indicator of source of instability. When the demand shifts both price and quantity changes in the same direction resulting in positive covariance and if supply shifts price and quantity varies in the opposite directions bringing in a negative covariance.

As Table 6 shows covariance between price and quantity of total exports, tea and rubber exports during 1954-70 period was negative. During this period the instability had been mainly due to supply shocks. This is not surprising as traditional exports accounted for nearly 90 per cent of the exports and also developed countries were relatively more important destination of Sri Lankan exports. In the case of rubber covariance in all periods has been negative hence the main cause of instability is supply shocks in all the periods. Except in the period 1954-70 in all the others, both total and tea exports have shown a positive covariance suggesting that demand variations are important source of instability.

TABLE 6

Variance and co-variance of price and quantity and revenue of total, tea and rubber exports of Sri Lanka 1954-88, 1954-70 and 1970-88.

Commodity	Variance of Price	Variance of Quantity	Variance of Revenue	Co-variance of Price and Quantity
		1954-88		
Total Exports	1.045	0.027	1.296	0.112
Tea	0.690	0.011	0.741	0.020
Rubber	0.582	0.031	0.609	-0.002
		1954-70		
Total Exports	0.005	0.009	0.007	-0.004
Tea	0.016	0.012	0.011	-0.010
Rubber	0.028	0.039	0.036	-0.018
		1970-88		
Total Exports	0.942	0.030	1.246	0.019
Tea	0.631	0.009	0.708	0.016
Rubber	0.609	0.018	0.489	-0.069

Source : Author's Calculations.

What all these suggest is that supply shocks have been an important causal factor of export revenue in the early period 1954-70 and in the later period 1970-88, it was the shift in demand which was responsible for such changes as shown by the covariance between price and quantity. The income elasticity of demand for Sri Lankan exports in the earlier period was positive but low which supports the trade engine theory. However, with the change in the composition of the exports and also the direction of trade over the years this factor lost its importance and in most cases its value was negative.

Concluding Note

Trade engine theory suggests that the exports of the developing countries have been conditioned by the income elasticity of demand for such products in the developed countries. It also assumes that income elasticity of demand for exports of the developing countries in the developed countries has been quite low and the price elasticity is almost zero. This assumption was based on the belief that the developing countries have been basically primary producing countries, but in actual fact they produce only half of the world production of these commodities and the balance is produced by the developed countries themselves.

On the other hand, the structure of exports of the developing countries has changed quite dramatically over the years. Now roughly 50 per cent of their exports consists of manufactured products. Hence, price elasticity of demand is becoming an important phenomenon.

The position of the Sri Lankan exports has been examined from 1954 to 1989. It was found that income elasticity of the Sri Lankan exports during the period 1954-70 was not only positive but also very low suggesting that trade engine theory is meaningful for that period. The price elasticity of demand has not been significant in any of the periods. During the latter period 1970-89 there has been a dramatic shift in the income elasticity of demand. The values were negative.

On the other hand, covariance between price and quantity showed that variation in export revenue during 1954-70 was mainly due to supply shocks, and during the other periods it was due to demand shocks or both supply and demand shocks.

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Variance of revenue was estimated by using the identity variance of revenue=variance of price+ variance of quantity + 2 co variance between price and quantity.

Gross National Income of some Developed Countries
(In 1980 Constant US Dollars)

	Billion US Dollars										
Year	USA	FRAN	GERM	ITA	BELG	HOLL	UK	DENM	JAP	AUS	CAN
1953	1112.600	219.5143	97.17526	150.4545	25.16543	26.97042	337.1004	20.97832	80.59036	43.22577	93.19581
1954	1099.200	230.0857	104.3387	155.9017	26.06000	28.72430	338.0712	21.60688	85.29934	45.61424	92.81797
1955	1173.100	242.9714	117.5584	166.3274	27.34187	30.56412	352.9424	21.60254	92.83814	48.33038	98.27845
1956	1198.300	254.9714	126.3549	174.0528	28.01394	31.59791	356.6125	22.04802	99.60366	50.71832	110.9513
1957	1220.000	225.2679	133.4692	183.3141	28.70966	32.91216	737.1803	23.20654	107.3625	52.39458	110.6834
1958	1214.900	197.7375	144.5014	192.4776	28.75028	33.00132	365.7263	23.80973	113.3750	53.13994	115.6623
1959	1287.700	213.3225	154.9775	206.1521	29.47655	34.68700	379.5960	25.39085	123.6247	57.84180	121.4735
1960	1315.300	228.8803	181.1230	233.8495	31.24748	39.41114	397.9153	27.03301	140.4919	61.03026	119.5582
1961	1349.900	241.6326	189.8165	253.2791	32.74408	41.58889	411.9764	28.74818	159.2504	60.63025	117.3663
1962	1427.900	257.7959	196.8494	268.8817	34.61237	43.16389	414.6299	30.24486	172.1301	64.51575	121.4352
1963	1485.300	271.4198	204.3849	282.9868	36.02392	44.77222	430.6205	30.39647	188.1724	68.73444	127.2904
1964	1563.700	289.2245	216.7792	289.3262	38.64365	48.71830	452.4426	33.07470	21.50712	72.71078	136.6921
1965	1658.100	309.8123	228.5536	298.5193	40.12650	50.98034	465.7693	34.82804	237.5478	77.32190	145.6372
1966	1757.100	315.7512	254.2887	312.4580	40.91663	52.26895	473.5574	35.47282	281.6575	79.16084	154.4842
1967	1804.500	333.4963	257.0724	335.2108	42.90349	55.41713	418.9369	34.41169	290.3622	84.36646	160.0222
1968	1887.900	344.9070	280.4768	357.3777	44.34904	58.58569	432.8401	35.66724	331.1322	89.23290	170.4698
1969	1940.500	328.4995	307.8627	377.9584	47.59795	62.11920	442.4971	38.86946	371.7272	96.51612	179.1760

rise¹⁷ constitute two geographical entities: the continental terrace¹⁸ and the continental margin.¹⁹ The continental margin includes the continental terrace and the continental rise.²⁰ At the continental rise, the geological nature of the seabed changes from being solely maritime, as constituted by the special muds of the deep sea floor, to the rocks and the geological structure of the continental pedestal upon which the continental land mass itself stands. In some localities, the continental shelf as a shallow platform does not exist because the seabed is broken up into a series of deep troughs and ridges which are similar to the continental land forms. This is known as a 'continental borderland'. It is made up of almost the same kind of materials as the continental shelf and slope.

However, the meaning of the expression 'continental shelf' has been modified in international law. The 1953 Convention considered the continental shelf as the 'seabed and subsoil' extending up to 200 meters in depth beyond the territorial sea. Beyond this depth, the continental shelf was considered to extend to "where the depth of the superjacent waters admits of the exploitation of the mineral resources of the said areas."²¹ The 1982 convention, on the other hand, has regarded the continental shelf and continental margin as the 'natural prolongation of the land territory' of the coastal state and both shelf and margin have been referred to as the 'seabed and subsoil' beyond the territorial sea. The seabed and subsoil have generally been described here as extending up to 200 nautical miles from the baselines from which the territorial sea of the coastal state is measured.²²

FORMATION

The continental shelf is formed of erosional or depositional rise. Classically, erosion refers to the disruption and transportation of rock debris from one place to another by a variety of surficial processes. The main agents of erosion are water, ice, wind and mass wastage. Some processes operate predominantly within the realm of the continent itself. These tend not to destroy a continent but merely to alter its surficial expression by redistributing its mass.²³

The concept of the shelf as a depositional feature appears to be based on sedimentation, accretion, encroachment and much deductive reasoning.²⁴ Sedimentation occurs when particles drop to the seabed if there is insufficient

obs	USA	FRAN	GERM	ITA	BELG	HOLL	UK	DENM	JAP	AUS	CAN
1970	1936.90	349.7464	344.7007	399.6276	51.21288	66.60551	450.7098	39.76899	408.5587	101.0078	195.6487
1971	2002.600	358.7926	393.1731	392.3988	54.31047	70.55182	454.4483	39.79497	447.5745	104.8074	194.1917
1972	2115.900	287.2724	409.4438	417.9696	58.11745	73.79103	426.1816	43.28146	508.3994	116.0307	207.4845
1973	2237.900	399.7887	411.3949	381.1358	59.18228	80.46548	408.2118	44.02799	537.0211	129.2708	200.7742
1974	2223.700	430.7741	462.2194	366.1200	69.73116	92.64379	402.3041	47.93859	486.1861	114.8828	205.8668
1975	2197.400	447.1529	488.4240	350.5611	65.43773	88.53304	360.2367	45.39949	51.36187	116.2066	212.4548
1976	2316.300	427.7624	553.5167	292.1395	76.71148	103.0968	316.4022	52.02332	568.0258	10.47219	227.5224
1977	2443.800	445.3737	593.9062	285.8478	80.62380	114.4358	343.1622	50.99459	697.9796	106.1955	204.8970
1978	2566.800	485.1350	560.9766	287.4663	88.59275	126.5086	354.1311	54.92068	843.7086	103.1902	182.7066
1979	2639.600	515.3049	555.3439	307.7991	91.75057	132.2006	389.2207	53.42907	712.8357	100.9893	188.7770
1980	2631.700	478.8882	566.1262	285.4255	86.33469	123.3174	422.9566	48.84640	910.8725	113.5001	191.5535
1981	2700.900	413.4880	575.1840	242.8537	76.03986	115.2791	362.8697	44.02181	956.7042	123.8479	218.0540
1982	2650.300	423.3250	576.3340	223.6710	75.27900	112.7733	328.6368	41.84571	972.5880	113.4859	211.2373
1983	2711.000	425.9610	541.7500	224.3420	76.40900	111.1940	332.9090	43.10200	1002.738	111.6700	204.0550
1984	2892.000	431.1500	549.8800	226.8090	76.71400	115.6420	345.2270	44.17900	1034.826	112.5630	211.6050
1985	2992.000	439.1890	565.2770	233.6140	78.32500	119.3430	351.1440	46.12200	1087.602	121.1180	224.5130
1986	3077.000	449.2900	576.8250	239.6880	79.03000	122.4450	364.4800	48.10600	1138.719	127.2950	234.8410
1987	3181.000	460.0000	589.8430	245.9200	80.29500	124.8950	377.2370	49.83600	1169.460	129.8410	241.6510
1988	3328.000	477.9400	600.4610	253.2980	81.90000	126.2680	393.8350	49.04000	1223.260	135.2950	252.0420

Source : International Financial Statistics.

On Bangladesh Family Structure: The Agro-Economic Implications of Family Typology in Rural Bangladesh

A. H. M. ZEHADUL KARIM

I

INTRODUCTION AND THE PROBLEMATIC

Based on ethnographic data, this paper examines certain relationships between family structure and social class in contemporary Bangladesh society. The main problem of this paper is to describe the agro-economic implications of family typology in rural Bangladesh. I have consistently argued that the structural pattern of family typology is deeply influenced by the factor of landownership. This ethnographic research is based on the data collected by myself from two adjacent villages of Puthia Union of Rajshahi District in the north-western part of the country. These two villages Dhononjoypara and Gopalhati are located in the same physiographic and environmental settings to the same culture area and to the same regional economy.

Sociologists and social anthropologists (e.g., Burgess and Locke 1953; Arensberg 1955; Gore 1961; Orenstein 1961) have argued that the most common family type in modern industrial economy is nuclear. As the economy is modernized, the ideal of a traditional joint family becomes gradually weaker as a cultural compulsive and the members of the nuclear unit rather gain ascendancy by disintegrating from the join family structure. This hypothesis received empirical support from the anthropologists who brought back from

their field research detailed data on family structure in South Asian context. F. G. Bailey (1957) in his study of a Orissa village noted that there has been a shift from the joint family living to the nuclear family over the past century as market economy penetrated in the village and as also modern occupations became established among the villagers. Epstein (1967) in her study of two South Indian villages (Wangla and Dalena) observed that the conversion from a subsistence to cash economy led to the breakdown of the joint family unit among the peasants.

Savitri Shahani (1961) adopted economic factor as one of the prime conditions for a joint family to exist. She assigns property as the principal prerequisite for the survival of a joint family. This is clear from her statement when she says that where the property has not been divided, there is a marked tendency for the joint family to hold together (Shahani 1961 : 1828). My observations do not follow exactly the same directions but are partially in consonance with Savitri's statement. I have correlated two variables, namely family typology and land-ownership and I contend that the structural patten of family in rural Bangladesh is deeply influenced by the pattern of landownership. This paper offered argument in this direction.

Pauline Kolenda (1968) has suggested a typology of family structures by adopting a comparative investigation of 26 sociological and anthropological studies, all carried out in India since 1949 which include both quantitative and qualitative data on the frequency of various types of families. There is no specific indepth study on family typology in rural Bangladesh. For that reason, perhaps, social scientists (e.g., Bertocci 1970) have adopted Kolenda's typology in regard to Bangladesh society. In categorizing the families in Dhononjoypara and Gopalhati, I have modified and adopted the family typology of Kolenda (1968). However, not all Kolenda's types exist in Dhononjoypara and Gopalhati.

II

STUDY AREA, DATA COLLECTION AND DEMOGRAPHIC NOTES ON THE STUDY VILLAGES

As indicated before, this ethnographic research is based on the data collected by myself from two adjacent villages of Puthia Union of Rajshahi District in the north-western part of Bangladesh. The two study villages—

Dhonojyopara (households, N = 105) and Gopalhati (households, N = 196) are located in the same physiographic and environmental settings. They belong to the same cultural area, to the same regional economy and to the same administrative zone.

The fieldwork for this study is principally based on participant observation method. I have conducted an intensive fieldwork by living in the villages for a little over 12 months from August 1984 to August 1985. Although I adopted participant observation method in general for my field studies, I employed other techniques for collecting data. The villages were surveyed intensively with an all-inclusive structured questionnaire. It was a total household census which covered all the people living in the villages. The unstructured interview and case studies were used further to supplement other methods of experiment for a better reliability and validity of data.

According to the village census that I administered during my fieldwork, there are 660 people in Dhonojyopara, of which 591 (89.55%) are Muslims and the remaining 69 (10.45%) are a tribal community named Santal. In Gopalhati, out of total 1207 people, Muslim constitutes 1142 (94.61%) and 65 (5.39%) are Hindus. The average household sizes for Dhonojyopara and Gopalhati are respectively 6.28 and 6.18 which are a little higher than the national average.¹ The rate of literacy for Dhonojyopara is 23.64 per cent and it is only 14.17 per cent for Gopalhati. It seems that literacy for Dhonojyopara is a little more than the national average while on the contrary, for Gopalhati it is much lower than the national average.²

III

FAMILY : A DEFINITION AND TYPOLOGY

The generic term for 'family' in Bangladesh is *poribar*, but the term *poribar*, however, is used polysemically in Dhonojyopara and Gopalhati. For example, depending upon the context, it refers to one's wife (*Ves*) alone or a group of people who share a common *cula* (hearth) and dine and live under one roof or within the same compound; it symbolizes unity and also refers to an economic unit.

The members of the *poribar* are the related persons, of the households (*khana*).³ The villagers determine the number of *poribars* by counting the hearth to indicate the number of houses, i.e., households. Based on this, the

poribars of Dhononjoypara and Gopalhati have been classified into seven categories.

These are :

- (a) Nuclear family (a married couple with or without children).
- (b) Sub-nuclear family (a widow or divorced head of household who lives with her/his children).
- (c) Supplementary nuclear family (a married couple lives with a widowed mother/father and unmarried brothers and sisters, if any).
- (d) Lineal joint family (a married couple plus one married son and other unmarried sons and daughters).
- (e) Collateral joint family (two or more married brothers who may have a widowed mother/father and also may have other unmarried brothers and sisters living all together).
- (f) Lineal collateral joint family (two or more married sons living with their parents along with other unmarried brothers and sisters).
- (g) A single person household is constituted with only one person.

There are 105 *poribars* in Dhononjoypara and 196 in Gopalhati. The majority of the *poribars* in Dhononjoypara (58.10%) and Gopalhati (64.80%) are nuclear; 14.29 per cent families in Dhononjoypara and 4.08 per cent in Gopalhati are sub-nuclear. There are 9.52 per cent supplementary nuclear families in Dhononjoypara and 8.16 per cent in Gopalhati. The percentage of lineal joint families in Dhononjoypara is 9.52 per cent and in Gopalhati it is 9.69 per cent. There are only three (1.53%) families in Gopalhati whose family type is collateral joint. And 8.5 per cent of the families in Dhononjoypara and 10.20 per cent in Gopalhati maintain a lineal collateral joint family. In addition, in Gopalhati there are three (1.53%) single-person households, of whom one is a widow and the remaining two are unmarried young persons who have dissociated from their respective parents.

The preceding data, however, show that the broad categories of family in Dhononjoypara and Gopalhati are 'non-joint'⁴ and 'joint'⁵ in structure and each of this classification is further explained by a synchronic sub-classification. It is evident that the popular family type is nuclear in structure and it is a dominated feature of a great majority in both villages.

IV

PEASANT CATEGORIES AND FAMILY TYPOLOGY

As we recall, our basic hypothesis in this paper is that economic differentials in family types play an important role in rural Bangladesh. I am thus concerned with two variables, namely landownership⁶ and family typology which have been correlated in Tables 1 and 2. It is clear from the tables that there exists a significant correlation between land and family typology in Dhononjoypara and Gopalhati.

Among 86 non-joint families in Dhononjoypara, 25.58 per cent, 33.72 per cent, 15.11 per cent, 20.93 per cent and 4.66 per cent respectively are landless, marginal, poor, middle and rich peasants which shows a declining lineal trend in non-joint families with the increasing size of landholding while a reverse trend is evident in the case of 'joint' families. Among 19 joint families in Dhononjoypara, 10.53 per cent, 15.79 per cent, 15.79 per cent, 26.31 per cent, and 31.58 per cent respectively are landless, marginal, poor, middle and rich farmers. A more or similar trend is also visible in the case of Gopalhati where 154 non-joint families, the proportion of landless, marginal, poor, middle and rich peasants are respectively 18.18 per cent, 47.40 per cent, 17.53 per cent, 14.29 per cent and 2.60 per cent while among 42 joint families, 4.76 per cent, 16.67 per cent, 21.43 per cent, 40.47 per cent and 16.67 per cent are respectively landless, marginal, poor, middle and rich peasants.

The above analysis clearly indicates that the proportion of non-joint families among the poor is higher and the rich peasants show a higher proportion of joint families (Tables 1 and 2). An examination of the distribution of per capita landholding data suggests that the economic condition is conducive to the respective family formation. The per capita landholding for the villages Dhononjoypara and Gopalhati are respectively 0.38 and 0.29 acres. The land concentration ratio is 0.65 for Dhononjoypara and for Gopalhati it is 0.64. This inequality of land distribution leads us to believe that land ownership status is the basic indicator of family typology and it also suggests that lack of sufficient land for the poor families compell them to the formation of nuclear families. And it is the landrich families who can afford to continue as joint families.

TABLE I
Family Types and Land Ownership Status, Dhomonjogpara

Family Type	Non-Joint			Joint/Linal		Total
	Nuclear Family	Sub-Nuclear	Supplementary Nuclear	Linal Joint	Collateral Joint	
Landless Villagers (possessing no cultivable land) N = 24	79.16	8.33	4.17	4.17	4.17	100
Marginal Farmers (own upto one acre) N = 32	59.37	21.87	9.38	6.25	3.13	100
Poor Peasants (1.01 to 2.50 acres) N = 16	62.50	18.75	-	18.75	-	100
Average Middle Farmers (2.51 to 7.50 acres) N = 23	47.83	13.04	17.39	4.35	17.39	100
Rich Peasants (7.51 + acres) N = 10	20	-	20	30	30	100
Total N = 105						

TABLE 2
Family Types and Land Ownership Status, Gopalhati

Family Type	Non-Joint				Joint/Lineal			Total
	Single person Household	Nuclear Family	Sub-Nuclear	Supplementary Nuclear	Lineal Joint	Collateral Joint	Lineal Collateral	
Landless Villagers (possessing no cultivable land) N = 30	-	90	16	3.33	6.67	-	-	100
Marginal Farmers (own upto one acre) N = 80	3.75	77.50	6.25	3.75	5	-	3.75	100
Poor Peasants (1.01 to 2.50 acres) N = 36	-	58.33	5.56	11.11	1.11	2.77	11.11	100
Average Middle Farmers (2.51 to 7.50 acres) N = 39	-	38.46	2.56	16.39	17.95	5.13	20.51	100
Rich Peasants (7.51 + acres) N = 11	-	18.18	-	18.18	18.18	-	45.46	100
Total N = 196								

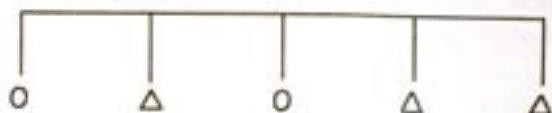
Economic differentials in family types thus play an important role in Dhononjoypara and Gopalhati. Where a particular type of joint family occurs, it results in the fusion of two or three nuclear families with the change of economic status. The following cases illustrate this still further.

Case 1: Asu Mollah's Nuclear Family

Asu Mollah is 37 years old and lives in Dhononjoypara. He is the head of his family and has a wife, three sons and two daughters. Asu Mollah's parents came to this village from Dhaka District sometime around 1948. Asu Mollah is a marginal farmer and inherited 0.33 acres of land from his father. His eldest daughter, who is 12 years old, does not go to school but helps her mother in household work. His eldest son, who is ten years old, goes to a neighbouring primary school and is now a student in the third grade. Asu's 7 years old

daughter and two sons who are 4 and 2 years old also stay at home. Asu Mollah contracted Dakter Helaluddin's land (0.25 acres). His eldest son helps him in farming. But within a year or two his eldest son will have to stop going to school because Asu Mollah can not afford the expenses. Also his son's labour is desirable.

Figure - 1

 $\triangle = 0$


\triangle A triangle designates a male.

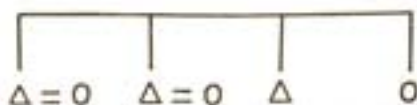
\circ A circle designates a female.

= An equal sign symbolizes marital relation.

Case 2 : Phulecha Khatun's Sub-Nuclear Family

Phulecha Khatun is a widow, 50 years old, from village Dhononjoypara. Phulecha's husband Darog Ali Miah died two years before. Darog Ali and Phulecha have three sons and one daughter. Their first and second sons, 30 and 28 years old, separated from their parents after marriage. So, after the death of Darog Ali, Phulecha has been living in the village with her son Zamiruddin (18 years old) and daughter Rahima (12 years old). Phulecha inherited 0.33 acres of land from her husband. Her son Zamiruddin looks after this land and also earns their livelihood by working on other's land. But I suspect that if Zamiruddin gets married, he might form his own nuclear family leaving his mother and sisters alone.

Figure - 2

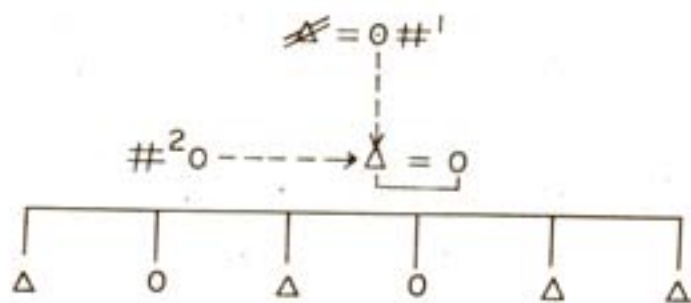
 $\triangle = 0$


\triangle This indicates that the person is dead.

Case 3: Majid Miah's Supplementary Nuclear Family

Abdul Majid Miah is 45 years old from village Dhononjoypara. His wife is 35. They have four sons and two daughters. Majid Miah is the head of his household although his 65-year old widowed mother and 22-year old unmarried sister live with him. He is a poor peasant who owns 2.33 acres of land. He has two oxen and one cow and is well equipped with one *lungol* (plough) and a *jool* (yoke). As Majid Miah has access to the means of cultivation, he often contracts the land of wealthy farmers in his village. With this extra-income, he somehow meets the expenses of his family. If Majid Miah was a landless or marginal farmer, it would have been difficult for him to bear the extra-expenses of his mother and sister. In such a case, Majid's mother, Rosimon, probably would have had no choice but to form a sub-nuclear family with her daughter. On the other hand, it is also equally true that Majid Miah would not have inherited all his father's land as his mother was alive and his sister also would have claimed a share. In such a case, Majid's economic standing would have been lowered and his family type would have been nuclear.

Figure_3



#1. Is Majid Miah's widowed mother.

#2. Is Majid Miah's unmarried sister.

Case 4 : Ayenuddin Mondal's Lineal Joint Family

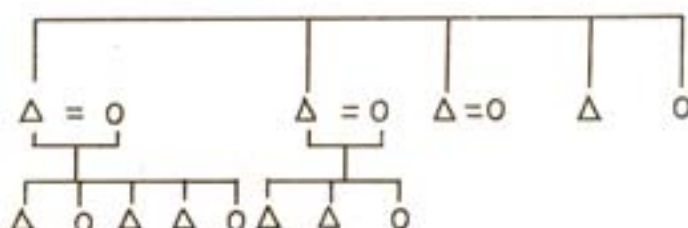
Ayenuddin Mondal is a 62-year old man from Gopalhati. His wife is 50 years old. He has six sons and two daughters. His eldest son Afazuddin Mondal is married and lives with Ayenuddin with a wife and two children. Ayenuddin is a middle-rank farmer with 4.33 acres of land. Ayenuddin is a well-supplied farmer with two cows, two oxen, three calves, two ploughs, two yokes, two levellers and a cart. His eldest son helps to manage the farm. Ayenuddin does not have to employ hired labour, as his other sons—Aslanuddin (18 years), Akramuddin (16), Akabaruddin (14), Asad Ali (12), and Sobhan Mondal (10) also assist their father and elder brother. If Ayenuddin dies of old age, it may happen that his eldest married son Afazuddin may take responsibility for the whole family, which would then become a supplementary nuclear family.

Figure-4 $\Delta = 0$ **Case 5 : Akalu Sardar, Yad Ali Sardar, and****Yasin Sardar's Collateral Joint Family**

Akalu Sardar, Yad Ali Sardar and Yasin Sardar are three married brothers from Gopalhati living in the same household. Their father Paran Sardar died 3 years ago and their 63-year old mother Khiljan Bibi lives with them. Akalu's, Yad's and Yasin's unmarried brothers and sisters also live with them. Both

Akalu and Yad are farmers and they own 4.33 acres of land. They have two oxen, one plough, one yoke, one leveller and a cart. Akalu has three sons and two daughters. Yad has two sons and one daughter and the third brother Yasin is just married and does not have any child.

Figure-5

 $\triangle = 0$


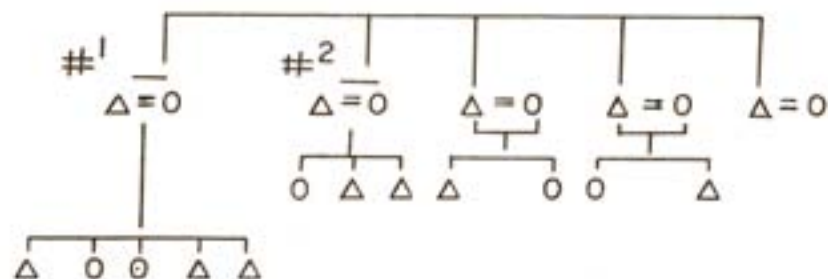
Case 6 : Azhar Sarkar's Lineal Collateral Joint Family

Azhar Sarkar is 76 years old from Dhononjoypara. His wife Sher Jan Bibi is 55 years old. Azhar Sarkar has three sons and two daughters. His daughters have been married out to different neighbouring villages and they live with their husbands. One of his sons-in-law has been the Chairman of Baneshwar Union (a neighbouring union) for two terms. All three sons of Azhar Sarkar are married, two of them have two children each. Azhar's first son Ayub Ali is a graduate from a local college; the second son Adam Ali passed H.S.C. and the third son Amir Ali is a Matriculate (i.e., passed school certificate). Azhar Sarkar is an extraordinary rich person with 21.66 acres of land. His eldest son looks after the agricultural activities. His second son, Adam Ali, is a contractor and the third one is a clerk in the Agriculture Department. Ayub, Adam and Amir are involved with cooperatives, Socio-Economic Projects for the Youths (SEPY) and other development activities in the village. Being members of such a rich lineal-collateral joint family, they are rather in an

advantageous position where they do not have to worry about their subsistence.

Figure-6

$$\Delta = 0$$



#1 and #2 are Azhar Sarkar's married daughters who moved out with their husbands.

Case 7: Single Person Household

Shamsul Fakir is a young man of 20 years old from Gopalhati, and has been living in a single person household in the village. Due to some disagreement with his father (Aseruddin Fakir), Shamsul Fakir dissociated from his parent's nuclear family and started living separately. Shamsul Fakir is a marginal peasant and owns 0.17 acres of land.

The analysis of tables and the cases examined in the preceding pages clearly suggest that non-joint families preponderate among the poor categories of peasants and became less pronounced as economic status improves. Where a particular type of joint family occurs, it results in the fusion of two or three nuclear families with the change of economic status. However, a question comes as to whether wealth encourages families to hold together in joint structure or the joint structure promotes wealth accumulation. To investigate that question further, I have merged 'two poorest' (landless and marginal) and 'two richest' (middle and rich) classes of peasants from Dhononjoypara and

force to induce either siltation or surface creep. Dust, because of its low terminal velocity of fall, settles in this fashion. As a matter of fact :

... under the action of waves in shallow water both the major acceleration of the water particles and the transport of sediment is predominantly in a landward direction outside the breakpoint. There is thus a general tendency for accretion to take place.²⁵

Encroachment takes place when a barrier obstructs the movement of some particles. It occurs on dunes where particles roll to rest in the lee of the dune crest.²⁶ Wave abrasion and river sedimentary discharge play an equal role in the formation of the continental shelf.²⁷

PHYSICAL FEATURES

Oceanographic studies have shown that there is no uniformity as regards the width, depth or physical formation of the continental shelf. The division of the continental shelf among the states in different regions of the world is thus unequal and disproportionate. The widest shelves are commonly formed adjacent to low-lying plains on the continents.²⁸ The shelves around the Arctic Basin are generally very wide and occupy more than half of the total area of the Arctic Ocean. The widest shelf is found off the coast of the Soviet Union, which indeed has the largest shelf in the world. All of the peripheral seas on the Soviet side, i.e., Barents, Kara, Laptev, East Siberian and Chutchi, rest on the continental shelf and are characterised as 'epicontinental seas.'²⁹ The widest shelf is in fact found in the Barents Sea, and is shared with Norway.³⁰ In these regions, the shelf extends up to 800 miles.³¹ Off the coast of north-west Europe the continental edge swings westwards to the north of the Bay of Biscay, where the shelf width increases considerably. The North Sea lies predominantly on a continental shelf. The British Isles lies wholly on that continental shelf and its width in this locality is about 500 miles.³²

The eastern margin of North and south America has wide shelves. The shelf extends about 150 miles off Florida and 350 miles off the coast of South America, south of the Rio de la Plata.³³ The eastern coasts of the Asian and Australian continents have vast areas of continental shelf.³⁴ The shelves surrounding very large islands (e.g., Madagascar) are true continental shelves because these islands are like small continents.³⁵ In the Persian Gulf there exists neither a continental slope nor a continental rise. This is because the

geological structure of the soil beneath the gulf is the same as that of adjacent territory.³⁶

Mountainous coasts are at most bordered by narrow shelves. For example, the continental shelf is narrow all round the African coast and along the western coast of North and South America³⁷ whilst there is no shelf on the western coast of Corsica and off the Alpes Maritimes on the south east coast of France. The continental shelf off the west coast of Norway separated from the mainland by troughs of great depth.³⁸

RESOURCES

It goes without saying that the oceans are rich in different resources. It is a natural phenomenon that apart from water in the immediate vicinity of the beach, the intensity and variety of marine life is inversely proportional to the depth of the water.³⁹

The continental shelf frequently provides sediments of sufficient depth and reservoir structures such as salt domes, which are favourable to the retention of oil and gas.⁴⁰ The seabed and subsoil of the continental shelf are part of the continental land mass, although the waters above are actually part of the high seas. It is therefore not surprising that the resources which are found on land and in the sea are found on the continental shelf.⁴¹ Extensive deposits of petroleum, gas, oil, metalliferous muds rich in copper, zinc, manganese nodules (containing cobalt, nickel and numerous other minerals), coal, sulphur, iron, limestone and sand gravel can be tapped from these areas.⁴²

The continental shelf is the natural refuge for living resources.⁴³ Sedentary species such as oysters, pearl oysters and coral usually rest in shallow waters contiguous to the coast.⁴⁴ It is common knowledge that the coastal waters of the world are richest in nutrients and support an abundant fish population. Rich plankton pastures exist in the waters above the continental shelves. This results from the supply of nutrients from the adjacent land, the shallowness of the waters (which in turn allows sunlight to penetrate to the seabed), the mixing of water due to tidal effects and the breaking of oxygenating waves in the shallow seas. These conditions lead to the development of spawning areas for a variety of fishes. Much of the world's fish is obtained from these waters.⁴⁵ Indeed, over 80 per cent of the world's fish reside in coastal waters above the continental shelf.⁴⁶

Gopalhati modifying them from Tables 1 and 2 and dichotomized them into non-joint and joint families in Table 3. According to the chi-square tests, the relationship of joint families and rich economic status is found to be statistically significant.

TABLE 3
Class and Family Structure in Dhononjoypara and Gopalhati

Class	Dhononjoypara			Gopalhati		
	Non-joint Families	Joint Families	Total	Non-joint Families	Joint Families	Total
Poorest	51	5	56	101	9	110
Richest	22	11	33	16	24	40
Total	73	16	89	117	33	150

Note: Here 'poorest' class includes the landless and marginal farmers from Tables 1 and 2 and the 'richest' includes the middle and rich categories of peasants. The poor category of Table 1 and 2 has been eliminated here for better analysis of Table 3.

Chi-square test results : For Dhononjoypara $X^2 = 8.39$ with 1 df.

For Gopalhati $X^2 = 44.77$ with 1 df. Both Chi-squares are significant at the 1 per cent level.

Table 3 indicates that 11 of the 16 (i.e., 69%) joint families in Dhononjoypara are rich; out of only 11 of the 33 (i.e., 33%) rich families are joint; while in Gopalhati, 24 of the 33 (i.e., 73%) are rich whereas 24 of the 40 rich families (i.e., 60%) are joint. This contrast is not as sharp in Dhononjoypara, but it points in the same directions—namely that joint family structure is a better predictor of wealth. It confirms that the agro-economic factor is the primary condition of family type and being in the joint family is advantageous for wealth concentration by multiplying family income. Where property has not been divided, there is a marked tendency for its members to hold together.

However, whatever the family patterns—the family head (*Malik*) is the major decision-maker in each *poribar*. The income and expenditure of the *poribar* is controlled and regulated by him. Property ownership devolves through the *Malik* and it is expected that as long as he is alive, no other person

in the *poribar* can buy or sell any land or other property. The *Malik* controls property and makes economic transactions for the whole family. From this view point, it is true that a joint family head accomplishes his task by keeping his married or unmarried sons together or the farm is kept intact to raise his family income.

This discussion further suggests that the rich gets richer through holding to a joint family structure—but poor families often are too poor to hold together. The young members of the poor joint families break away to find better economic opportunities. As the land is divided upon the death of its owner, many of his inheriting family members receive less than necessary to make a living. It is therefore obvious that they will disintegrate from their joint family and each of them will make conceivable effort to subsist their own independent nuclear family. And it is quite logical that when the inherited property is too small to raise a family living, the nuclear family head will make an effort to buy additional land for the subsistence of his family. It can be presumed that being young and able-bodied, the young people earn more and thus would contribute more being in the nuclear than they would in joint family. From that point of view, the disintegration from joint family and forming his own independent nuclear family is economically advantageous.

V

ANALYTICAL CONCLUSION

The preceding discussion shows that the broad categories of family in Dhononjoypara and Gopalhati are non-joint and joint in structure and each of this classification is further explained by a synchronic sub-classification. It is evident that the popular family type is nuclear in structure and it constitutes a great majority in both villages. Joint families are not uncommon but large joint families comprising all related persons of two or three generations as prevailed traditionally in villages are not found now a days.

The analysis indicates clearly that the structural pattern of family typology is deeply influenced by economic factor. Economic influence is a positive and dynamic force in dichotomizing the model type of family at a point between the extremes. The deductive conclusion that may be drawn here is that family structure—more specifically joint family structure is a positive and dynamic force enabling wealth concentration and thereby the preservation

of multiplication of family property. On the contrary, poor families are often too poor to hold together. The young members of the poor joint families break away to find better economic opportunities. When the young members of poor joint families form their own independent family, they affect both the economy and the structure of the joint family. They not only weaken the joint family ties, but force a change in structure upon leaving, to one that is some form of nuclear family.

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1. According to the *Statistical Year Book, 1983-84*, the average household size in Bangladesh is 5.79 (as of 1981 Census).
2. The literacy rate for Bangladesh is 19.79 (as of 1981 Census) according to *Statistical Year Book, 1983-84*.
3. A *ghar* is also used in Dhononjyopara and Gopalhati to designate a room. Islam (1974) in his anthropological study of Dhaka village makes a distinction between *ghar*, *bari* and *poribar*. For him, *ghar*, *bari* and *poribar* refer to nuclear family, extended family and localized patrilineage respectively. This distinction as I agree with Arfeen (1983), seems to be confusing. In Dhononjyopara and Gopalhati, *ghar*, *poribar*, and *khana* (although seldom used) are used interchangeably to mean 'family'. Following Shah (1973), there is another study (e.g., Bhuiyan 1978) which indicates household (*khana*) to be one of the dimensions or divisions of family (*poribar*). Bhuiyan (1978 : 89) shows that persons of one *poribar* may reside in different households and further explains that if a man has five married sons living in separate households with their wives and children, all the five households taken together may constitute his *poribar*. This situation of *poribar* does not exist in my study villages. Ahmad's (1973), Aziz's (1979), and Arfeen's (1986) definitions of *poribar* basically are the same in Dhononjyopara and Gopalhati.
4. Here non-joint families include all the sub-nuclear, nuclear, supplementary nuclear and single person households.
5. Joint families are composed of all the lineal joint, collateral joint and lineal collateral joint families.
6. The villagers of Dhononjyopara and Gopalhati have been classified into five major categories in accordance with their landownership. In this regard, I have adopted the classification of the Agriculture Census of Bangladesh Government of Bangladesh 1981. The categories are : (a) Landless Villagers (those who do not have any cultivable land in their possession but they may have a homestead); (b) Marginal peasants (those who own land upto 1.00 acre of land); (c) Poor peasants (possessing between 1.00 and 2.50 acres of land); (d) Average peasants (those who have 2.51 — 7.50 acres); (e) Rich peasants (those whose landholding exceeds 7.51 acres).

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The Bangladesh Public Service Commission : Issues and Problems

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Even a nicely designed administrative organization becomes ineffective if it is not manned by competent persons. It cannot be expected to have efficient civil servants at the top if we fail to recruit competent men of the right type at the entry. This is where the importance of a central personnel agency lies. A central personnel agency is considered as an organ that deals with public personnel functions having governmental implications. There might be several central personnel agencies in a country. For example, apart from the Public Service Commission and the Establishment Division, other specialized personnel organizations and agencies like the President's Office, Prime Minister's Office, Cabinet Office, Finance Department or Treasury or Planning may deal with some aspects of central personnel administration as an incidental part of other important governmental functions. They are involved in central personnel administration only to the extent of ensuring concerted action in the overall policy process of resource allocation, coordination of business and monitoring of policy implementation through out the government machinery. In our present discussion we will concentrate on the role of Public Service Commission and Establishment Division, as they constitute the Central Personnel Agency in Bangladesh.

In order to discuss the Central Personnel Agency in Bangladesh, we need to trace the background as existed in British-India and also in Pakistan period.

British Period

In British-India the Royal Commission on the Superior Civil Services (1924 Lee Commission) recommended the establishment of the Public Service Commission. According to the recommendation of the Lee Commission a Central Public Service Commission was set up in 1926 for the All India and the Higher Central Services.

The PSC was for the whole of the British-India. It was covered the All-India services and central services. The local government might initiate the Commission to assist in dealing with problems of provincial administration. Later, the Indian Statutory Commission in 1930 recommended that provisions should be made in the Government of India Act for the Establishment of Provincial Public Service Commission in the respective provinces.

Pakistan Period

In Pakistan, the Public Service Commission was set up in August 1947 under Section 264 of the Government of India Act, 1935. The Constitution of 1956 designated the Pakistan Public Service Commission as Federal Public Service Commission. More or less, it retained most provisions regarding Public Service Commission as laid down in the Government of India Act, 1935. The 1962 Constitution also retained the same provision with some amendments regarding composition and structure of the Commission. But the function of the Public Service Commission was the same as that of the PSC in British-India.

Central Personnel Agency : The Bangladesh Public Service Commission

The Public Service Commission in Bangladesh like its predecessors in British India and United Pakistan is a constitutional body. In other words, the structure and function of the PSC in Bangladesh is firmly based on constitutional provisions and any amendment of these provisions by way of addition, alteration, substitution or repeal can only be made by an act passed in the Parliament through certain special amendment procedures specified in the constitution.

Article 137 of the Constitution provided for setting up of one or more Public Service Commissions each of which shall consists of one chairman and required number of members subject to final approval by the Parliament. Consequently the first and second Public Service Commissions came into being

after 1971. But under the Ordinance No. 57 of 1977, the first and second Public Service Commissions were merged into one and only the Bangladesh Public Service Commission (BPSC) with the number of members fixed between six to fifteen, including a chairman. Article 138 of the Constitution enumerated that the chairman and the other members of the BPSC should be appointed by the President and at least one half of the members shall be the persons who have held office for twenty years or more in the service of the government.

Again according to the Article 139 of the Constitution, the term of office of the chairman and members of the PSC shall be five years or until they reach the age of sixty-two, whichever is the earlier. They can be removed from the office in like ground and in like manner as a Judge of the Supreme Court is removed.

After completion of the term, a member of the PSC is not eligible for further appointment in the public service, except the chairman who is eligible for re-appointment for one additional term and another member whose tenure can be renewed for an extra-term or who may be appointed chairman provided he has not attained the age of sixty-two.

Functions

Article 140 of the Constitution enumerated that it shall be the duty of the Public Service Commission :

1. To conduct test and examinations for the selection of suitable persons for appointment to the public service.
2. To advise the President on any service matter on which the PSC is consulted including any other matter, the President shall refer to it.
3. To perform such other functions as may be prescribed by the law.

The article further provides that, the President shall consult the Public Service Commission on :

- (a) Any matters relating to qualification for and methods of recruitment to the government services.
- (b) The principles to be followed in making appointments to that services and promotion and transfer from one branch of service to

another and the suitability of the candidate for each appointment, promotion and transfer.

- (c) Matters affecting terms and conditions of that services.
- (d) The discipline of the services.

Therefore the main function of PSC is to recruit and select suitable persons for the civil services of the country.

Recruitment to the civil services may take place in the following ways :

1. By direct recruitment.
2. By promotion.
3. By deputation and transfer.

PSC is mainly involved with the former two types of recruitment, i.e., direct recruitment and recruitment by promotion.

1. *Direct Recruitment* : It is done mainly for the selection in the cadre services (30) with the help of following methods :
 - (a) Written primary test of 100 marks recently introduced.
 - (b) Written comprehensive examinations of 1000 marks.
 - (c) Viva-Voce test followed by psychological and intelligence tests of 200 marks.

Besides, the BPSC also selects candidates for non-cadre services by written tests or by interviews.

BPSC is also responsible to endorse ad-hoc appointment made under various ministries/divisions including advice on the extension of the terms of such appointments.

2. *By Promotion* : The BPSC shall be consulted in all cases of promotion from non-gazetted to gazetted and from one class of service to another. The head of the department shall consult the PSC direct and not through the Administrative Ministry in cases of promotion, which they are competent to make and where the reference to the BPSC is necessary.

Previously PSC acted as an attached department of the Ministry of Establishment, but now it has been given the power and status of a Ministry or

Division of the Government by creating an independent secretariat. This structural rearrangement did not bring any significant impact over its functions as an independent statutory body. The only benefit is that it has given overall jurisdiction to recruit and select its own personnel and so for their dismissal and removal is concerned.

Establishment Division and BPSC

But, in Bangladesh, the Establishment Division (ED) is also responsible for formulation of personnel policies governing all the civil services. It also deals with the disciplinary cases. The role of ED in the realm of recruitment, is very important. The PSC conducts all the competitive examinations at the request of ED. In effect the ministries first notify the ED of their vacancies, which in turn requests the PSC to arrange competitive examinations. The necessary requirement rules, prescribing the method of requirement, qualifications of candidates age limits are also framed by ED in consultation with the PSC.

After the PSC draws up the lists of qualified candidates, the ED arranges to secure the approval of the President. When all the preliminaries are completed and only then the ED authorises their appointments.

Now we are going to analyse how for the central personnel agencies (PSC, ED) perform their function.

The most important thing to be considered here is that in exercising the power of selecting members of the civil service, the Commission acts as an advisory body. Its recommendations are not binding on the government. The ultimate authority of making appointments lies with the government. The Commission has advisory that mandatory power. If the Commission is not given the mandatory power the government may be induced by political influence to reject the sound advice of the PSC. The annual reports of BPSC reveal that every year there are cases of rejecting the advice of the Commission in regard to the appointment to various posts.¹

Public Service Commission is supposed to be an independent constitutional body. But it merely works as an attached office of the ED. Most matters of its organization, administration and finance are subject to the final scrutiny and control of the ED. The most important function of the PSC is to conduct tests for selection of candidates. But the rules relating to the syllabus of the examination, age limit and other conditions are determined by the ED.

The function of PSC is to arrange the examination within the guideline constituted by ED.

Evaluation of some Annual Reports of Bangladesh Public Service Commission and Criticisms

So far we have discussed the constitutional provision and responsibility of Bangladesh Public Service Commission as an independent statutory body but in the real sense due to a great deal of inadequacies and shortcomings it finds it difficult to discharge its function as an independent constitutional body. These are :

1. There has been a persistent tendency among most of the government agencies to appoint a large number of fresh employees on ad-hoc basis and retain them in the services independently. But there is an instruction that an operating authority may appoint a person on ad-hoc basis for a period of not exceeding six months with the prior concurrence of PSC. After the expiry of the six months no ad-hoc employee shall be allowed to draw salary unless the PSC certifies that, it could not as yet select any one for the vacant posts and services. But in practice most appointing authorities, specially during the period preceding the constitution of a new unified service structure in 1980, paid no heed to these instructions, that they grossly exceeded their authority by making unbridled ad-hoc appointments allowing irregular extension of their services, including the adoption of a 'dilly-dallying' attitude to frame the necessary recruitment rules for the service or posts under their control.
2. In case of promotion from one class of service to another the concerned ministry/division does not always send to the PSC all the relevant papers including the Annual Confidential Reports of all eligible candidates. Moreover, the ACRs are not maintained properly, the adverse comments in the ACRs are not often communicated to the concerned employees in time. Hence these and other irregularities causes unnecessary delays in the consideration of many promotion cases.
3. The BPSC noted with deep dissatisfaction that a certain appointing authority in many cases select fresh recruits mostly on whimsical or

unplanned basis. Without sending the necessary paper for recruitment, all of a sudden they makes decision not to recruit the personnel so requested, usually at a time when the BPSC has already advertised the posts or even selected the persons for the posts so advertised. This undermines the image of the BPSC as an independent constitutional body.

4. According to the viewpoint of an official of the BPSC, the government sometimes takes certain decision regarding the method of competitive examination to appoint a person to the various services/posts without consulting BPSC at the initial stage, which is against the constitutional provisions.
5. A close review of the PSC's Annual Report of 1988, reveals that in certain cases of promotion, determining seniority and of regularizing services, the Commission gets wrong information which in turn leads to wrong decision. Hence, it undermines the image of the BPSC.
6. The present system of selection creates problems for PSC to select candidates especially in case of quota for Freedom Fighters. It is very delicate job to find out a genuinely eligible candidate under the quota for Freedom Fighters as nineteen years have passed by. Due to this problem, the PSC faced serious problems for filling up the vacant posts under this provision. In the 8th PSC Examination, the Commission hardly filled up only 5 per cent posts. The rest of the posts were filled up on the basis of district quota. And it inevitably affected the merit principle in the civil service.

Overseeing this limitation, the Mahbubuzzaman Committee recommended that the quota for Freedom Fighters should be reduced from 30 per cent to 20 per cent. The 10 per cent quota should be distributed equally for the merit and district (5% + 5%) basis.

The Government has accepted their recommendations. It is to be implemented.

7. Lastly, there is a great deal of political influence on the BPSC, which creates a serious problems in discharging its task in the

recruitment and selection and other service matters specified in the constitution and statute.

BPSC since liberation has been engaged with a constant struggle to maintain its position as an independent body as well as an effective advisor to the Government. Government persistent disregard of BPSC's advices and irregular use of its power in dealing with the services have led to the evils from which the country has suffered most. Violation of statutory rules, irregular appointment and promotion have become common feature since the creation of Bangladesh. Progressively irregularities have increased, privileges have been misused and fair and open selection for position has become difficult.

The direct and indirect interference of the political parties in power reduces its effectiveness. Promotion on merit have been adversely affected. Unqualified persons are appointed in places of a qualified persons. For example, a minister enjoys the privileges of appointing his own private secretary. A person appointed through that privilege is then pushed to a better and more remuneration on permanent position. This process have been repeated without remorse.

Person appointed to a post without advertisement and without any competition has been retained in the post for months and even years and then his name is sent to the BPSC for approval with strong recommendations. If BPSC insists on advertisement, the qualifications required and demanded by the department, have been woven round the favoured one. Thus a person with less merit and but with the support of the departmental representatives scores ahead of a person with higher basic qualifications and superior merit.

There have been many frustrating cases where several appointments in senior positions have been given to men not recommended by the BPSC and in some cases in preferences to the BPSC's nominees.

Therefore we may say that the large scale of abuse of executive power has undermined the position and image of the BPSC as an independent body.

From our discussion, we can conclude that the PSC in Bangladesh is an independent constitutional body, but the functions of PSC are conditioned by several factors. In order to bring about efficiency and changes within the civil service, the PSC needs to be well representative as well as it should possess mandatory powers in certain important cases. In a developing country like

Bangladesh, where favouritism and nepotism are the traits of bureaucracy, only an effective central personnel agency can help to develop a body of efficient civil servants.

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The Concept of the Continental Shelf : Impact of the 1958 and 1982 Conventions on the Delimitation

M. HABIBUR RAHMAN

INTRODUCTION

The regime of the continental shelf has been developing since 1945 with the Truman Proclamation.¹ In 1958 the Geneva Convention² adopted the expression 'continental shelf', and the 1982 Law of the Sea Convention³ has enriched it with the 'continental margin'.⁴ This article deals with the concept of the continental shelf and continental margin from different perspectives, and focuses on the problems involved in their delimitation. It will further analyse the provisions of both Conventions relating to the delimitation of the shelf or margin between states with coasts opposite or adjacent to each other.

TERMINOLOGY

Continental shelves lie appurtenant to the continents. This is a natural phenomenon. A definition of the expression 'continental shelf' is not simple, but as a concept, it is not difficult to comprehend.⁵ Basically, the concept of the continental shelf stems from geology, geography and oceanography. In the view of M. W. Mouton⁶:

The notion "continental shelf" is of purely geological, geographical and oceanographical origin. What do geologists and other scientists mean when they speak of the continental shelf (*le plateau continental, der Kontinentalsockel*)? From the middle of the last century onwards an

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increasing number of soundings in the seas and oceans have been carried out for scientific as well as practical purposes (shipping and telegraph cables).

It would be true to say, therefore, that the continental shelf notion is an achievement of scientific and technological undersea investigation. According to geological investigation, most of the present land surface of the earth was in the past covered by the sea. Almost all sedimentary rocks testify to this fact by the marine fossils they contain.⁷

The expression 'continental shelf'⁸ is used by geographers to denote the kind of pedestal on which the continents seem to rest in the ocean. It slopes steadily and very gently toward the sea. In French, it is called *plateau continental*, *plate-forme continentale*, or (rarely) *seuil continental*; in Spanish, *plataforma*, *cornisa* or *zocalo*; and in German, *Kontinentalsockel*.⁹

Geologists claim that the continents do not end at the beach. Rather, the true breadth of the continents extends to the outer edge of the continental shelf, along a line referred to as the continental edge.¹⁰ The shelf is regarded as the submarine continuation of the land mass under the sea to where the sea floor begins to fall off more steeply into oceanic depths.¹¹ It is covered by relatively shallow waters; beyond it, the real ocean depths are encountered.¹² Undersea investigation has revealed the great ocean depths. From a practical point of view, the continental shelf is a topic related to the study of the sea floor. According to C. H. Cotter:¹³

Close study of a bathymetric chart discloses two significant isobaths each corresponding to a change of slope of the general form of the sea floor. These two significant breaks of slope divide the floor of the ocean, in a broad fashion, into three major facets. These surfaces are named: the continental shelf, the continental slope, and the abyssal floor. Each of these major surfaces was initially thought to be relatively flat. Especially was this thought to be true of the abyssal floor which was regarded as being a monotonously flat plain.

The first facet, which is rather shallower than the other two, is the continental shelf.¹⁴ The depth of water on the seaward side of the continental edge increases relatively rapidly as we move away from the boundary. The continental slope¹⁵ is quite steep and shares some of the features of an escarpment and begins where the continental shelf ends. In between the continental slope¹⁶ and the abyssal floor exists the continental shelf, slope and

It has been said that the "prospect of rich off-shore resources has forced states to show a growing interest in and stake competing claims to areas of ocean which previously might have been the subject of little economic or scientific interest."⁴⁷ This led coastal states to enact legislation in quick succession so that they could reap those resources. These moves laid the basis for claims by coastal states to the resources found in their coastal sea. Eventually, this resulted in the evolution of the legal concept of the continental shelf.

CONVENTION PROVISIONS ON THE OUTER LIMIT OF THE CONTINENTAL SHELF

UNCLOS I

The 1958 Convention adopted provisions relating to continental shelf.⁴⁸ Although the Convention formulated certain criteria for determining the outer limit, it provided no specific limit for the horizontal extension of the shelf from the baselines from which the territorial sea of the coastal state is measured. According to Article 1 of the Convention :

... The term 'continental shelf' is used as referring (a) to the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar areas adjacent to the coasts of islands.

It is obvious that this provision is equally applicable to all coastal states, whether continental or insular.

BASES OF CLAIMS

The claims of the coastal state over the continental shelf are not based on mere opinion or caprice. It is a fact that the economy of coastal states depends to a certain extent on the resources of their coastal seas. That being so, it is natural for them to claim authority over the continental shelf existing in their coastal areas. To this end, Richard Young says⁴⁹ :

In the economic field the theory allows for the fact that resources in submarine areas will ordinarily be best developed from the adjacent shore, and that the processing and use of such resources must be in most cases intimately associated with the economic life of the coastal state. It

also takes account of the fact that there is often an economic as well as a geological relationship between off-shore resources and similar resources on the contiguous land. Improper use of one may adversely affect the other, and commonsense calls for a single authority to control both.

From a practical point of view, it is more convenient for the coastal state than for any other state to explore the continental shelf and exploit its resources. Again, if geological proximity is considered, the coastal state seems to have overriding authority over the continental shelf, which begins in its territorial sea and extends beyond it. If the coastal state is not considered to possess such authority, no state can substantiate a claim to any continental shelf.

As a practical consideration, if the continental shelf is not attached, *ipso jure*, to the coastal state, it would be exposed to grab tactics by other states and as such it would accelerate embarrassing and dangerous activities near the coasts of this state. It is therefore conceded that the coastal states should feel some uneasiness about off-shore exploitation of the seabed by foreigners.⁵⁰ All arguments taken into consideration, it seems rational to conclude that the continental shelf should *ipso jure* be attached to the coastal state.

CONTINENTAL SHELF vs SEABED AND SUBSOIL

Article 1 of 1958 Convention purports to deal with the meaning of the term 'continental shelf'. But it did not refer to either geology or geography. It has regarded the shelf simply as the 'seabed and subsoil' of the submarine areas. This suggest that the continental shelf is an undersea area, adjacent to and beyond the territorial sea. The term refers to the 'seabed and subsoil' but does not define the shelf proper, i.e., the geological shelf. This means any undersea area adjacent to the coastal state can be regarded as a continental shelf.

If the regime of the continental shelf is concerned with the geological shelf, the interest of the coastal state over this shelf would be aroused if it also lies adjacent to a third state. According to Article 1, the continental shelf adjacent to but outside the area of the territorial sea would also appertain to the coastal state. This gives rise to various arguments. For example, Professor Brown says :

Article 1 refers to areas adjacent to the coast, not arbitrarily selected points within an area. Moreover, any argument which seeks to stress the element of 'nearness' has to contend with realities such as, for example,

the submarine areas off the east coast of Argentina, the North Russian coast and the coast of Vietnam which are less than 200 meters in depth out to a distance of over 200 miles. Is this 'near' or 'far'? It could be answered that these areas fall under the first part of the definition (to a depth of 200 meters) but this is unlikely to satisfy these states with deeper but still exploitable submarine areas at comparable distance from the coast. It does, however, follow from the ordinary meaning of 'adjacent' that, where an off shore exploitable area is separated from another more seaward exploitable area by a deep area which is not exploitable, the more seaward area will not fall within the definition of the Continental Shelf.⁵¹

Taking into account the adjacency criterion, it is to be noted that the continental shelf, if separated, for example, by a deep tunnel, becomes detached from the coastal state. This is because "the expression 'adjacent' areas implies a notion of geophysical, geological and geographical dependence which *ipso facto* rules out an unlimited extension of the continental shelf."⁵² However, the mere presence of such an irregularity may not preclude the coastal state from asserting claims to the region. If two parts are separated by a narrow albeit deep channel, the principle of adjacency may still be applied.⁵³ Or if the continental shelf is simply assumed to be the seabed and subsoil of the submarine areas in the adjoining sea, the coastal state is entitled to exercise its rights over the region as a whole and it does not matter if the shelf is separated by a deep tunnel or anything else. The state simply depends on the criterion of the 'seabed and subsoil' in such cases and ignores the adjacency criterion.

The concept of adjacency is as yet undefined and has been used in a loose fashion, particularly in South American legislation.⁵⁴ As such, there is a tendency to overlook the adjacency criterion, the result being that the coastal state may not be restricted from unscrupulously attempting to extend its interests into the seabed and subsoil of the coastal sea. Yet 'adjacency' does convey a sense of nearness,⁵⁵ even if the concept is vague and difficult to apply. It may not be possible for the adjacency criterion to be uniformly applied. It can only be uniformly applicable if all continental shelves in the coastal seas exist uniformly. In spite of this vagueness, the adjacency criterion has the application for determining the limits of the shelf, 'the seabed and subsoil of the coastal state.

OUTER LIMIT

Article 1 enables a state to claim that the outer limit of its continental shelf extends to a depth of 200 metres (100 fathoms) or beyond that, to a depth at which the siperjacent waters admits the exploitation of its natural resources.

200 METRES DEATH CRITERION

The 200 metres mark seems to have been arbitrarily selected and used as the critical point for many years.⁵⁶ According to C. H. Cotter, there is some curiosity about its origins. He says :

It was in the past, commonly believed that the longest waves possible at sea have wavelengths of about 600 feet, and so it was that the 100-fathom line came to be regarded as marking the break of slope between the continental shelf and the continental slope. Recent investigation has revealed that the marked break of slope between the continental shelf and slope does not follow the 100-fathom isobath. The variation in depth of the continental edge is possible due to waves of varying maximum wavelengths at different places or to local subsidence or elevation of the seabed.⁵⁷

The adoption of the 200 metres mark was to a certain extent uniform in continental shelf legislation enacted by different states. For instance, Portugal in 1910 used the 100 fathom isobath to measure the continental shelf.⁵⁸ Scholars like Suarez in 1927 suggested the use of the 200 metres isobath relation conservation measures to be adopted by maritime nations in the epicontinental sea.⁵⁹ The Truman Proclamation considered a depth of 100 fathoms to mark the limit of the continental shelf⁶⁰ and there was little protest by states against the use of the 200 metres mark for the outer limit of the continental shelf. From a practical viewpoint, this amounted to acquiescence by states in the measurement of the shelf. According to L.F.E. Goldie :

. . . The outer limit of the continental shelf, that is, the 'continental edge' should for legal purpose be regarded as if it were at a uniform depth — namely, at the 200 metres bathymetric contour line. Since the continental slopes will not always, nor of necessity, coincide with the 'continental edge' . . . the choice of the 200 metres isobath admittedly involves an abstraction from the condition of geography. However, such a concept has the advantages of reasonableness, uniformity and certainty.⁶¹

Roughly speaking, the 200 metres isobath was regarded as the depth approximately at which the rim of the continental shelf is commonly found.⁶² This physical feature of the continental shelf at a depth of 200 metres in the oceans led states to accept the 200 metre bathymetric contour line as the outer limit of the continental shelf.⁶³ The following table aids in the comprehension of the geology involved.

Table of Seabed at Different Depths⁶⁴

Depth in Metres	Percentage of Oceans Floor	Cumulative Percentage
0-200	7.6	7.6
200-1000	4.3	11.9
1000-2000	4.2	16.1
2000-3000	6.8	22.9
3000-4000	19.6	42.5
4000-5000	33.0	75.5
5000-6000	23.3	98.8
6000-7000	1.1	99.9
More than 7000	0.1	100.0

From the table it can be concluded that if the minimum depth range (i.e., 200 metres) is adopted, the area of the seabed designated as continental shelf will be only 7.6 per cent of the seabed whilst the rest of the seabed becomes part of high seas (excepting areas of territorial sea). In fact, the use of this depth for the delimitation of the continental shelf relies on the geographical fact that continental shelves generally end at that depth.⁶⁵ This also marks the beginning of the sheer drop of the continental slope.⁶⁶ Where the coastal sea is deep, the 200 metre mark formula becomes inapplicable for the determination of the seabed and subsoil. This phenomenon exists particularly in Pacific coastal waters. Now according to Article 1, the coastal state is entitled to extend the continental shelf beyond the 200 metre mark up to "where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas." As a result, various countries including those with deep coastal sea, have advocated the use of the exploitability criterion to determine the outer limit of their continental shelves.⁶⁷

The use of the exploitability criterion in Article 1 therefore seem to suggest that the use of the 200 metre mark criterion is now conservative,⁶⁸ benefiting only those coastal states with shallow seas. By adopting the exploitability criterion, the Convention hoped to provide for all sorts of coastal states, respective of the geographical nature of their coastal seas. That being the case, a coastal state could determine the outer edge of its seabed and subsoil by the use of other criterion.

This ability of states to chose created chaos as it was also dependent on the wealth of the coastal state. According to Professor Brown, difficulties arose over the meaning of the clause "where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas." He asked the question whether exploitation of the natural resources should mean 'economically feasible' or merely any exploitation irrespective of cost.⁶⁹

It may be suggested that the 'economically feasible' criterion ought not to be adopted, and it would be sufficient if in fact exploitation is carried out, even though in a manner that is not economical. Unfortunately, this approach is not without its problems. With the development of science and technology, it is not hard for a developed nation to develop the resources of the sea at any depth, thus enabling it to extend the outer limit of its continental shelf to any distance it wishes. When Article 1 is interpreted in this manner, it compounds rather than solves the problem of the breadth of the territorial sea⁷⁰ and a further question may be asked : what happens if irregularities exist in the shelf ?⁷¹ It would seem that the exploitability criterion is too vague and may be regarded as possessing a 'rubber boundary' effect⁷² which for practical purposes can be regarded as 'functus officio'.⁷³ Moreover, its use favours the rich and more advanced countries of the world.⁷⁴ To sum up, the test of exploitation is too vague to be acceptable, as it in effect leaves it open to states to determine for themselves the breadth of their continental shelves.

UNCLOS III

The definition of the continental shelf is found in Article 76 of 1982 Convention. Paragraph 1 of this article states :

The continental shelf of a coastal state comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge off the continental margin, or to a distance of 200 nautical miles from the

baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

This provision signifies that the coastal state is entitled to assert claims not only to the 'geological shelf' but also to the 'continental margin'. In any case, the coastal state is entitled to extend the outer limit of the sea-bed and subsoil of the submarine areas⁷⁵ to a limit of 200 nautical miles measured from the baselines. But where the 'continental margin' or the 'continental shelf' extends beyond that limit, the coastal state is not confined to merely 200 nautical miles but it may assert claims beyond that. However, if the shelf extends beyond that limit, the outer limit of the continental shelf has to be determined subject to paragraphs 4 to 8.⁷⁵ On the continental margin, paragraph 3 provides :

The continental margin comprises the submerged prolongation of the land mass of the coastal state, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

While it is not difficult to grasp the concept of the continental margin, it is not easy to determine the outer edge of the margin. Professor Brown has suggested that the method is revealed in paragraphs 2, 4, 5 and 6 and that a reference to the 'outer edge' of the continental margin is in fact not a reference to the outer edge of the continental margin as understood by geomorphologists. Rather, it refers to a legal 'outer edge' which is established by reference to a highly complex formula. That being the case, he concludes that the legal continental shelf bears no resemblance to the geomorphological continental shelf and in fact they are substantially different.⁷⁶

Actually, neither the continental shelf nor the continental margin can be applicable to the states uniformly. If the coastal staff bordering with shallow seas and the states with steep seas adopt the continental shelf and the continental margin respectively, then in some cases the division of the seabed among the states may be accepted. But such a formula gives rise to various arguments as to the outer limit of the continental shelf. It is unquestioned that the designing of the uniformity in the outer limit of the shelf is perennial problem.

CONTINENTAL SHELF vs NATURAL PROLONGATION

According to the judgment in the *North Sea Continental Shelf Cases* the continental shelf constitutes a 'natural prolongation' of the land territory of the coastal state.⁷⁷ Obviously, Article 76 (1) of UNCLOS III appears have been influenced by that case. Under that Article, the continental shelf comprises the seabed and subsoil of the submarine areas beyond the territorial sea. But the seabed and subsoil should be the natural prolongation of the land territory of the coastal state. As a result, the seabed and subsoil which are not the 'natural prolongation' of the land territory do not fall under the definition of the continental shelf.

The expression 'throughout the natural prolongation' of the land territory refers to the fact that the continental shelf extends from submerged land territory starting from the outer limit of the territorial sea to the outer edge of the continental margin. It is clear that the seabed and subsoil so prolonged could be the shelf proper, the slope or the rise.

The article has not embodied terms like 'adjacent'. The notion of 'natural prolongation' represents the geological shelf existing in the adjoining sea : it represents the shelf which is a prolongation of the land territory of the coastal state. Moreover, the expression 'throughout the natural prolongation' implies that the shelf extends from one end to another. Thus the coastal state is entitled to the entire shelf as a prolongation of its land territory.

If the continental shelf is adjacent and contiguous to the coastal state, then this state is entitled to the entire continental shelf under the 'adjacency criterion'. There seems to be no doubt that in such a case, application of the 'natural prolongation' and the 'adjacency' criterion appears to lead to the same result for the coastal state : whatever is meant by the notion 'adjacency' applies to the expression 'throughout the natural prolongation' of the land territory of the coastal state.

Outer Limit

Where the continental margin does not exceed 200 nautical miles, its outer limit is fixed at that figure, and the coastal state may prescribe that limit for the seabed and subsoil measured from the baselines. Article 76 (1) of 1982 Convention made the 200 nautical miles limit generally applicable for measuring the outer edge of the continental margin.

Peculiarity in the configuration of the seabed is not unusual. This is true of each of the regions, i.e., the shelf, slope and rise of the continental margin. Any of these regions may be zigzag, indented or broken. Where the continental margin does not exceed 200 nautical miles, there is no legal bar to the coastal state extending its margin up to this limit measured from the baselines,⁷⁸ since in all circumstances the coastal state is entitled to extend the margin up to 200 nautical miles. The coastal state cannot be questioned unless that limit which is claimed overlaps another similar claim.

Where the continental margin extends beyond 200 nautical miles may comprise the shelf, slope and rise. If the continental margin extends beyond 200 nautical miles, then it is necessary to delineate 'fixed points' from the foot of the continental slope. Therefrom the location of the outer edge of the margin is to be determined.

Regarding the delineation of fixed points, the 1982 convention in Article 76 (4) provides :

- (a) For the purpose of this Convention, the coastal state shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either :
 - (i) A line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or
 - (ii) A line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.
- (b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined at the point of maximum change in the gradient at its base.

This provision indicates that the coastal state should delineate the seaward-point of the margin on the basis of either the 'thickness' or the 'distance' criterion under Article 76(4) (a) (i) or (ii). Both criteria are so defined that the coastal state cannot unscrupulously delineate the seaward fixed points for its continental margin. Moreover, Article 76 (7) imposes an overall limitation

which the coastal state should observe for determining the distance between the fixed points delineated under Article 76(4) (a) (i) or (ii). According to Article 76 (7) :

The coastal state shall delineate the outer limits of its continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by co-ordinates of latitude and longitude.

This prescription of 60 nautical miles maximum for the straight line system may impose an onerous burden upon the coastal state's resources, requiring the identification of a series of fixed points.⁷⁹

Determination of the foot of the continental slope presents some interpretational difficulties. Article 76 (4) (b) allows considerable flexibility in the positioning of the line based on the nature of the 'evidence' which could be morphological or geological. The definition of the continental slope appears to be purely morphological and is based on geometrical concepts associated with a margin profile, and this is the only aspect that has been considered in this article. The point of maximum change in the gradient at its base determines the foot of the continental slope. The drafting of the base of slope lines beyond 200 nautical miles on a map of the world at any scale thus raises a variety of difficulties.^{80*}

The '1 per cent thickness' and the '60 nautical miles distance' criteria determining the outer edge of the continental margin are subject to other limitations. Article 76 (5) provides :

The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a) (i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.

Subject to Article 76(4) (a) (iii), the coastal state is entitled to extend the continental shelf up to 350 nautical miles from the baselines or 100 nautical miles from the 2,500 metre isobath. In fact, the various criteria of '350 nautical miles', '100 nautical miles cum 2,500 metres', '1 per cent thickness'

and '60 nautical miles' can be treated as limitations imposed one upon the other.

Regarding the '100 nautical miles cum 2,500 metres' criterion, it can be stated that the countries bordering shallow seas may benefit more than countries bordering deep seas. It may not be surprising to find that the 2,500 metre isobath lies at a distance beyond 350 nautical miles. In addition, the coastal state is entitled to use the 100 nautical miles limit beyond this depth to establish the outer edge of the continental margin. Nevertheless, the criterion appears to be a limitation imposed on the coastal state adjoining a wide continental margin beyond 200 nautical miles.

If the continental margin beyond 200 nautical miles comprises the continental shelf, the outer limit is determined subject to Article 76 (8). According to this provision :

Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal state to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal states on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal state on the basis of these recommendations shall be final and binding.

The geological shelf beyond 200 nautical miles may be narrow or wide. Where the shelf is narrow, it would not be unreasonable if the coastal state takes interest in determining the outer limit subject to paragraphs 4—6. But where the shelf is wide say, it extends up to or beyond 350 nautical miles, then it may not be surprising that the coastal state will raise plea for the outer limit up to the continental margin or up to the end of the geological shelf.

In the circumstances, there is no doubt that the determining of the outer limit is not an easy task for the "Commission on the limits of the Continental Shelf."

Which criterion to adopt? Practical Approach

The 350 nautical miles limit for the outer edge of the continental margin measured from the baselines practically represents an extra 150 nautical miles

beyond 200 nautical miles. The 2,500 metre isobath is related to a geological boundary in the seabed and subsoil of the submarine areas. In this context, L. F. E. Goldie states⁸¹:

Some writers who favour the narrow continental shelf have suggested what would appear to be a compromise between their position and that of the broad-shelf advocates. Following these writers, the Commission on Marine Science, Engineering and Resources, and its International Panel have proposed the definition and demarcation of an 'Intermediate Zone'. In brief, this is to be defined as a zone engrossing the areas beyond the two hundred metre isobath which the broad-shelf advocates claim should be included in the coastal state's zone of exclusive rights under the continental shelf regime. It should perhaps include the 'Continental Borderland' or 'Continental Terraces' of the seabed. In order to assure it a relatively fixed and certain definition, the International Panel has suggested the following lines of demarcation. . . . (I) It is recommended that the outer limits of the intermediate zone be defined in terms of the 2,500 metre isobath or 100 nautical miles from the baselines for measuring the breadth of the territorial sea, whichever alternative gives the coastal state intermediate zone is created. . . .

The work of Dr. Precora of the United States Geological Survey showed that there is no "marked change of structure between the continental mass and the crust of the deep ocean basins. . . . generally to be found at a depth between 2000 to 3000 metres. . . ., that only here is a 'true geological' or 'topographical' boundary."⁸² For this reason, the Committee on Deep Sea Mineral Resources of the American Branch of the International Law Association designated the 2500 metre isobath as legal boundary for the outer limit of the continental shelf.

The 2500 metre isobath represents the average depth of the outer limit of the continental terrace.⁸³ This suggest that the 2500 metre isobath may be treated as an empirical fact for delineating the outer edge of the seabed and subsoil of the submarine areas for the coastal state. But the adoption of this depth for the criterion does not mean that one is able to deal with the outer edge of the continental margin uniformly. And since the geological boundary is believed to exist as an empirical fact, one has to admit that it does not always exist at the 2500 metres isobath.⁸⁴

UNCLOS III has provided provisions for submarine oceanic ridges. According to Article 76 (6) :

Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. This paragraph does not apply to submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs.

This provision is the product of several proposals put forward to limit the extension of the continental shelf in areas where there are submarine oceanic ridges.⁸⁵ It is possible that submarine ridges may exist in any region of the oceans. If submarine ridges exist beyond the 200 nautical miles continental margin, the coastal state would be entitled to exercise the regime of the continental shelf up to 350 nautical miles subject to Article 76 (4). This means that the subject of submarine ridges has been treated as a component part of the continental margin. Thus, though 'submarine elevations' are the 'natural components' of the continental margin, the coastal state is not entitled to fix the outer limit of its continental margin by reference to them. In fact, paragraph 6 also appears to be a limitation to be observed by the coastal state for determining the outer limit of the continental margin.

The 200 nautical miles and the 100 nautical miles cum 2500 metres isobath criteria can be regarded as maintaining a balance between the narrow and the broad shelf countries. But if the criterion of 'natural prolongation' is strictly followed, it would be difficult to restrict the coastal states from asserting claims to the continental shelf in excess of 350 nautical miles or 100 nautical miles from the 2500 metres isobath. However, the number of continental shelves which actually extend beyond 200 nautical miles is small.⁸⁶ Thus, only a limited number of states would be concerned with the delimitation of the continental shelf beyond that mark. As a matter of fact, a total of forty-four states have continental margins exceeding a width of 200 nautical miles but only six of them (including those of Australia, Canada, USA and USSR) exceed 350 nautical miles.⁸⁷

DELIMITATION PROVISION CONCERNING OPPOSITE AND ADJACENT STATES

UNCLOS I

Generally, the topic of the delimitation of the continental shelf was viewed as important by states, especially since the 1958 Convention. With regard to the delimitation of the shelf between opposite and adjacent states, Article 6 of this Convention provides :

1. Where the same continental shelf is adjacent to the territories of two or more states whose coasts are opposite each other, the boundary of the continental shelf appertaining to such states shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each state is measured.
2. Where the same continental shelf is adjacent to the territories of two adjacent states, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each state is measured.
3. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and of 2 this Article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

The term 'adjacent' here signifies the location of the state in relation to the continental shelf. The shelf which is to be delimited between two states should be adjacent to both of the states. But the states themselves may be either adjacent to or opposite each other. The delimitation of the shelf between two such states is to be effected by (i) agreement, (ii) the median line/equidistance principle and (iii) the special circumstances of the case.

- (i) *Agreement*: In Article 6, 'agreement' can be treated as the means generally applicable to the delimitation of the continental shelf between opposite and adjacent states. But the principle to be applied to give effect to the delimitation of the shelf between states has not been specified. There seems to be no restriction on the adoption of any principles in an agreement on delimitation. This suggests that the states concerned are their own masters in the delimitation of the shelf by agreement between themselves. The chief advantage of agreement is the ability of states to delimit a common continental shelf in a peaceful way.
- (ii) *Median line/equidistance principle*: Article 6(1) has specified the median line for the boundary of the continental shelf between two opposite states. But in Article 6(2) it provides that the principle of equidistance shall determine the boundary of the shelf between two adjacent states and becomes principle in the absence of agreement and special circumstances.

The median line and the line drawn on the principle of equidistance are in reality much the same. The fact is that every point on such a line will be situated at an equal distance from the nearest points on the baselines of the coastal states. Actually, the line fixed by the principle of equidistance may be regarded as one which gives to the parties concerned all those portions of the continental shelf that are nearest to points on their coasts. An equidistant line may consist either of median line between opposite states or of a lateral line between adjacent states.

In constructing a true median line boundary it is essential to bear in mind that every point on each boundary must always be equidistant from the nearest points on the baselines from which the territorial sea is drawn. Unless this geometric principle is satisfied, the resulting boundary will not be a true median line. And for the purposes of drawing median lines, the baselines from which equal distances are measured may be low water lines, closing lines of bays or straight baselines.⁸⁸ The technical construction of the boundary between opposite states and adjacent states is somewhat different.⁸⁹

However, neither the median nor the equidistant line can be applied freely for determining the boundary of the continental shelf between two

states. They may be resorted to only if there is no agreement between the parties or if special circumstances do not exist.⁹⁰

(iii) *Special circumstances*: Article 6 has not specified the meaning of 'special circumstances'. As such, it is difficult to determine what they constitute. A clue may be derived from the words 'special' and 'justify'. These words imply that the exception should not be invoked unless the area in question has a high degree of unusual geographical configurations and one of the adjacent states would suffer great injustice if its portion of the continental shelf was delimited according to the principles of equidistance.

From the record, it can be seen that exceptional geographical circumstances constitute the main category of special circumstances.⁹¹ Even before the term had been introduced in the International Law Commission, Professor Hudson had suggested in a report in 1950 that "factors such as the 'configuration of the coastline' should be taken into consideration."⁹² Similarly, the comments on draft Article 7 in the Report of the International Law Commission in 1953 referred to the need to make provision for "departure necessitated by an exceptional configuration of the coast."⁹³

Furthermore, at the 1958 Geneva Conference on the Law of the Sea, the Venezuelan delegate referred to 'special circumstances' as those frequently imposed by geography,⁹⁴ Miss Whiteman, on behalf of the United States, spoke of the need to retain the special circumstances provision because of the "great variety of complex geographical situations."⁹⁵

The most frequent cause of such an exceptional configuration is the presence of islands on the continental shelf. Professor Francois had already acknowledged in 1953⁹⁶ that a departure from the general rule would be necessary, for instance, when a small island opposite a state's coast belonged to another state. Accordingly, the commentary to draft Article 7 of the 1953 International Law Association report referred specifically to the 'presence of islands' as a possible cause of special circumstances.⁹⁷

Commander Kennedy, on behalf of the United Kingdom,⁹⁸ supported by Miss Whiteman,⁹⁹ proposed that islands should be treated on their merits at the 1958 Geneva Conference. Very small islands or sand clays on a continuous continental shelf and outside the belt of the territorial sea might be neglected as base points for measurement and have only their own appropriate territorial

sea. Iran¹⁰⁰ and Italy¹⁰¹ favoured ignoring all islands on the continental shelf but Miss Whiteman found this proposal too extreme "in view of the great variety of size, grouping and position of islands."¹⁰²

Another proposal was that islands should be treated like enclaves, with separate continental shelf areas proportional to their size, thereby leaving unaffected the division of the areas between opposite coasts into equal parts by means of the median line.¹⁰³ But state practice provides a number of examples of the way in which deviations from a median line delimitation have been made to allow for special circumstances created by islands.¹⁰⁴

It should be mentioned that the existence of extensive sedimentary mud-flats apparently makes identification of the low-water line very difficult.¹⁰⁵ In such cases, it is difficult not only with regard to the fixing of baselines for measuring different maritime zones but also with regard to the delimitation of the zones between the states. As such, there should be a proper case for the utilisation of the 'special circumstances' criterion.¹⁰⁶

Where a state possesses special mineral exploitation rights over certain mineral deposits, this phenomenon may be subject to the 'special circumstances' criterion. In this context, Professor Hudson alluded to "the economic value of proven deposits of minerals" as another factor suggested in the International Law Association Committee's report in 1950 as being relevant to the issue of delimitation.¹⁰⁷ It is noticeable, however, that no reference to mineral deposits was incorporated in the commentary to the Association's reports in either its 1953 or its 1956 versions of 1953.

Where mineral deposits do not exist uniformly, reference to equitable solutions for delimiting the sea zones may arise. According to Professor Brown:¹⁰⁸

The existence of the deposit would scarcely seem to constitute a 'special circumstances', however, entitling coastal states to demand a deviation from the equidistance line. The only situation which would seem to justify reference to natural resources as constituting special circumstances is that where a coastal state had acquired exclusive rights to such resources independently of, and prior to, the development of the continental shelf doctrine. For example, if a state's exclusive right to exploit a sedentary fishery (falling within the definition of natural resources in the Geneva Convention) on the bed of the geological

continental shelf had been established prior to 1945, there might be an argument for saying, with Judge Jessup, that it would be right to apply the *Grisbadarna* principle of refraining from modifying a settled state of things—or of regarding the existence of the sedentary fishery as a historical special circumstance.

If it had been regularly accepted in practice that given a particular set of circumstances a right should exist, then it should be regarded as established in law, and as such a settled state of affairs should not be changed or modified. If this right is in fact changed or modified, then friction may result between the claimant states. On the other hand, it is submitted that if the situation was viewed as the establishment of a 'historic right,' it invokes the special circumstances criterion.

Finally, in the *North Sea Continental Shelf Cases*, Judge Podillo Nervo said:¹⁰⁹

In addition to special circumstances of a technical nature—navigable channels, cables, safety of defence requirements, protection of fisheries (fish banks), indivisible deposits of mineral oil, natural gas, etc., special geographical situations such as special coastal configurations have been regarded as 'special circumstances'.

As a matter of fact, as was shown in that case, the concave coast of the Federal Republic of Germany and the convex coasts of Denmark and the Netherlands enabled the Court to state that the delimitation should be effected subject to 'special circumstances' while the Court of Arbitration in the *Anglo-French Continental Shelf Case*¹¹⁰ accepted that the islands existing in the sea zones between the countries constituted "special circumstances".

From the above, it can be concluded that (i) the concave configuration of the coast of a state as against the convex coast of another state, (ii) the presence of islands, (iii) peculiar underwater situation and (iv) geological, geomorphological and socio-economic issues can all be regarded as constituting 'special circumstances'.

UNCLOS III

Article 83 of 1982 Convention deals with the delimitation of the continental shelf between two opposite or adjacent states. According to this Article, paragraphs 1 and 4 provide :

The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution. When there is an agreement in force between the states concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.

Generally, according to paragraph 1, the delimitation of the continental shelf between two opposite or adjacent states shall be effected by agreement. As regards such agreement, it is necessary to take into account the following: (i) international conventions, (ii) international customs, (iii) general principles of law, (iv) judicial decisions and teachings of publicists and (v) principles which are just and equitable. However, these broad guidelines found in Article 38 of the Statute of the International Court of Justice do not specify the types of boundary lines that should be taken into consideration whenever delimitation is to be worked out. This shows that no principle (e.g., the equidistance principle) can be regarded as a predominant principle that is applicable to the delimitation. In practice, however, the use of the equidistance principle can lead to an 'equitable solution' in the case of simple geographical configurations. According to Judge Shigeru Oda:¹¹¹

The equidistance line certainly offers one practical solution, but only where drawing this line actually results in an equitable apportionment of the continental shelf among the states concerned. The equidistance line, as such, hardly represents a workable principle for determining boundaries. It is simply a formula based upon the fundamental concept of equitable apportionment, and it is successful only where an extremely simple geographical configuration exists.

It is a fact that equity is meant to sever as catalytic force employed to keep rules in harmony with justice.¹¹² As such, equitable delimitation by equidistance line would lead to a just delimitation. That is to say, the application of this line is aimed at a just solution." If the equidistance line cannot give effect to an 'equitable solution', then this line cannot be applicable in the delimitation process. It is clear from paragraph 4 that any 'agreement' in force between the states concerned should be given effect to in delimitation. To this end, the article corresponds to Article 6 of the 1958 Convention.

SPECIAL CIRCUMSTANCES vs EQUITABLE PRINCIPLES

A special circumstance warranting a departure from the equidistance method of delimitation need only be the presence of some special feature, however minor, such as an islet or a small protuberance. But it has to be placed as to have a disproportionately distorting effect on an otherwise acceptable boundary.¹¹³ In short, the role of the 'special circumstances' condition in Article 6 of the 1958 Convention is to ensure an equitable delimitation. The combined 'equidistance/special circumstances' rule in effect gives particular expression to the general norm that, failing agreement, the boundary between states abutting on the same continental shelf is to be determined on equitable principles.¹¹⁴

The term 'equitable principles' may be easy to grasp but in practice it is difficult to apply.¹¹⁵ In the view of Professor Brown, equity is a term which has been used to convey many different meanings, and there is therefore considerable scope for arguments as to the exact content of the term.¹¹⁶

As far as Article 83 of 1982 Convention is concerned, the impact of the delimitation of the continental shelf between two opposite or adjacent states is to make the apportionment equitable. But the 'equitable solution' does not mean that the apportionment between the states should be equal. In this connection, it may be mentioned that :¹¹⁷

Equity does not necessarily imply equality. There can never be any question of completely refashioning nature, and equity does not require that a state without access to the sea should be allowed an area of the continental shelf, any more than the could be a question of rendering the situation of a state with an extreme coastline similar to that of a state with a restricted coastline. Equality is to be reckoned within the same plane, and it is not such natural inequalities as these that equity could remedy. But in the present case there are three states whose North Sea coastlines are in fact, comparable in length and which, therefore, have been given broadly equal treatment by nature except that the configuration of one on the coastlines would, if the equidistance method is used, to deny to one of these states treatment equal or comparable to that given to the other two. Here indeed is a case where, in a theoretical situation of equality within the same order, an inequality is created.

Actually, equity is associated with flexibility rather than rigidity, which tends to be associated with law.¹¹⁸ However, principles such as equidistance or proportionality tend to be regarded as equitable principles, although they are also legal principles, inasmuch as equity is a part of the law.¹¹⁹ As a general rule, it is not convenient to apply equity to any situation. But its role in settling disputes is significant. To this end, Professor Brownlie says :¹²⁰

The focus is upon equitable principles, that is to say principles which, in spite of designation of equity, have, or are intended to have, the same form and purpose as other principles applicable in international law is undoubted. In the first place, concepts of equity and consistency appear as a natural part of legal and therefore of juridical meaning.

According to Article 6 of the 1958 Convention, the delimitation of the continental shelf in the case of 'special circumstances' is to be effected by equitable principles. In so doing, the boundary be the line other than the equidistance line. But in all circumstances, Article 83 of the 1982 Convention suggests that the delimitation should result in an 'equitable solution'. In order to obtain such a result, any kind of boundary can be taken into consideration.

If the equidistance line does not result in an equitable apportionment, then dissatisfied states may raise the plea that the delimitation should be effected subject to the 'special circumstances principle'. The Federal Republic of Germany in the *North Sea Continental Shelf Cases*¹²¹ raised pleas against the application of equidistance lines for the delimitation of the continental shelf with Denmark and the Netherlands. The Federal Republic's most cogent argument against applying this method was that it would not result in an equitable apportionment because of the particular configuration of the sea areas under dispute. It was pointed out that the German sea coast is recessed by the coasts of Denmark and the Netherlands curve outward. As a result, a disproportionately small part of the North Sea continental shelf would come under German jurisdiction if the equidistance method was applied.¹²²

From a practical viewpoint, the German pleas had to be taken into consideration and the International Court of Justice regarded the equidistance method of delimitation as non-obligatory among the states. It rejected the German plea of just and equitable apportionment and also rejected the Danish-Netherlands contention that the equidistance principle of 'special

circumstances rule" was to be considered a part of customary international law.¹²³

The Court of Arbitration in the *Anglo-French Continental Shelf Arbitration*¹²⁴ assumed equidistance to be the applicable rule in the non-controversial areas. With regard to the narrow waters between the Channel Islands and the French mainland, the Court modified rather than rejected the equidistance principle.¹²⁵ As far as the Island's regions were concerned, the Court's decision involved an interesting equitable solution which was not entirely what either party had asked for.¹²⁶

In conclusion, it can be said that when it is seen that the usual Convention provisions cannot apply, the Court will make use of equitable principles to determine the boundary line applicable to the delimitation of the continental shelf between states with coasts opposite or adjacent to each other in the absence of an agreement between them.

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Quaid-i-Azam : the Muslim Majority Provinces of the British India and the Strategy for the Creation of Pakistan

ALAN WHAITES

Editorial Note

The title would correctly reflect the major thrust of the argument on the British transfer of power to India and Pakistan. Ayesha Jalal's view that the Quaid was not totally committed to the two nation theory and some other scholars contention that only the top class people of the Muslim majority provinces out of few favoured the demand of separate homeland for the Muslims has been contradicted by Mr. Alan Whites. Apart from other evidence, he refers to Ayesha Jalal's work, the state of Marshal Rule, in support of his stand.

The truth is that the Quaid-i-Azam won the battle of Pakistan with the support of the people. Elites and all others followed the upsurge of the Muslim public opinion. That is what was the great success story of the Quaid-i-Azam.

There are many theories which seek to explain the partition of India in terms other than that of two nations going their separate ways. In recent years some commentators have sought to question the commitment of the pre-independence Muslim League to the two-nation theory itself. They portray the policies of Mohammad Ali Jinnah as an elaborate bluff to gain more concessions in independent India for a narrow Muslim elite. Ayesha Jalal, whose works on this period are examined below, seems to want to exonerate Jinnah from any intent in the events leading to partition, although she believes he was overwhelmed by his own supposed stratagem.¹ Those who find it ideologically difficult to recognise the forces suggesting a divergence between the fates of Hindu and Muslim India use theories of class and elites to try and

remove the communal sting from the colonial end-game. They stress provincial class divides, for example the need of UP Muslims to strengthen group identification and thus wield communal power to safeguard their socio-economic interests.

As this paper will show, the call for Pakistan was more than a bargaining tool or an instrument of class interests. It was an articulation, admittedly often ill-defined, of the wish of Indian Muslims to safeguard their inherent separateness, to ensure the distinctiveness of their nation. The first part of this analysis will deal with the question of the motives, elite or otherwise, of communal politics prior to 1947. Thus by determining the underlying roots of Mohammad Ali Jinnah's quest for parity with the Indian National Congress it is possible to examine whose interests were being articulated by the Muslim League. The argument presented will show that in fact in the light of post 1937 Congress policies the logic of the two-nation theory left the Muslim League little choice but to seek the creation of Pakistan.

Such an argument must address the impetus the Pakistan Movement received in the late 1930's. The period after the watershed elections of 1937 witnessed a hardening in the position of the Muslim League and a fundamental change in its relations with the majority provinces. This realignment within pre-independence politics could have been an alliance of convenience between the League and majority provinces or the outworking of a fundamental shift in Muslim perceptions. Those who favour the former view see the majority provinces as working to their own decentralist agenda which bore little relation to more idealistic notions of Pakistan. This study will suggest that Jinnah did work under the constraints imposed by provincial politics but that provincial aims increasingly converged with those of the Quaid-i-Azam.

As an overview of the period shows, Muslim politics immediately prior to independence were based not on a strategy of bluff but on an increasing realisation by the Muslim League and the politicians (and people) of the majority provinces that Muslim interests lay with Pakistan. In the turbulent political world of pre-independence Indian politics this realisation was still a long way from a coherent united policy. For Jinnah the task was to hold together a group which was unified in the call for Pakistan but divided by deepest factional differences and the ambition of local politicians, a dichotomy that has created the seeds for the scholarly debate today.

The Roots of Communal Politics

Some commentators such as Bipan Chandra believe communalism to be a product of modern politics with its popular basis. In India the colonial experience with its impact on communications and socio-economic structures "called for new ways of seeing one's common interest."² Economic competition amongst the expanding middle class led to short termism and a concentration on economic opportunity. Chandra describes what he sees as the correlation between communal and class divides, "Above all, communalism developed as a weapon of economically and politically reactionary social classes and political forces."³ Paul Brass also sees self-interest as the source of the growth in communal division with group elites manipulating group symbols to facilitate the defence of their position and privileges.⁴

In fact basic division and its ultimate expression, the Pakistan Movement, was clearly a product of basic divergences between two peoples. Although the Muslims of India did not share a common descent they accepted the unity and paramountcy of Islam. In turn this meant that, for many, Islam represented the primary means of self-definition. Some, such as Mohammad Ali,⁵ could separate their commitment to Islam and India; but Islam itself lays claim to all aspects of life, spiritual and temporal. Brown offers a succinct description of the powerful belief structure which characterises Islam, determines Muslim social behaviour and defines the Muslim's very concept of reality. The net result of which is that "Although Muslims and Hindus have often lived as neighbours in harmony there was a gulf between them."⁶

Francis Robinson has tried to demonstrate the sense of nationhood which is integral to Islam.⁷ The concept of Islam as a nation is derived from the teaching of the Holy Prophet⁸ (Peace be upon him) and necessitated Muslims in both the Mughal and British periods to come to terms with their relations with other groups within India and with the Muslim world.⁹ Thus the basis of the pre-independence divide in divergent culture and identity can be detected in earlier periods of South Asian politics. In the Mughal period an example is provided by Akbar who sought to accommodate Islam to its majority environment through the building of alliances (a similar strategy to that pursued by the British later) and the blurring of boundaries.¹⁰ But the basic untenability of this position was symbolised by the reign of Aurangzeb (the position of the two is contrasted by Ahmed).¹¹ The differences which continue to plague Indians on how to analyse the Mughal period, shown for example by

the pre-independence slogan 'a thousand years of foreign rule', the differing views on Shivaji and more recently the textbook controversy of the late 1970s, are a reminder of the belief of many Indians that Muslim rule was alien rule.

Muslim Unity in the Colonial Period

In the period following Mughal rule communal tensions were reflected in a new environment often with less obvious but still equally real consequences. The Muslim community within India began to respond to the changes in their position and to re-establish their distinctiveness. The colonial period had necessitated a period of adjustment to adapt to the loss of political power which left Muslims a minority and one which could not accept the legitimacy of future majority Hindu government.¹² The response which resulted from such adjustment included figures such as Shah Waliullah who worked to rid Islam of its Hindu 'accretions', raising awareness of doctrine.¹³ Others notably Sir Syed Ahmed Khan sought to reconcile Islam to the West by accommodating much of the change the colonial period brought to India. Both movements were an expression of the need to resist Hindu domination and to re-assent Muslim identity.

During the period there was a decline in the relative position of Muslims particularly in Uttar Pradesh. Symonds¹⁴ shows the loss of position suffered by Muslims, a trend exacerbated by the end of Urdu hegemony. But rather than the response being a defence of narrow elite interests it was a recognition that if Muslims could not gain access to the corridors of bureaucratic power, or safeguard their group symbols, the group itself might be submerged. Sir Syed's concerns, and those of the founders of new seminaries such as Nadwat al-Ulama, were motivated by the feeling of a nation being in danger;¹⁵ "Is it possible that . . . two nations — the Mohammedan and Hindu — could sit on the same throne and remain equal in power?"¹⁶

Despite this sense of division between nations the role which has been suggested by some writers for class and elite factors cannot be ignored, but it has to be asked which elite gained from the League's activities? Many such as Liaquat Ali Khan lost their fortunes with partition and Alavi speaks of the lack of a Pakistani bourgeoisie at independence.¹⁷ A further limit to the impact of elites is Robinson's point that elite groups are as much constrained and influenced by group symbols as they are able to manipulate them.¹⁸ Political culture is not a one-way street in which elites are able to mould mass opinion

according to their own interests whilst being themselves devoid of the sentiment and loyalties stirring their fellow group members. Elites are perhaps even more vulnerable to appeals to group identity and history as their own personal links with that history is likely to be more ascertainable and their families more imbued in the myths of their own pasts.

By the same token elite groups can also be manipulated by politicians aware of their weaknesses who are working for the wider groups interests. Class and economic interests will undoubtedly have motivated some of those who sent their offspring to Aligarh and as with all politics many of those involved in the Muslim cause were motivated by their analysis of self interest. But equally if we accept Choudhury Khaliqzaman's account of the feeling of his Aligarh generation it seems that Muslim self-identity was more than simply a mask for class competition.¹⁹ Jinnah recognised and rejected the class element. On his return from self imposed exile, he commented that the Muslim League was composed "mostly of big landlords, title-holders and selfish people who looked to their class and personal interests more than to communal and national interests."²⁰ For Jinnah clearly the League was to serve these national rather than elite needs and the class factor was simply a form of leverage to be used in the furtherance of this cause.

The Need for Muslim Articulation

If elite self interest was only a contributory influence in the development of communal politics the role of wider national differences discussed above is central. However, establishing that at the very least Muslims perceived themselves to be a separate nation does not automatically create a compelling argument for statehood. A nation is a distinct group of people and many nations live as minorities within states whether it be the Scots in the UK or the Sikhs of India. The demand for a separate state to house the Muslim nation could therefore have been an argument presented to strengthen the Muslim League's negotiating hand or equally a further extension of the two-nation theory made imperative by a feeling of being under threat in Hindu India.

This latter explanation is borne out by an examination of the attitude of Congress and the British in pre-independence politics. The development of Congress itself offered early signs that it could never adequately represent Muslim India. The agitation of Tilak inspired by Hindu imagery and chauvinism gave Muslim India a foretaste of the future. By 1906 the partition

of Bengal and the possibility of greater representation in government made the founding of a representative Muslim body imperative. Muslims took the opportunity to engage in political activity to assert one of the basic concerns of any nation under occupation — that of identity. One expression of this, the Khilafat movement, allied itself to Congress, but it inevitably served to remind Muslims of the fundamental differences between followers of Islam and all other peoples.

However, it is not surprising that the vulnerability of Muslims seemed more real to the minority in the United Provinces than to the populations of the majority areas in the North West of India and Bengal. As Talbot has said about the majority provinces in the 1930s, "They did not feel so threatened by the Hindu and Sikh communities as did their brethren elsewhere in India."²¹ This owed a great deal to the devolution of power which characterised early reform. As the political focus returned to the centre the Muslims of North-West India and Bengal were faced with the prospect of Muslim interests being at the mercy of Hindu government. The watershed for Muslim politics and the Pakistan Movement was the outcome of the elections of 1937. The impressive performance of Congress, coupled with the failure of the Muslim League to make any significant impact outside the UP, raised the prospect of Muslim marginalisation in Indian politics. The fear of Congress domination was given important psychological force by the refusal of the party to enter into coalition with the League in UP.²² The majority provinces were now forced to take politics at the national level seriously giving rise to a concern for a stronger voice at the centre.

The Majority Provinces and Muslim Statehood

The demand for a spokesman in Delhi reflected genuine concern within the provinces at the prospect of a Congress led India. This does not automatically suggest support for the increasingly separatist policies of the Muslim League. The fears of the majority provinces might have more genuinely reflected their less complete integration into British India than an affirmation of Muslim nationhood. This view suggests that the late occupation of majority areas by the British and the relative isolation of East Bengal due to geographical reasons made the majority provinces wary of any centralised authority, whether Hindu, British or Muslim.

If the argument of this paper that Muslims and Hindus did constitute two separate groups is true then this issue is of crucial importance in determining the strength of the nationhood appeal. It can be argued that Jinnah was able to use provincial fears to advance the Pakistan cause without gaining real support for the new state itself. In fact it is just as plausible to suggest that it was the fundamental separateness of Hindu and Muslim that created the anti-centralist feelings of the majority areas. The sensitivities of the provinces offer evidence that the possibility of central Congress rule touched a nerve in Muslim India. In which case the question of Jinnah's relations with the provinces becomes one of practicality. Jinnah had to wield a diverse nation into a state, never a simple exercise, his task made only slightly easier by the pressure to suppress other rivalries provided by a growing sense of 'external' (i.e., Congress) threat.²⁶

Jinnah's first priority was to take advantage of majority province fears. The growth of majority province concern offered Jinnah and the League the opportunity to gain the credibility they needed for negotiation with the British and Congress. But it also necessitated a change in the League's own emphasis. Prior to 1937 the League was to a large extent the vehicle for UP Muslim concern to gain guarantees for the Muslims within Hindu India. This was true to the extent that Jinnah at the Round Table Conference of 1931-32 was prepared to negotiate away the principle of separate electorates so dear to the majority provinces (as Moore records some of the British representatives present doubted his ability to deliver).²³ As the wider Muslim community sought to secure the national future the focus had inevitably to become the converging interests of the majority provinces and the leadership of the All-India Muslim League. This convergence of views was to provide the underpinning to Jinnah's end-game strategy.

The Theory of Bluff

This view of converging Muslim interests leading to a unified position is of fundamental importance to the argument that Jinnah fully embraced the logic of Pakistan after 1937 and sought only to achieve a workable partition in the negotiations of the 1940s. It is therefore contradicted by those who like Ayesha Jalal believe that Jinnah never abandoned his primary aim of securing the future of the minority Muslims by gaining a settlement at the centre.²⁴ Her analysis points to Jinnah and the League becoming constrained by the demands of the majority provinces for a weak centre. Pakistan was the bargaining ploy

used to establish the principle that Muslims had to be treated as a separate nation to "avoid the logic of arithmetic."²⁵ For Ayesha Jalal, Pakistan became a bluff which not only failed but so matched the wishes of the provinces that eventually Jinnah's hands became tied. Jinnah was playing a high risk game of poker which aimed at straddling the labyrinth of Muslim provincial politics while forcing concessions from a dismissive Congress. Ayesha Jalal pictures Jinnah as a man with remarkable weaknesses as a politician working against his own aims and making a succession of staggering misjudgements about the position of Congress and the British.

Ayesha Jalal's interesting argument rests on an area she does not fully deal with, the genuineness of Jinnah's conversion to the Pakistan ideal after 1937. By taking Jinnah in isolation she misses the fact that as Symonds points out Jinnah was joined in his realisation of the need for effective separation by lifelong Congressmen.²⁶ The forces which provoked the majority provinces to consider the communal issue could clearly have convinced Jinnah and others that the safeguards they sought could not be guaranteed in a Congress India. The shock of 1937 and the intransigence of Congress coupled with the wider decline in communal relations make it more logical to take Jinnah at close to face value. As Moore has pointed out the increasingly separatist outlook of Jinnah and the League was supported by 'innumerable' grievances held by Muslims minorities against provincial Congress governments.²⁷ Brown gives an account of the growing political divergence between Congress and Muslims before concluding "In such an atmosphere of suspicion it was little wonder that many Muslims came to feel that provincial autonomy and federation could not protect their position against Congress."²⁸ But if Pakistan was genuinely seen as the solution it does beg the question, why was so little done to prepare the way for the new state.

The point has also been made that if Pakistan was the ultimate objective of the League remarkably little preparation was undertaken for its creation, however, this does not indicate a lack of commitment but rather an impeded capability. Interestingly Ayesha Jalal's first work *The Sole Spokesman* infers that lack of preparation resulted from a continuing wish for union, in her later work *The State of Martial Rule* the author seems to accept that in fact Jinnah's priorities were dictated by the need to secure Pakistan's existence.²⁹ The reasons for this constraint largely centre again on the role of provincial politics in the League's strategy.

The End Game

The failure of the Cripps offer and the Cabinet Mission Plan ensured that the Lahore Resolution was increasingly seen as a mandate for an independent Pakistan. In the provinces the implications of this were appreciated by some (such as Sikandar)³⁰ and Suhrawardy³¹ but the weakness of Jinnah's provincial base left the League unable to clearly articulate a vision for the new state.³² Jalal has taken the view that if the full implications of Pakistan were voiced the majority provinces would have found it unacceptable.³³ It is clear Jinnah like many of his colleagues had envisaged Pakistan as comprising all of the provinces of Punjab and Bengal, particularly as this would provide Hindu and Sikh minorities to counter the Muslim minority in India. But the logic of partition was self-determination for minorities and that meant a truncated Pakistan.

For Nehru and the British, Pakistan was too fantastic an idea to be seen as anything other than a ploy,³⁴ but for many in the majority provinces the idea of Pakistan took a firm hold as Talbot has shown.³⁵ This was the process of political idea meeting with a popular analysis of the Muslim position. Talbot states, "Undoubtedly large number of Muslims in both Punjab and Bengal had not in 1946 fully grasped the implications of Pakistan for their region. But they were not merely manipulating religion for their own purposes. There was widespread and sincere support for the Pakistan demand which went well beyond the privileged elite of Muslim voters in 1946."³⁶ Sayeed reporting on Sikandar's views shows that the Punjab politician was well aware of this process early in the 1940's.³⁷

Efforts such as the League workers in the Punjab³⁸ combined with the League's fleeting hold on the provincial elites in the cause of national solidarity meant that the momentum for Pakistan became unstoppable. The mandate Muslims handed Jinnah in 1946 would have made it impossible for him to impede the progress towards the new state.³⁹ The problem for Jinnah was that the chaos of majority province politics and his weak relationship with their governments had left him unable to take Pakistan further than the stage of an objective. Jinnah did not have the prestige in the provinces to initiate effective planning for partition or even to risk the division that any clear proposal might make. He was caught in a contradiction a nation which wanted to be an independent state but was to prone to division to allow itself to be borne.

Jinnah anticipated that the British would continue to give weight to Muslim needs.⁴⁰ These needs in the run up to partition were a slow transition and a division of India overseen by a neutral and fair intermediary. By 1947 provincial politics had denied Jinnah the opportunity to prepare. Jinnah had no choice but to try and secure an agreement on some centralised functions, at least for a limited period,⁴¹ in the hope that this would lessen the burden of creating a new state from the chaos of a disorganised nation. Jalal mentions the gap between Jinnah and his constituency on the question of the Interim Government,⁴² but Jinnah's willingness to pursue the possibility of a limited federal arrangement to the end must be seen as a response to the mammoth problems of seeking immediate independence.

Conclusions

The realities of pre-independence Muslim politics and particularly the provincial factional struggles coupled with the desire by the British to have a speedy transfer of power left Jinnah and the Muslims of India an unenviable choice: a united India with no parity and a Congress constituent assembly or a truncated Pakistan lacking any of the preparations which might be expected for a newly independent state. The decision to opt for Pakistan was the culmination of the growth in conviction from 1937 to 1947 that partition was the best safeguard for the Muslim nation of India.

The key to this process, which transformed Pakistan from an extremist student ideal to a popular demand lies in the majority provinces. Jinnah realised before they did the importance of Pakistan (within or without a federal all-India structure); but he also saw that it was the natural corollary of the provinces own demands for freedom from the Congress/Hindu centre.⁴³ However, his precarious position in relation to figures such as Khuhro, Hidayatullah, Suhrawardy, Nazimuddin, Sikandar (and Khizar) and Daultana, left him unable to translate their common concerns into firm proposals. Jinnah's great victory was in capitalising on the events after 1937 to overcome the factional feuds long enough to secure the independent future of Muslim India. The tragedy was that the foundations were largely built on "the shifting sands of elite factionalism."⁴⁴ These factional interests may have been used for a wider national purpose before independence but their destructive nature was soon to resurface in the turbulent years in which Pakistan sought to carve a new state from loyalties on the basis of Islam.

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* It has been suggested that the division of Pakistan cast doubts on the basic tenets of Pakistan's founding doctrine the two-nation theory. Although this is not the subject of this essay it is pertinent to underline that the unity of the ethnic groups that comprise Pakistan has little bearing on the principle of the nationhood of Islam and the political divergences between Muslims and Hindus. The two-nation theory establishes that Muslims across boundaries and ethnic divides constitute a nation but it does not suggest that these divides are meaningless. Once a Muslim nation is constituted other tensions and division will inevitably make themselves known since Islam is only the first among several competing identities.

The Role of British Punjab in National Politics 1919 — 1920

ZARINA SALAMAT

The years following the first Great War marked a turning point in the Indian nationalist movement, in the context of leadership and mass politics, and the policy of the government. In this period Punjab's role was crucial. It took a leading part in the agitation against the Rowlatt Act, and occupied central place in issues such as *Satyagraha* and the Khilafat Movement, the Non-co-operation campaign, and the Constitutional Reforms. The years 1919-1920 linked the Punjab inextricably with the future politics of India. This study seeks to bring out the significance of the years 1919-1920s that served as the basis of the Indian Nationalist movement. It highlights the fact that the structure and climate of politics in the Punjab proved most conducive for the promotion of a movement like *Satyagraha*. M. K. Gandhi's efforts to avoid the inclusion of the Punjab grievances as a national issue delayed the onset of the mass agitation (by Hindus and Muslims jointly) against the British.

The Rowlatt Act 1919, proved as a catalyst in the Punjab for ventilating long standing grievances, manifested by the social, economic and political discontent arising from the World War. Punjab's response to the war effort of the Government was favourable. It was able to send by far the largest number of recruits. It supplied 3,60,000 troops, more than half of the total raised in India. In subscriptions to the war loans it ranked third in the list of contributors. Punjab contributed over two crores of rupees to the war funds and invested ten crores in war loans.¹ Owing to heavy casualties war weariness was more pronounced in the Punjab than any where else in India.

Whereas Punjab's role in the war effort was outstanding in the eyes of the British, it suffered heavily under the ruthless administration of Sir Michael

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O'Dwyer, the Lieutenant Governor of the Punjab. The coercive measures used by him in the campaign for recruitment and collection of war loans gave rise to an ugly situation in 1919, the like of which no other province of India faced.

Economic distress was visible everywhere as the country was caught up in a war time spiral of prices of commodities.² Trade suffered due to shortage of transport facilities. Railway traffic was monopolised for military purposes. Punjab had been a major producer of wheat, a large quantity of which was exported every year. Wheat stock was seized under the Defence of India Act which was used to stop speculation and reduce the price of grains. Excess profits were controlled by war time taxes. Special Income Tax ranging from 100-200 per cent was imposed on nearly all big towns and cities.³ The situation caused major anxiety to the commercial classes—mostly Hindus, and many of them became active in agitational politics.

The rise in prices and increase in taxation caused great dissatisfaction among the masses. Inflation without proportionate increase in production resulted in high prices and devaluation.⁴ The price of wheat reached its peak in mid September, 1918. Wheat was sold at Rs. 6½ per *seer* at Lahore,⁵ causing much distress to the poor. Wages remained either stationary or rose only slightly. Rising cost of living and consequent privation created resentment against the government.

It is significant to note that the war time measures by the government of the Punjab laid the basis of a deep cleavage within the social structure of the province. The Land Alienation Act 1900, had conferred a privileged position upon the landed class. Their effort in promoting recruitment among the rural population was directed towards their earning generous recognition and patronage from the government. Their role as such alienated them from the intelligentsia drawn from the urban areas — the professional classes, and the traders. O'Dwyer's attitude towards the politically minded educated class was particularly harsh.⁶ His dislike was most evident in his memorandum on the question of Constitutional Reforms in his despatch of 5 March, 1919.⁷ The educated classes had withheld their co-operation to the government measure for the war. Their part in the mass agitation was a new phenomenon.

Excessive and coercive recruiting methods created conditions that gave rise to political agitation. As a *modus operandi* a quota was fixed for each district. Coercion was exercised by over zealous officials and leaders who

resorted to objectionable methods of persuasion. Individual efforts at recruitment were taken into consideration while granting favours. Officials resorted to objectionable methods of persuasion. A case of objection against income tax was rejected on the grounds that :

The man had supplied no recruits, he has not given any subscription to war loans or relief funds and the application is rejected.⁸

Under O'Dwyer, the province was compelled to do its utmost to contribute to the war efforts. The strain was increasingly felt by 1918. In February, 1918, the British Prime Minister's appeal, in consequence of the German offensive, was answered by the Government of India's commitment to produce half a million men in the year commencing 1st June, 1918. The Central Recruiting Board fixed the Punjab quota as 1,80,000 and the Punjab Provincial Conference added another 20,000 as non-combatants. Coercive measures were utilized and by November, 1918's Armistice, the Punjab had made good more than a proportionate part of the demand.⁹

During the war years O'Dwyer isolated his province, by diverse prohibitive orders, from the rest of the country. Leading politicians were prohibited from entering the Punjab, and proceedings of meetings were strictly censored. Several newspapers were banned from entry and the Press Act was carried out more vigorously than other provinces. Thomson, the Chief Secretary of the Punjab Government, stated that the Lt. Governor was anxious that there should be no political agitation against the measures regarded as 'war measures.'¹⁰

The War came to an end amidst immense sufferings in India from famine conditions created by the failure of monsoon. A virulent epidemic of influenza in October 1918, carried away half a million of the Punjab population. In the army the death toll of Punjabis was 30,000.¹¹ During the War, Punjab had experienced a wave of unrest due to the Ghadar Movement, the Komagata Maru and Pudge Pudge incidents besides others. The return of the troops from the war theatre and the distress of the Muslims over the fate of Turkey caused further anxiety to the Punjab Government. In December, 1919, the provincial government demanded extra powers for dealing with the political agitation. The Punjab Government's letter to the Government of India ended by the statement that :

With these influences at work while famine prices are prevailing, there is danger of organised attacks on property on a large scale leading to a general feeling of insecurity and alarm. Hence the Lieutenant Governor had included various offences against property, in addition to seditious offences and acts punishable under the Arms and Explosive Act, within the scope of ordinance.¹²

Due to repeated appeals by the Punjab Government the Government of India passed the Defence of India Act, 1915. It was passed unanimously in one sitting by the Imperial Legislative Council on 18 March, 1915. According to O'Dwyer it gave all powers to the Lieutenant Governor.¹³ It was to terminate within six months of termination of the War. The Rowlatt Act was then drawn up because the machinery of law and order was considered unequal to the task of suppressing revolutionary upsurge in the country. It conferred arbitrary powers on the executive which remained uncontrolled by the Judiciary. The Rowlatt Act reflected the deep rooted distrust of the common man, spoke of British Government's reluctance to part with arbitrary powers and finally made nonsense of the reforms which were meant to hold out the prospect of self-determination to the people of India.

An anti-Rowlatt agitation grew rapidly, not so much for the Bill itself, but the manner in which it was forced through the Council. The Bill was published on 18 January, 1919, and introduced in the Imperial Legislative Council on 6 February. It was referred to a Select Committee on 10 February. In deference only to the unanimous opposition of the non-official members, it was announced that the Act would be in operation for three years and not permanently. A second Bill was also introduced and referred to a Select Committee against unanimous non-official opposition.¹⁴ The Committee reported on 1st March and, on 12 March, the Council took consideration of it. The Council was forced by the Viceroy to sit for three days continuously until late night to dispose off the 150 odd amendments by the unofficial members.¹⁵ On 18 March the Bill was passed by sheer official vote 35 to 20 Indians, and soon afterwards it received the Viceroy's assent.

The Rowlatt Bill was condemned as reactionary by all sections of the Indian opinion. M. A. Jinnah (later Quaid-i-Azam) tendered his resignation from the Imperial Council. As a member, he had warned the Government on 6th February that if the Rowlatt Bill was passed, "You will create in the

country from one end to the other a discontent and agitation the like of which you have not witnessed."¹⁶

The prophecy was speedily fulfilled. There were protest meetings across the country. At Lahore, opposition to the Bill came to the surface soon after its publication in the Gazette of India.¹⁷ On 4 February, the Bill was condemned at a meeting of the India Association attended by a thousand people. Ch. Ram Bhaj Dutt dubbed it as the "most shameful and repressive measure without a parallel in the world With this disgraceful Bill no patriot is safe."¹⁸ At Amritsar, on 9th February, Dr. Gokul Chand Narang compared the Bill with snakes and scorpions let loose in Indian houses.¹⁹ In Multan, the District Congress Committee met for three days on 22-24 February. Dr. Choit Ram, a well known agitator from Sindh, declared that a black law was being enacted against which they should fight with all their might. "You die of cholera, plague, influenza and other diseases, but would it not be better to die nobly the death of a hero and a lion than as a dog."²⁰ Mass meetings were held in Lahore on 9, 28 and 29 March. On 30 March, a meeting at Amritsar attended by as many as 40,000 people, passive resistance to the Rowlatt Bill was demanded as a sacrifice of an advance type. According to Dina Nath, Editor of *Waqt*, "Let the sword fall, they should not move any eye. If hands were cut let them be cut. Let fetters and handcuffs adorn their body. Let prisons be their temples and mosques. Then would freedom kiss their feet."²¹

The press had a widespread effect in persuading people that a dangerous weapon was being prepared against their liberty and peace of mind. According to the *Daily Tribune* :

No civilised government would adopt a policy of repression in the teeth of opposition from the public. There are now two ways open to us. One is that we should like the dead put the noose of this law round our neck The other is that we should afford proof of our life by refusing to accept the law in question.²²

The campaign was most effective through posters. Whereas the press and the platform appealed for passive resistance, the appearance of posters conveyed a direct incentive to violence. They were widely distributed. A poster pasted in Lahore on 12 April, cried out :

We are the Indian nation whose bravery and honour have been acknowledged by all the kings of the world. The English are the worst

and are like monkeys whose deceit and cunning are obvious to all, high and low. Have these monkeys forgotten their original conditions? How these faithless people have forgotten the loyalty of Indians and are bent upon exercising limitless tyranny. O brethren! Gird up your loins and fight! Kill and be killed.²³

Stress was laid on catch words such as *Tang amid bejang amid*, and *na wakil na daleel na appeal*. Masses were given to believe that the Bill would penalize with pecuniary exactions the ceremonies of marriage and death, that four men sitting together could be arrested, and no landholder would be allowed to keep more than a few acres of land.²⁴

The Rowlatt "Bills", according to M.K. Gandhi "were an open challenge to us. If we succumb we are done for, if we may prove our word that the government will see an agitation such as they have never witnessed before, we shall have proved our capacity for resistance to arbitrary and tyrannical rule . . . I feel that I can no longer render peaceful obedience to the laws of a power that is capable of such devilish legislation as these two Bills."²⁵

Gandhi expressed his determination to resist the repressive measures by *Satyagraha* or soul force. It was not easy for him to break through the impregnable Congress platform. Without access to it he could not hope to change the sterile nature of the national struggle. On his return from Africa in 1917, he had urged for the acceptance of *Satyagraha* for various causes but in vain. He now took advantage of the uncertain political situation and succeeded in creating a country-wide following. This was to signal a new era of mass politics in the Sub-continent.

Although *Satyagraha* evoked a country-wide response, it was in the Punjab that the movement attained heroic proportions and notable significance. Punjab had a complete *hartal*. As the movement developed its role became central to the political campaign. Nowhere in the country, apart from Punjab, did the Rowlatt *Satyagraha* meet with violent agitation. Bengal which had greater experience of agitation and its consequences refused to be drawn into the movement.²⁶

The vehement denunciation of the Rowlatt Bill by non official members of the Imperial Council laid the foundation of an agitation so extensive as to be without parallel in recent years.²⁷ Gandhi announced his movement for *Satyagraha* on 24 February, and on 1st March issued his *Satyagraha*

Manifesto, inaugurating civil disobedience to the laws. On 23 March, Gandhi issued a *hartal* manifesto fixing 30 March and 6th April, for the observance of an all-India strike.

The Indian National Congress was divided in its attitude to *Satyagraha*. The moderates were unwilling to deviate from the constitutional path and the nationalists were at best lukewarm. The Punjab Provincial Congress took up the task of organizing the movement. In order to secure proper organisation for the passive resistance movement local committees were set up to educate the masses and political minded classes in principles of passive resistance. Its leaders came out boldly into the open, directing the campaign in person. The principle figures were legal practitioners or press men. Dr. Saifuddin Kitchlew was a barrister, educated in Germany. Dr. Satyapal had served in the army as a medical officer. Pandit Dina Nath was a newspaper editor. In Lahore, Lala Duni Chand, President of the Indian Association, was the principal figure, and Ram Bhaj Dutt was the Punjabi representative at the *Swadeshi* agitation in Bengal.

Hartal, the traditional Indian institution of closing shops, became the best form of protest. Meetings were organised and rhetoric was employed to awaken strong feelings. 30 March was observed as a day of mourning, fasting, and *hartal* in Delhi, Amritsar and a number of other places.²⁸ In Delhi serious rioting took place causing five deaths and a score of casualties.²⁹ Troops had to be called out. On 31 March, there was *en masse* mourning, and those who had met their death were referred to as martyrs. Disturbances spread to lower classes and popular outbreaks resulted at Lahore, Amritsar, Gujranwala, Kasur and other places. The success of *Satyagraha* led to a call for *hartal* or a general strike on All-India basis on 6th April. The day was observed with complete *hartals*, meetings and processions around the country. Yet there was no disturbance anywhere.

A notable feature of the general excitement was the absence of any distinction of class and creed, the common cause being anti-European and anti-Christian feelings. Hindu-Muslim rapprochement — a common feature of the Home Rule League in recent year—was new in the Punjab. Extraordinary scenes of fraternization were seen in Lahore, Amritsar and Multan. Processions and meetings resounded with cries of 'Hindu-Muslim *Ki Jai*' (Hail Hindu-Muslim Unity). At the *Ram Naumi*, a purely Hindu occasion, striking demonstrations of Hindu — Muslim unity were witnessed. Both communities

drank water from each other, a rare phenomenon.³⁰ At Batala, crowds had names of Ram and ALLAH with the word *OM* stamped on their clothes. Swami Shradhanand was allowed to address the Muslims from the pulpit of the Lahore Badshahi Masjid.

In the second week of April the situation deteriorated rapidly. The Punjab Government acted with vigour and struck ruthlessly. O'Dwyer, detesting the turn the *Satyagraha* was taking, in his last Council speech on the eve of his retirement on 7th April, threatened the agitators that they had "a day of reckoning in store for them."³¹ The success of passive resistance in the Punjab led to Gandhi's decision to proceed to Delhi and Punjab, with the aim to further guide the movement. Considering this dangerous, he was arrested at Palwal on 9 April, as he was entering the province. He was escorted back to Bombay. His arrest was a prelude for an outbreak of disorder and violence in Amritsar and Lahore, where riots took place between 9 and 14 April. The deportation of Dr. Satyapal and Kitchlew on 11 April was followed by a breakdown of law and order in Amritsar. Mob violence, burning and looting, ensued. Four Europeans were murdered and the tragedy of Jallianwala Bagh was perpetrated. Lahore was controlled by mobs for two days. On 11 April, 25,000 people were addressed by Ram Bhaj Dutt and Swami Shradhanand at the Lahore Badshahi Mosque. A *Danda Fauj* marched through the city proclaiming that King George was no longer the King but the Amir of Afghanistan and the Emperor of Germany were their kings. The *hartal* in Lahore continued from 11 to 18 April.

On 10 April censorship was imposed on all local newspapers and on 13 April, the Seditious Meetings Act was proclaimed in Lahore. Liquor shops were closed and *Langars* (distribution of free food) suppressed. On 14 April, more local leaders were deported (Ram Bhaj Dutt, Har Krishan Lal and Duni Chand). On 15 April, Martial Law was proclaimed in Lahore and Amritsar and shortly afterwards in three other districts of Gujranwala (16 April) Gujrat (19 April) and Lyallpur (24 April).³² Disturbance in other provinces was confined to Ahmedabad, a city in Bombay Presidency, Verangam in Ahmedabad district and Bombay city. The most serious (other than Punjab) was at Ahmedabad, the birthplace of M. K. Gandhi. In Bihar and Orissa, *Satyagraha* was confined to Patna and few towns. In UP too, it was confined to large towns. There was no disturbance anywhere. In Madras, shops were

closed in the Presidency and certain other towns, but there was little interest in the movement.³³

On hearing of the bloodshed Gandhi was shocked. On 18 April in his manifesto, he advised temporary suspension of the movement. ". . . I underrated the forces of evil. I must pause now and consider how best to meet the situation" Gandhi declared it as a 'Himalayan miscalculation' and regretted offering civil disobedience without sufficient preparation of discipline.³⁴

The agitation of 1919 witnessed a change of tactics. The *hartal* immobilized a large mass of people. A sub-committee was set up in Amritsar to collect funds for the relief of the poor.³⁵ There was a growing resentment over non-availability of kerosene oil (widely used for cooking purpose) everywhere. The agitation spread to rural areas. Gandhi's technique of *Satyagraha* enabled his campaign to focus on local grievances.

The external threat from Afghanistan and the *Satyagraha* in the Punjab, led the administration to take severe action. Draconian orders under Martial Law made the Punjab Government notorious in India.

Agitation against the Rowlatt Act was represented in Afghanistan as a general rising against the British. The Amir took the opportunity of sending troops across the border on 8 May. There was general deployment and the attack was repulsed in ten days but it led to continuation of Martial Law in certain areas until August, while it was abrogated in others by 11 June, 1919.³⁶ Hostilities with Afghanistan made the maintenance of railway links vital for the safety of the Frontier, where mobilisation took place. The seriousness of the situation was accentuated by the greatly reduced number of British troops in India.

The Rowlatt *Satyagraha* failed as a political movement as it did not obtain its objective — the repeal of Rowlatt Act. The *Satyagraha* had in fact lost its momentum when Martial Law was declared. The movement petered out miserably during the summer months of 1919. During the rest of the year the Punjab remained largely isolated from other provinces of the country. Rigorous censorship was imposed on publication of news regarding Punjab under Martial Law. The press in England joined the Indian press in its attack on the Government. According to the former, the disturbances merely demonstrated the need of pushing ahead the Indian reforms with greater alacrity. There was a growing fear that the constitutional reforms promised at

the end of the War, would be postponed on the excuse of disturbances in the Punjab and Bombay. The Bill for reforms was at the time under active consideration by the Joint Committee of both the Houses in England. The issue of reforms had attracted much attention in India but was now overshadowed by the Punjab Disturbances.

An emergency meeting of the All-India Congress Committee took place in Bombay on April 20, to consider the grave situation in the Punjab. It demanded the appointment of a Commission to enquire into the Punjab Disturbances, the administration of Martial Law and the sentences imposed by the Martial Law tribunals.³⁷ The enormity of coercive measures taken by the Government in the Punjab for quelling local disturbances, and the disproportionate severity of punishment rudely shocked the people of India. These feelings were given vent to by Sir Rabindra Nath Tagore's surrender of his Knighthood to the British Government.³⁸

The All-India Congress Committee appointed its own Sub-Committee to arrange for an enquiry into Punjab Disturbances, when it met in Allahabad on 8 June, 1919. It was to take any legal proceedings considered necessary and to collect funds for this purpose. The Sub-Committee's members were, Malviya, Motilal Nehru, Rashbehary Ghosh, Syed Hasan Imam, B. Chakravarti, C. R. Das, Kasturi Range Iyengar, Umar Subhani and Gokarannath Misra.³⁹ Malviya and Nehru took charge of proceedings by visiting Punjab on 25 June, 1919.

It was not until September, that the Government set up a Commission of Enquiry on the Punjab Disturbances under Lord Hunter. Meanwhile the Government of India's attitude towards the Punjab reflected the tensions present in the administration, which required the co-operation of India Office and the Government of India. In March 1919, Montague the Secretary of State, had been critical of the paternal system of government for which Punjab was famous.

I always thought O'Dwyer's success in the Punjab so cheap a success . . . He sat hard on all, and often on quite legitimate political work. He put a ring, a fence round the Punjab and refused to allow into it political leaders. He used all the powers the war gave him and he made a great success of it. But if that sort of thing, as education and knowledge

of the world increased in the Punjab so certainly would you find that the Punjab became one of the most inflammable provinces of India.⁴⁰

The violence in April convinced Montague that it was the "inevitable harvest" of "our old friend, firm government, the idol of the Club smoking room."⁴¹

Lord Chelmsford, the Viceroy, defended O'Dwyer type of government as being suitable for the Punjab and the Frontier. Since it had a tradition of stern rule the province could be isolated with enough military force at its disposal, in contrast to other provincial administrations.⁴² As for Martial Law, Chelmsford protested against certain steps and disallowed public executions and crawling orders. Yet he was not ready to overrule his subordinates publicly which he felt would weaken their authority. The abnormally grave situation looked like a recurrence of the troubles of 1857.⁴³

Allegations of brutality under Martial Law made Montague propose an enquiry into the situation. The aim being not only to offer justice for the past events, but prevent any repetition in the future.⁴⁴ The officials in India were considerably perturbed but Chelmsford accepted Montague's proposal, assuring him that the Indian Government would not ask "the Commission of Enquiry to white wash anybody or anything." The Commission set up on 16 October, was headed by Lord Hunter.⁴⁵

The Congress Sub-Committee found that people were unwilling to give evidence because of the fear of police. They considered it necessary that the imprisoned leaders of the Punjab be released to give evidence. These terms of reference as such did not meet the approval of the Hunter Committee. The Sub-Committee, therefore, decided to prepare its own report. It co-opted Gandhi in mid October, and later on 14 November, it appointed its own investigating team comprising Motilal Nehru, Fazle Haq, C. R. Das, Abbas Tyabji and Gandhi, with K. Santana as Secretary.⁴⁶ The enquiry began on 17 November, 1919, and was completed by 25 March, 1920.

During summer, public life was at a standstill in the Punjab as repressive measures under O'Dwyer and Martial Law had ruined many families. There was widespread sympathy with sufferers of the Punjab tragedy. Legal practitioners across India visited victims to offer their services and distribute funds to their families. In Bengal, a Punjab *Sabha* Society was set up in April to protest against Martial Law authorities decision not to allow legal

practitioners from outside the province to appear before them.⁴⁷ The *Sabha* in its meeting, on 22 May, 26 June and 27 July, appealed for an amnesty to all prisoners sentenced by Martial Law and a Commission of Enquiry to look into disturbances. In UP a Punjab week was observed from 28 September to 5 October, to make house to house collection for donations to help the Punjab sufferers.⁴⁸ In Bombay too, money was raised for the Punjab Relief Fund.⁴⁹

In the last quarter of 1919, Gandhi assumed a new status in politics by his decision to champion the Khilafat issue. At the All-India Khilafat Conference at Lucknow on 21 September, it was decided to observe 17 October as Khilafat Day. Gandhi widened the issue on *Satyagraha* by urging Hindus to unite with Muslims in fasting and observing *hartal* on the day.

With the end of Seditious Meetings Act on 15 October, political activity once again revived in the Punjab. Yet the Khilafat Day on 17 October, had little impact due to violence and repression of *Satyagraha* earlier in the year. Within a few days the increasing tension under the surface became evident. Passionate speeches were delivered at all the big cities — Lahore, Sialkot, Multan, Gujranwala. In speeches at Amritsar on 18 and 31 October, and later on 7 and 11 November, it was reported that :

Whole audience wept at the wrongs to Islam demanding instant British withdrawal of patronage from the Sherif of Mecca It was alleged that Muslims were being prevented from visiting Medina. The Government was asked to move its forces from Turkish territory and pay compensation for loss of life and property, that the Khilafat was neither political nor worldly but a religious question in which the Government should not interfere.⁵⁰

With most of the local leaders in jail the back of the agitation in Punjab was broken. It was the religious leaders along with the political leaders of India who comprised the vanguard of the Khilafat agitation. Maulvi Daud Ghaznavi, Sanaullah and Ataullah Shah Bukhari from Amritsar, and Agha M. Safdar, pleader of Sialkot took up the cause in the Punjab.

The newly organised All India Khilafat Committee (which replaced the Khilafat Committee of Bombay-based organisation) gave a new momentum to the Khilafat issue in Autumn 1919. In its meeting on 23-24 November at Delhi, momentous decisions were taken in relation to All-India politics. For the first time, Non-co-operation was spelled out (the word was used for the

first time). Gandhi, the only Hindu leader who attended the first day of the Conference, envisaged total withdrawal of co-operation from the Government.⁵¹ He opposed total boycott of British goods. It was decided that if the Khilafat and Holy places were not treated according to the Muslim desire, the peace celebration would be boycotted. He vouched for Hindu support to the cause of Khilafat.

The following day, when the meeting was open to public, Shardhanand and Shankar Lal contested Gandhi's leadership. They combined with Hasrat Mohani to urge that the issue of Punjab disturbances should be combined with Khilafat propaganda to ensure Hindu co-operation. Gandhi (in the chair) vetoed the resolution.⁵² He threatened to resign from the whole campaign if any attempt was made to call for votes or even if any amendment was suggested. He opposed the proposal to combine Punjab atrocities with Khilafat agitation as being unrelated to the peace celebrations.⁵³ Punjab was a domestic issue insufficient by itself to justify non-co-operation in the coming official peace celebrations.

Of late there had been a growing interest among Indian leaders to make Punjab a field of political agitation. Lahore became the centre of political activity.⁵⁴ The Indian leaders who visited Punjab to conduct the enquiry in Punjab disturbances used the opportunity to contribute to the tension.

The decision of Delhi Khilafat Conference was widely circulated through notices and posters, calling on people to abstain from peace celebrations (from 13 to 16 December) as the Government had repudiated solemn pledges given to Muslims.⁵⁵ Maulana Abdul Bari issued a *Fatwa* against taking part in peace celebrations.⁵⁶ People were asked to darken their houses and stay away from celebrations to show their sense of mourning. The All-India Muslim League Council also passed a strong resolution justifying Muslim abstention from peace celebrations.⁵⁷ Anti-peace celebration meetings were held, in Gujranwala, Amritsar, Rohtak, Jullundur, Sialkot and at other places.⁵⁸

Attention was next drawn to the Punjab by the growing demand of holding the annual (34th) session of Indian National Congress at Amritsar. The Congress had been invited in the last session (December 1919) to hold its session in Amritsar but at the express wishes of thousands of Amritsar citizens, the decision had been rescinded in June.⁵⁹ Eventually the Reception Committee of Congress, in its meeting on 21 September, once again acceded to

the growing demand that Amritsar should be the venue of the annual session in December 1919. Motilal Nehru was elected President of the session in recognition of his services to the oppressed.⁶⁰

Meanwhile the proceedings of the Hunter Enquiry Committee considerably lowered the prestige of the British in the Punjab. Rise in prices led the Committee of the All-India Muslim League at Amritsar in September, to appeal to Government to take necessary steps to control supply of foodstuffs in order to prevent famine.⁶¹ There were reports by local officers of newly found rudeness on the part of the masses towards government officials. The visit to Punjab by Indian leaders, (Gandhi, M. Nehru, Shradhanand and later Tilak who was released in December) was feared, by the Government, would lead to undermining its authority and could cause alienation of people from the District officers. Political leaders were seen to replace the local lords in the society. According to rumours, the feelings were worse than they were in April 1919. It was suggested, however, that they were more racial than anti-government. The expected reforms, the Congress Enquiry and the publication of Turkish peace terms had a cumulative effect of giving rise to nationalist feelings. The Government sympathizers were socially boycotted.⁶²

The situation perturbed the Government considerably. The D.C. Amritsar called to question the propriety of holding the Congress session at Amritsar or any other 'central area' of the disturbances. Later the D.C. again warned the Congress against making any reference to the past events of the Punjab at the coming session.⁶³ After much controversy among the Congress leaders, it was decided at a meeting at Lahore that note would be taken of the Punjab affairs at the Congress session.⁶⁴ The Government succumbed to this eventually.

On 15 September, Muslims of Amritsar also proposed calling the next All-India Muslim League session at Amritsar.⁶⁵ This was confirmed at a meeting on 15 October, 1919, and invitations were extended for the same.⁶⁶

At the end of December, 1919, Amritsar became the focus of entire India, where all the political parties held their annual sessions. Besides the Congress and the Muslim League, the All-India Khilafat Conference and also the Sikh League met in the city. The Congress Session attracted the largest ever audience. It received greater attention than any previous session. On Gandhi's instructions, women and peasants attended in large numbers. Another unique feature was that proceedings were conducted in vernacular language. "It

was the People's Parliament voicing the feelings of dumb millions in their own language, in their own artless, unpolished, honest manner.⁶⁷ The tragic events of Punjab formed the keynote of the proceedings. In his presidential address devoted to Punjab affairs, Motilal Nehru observed that the Punjab had suffered much at the hands of an alien and reactionary bureaucracy. Quoting Ramsay Macdonald from his book *Awakening of India*, he said :

It is generally conceded in India that the most incompetent of the governments is that of the Punjab. It takes its stand upon two foundation rocks. 'Prestige and Sedition', the meaning of the former being that it can do whatever it likes, and of the latter that if any Indian questions its doings his house will be raided and he will be deported It has no notion of statesman-like handling, no idea of political methods⁶⁸

The most important resolution concerned the Punjab and the demand for the recall of Lord Chelmsford, impeachment of General Dyer and Sir Micheal O'Dwyer. While Congress was in session it was joined by the Ali Brothers and Dr. Kitchlew, following the amnesty which was granted to them. They were received amidst scenes of wildest enthusiasm and joy. Sir Muhammad Iqbal travelled from Lahore with a poem to welcome Maulana Mohammad Ali Jauhar.

The Muslim League platform was dominated by the issue of safeguarding Muslim interests in the coming reforms, Punjab affairs and Hindu-Muslim unity. Hindu-Muslim unity was to be promoted by the ban on cow-slaughter and *Swadeshi* movement.

With the release of Ali Brothers and Dr. Kitchlew, a second phase of agitation began. The leadership of Khilafat slipped from the hands of predominantly merchant class of Bombay to those of journalists and preachers who toured villages and addressed people in mosques and through Urdu news papers. Gandhi, Ali Brothers, and Dr. Kitchlew toured all over India. They preached the sanctity of Khilafat and Hindu-Muslim unity. In Punjab, the leaders were received with much adoration and taken out in large processions. *Bazars* were decorated with arches and banners in honour of the leaders. Boards were affixed with mottos of 'Swaraj Home Rule', 'India for Indian', 'Victory is ours', 'Good Government is no substitute for self-government.'⁶⁹ Roads were lined with enthusiastic crowds including women. Sub-committees

were formed in Multan, Jullundur, Gujranwala, Karnal, Ferozepur and Hoshiarpur to invite Gandhi and Ali Brothers to air local grievances.

The resolution adopted by Muslim League at Amritsar, against cow slaughter was actively preached by Muslim religious leaders as being essential for promoting Hindu-Muslim Unity. It was appreciated by the Hindus.⁷⁰ District Congress committee thanked Muslims for the *Fatwa* on cow slaughter, and in return called upon the Hindus to help Muslims in the Khilafat agitation.⁷¹

During the period the Congress Sub-Committee on Punjab Disturbances conducted its enquiry and prepared the report, i.e., between 17 November, 1919, and 25 March, 1920, Gandhi's influence became increasingly predominant. He consolidated his position both in the Congress and the Khilafat. By the end of December, 1919, Gandhi had become the key man in the Congress.

"... participation in Congress proceedings at Amritsar as my real entrance into Congress politics. My attendance at the previous Congresses was nothing more perhaps than a renewal of allegiance to the Congress. I never felt on these occasions that I had any other work cut out for me except as a mere private, nor did I desire any more."⁷²

Gandhi toured Punjab again, on 11 February he was in Gujrat, and on 17th at Shahpur. He spoke of *Satyagraha*, Hindu Muslim Unity and *Swadeshi* cloth.⁷³

No. line of action was worked out on Khilafat until March 1920, when the Bengal Khilafat Congerence (28 February) adopted a resolution declaring that Muslims would abandon their loyalty to the British and assist the Khalifa if his dominions were not kept intact. Maulana Abdul Bari's speech was taken almost as a declaration on war - *Jihad*.⁷⁴ Gandhi followed with his manifesto on 7 March, declaring 19 March as Khilafat Day. The Khilafat Committee met in Bombay on 11 - 14 March to discuss future policy. It drew a plan under Gandhi's guidance.⁷⁵

Public meeting in Amritsar on 12 March, supported the resolutions passed by Calcutta and Bombay Khilafat Committee Conference.⁷⁶ The *hartal* on 19th March was widely canvassed everywhere specially in Amritsar, Gujranwala and Karnal, Ludhiana and Sialkot.⁷⁷ The tone of speeches was bitterly anti Christian. In Gujranwala, an important missionary centre, special

measures were taken for the safety of the European population. There was complete *hartal* in cities and towns, apart from a few places like Shahpur, Gurdaspur and Wazirabad.⁷⁸ It was observed as a day of unity also by organisations like the Sewa Samiti, Arya Samaj and Rama Sabha.⁷⁹ The day passed peacefully without processions, demonstrations, and disturbances.

Gandhi followed the call of *hartal* on 19 March by the publication of the Congress Report on the Punjab Disturbances on 25 March, nearly two months before the Hunter Report, and possibly influenced the Minority Report by the Indian members of the Hunter Committee. Meanwhile, the Congress Report renewed passions against alien rule. This was demonstrated by Lala Lajpat Rai, Lala Harkrishen Lal and Choudhry Ram Bhaj Datt who toured the Punjab. They spoke of Punjab wrongs and Hindu-Muslim Unity.⁸⁰ The Provincial Conference at Jullundur on 2-3rd April, was devoted largely to Punjab disturbances. At the anniversary of Jallianwala Bagh, a National Week from 6 to 13 April, was observed. Meetings were held to collect funds for Jallianwala memorial. A noteworthy feature of these meetings was the participation by rural population, including women.⁸¹

The slow progress of Turkish peace negotiations gave rise to grave forebodings about the Khilafat. The question of *Jihad* and *Hijrat* came to the forepoint for consideration as part of non-co-operation. The Khilafat Workers Conference at Delhi on 19 April, (with 500 delegates) was addressed by *Ulema* and Hindu speakers. Speakers urged the people for *Jihad* and *Hijrat*. The British Government was accused of crushing the Turks. People were urged to adopt *Satyagraha*. The Amir of Afghanistan's proclamation stating that Afghanistan was ready to receive the people of India, should they migrate, created a sensation. Reports in the vernacular newspapers of the proceedings of the Khilafat Workers Conference stirred up religious feelings. It was a precursor of intensive Khilafat agitation. Khilafat meetings were convened at Karnal, (20 April), Hoshiarpur (26 April and 5 May), Rawalpindi, (18 April), Ludhiana, (24 April), Lyallpur, (23 April), Bahadur Garh (Rohtak district, 25 April), Multan, (27 April), Gujrat, (25 April), Jhelum and Lahore Districts,⁸² Ambala (1-3 May), Gujranwala (24 and 29 April), Jhelum, (12 May), Ferozepur (2 and 8 May), Amritsar (23 April and 1 May), Rohtak District and Gujrat District (1st week of May).⁸³

Speeches at Khilafat meetings expressed bitter resentment against the Europeans. Maulvi Daud of Amritsar, talking of the treachery of the English

nation said : "Oh! only if I had a weapon at this moment in my hands, I would cut the throat of every Englishman in India."⁸⁴ Posters on *Hijrat* appeared and *Hijrat* became the topic of the day. Middle class and poor Muslims expressed their willingness to leave the country. Maulana Bari's *Fatwa on Hijrat* exerted much influence on the people. Ataulah Bokhari, Kitchlew, Mohammad Said and Ahmed Said, Zaqaullah, Abdul Aziz, Nazir Hussain, Zafar Ali Khan and Lal Khan, all worked actively in rousing the people over the Turkish question. Muslims were asked to withdraw their children from missionary schools, and not enlist in the Army. Multan was placed out of bounds for Indian troops due to talk of bloody revolution and the end of British *Raj*.⁸⁵

The publication of Turkish peace terms on 14 May, 1920, opened yet another phase of Khilafat. Its terms were severer than expected. Yet there was no agitation. The lead was awaited.⁸⁶ The Central Khilafat Committee had yet to announce its decision on *Hijrat*, while the Congress had yet to deliberate on Non-co-operation. Local Khilafat Leaders awaited anxiously for the Central Khilafat Committee's pronouncement on *Hijrat*.⁸⁷

The release of Hunter Committee Report on 28 May, aroused further passions and prejudices. According to the Congress Report, Martial Law in the Punjab reflected not justice or injustice but betrayed Government of India's attitude towards Indians which would make future reforms worthless. Without a statutory declaration of rights to prevent such a repetition of action, Indians could never be free and equal citizens under the Crown whatever the reforms might concede. Both Reports agreed that the Punjab was disturbed before April 1919, but the Hunter Report discounted War loans and (enforced) recruitment as contributory factors. It instead stressed on high post-war prices, intense Muslim feeling about the Khilafat, growing political awareness that coincided with the increase of Government's power under the Defence of India Act, and the Rowlatt agitation. While both the official and non-official reports agreed that the specific cause of violence was the news of Gandhi's arrest and deportation of Drs. Satyapal and Kitchlew, the Government report criticized *Satyagraha* for undermining law and order.

The two reports totally disagreed on the justification of Martial Law. According to the Hunter Committee, events in the Punjab amounted to a state of open rebellion and justified the imposition of Martial Law. It criticized the duration and the administrative measures taken under Martial Law, but did not condemn the latter. The Hunter Report included a Minority note of dissent by

the Indian members. It considered the introduction and duration of Martial Law unjustified. According to it certain measures warranted a much more serious notice than was given by the Majority Report.

The Government of India endorsed the Majority Report. But it regretted that the military take-over preceded the proclamation of Martial Law. General Dyer was condemned more severely than the Majority Report, particularly his failure to warn the crowd before firing.⁸⁸ Montague went further in his condemnation of Dyer. He dissociated his administration from Dyer's belief that it was his duty to put up a show of strength in the circumstances.⁸⁹ Martial Law was blamed for the humiliation of the Indians as a race.⁹⁰ Montague's views were closer to those of the Indian politicians in that the Punjab Government's action betrayed an attitude of wrecking the reforms.⁹¹

The Khilafat and Punjab issues had both been simmering sources of discontentment. They turned into a crisis with the publication of the Turkish peace terms and the Hunter Report. It now became essential for the Central Khilafat Committee to give its verdict on the issue of *Hijrat*. The Hindu politicians (or the Congress) had also to decide on the form of non-co-operation. Under the circumstances both the communities, the Hindus and the Muslims, came to rely on each other for exerting pressure on the British. Muslims looked to the Hindus for co-operation to ensure that they would not suffer by resigning their posts and lose to other communities the few places they filled in the country's administration. The Hindu politicians were hesitant in putting pressure on the Government for they feared potential violence in non-co-operation.⁹²

The Hindu fears were demonstrated at the deliberations of the All-India Congress Committee at Benaras on 31 May. Gandhi was outvoted on the question of Non-co-operation. Unwilling to take it up as being impracticable the final decision was postponed by the Congress until a special session to be held later in the year.

The Central Khilafat Committee, at its session at Allahabad on 1-2 June, adopted a resolution on Non-co-operation covering four items, viz., (1) Resignation of titles and Honours; (2) Withdrawal from legal practice, (3) Boycott of schools and colleges and, (4) *Swadeshi* movement.⁹³ The representatives of Sindh and Punjab professed their readiness to adopt the four stages of Non-co-operation. The Bengal leaders stated that Bengal was not yet

ready, and that they would not recommend its adoption. The Madras delegate claimed that there was more unity among Hindus and Muslims in Madras than elsewhere, but failed to commit on the issue. U.P.'s representatives found Non-co-operation to be impracticable. Hindu fears were further aroused when Hasrat Mohani, supported by Shaukat Ali, A.K. Azad and Zafar Ali Khan,⁹⁴ asserted that Indian Muslims would join any foreign Muslim army to drive out the British. Lajpat Rai declared that Hindus would not give Muslims their unlimited support. While the question of Khilafat was purely political for Hindus it was wholly religious and only indirectly political for Muslims. Lajpat Rai said that both the communities in the Punjab would stay united only if there was no threat from Afghanistan.⁹⁵ No decision was taken on *Jihad*.

The reputation and influence that Gandhi gained through Khilafat and Punjab issues gave him sufficient stature to become the President of the All-India Home Rule League in April 1920, replacing Mrs. Besant. The causes he stood for were *Swadeshi*, Hindu-Muslim Unity with reference to Khilafat, *Hindustani* as the national language and re-distribution of provinces along linguistic lines.⁹⁶ The Punjab wrongs did not figure as a national issue.

The question of Council entry soon changed the character of Non-co-operation. The Congress leadership was divided in its attitude towards the form of responsible government under the reforms. In June 1920, the Government of India gave a final shape to the Government of India Act 1919, by publishing its Rules and Regulations. The only leader to come out openly on the issue was Lajpat Rai. He opposed Council entry as part of Non-co-operation.⁹⁷

The Hunter Report and the Government's reaction to it convinced Gandhi that the Punjab issue was a wrong that could not be remedied through conventional politics. By assigning a Muslim's objective to his activities he could not expect to gain Hindu support. On 9 June, 1920, he condemned the Hunter Report and the two Government despatches as an attempt to condone official lawlessness. His remedy for Punjab grievances was *Satyagraha* in the form of Non-co-operation with the Government. On 30 June, he linked the Punjab issue with the Khilafat as the issues which were directed at the humiliation of Indians who seemed to count for little in the British Empire.

The Punjab wrongs which Gandhi dismissed in November 1919, as a local issue, now gave him an All-India and inter-communal cause to balance

the Muslim's stance on Khilafat. Gandhi's leading role in the Congress Sub-Committee of Enquiry into the Punjab events made him a key man in the situation. By linking Punjab with the Khilafat, he seized an opportunity he could not afford to lose.⁹⁸ He attacked the entire Congress strategy.

The Punjab issue essentially demonstrated the importance of politicians when the Government took a firm stand and relied on the use of force rather than asking their collaboration. The Indian technique had failed to stop the passage of the Rowlatt Bill. Confronted by Martial Law and the consequent attitude of the Government, the Indian politicians seemed helpless to stem the tide and suggest a solution.

The War and the consequent dislocation of economy had produced a situation in which the Government was unable to hold down the spiral of prices which hurt the bulk of the population. People seized the opportunity offered by the Non-co-operation movement as a means of expressing their grievances and promoting their interests. The politicians soon realized that they would have to depart from conventional politics in their effort to retain power in the changing situation. To the Hindu politicians, the 'Punjab wrongs' betrayed an official attitude that nullified their hopes of an increased share in the new Councils. With the devolution of power under the Montague Chelmsford Reforms, the Council entry became the crucial issue. But in the political struggle, the Punjab occupied a central place.

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Abrupt Change in the British Foreign Policy Behaviour on Kashmir : Contrast between February 1948 and March 1948 Sessions of the Security Council

M. ZAHID KHAN LODHI

The Government of India took the Kashmir issue to the Security Council on December 31, 1947, at the suggestion of Lord Mountbatten which Pakistan welcomed. In fact, Prime Minister Liaquat Ali Khan had stated in November 1947 that the Kashmir dispute should be brought before the world opinion and UNO should appoint its representatives in the State in order to put a stop to fighting and arrange a plebiscite under its auspices.¹ Ch. Zafrullah Khan was therefore instructed to raise the Kashmir issue in the United Nations.² While Pakistan was still contemplating, Mountbatten persuaded India to appeal to UNO³ and insisted that reference to UNO should be made.⁴ He "pressed both Gandhi and Nehru to adopt his original suggestion to invoke the good offices of the United Nations Organization. Nehru ultimately accepted the suggestion, though some of his colleagues had misgivings about the wisdom of the step."⁵

Mountbatten also "dissuaded" India from "direct military intervention in Pakistan territory which would have resulted in war."⁶ Besides Mountbatten's insistence to refer the Kashmir dispute to the UNO, real factors behind it might be different. A foreign office file reveals :

It appears that India has only recently realised the vulnerability of her position and is now seeking assistance to bring about the withdrawal of the tribesmen by means other than force.⁷

Sir Francis Mudie in his letter of January 14, 1948, to the Quaid-i-Azam Muhammad Ali Jinnah pointed out that "it was the blocking of this road (Kathua Road — running from Pathankot to Jammu) that made Nehru suddenly appeal to UNO."⁸

Ian Stephens (editor of the *Statesman*) agreed with Francis Mudie that "India had gone to UNO because they had taken a knock-in Kashmir and were trying to wriggle out of it because they hoped to do well in the 'Spring Offensive.'⁹

Kingley Martin (editor of the *New Statesman* and *Nation* who met Francis Mudie) also agreed with the comments of Ian Stephens on Kashmir and stated: "Well our two versions are substantially the same." He added that when India took a knock-in Kashmir, — the Government of India "wanted to go to war with Pakistan on the principle that one may as well be hanged for a sheep as a lamb, but Mounbatten persuaded them to go to UNO instead."¹⁰

Before the Kashmir issue was discussed in the UN Security Council, the British Prime Minister, Mr. Attlee, issued the following directions to the British Secretary of State for Commonwealth Relations and its Delegate in New York:

1. The danger of an attack by India on Pakistan from east Punjab is clearly acute
2. It now seems *hopeless to expect India and Pakistan to settle their differences by direct negotiation* without the assistance of a third party. *Our best hope of a settlement therefore lies at present in action by Security Council* and it is therefore important that Security Council should seek to devise *practical solution* rather than urge parties to reach a settlement between themselves.
3. We must be particularly careful to avoid giving Pakistan impression that we are siding with India against her. In view of Palestine situation this would carry the risk of aligning the whole of Islam against us.
4. We must also be careful in our handling of the Indians on account of their emotional condition
5. We consider that Security Council should be encouraged to set up immediately *Commission to proceed urgently to India and Pakistan*

to negotiate with two Governments, agreed arrangements whereby impartial administration could be set up in Kashmir and a fair procedure devised for ascertaining will of the people. It might also be charged with responsibility for negotiating settlement of such matters in dispute as Pakistan Delegation at New York brings before Security Council and presses to have determined (e.g., Junagadh).

6. *Security Council might also be encouraged to put forward idea for consideration by United Nations Commission and by the two Governments, that either (i) Commission itself or (ii) one or two members of Commission nominated by Commission might become (with addition in either case of Indian and Pakistan representatives).*

Council of Administration responsible to the Security Council for maintenance of law and order in the State and for ascertaining will of the people. For these purposes Council of Administration would need assistance of administrative staff nominated in equal numbers by India and Pakistan Governments, plus some nominated by Secretary General of United Nations. The Council would also require a guarantee from both Dominion Governments, that their authority will be supported by such Forces as each Dominion may by agreement maintain during the period in Kashmir.

7. *Simultaneously with this action we consider it essential that Security Council should also seek to draw up programme for withdrawal or reduction of forces on both sides and replacement of Muslim invaders by Pakistani troops.* It may be difficult to get agreement on this until agreement has been reached by Commission on establishment of impartial administration but *problem is too urgent to wait arrival of Commission in India and Pakistan.*
8. *Proposals in paragraphs four to six are similar to those made by Pakistan Prime Minister in his Public statement of 16th November and this will make it more difficult to secure agreement to them of Government, of India. Nevertheless they seem to us the right solution.*¹¹

The above mentioned directions of the British Prime Minister to the Delegate in New York make it quite clear that at that particular time it was the policy of Her Majesty's Government to resolve the Kashmir issue under the

auspices of the United Nations through a fair and impartial plebiscite. Armed forces on both sides were to be withdrawn and tribesmen were to be replaced by Pakistani troops, in order to ensure the impartiality of the plebiscite and enable the people of Kashmir to vote freely and without any pressure. At the United Nations Security Council forum, in February 1948, Britain held the view that fighting in Kashmir could not be stopped unless and until the people of the State were assured of impartial plebiscite to be held under UN auspices. Mr. Philip Noel Baker, the British Delegate said : "the best way to stop the fighting is to assure those who are engaged in fighting, from preliminary measures right up to the conduct of the plebiscite in the end, is all on problem."¹²

The atmosphere in the UN Security Council was positively in favour of holding an impartial plebiscite in Kashmir, under the U.N. auspices, which frustrated Indian delegate. Though over 45 years have passed, never in the UN Security Council, the atmosphere of this International body had been so cordial and in favour of holding fair plebiscite in Kashmir, as in its session of February 1948.

To quote Noel Baker (UK Delegate) : "The crux of the matter is to ensure all parties, including those who are fighting on both sides, shall believe in the impartiality of the plebiscite."¹³ Being not afraid of the verdict of plebiscite, Pakistan appreciated the just stand of the members of the Security Council :

Pakistan had in fact, hoped that discussion would continue until structure of settlement built. India had throughout refused to contemplate over all settlement of Kashmir problem which was in direct contrast to Pakistan attitude Plebiscite was crux of immediate problem. Plebiscite and early withdrawal of Indian troops had previously been agreed by Indian Prime Minister as urgent requirements, yet both were now described as long range problems Pakistan had no wish to send troops to Kashmir and would prefer International or Commonwealth force there if possible. Failing this Pakistan was ready to share occupation with India.¹⁴

No delegate spoke in favour of any part of the Indian thesis, while some delegates, particularly Columbian and Argentine, made extremely able speeches refuting the Indian arguments.¹⁵

India realised that in case of an impartial and fair plebiscite Kashmir would be lost, so its delegate Gopalaswami Ayyanger, requested for an adjournment of the Debate,¹⁶ under instructions from his Government and also on the false pretext of "aircraft reservations,"¹⁷ which was granted. Pakistanis considered it as an unfortunate occasion for their country. Colombian representative, Mr. Lopex, pointed out :

Indian delegation wished to return because Council did not agree to accept Indian approach to the matter of plebiscite. The Council should be clear what adjournment motion meant and what was involved. Indian application could not be described as a request because delegation had already booked their passages.¹⁸

French delegate also regretted adjournment. Even after the return of Indian delegation to India, "Security Council ought to be free to go on with their scheme."¹⁹ The question arises, why India wanted to adjourn February 1948 session of the Security Council on Kashmir which Pakistan never wanted? As to why, the whole Indian delegation was instructed to return to India by its Government! The UN Security Council Official Records reveal that "the trend of opinion" during that particular session was "towards a fair consideration by the Security Council of all the circumstances" calling upon "both parties to play a corresponding part in effecting the cessation of hostilities and establishment of conditions" in which plebiscite could be carried out.²⁰

The opinion of the majority of the members of the Security Council had been incorporated in the draft resolution,²¹ when "every member of the Security Council had acted according to his conscience and with absolute impartiality between the parties."²² This perturbed the Indian statesmen. Mr. Nehru confessed : "Kashmir issue in the Security Council has given us a great deal of trouble. I must confess that the attitude of the great powers has been astonishing. Some of them have shown active partisanship for Pakistan."²³

India neither wanted to withdraw its armed forces from the State of Jammu and Kashmir nor was interested in holding there a plebiscite under the UN auspices.

It was quite clear that Pandit Nehru was opposed to a free and impartial plebiscite (in Kashmir). In his heart of hearts he must know that a free

and impartial plebiscite will mean the accession of Kashmir to Pakistan."²⁴

Its statesmen had issued such statements which clearly reveal their intention. Addressing a mass gathering on December 6, 1947, at Jammu, Pandit Nehru declared: "We will see this Kashmir business through. We do not believe in leaving things half-done. We will send more troops. We will muster all our resources and fight till we succeed."²⁵ The Deputy Prime Minister of India, Mr. Patel stated: "India would never desert Kashmir even if the struggle went on for ten years."²⁶

So how could India tolerate holding of a fair and impartial plebiscite under the UN auspices. Indian statesmen as well as Mounbatten pressurised the British Government to modify the draft which was under consideration of the Security Council during its February 1948 Session — withdrawal of all armed forces and holding of plebiscite under UN Control.²⁷ Ayyangar met Sir Stafford Cripps in London soon after the session. Nehru tried his level best to put pressure through Mounbatten and Gordon Walker:

I have spoken frankly both to Mounbatten and to Gordon Walker, Noel-Baker's Under Secretary about the wholly unsatisfactory attitude of United Kingdom Delegation and we have warned them that the *present attitude of the majority of the Security Council if not modified will have far-reaching repercussions on our international relations.*²⁸

Mounbatten sent various telegrammes to the British Prime Minister in which he advocated and pleaded India's case:²⁹ that plebiscite in Kashmir should be deferred which we all wish to see hold being put further and further into the future³⁰ and UN should consider only complaint made by India; that the British were taking a prominent part in the refusal to allow India's complaint to be heard which was causing "intense disappointment and disillusionment": that Noel-Baker (British Delegate) "towers intellectually above the rest of the Security Council members" who were following his lead:³¹

That the solution of Kashmir problem should be out of court.³²

That India was "in an impregnable position in Kashmir."

That there is "real danger to the future unity of the Commonwealth which might ensue" if Noel-Baker follows the present policy.

Mountbatten told Gordon Walker that he felt that Noel-Baker could best serve the British interest and the World peace by returning to London.

Mountbatten "privately asked Mr. Attlee to fly out on an attempt at arbitration:"³³ that "I (Mountbatten) had already prepared an appreciation on the Junagadh-Kashmir situation before the receipt of Noel-Baker's appreciation and I am now preparing my comments on the latter. Both of these papers will be brought home by Gordon Walker and I beg you to give them your earnest attention before deciding on future British Policy at U.N.O."³⁴

Mountbatten continued to press the British Government to be "more friendly" towards India, otherwise there was "a risk" of its making Russia as a best friend and "adjusting its foreign policy accordingly."³⁵

India now favoured UN solution of Kashmir dispute through direct negotiations between the two countries. A telegramme, from the British Secretary of State for Commonwealth Relations pointed out :

We have received advice from New Delhi that Indian leaders may wish for opportunity to settle Kashmir dispute out of court by direct negotiations with Pakistan.³⁶

C-in-C Indian Army, Mr. Bucher, his wife, Defence Secretary H. M. Patel, Military Finance Adviser Mr. A. K. Chanda left India for London on February 21, 1948 "to see as many influential people as possible."³⁷ Nehru also told the British Prime Minister, Mr. Attlee, that the Government of India would welcome every opportunity of settling Kashmir by 'direct talks with Pakistan which Gordon Walker was then trying to promote."³⁸

On the other hand Pakistan favoured the solution of Kashmir dispute through the UNO. On 25th February British Prime Minister received lengthy telegramme from Liaquat Ali Khan, Prime Minister of Pakistan, expressing doubt in the light of his previous experience of the value of further direct negotiations with India; he ended "the one advantage of leaving case with Security Council will be that it should place onus of implementation of any decision not only on the parties but also on Security Council itself."³⁹

The Pakistan Delegation disapproved direct talks with India on the Kashmir dispute. They frequently expressed their "disbelief that further progress can be made by means of direct consultations between parties."⁴⁰

Britain "welcomed direct settlement between parties" as it "relieved" them of their problem which its statesmen were facing at that time.⁴¹ An empirical investigation of the data collected from original and archival material suggests that a major shift in the British policy on Kashmir had taken place. Whereas in the pre-adjournment session of the Security Council (February 1948), its members, particularly British Delegate, were determined to solve the Kashmir problem by holding a plebiscite under the UN auspices, in the post-adjournment session (March 1948); but they discarded their previous stand and instead adopted such a course that was detrimental to Pakistan but definitely favoured India. Perhaps "pressure" was "brought upon Pakistan Delegation."⁴² Britain and the members of the Security Council were now interested in such plans which were likely or "unlikely to meet India's wishes."⁴³

The British Government which wanted to express its "gratitude" for "helpful contributions" made by Belgium, United States, Canada, France, Argentina, Colombia and "to lesser extent Syria and China" during the February 1948 session of Security Council on Kashmir, had to desist from such a course on account of shift in UK Policy.⁴⁴

Discussions during the last few days among Ministers suggest that it is at least possible that there may be some modification of the brief to the United Kingdom Delegation in the next round at New York. In that event it would seem rather inappropriate specially to thank the representatives of the governments concerned for the support given to the United Kingdom Delegation in January and February, 1948.⁴⁵

The Indians were so confident about the modified approach of the Security Council during the post adjournment session that the *Statesman* of New Delhi, reported on March 8, 1948 :

A new approach to the Kashmir problem will be tried when the Security Council resumes its debate on Kashmir tomorrow. . . . On the question of Indian troops in Kashmir, it was understood that the new line of the Council's approach might be to consent to their presence. . . .⁴⁶

Similarly Indian Delegate (Ayyanger) stated in the Security Council :
"We shall bring to the solution of this knotty problem a somewhat modified

approach.⁴⁷ Mountbatten played a significant role in the change of the British policy towards Kashmir. He told Nehru in March 1948: "I claimed practically the whole credit for this change, as I had been working very hard to obtain it."⁴⁸

So, the Resolution which the Security Council moved during the post-adjourment session (March 1948) favoured India.⁴⁹ While the Government of Pakistan was to use its "best endeavours" to secure the withdrawal of "intruding tribesmen" from Kashmir, Indian troops were to remain in Kashmir and the Government of India was to arrange for the "progressive withdrawal" of such troops not required for the "purposes of defence and security." Moreover, the Government of India was to undertake to establish a Plebiscite Administration with the sole and full authority to administer the plebiscite on the question of accession of the State.⁵⁰

Pakistan Delegate (Zafrullah Khan) lamented and protested in vain that it were the same members of the Security Council who were considering the issue in the same building, arguing that "the position of the Indian Delegation on the questions then under discussion is exactly the same today as it was when the proceedings were adjourned."⁵¹

The issue was thereafter discussed in the United Nations from time to time and various resolutions were passed but the problem remains unsettled to this date. The two resolutions of the Security Council dated August 13, 1948 and January 5, 1949, contemplated three stages of progress...cease-fire stage; the truce stage and the plebiscite stage. Both India and Pakistan accepted the recommendations embodied in the two resolutions which constitute an internationally sponsored and endorsed agreements between the two parties. On January 1, 1949, the cease-fire stage was achieved. Thereafter trouble started in the truce stage as Pakistan was to withdraw her army from the Kashmir while India was to remove the bulk of its forces from the State. Though India was committed to it yet when the time came to sign the truce agreement and demilitarise the State for a just and fair plebiscite, India created hurdles. She had her own interpretations of the UNCIP - sponsored agreement which were neither acceptable to Pakistan nor UNCIP itself.

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Justice Mian Shah Din: His Life, Activities and Achievements (1868 – 1918)

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Punjab was the Muslim majority province of the sub-continent. The Muslim population in it was 41 per cent.¹ In the Western Part the Muslims constituted a majority. The people who lived in villages formed 85 per cent of the population.² Hence a big majority of the rural population consisted of Muslims. Despite the large majority, the Muslims' role in political and economical life was virtually negligible. They were backward,³ divided and lived a miserable life. Because of ignorance and poverty they had no place⁴ in the social life of the province. But with the advent of the twentieth century a spirit to organise and to make advancement in the field of education and economics was inculcated in them under the wise leaders of Muslim community. Even Quaid-i-Azam (1876-1948) praised the people of the province and described them as the corner stone of Pakistan.

One of the families which created political awakening was Arain family of Baghbanpura, Lahore which stands high in the list of the great personalities who worked and organised the Muslims of the Punjab. The four names of this family — Justice Mian Shah Din, Mian Muhammad Shafi, Mian Shah Nawaz, Barrister, Begum Jahan Ara Shah Nawaz become the illustrious part of struggle for Pakistan. Shah Din was the first eminent person of this family who entered public life, played an important role in the then Muslim politics and became the first President of the Punjab Provincial Muslim League which played an historic role in the achievement of Pakistan. Besides, he had been a staunch supporter of a separate electorate for the Muslims throughout his life.

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This is an effort to give an authentic narrative of Shah Din's family background, his activities and achievements for the Muslim community. Mian Muhammad Yousaf known as Mian Mehnga of Mian family of Baghbanpura was bestowed with the area of Baghbanpura by Shah Jahan in 1640 who appointed him the care-taker of Shalimar Bagh. Mian Qadir Bakhsh, from the 16th generation of Mian Muhammad Yousaf, was a man of high quality of head and heart. He was a scholar of Persian and Urdu, a Physician, Poet and an expert in the manufacture of armament. Keeping these accomplishments in view, Ranjeet Singh appointed him to get training in the manufacture of arms from a French. He attained perfection in this craft very quickly. A Cannon known as *Fateh Gunj* was made under his supervision which is still preserved in the Lahore Museum. He also wrote a book named as *Muftah-ul-Qila*.⁵

Mian Qadir Bakhsh had two sons — Mian Nizamuddin and Mian Din Muhammad. Mian Nizamuddin was a scholar and poet of great calibre like his father. He paid special attention to the education of his children to keep them abreast of the time. Consequently his elder son Zahoורuddin became the first lawyer of his family. And his another son was the first Muslim from the Punjab who went abroad to get education. The name of this youngman was Mian Shah Din.⁶ Mian Shah Din was born in Baghbanpura, Lahore on April 2, 1868.⁷ He got his early religious education at home and completed the reading of the Holy Quran at the age of six. He was admitted to Vernacular Middle School, Baghbanpura in 1873. After that he was admitted to Mission High School, Rang Mahal which was at the distance of five miles from his home. It was the urge of knowledge that made young Shah Din travel five miles every day on foot. Consequently he passed the Matriculation examination with good merit in 1889, and stood first in English in the Province. His ability in Urdu and Persian was so good that his verses were published in the Magazine *Guldasta-i-Sukhun* in 1880 the Punjab University Magazine.⁸

He developed interest in social service. During this period, he began to play an active part in the activities of the *Anjuman Islah-e-Zamindaran* established by his elder brother Maulvi Zaheeruddin, Advocate. After Matriculation, he joined Government College, Lahore, from where he passed the B. A. Examination in 1887 and got second position. The same year, he went to London to get higher education in Law and was admitted to Middle Temple Inn. With Sir Abdul Rahim and Sir Ali Imam, he laid the foundation

of *Anjuman-i-Islamiyah* London on 1st November, 1889 and was made its Vice-President. This was the first organisation of its nature for the Muslims of India which presented to the British people and the Government the problems of the Muslim India. He also wrote articles for the British Press in this connection. During this period he wrote poems. Of these poems, *Jazbat-e-Humayun*, *Shumali Wadiyon Main Ak Toofani Din* and *Behar-e-Rome Main Ak Subh* became famous. It is a clear proof of his ability. His fame had reached India before his return. Mian Shah Din came back in 1890. He gave his impressions about England in a speech on October 25, 1890 and admired their atmosphere of education and science.⁹ He invited the youths of his own country to do the same. In 1891, he laid the foundation of 'Youngmen Mohammadin Association' and was appointed its President. In the same way Mian Shah Din played very active role implementing the programmes of *Anjuman-e-Himayat Islam*. He turned this body into an effective organisation. His father was the founder member of this organisation.¹⁰

Mian Sahib studied the problems of the Muslim population and noted their miserable conditions. In the light of his knowledge of the problems of the Muslims, he suggested that the Muslims should educate themselves for ending their miseries. Sir Syed Ahmad Khan was already working on this idea. Shah Din became his greatest herald in the Punjab. He wrote an article "Sir Syed Ahmad Khan and his conception of education." After that he read a paper at the 8th Session of the Muslim Educational Conference held in Aligarh on December 28, 1893. It was entitled "The Education of Musalmans in the Punjab."¹¹ In the same year, he was made a Fellow of the Punjab University. These two events were so significant that Syed Ahmad Khan offered him the Presidentship of the Muslim Educational Conference to be held in the following year and said, "Shah Din belongs to us but he seems to be a British because during his speech I felt that we are hearing some English man." Syed Mahmood expressed similar opinion.¹² Mian Sahib presided over the Ninth Session of the Muslim Educational Conference held at Aligarh in the Streachy Hall in 1894. At that time, he was only twenty-six years old and most of the Muslim leaders were surprised at the decision of Syed Ahmad Khan to appoint a person that young to such a position of responsibility without having any experience to his credit. But later on all these persons had to revise their opinion. The address given on this occasion exhibited high scholarship and presented a "mine of the information for the historians."¹³

Maulvi Abdul Haq, after 65 years, referring to this presentation recalled : "I perfectly remember that your father, Mian Shah Din had presided over the Annual Session of Educational Conference of 1894. The address he gave was much applauded."¹⁴ "This address threw light on the ability and his interest in the field of education. Consequently he was made a member of the Punjab University Syndicate. Next year in 1896 the M. A. O. College, Aligarh also decided to benefit from his ability and appointed him a trustee of the College. Speaking in the Education Conference at Aligarh in 1904 he stated that it was ridiculous to say that our nation did not feel the need of the trade and industry. Any person who had the slightest sense of national requirements and knew the progress made by Europe could not have slightest doubt that the Muslims, rather the whole of India should keep pace with the time. The way to progress is the adoption of European pattern."¹⁵ Mian Shah Din had also attached high importance to imparting of education to his own family. He stressed the need for female education as well. Jehan Ara describes on such meetings when Shah Din set up an organisation of which he made his wife the President.¹⁶ Shah Din did not believe mere talks only. He worked on country level and address different public meetings in different parts of the country. In the Annual Session of the Education Conference at Agra, he said that there was a great need for permanent planning to spread education among women. No educational policy could be successful without the participation of women. Although he was influenced by the progress made in Europe in this regard, but he exhorted that while planning education policy for women, the Eastern traditions should be fully observed.¹⁷

His Services in Politics

Shah Din held views similar to Sir Syed as to the course the Muslims should adopt in political struggle. Sir Syed organised the Mohammadan Anglo Oriental Defence Association in December 30, 1883 for the safeguard of the political rights of the Muslims. Shah Din played an active role in the Punjab to set up this Association which helped in the political awakening of the Punjab. Keeping in view his political insight and his national services, Mian Shah Din was nominated a member of the Punjab Legislative Council in 1903. The Council had nine members, but the British members were in majority. He had this rare distinction of being the first Muslim member to be appointed in the Council. Mian Sahib took his assignment seriously and worked hard. Due to his active participation, he was nominated its member in 1905 and 1907 as

well. In the Urdu-Hindi controversy, Mian Sahib also played an important and effective role. In the movement launched by Nawab Mohsin-ul-Mulk against the decision of the Governor of U.P. Sir Macdonald in favour of Hindi as the language of the Court,¹⁸ he became a symbol of hopes due to his untiring and continuous efforts for safeguarding the interest of the Muslims. A letter of S. M. H. Rizvi, a prominent Muslim leader, was published in the *Muslim Patriot*, October 12, 1906, in which he asked, "where are the *Mehdix* and *Inams*, the Shah Din and Aftabs, Nasrullahs and Nasims and the Rafiuddins and Karamat Hussains? What are they thinking? Let them be active, . . . they should come at once on the political arena."¹⁹ It shows that he was one of the leading figures on whom the Muslims relied and expected to play his role to solve their problems.

His Role in the Simla Delegation

The Muslim Delegation of Simla which waited on Lord Minto in 1906 played an important role in the political awakening of the Muslims. The delegation presented an historic document which was signed by fourteen lakh people at that time.²⁰ As a member of the delegation, Shah Din played an important²¹ role in drawing up the agenda presented to Lord Minto. It would be seen that he played a leading role wherever any opportunity arose to protect the rights of the Muslims of India.

As a Founder Member of the All-India Muslim League

After their meeting with the Viceroy "the members of the Deputation met themselves in a meeting at Simla" Shah Din was a staunch supporter for separate and exclusive Muslim organisation on All-India level. He also participated in the meeting of Muslim Educational Conference which met at Dacca in December 1906 where All-India Muslim League came into existence. As such Shah Din was one of the founder members of the Muslim League which created Pakistan. In this way Shah Din had been very active in the early days of the All-India Muslim League. The meeting of the Central Committee of the All-India Muslim League was held at the residence of Muzamiullah Khan on 18 and 19 March 1908. Mian Fazal Hussain proposed the name of Shah Din to preside the meeting, whereas Muzamiullah Khan seconded it and Maulvi Rafiuddin seconded it further. Rules and regulations about the constitution, and important resolution were passed in this meeting.²²

As a President of the Punjab Muslim League

Before the establishment of the Muslim League, Shah Din had set up another party, the Muslim Association²³ with the cooperation of other Muslim Leaders of the Punjab. But it made hardly any progress since the establishment of All-India Muslim League. According to the instructions of its Central Committee, Punjab Provincial Muslim League was established on 29 and 30 December 1907 and Mian Shah Din was made its first President and Mian Shafi, his cousin and brother-in-law became its General Secretary.²⁴

Shah Din in his presidential address remarked that under the influence of the West, the whole of India was awakening to a new light. Each community was becoming aware of its own rights and position. Nationalist sentiments were spreading from the West to the East with extraordinary rapidity. The Muslims of India had to ponder over their future course of action. They had to realize that Muslim political objectives were different from those of other communities and hence their line of action, too, had to be different. They had to build on their own separate foundation and adopt and apply their own constructive methods. The general conditions obtaining in India were quite different from those prevailing in Europe and the Muslims must, unlike some other groups, work with moderation and restraint. After pointing out the absence of an active Muslim political organisation in the Punjab, he outlined the objectives of the new League :

"These", he said, "consist in safeguarding the political rights of the Punjab Muslims, cooperating with the Central Muslim League and its branches for the unity and progress of the Indian Muslims, and maintaining friendly relations with all the non-Muslims communities of India, without, however, losing touch with the British Government."²⁵

A committee of eight members was constituted in the very meeting to draw constitution. Shah Din was also included in it. When Mian Shah Din was appointed Judge in 1908, he resigned from the Presidentship of the Muslim League. But under his Presidentship a great deal of solid work for the Muslim League had been done. Mian Azeem Hussain, the son of Fazal Hussain, and one of the greatest critics of the Mian family, wrote, "most of the work in connection with Muslim demands in forthcoming (Minto Morley) reforms was the result of the efforts of Mian Muhammad Shafi and Mian Shah Din."²⁶

After his resignation, Shah Din made efforts to safeguard the rights of the Muslim community. Alongwith his judicial responsibilities, he maintained his social life. He wrote to the Public Service Commission in November 1913 for removal of the distinction of race and colour; to increase privileges and interest; to make the rules and regulation of the Government service attractive and to pay essential attention to the terms and conditions of the services for the Muslims.²⁷ He presided the Annual Meeting of the Department of History, Punjab University in 1915. He advised the Britisher to issue armed licences to the Indians without hesitation. Shah Din earned praise from the Hindus and Muslims alike. Raja Pandat Show Narain said :

There should be four abilities in Justice according to Socrates :

Smoothly hearing; respond wisely; consider sympathetically; and to do justice impartially. All these capabilities were a part of the personality of Shan Din.²⁸ Raja Narindra Nath considered him a man of principle.²⁹ Chief Justice Punjab, Sir Henry Alegon regarded him a man who was an authority on Hindu and Muslim Law. He loved Justice.³⁰

Tribune, on his appointment as Judge, wrote : "We accept the appointment of Shah Din as it has been made purely on merit and ability and because he has been the President of Lahore Bar³¹ Association." On his second appointment this paper wrote, "the appointment of Shah Din as Temporary Chief Justice is very proper because he is not only a learned person but also capable of it."³²

Shah Din died only at the age of fifty on July 2, 1918. This was an irreparable loss to the Muslims of India. The Muslims were deprived of a leader much needed at that time. Allama Iqbal wrote very moving elegy on his death.³³ He was so much influenced by him that he wrote a poem to mourn his death and got it published in the first issue of the Magazine *Humayun* after many years of his death to commemorate his national services.³⁴

Tribune, wrote on his death "such a renowned scholar, all embracing worker and self made man who rose from the land of Punjab and reached the high position on merit and ability — the son of the land of five river is lost today."³⁵

REFERENCES

1. *Census of Punjab, 1921*, p. 172.
2. *Ibid.*, p. 89.
3. The literacy figures indicated the only male literacy increased upto ten per cent in big cities, just as Lahore, Rawalpindi, Multan, and in other cities it was five to eight per cent. (Emett, Davis, *Press and Politics in British Western Punjab: 1936 - 1947*, Delhi, 1983, p. 3.
4. In spite of Muslim majority, the University (Punjab) and its affiliated institutions were dominated by non-Muslims who exploited it largely for their own benefits. Muhammad Khurshid, *The Role of the Unionist Party in the Punjab Politics 1923-36*, Ph.D. Thesis (un-published), Islamia University, Bahawalpur, 1993, p. 57. Another author writes that Punjab was politically backward province due to the settled policy of the British Government. (S. S. Thorburn, *The Mussalman and the Money Lender in the Punjab*, London 1986).
5. Wali, Mazhar, *Uzmaton Key Chiragh*, Lahore, 1988, p. 475.
6. Ikram, S. M., *Modern Muslim India and the Birth of Pakistan*, Lahore, 1977, p. 216.
7. Wali Mazhar, *op.cit.*, p. 478.
8. "Shah Din used Humayon for himself in poetry," Wali, Mazhar, *op.cit.*, p. 479.
9. *Ibid.*
10. Jahan Ara Shahnawaz, *Father and Daughter*, Nigarishat, Lahore, 1971, p. 7.
11. He has made it clear in this article that it was only Anjuman-e-Himayat-i-Islam that was working for the enhancement of educational capability of the Muslims in the Punjab. Institutions on the pattern of Aligarh should be established which had set an example of constructive spirit. (For a detailed study of the article see Bashir Ahmed, *Justice Shah Din: His Life and Writings*, Lahore, 1962, pp. 197-262.
12. Wali, Mazhar, *op.cit.*, p. 480.
13. Bashir Ahmed, *op.cit.*, p. 197.
14. "Maulvi Abdul Haq to Mian Bashir Ahmed, on August 21, 1959," Wali, Mazhar, *op.cit.*, p. 480.
15. *Ibid.*, p. 483.
16. Jahan Ara Shahnawaz, *op.cit.*, p. 15.
17. Wali, Mazhar, *op.cit.*, p. 483.
18. *Ibid.*, p. 481.
19. M. Saleem Ahmed, *All - India Muslim League*, Bahawalpur, 1988, p. 76.
20. *The Bombay Gazette*, October 3, 1906.
21. There were great differences among the leaders of Bombay and Punjab on the demands to be included in the memorandum specially on the partition of the Bengal (1905). Nawab Sir Saleem Ullah Khan (1884 - 1915) of Dacca and Nawab Ali Chaudhary (1863 - 1929)

emphasised that the question of partition of Bengal should be included and proposed in the memorandum and assurance secured from the Government about the right of Eastern Bengal and Assam. This demand of memorandum was strongly opposed by Muhammad Shafi and Justice Shah Din. Both Punjabi leaders "considered the issue controversial and threatened to disassociate themselves, if it was included in the memorandum." It was dropped. S. M. Asif, *Punjab Provincial Muslim League 1936 - 1947*, Ph.D. Thesis (un-published), Bahawalpur, 1993, p. 5).

22. *Freedom Movement Archives*, Vol. LVI, Appendix 'A' and 'C' Quaid-i-Azam Academy, Karachi.

23. Mati-ur-Rehman, *From Consultation to Confrontation*, London, (n.d.), p. 73.

24. *Paico Akhbar*, Lahore, December 3, 1907.

25. Jahan Ara Shah Nawaz, *op.cit.*, p. 20.

26. Azim Hussain, *Fazl-i-Hussain*, Bombay, 1946, p. 98.

27. Wali, Mazhar, *op.cit.*, p. 484.

28. *Ibid.*, p. 486.

29. *Ibid.*

30. *Ibid.*

31. *The Tribune*, Lahore, December 9, 1906.

32. *Ibid.*, February 25, 1917.

33. Wali, Mazhar, *op.cit.*, p. 484.

34. *Humayun*, (Monthly, Urdu Magazine), December, 1921.

35. *The Tribune*, July 4, 1918.

Book Review

Andrew Wink (Editor),

Islam, Politics and Society in South Asia,
Manohar, New Delhi, 1991, Price Rs. 220.

This volume is based on the proceedings of the Tenth European Conference on Modern South Asian States held in Vienna in 1988. Of eight articles, the subjects are different but there is a general discussion on Islam, Politics and Society in the Region of South Asia.

Allama Iqbal's political philosophy has been studied by F. M. Malik. Iqbal's role in political awakening of the Muslims for the creation of Pakistan has been outlined. Iqbal stressed the concept of freedom from foreign rule with a view to forge unity among the Muslims of the world. He defended the reforms of Ata Turk in Turkey, and of King Amanullah Khan in Afghanistan. He also pleaded the cause of the Arab people. His ideas are widely known in Iran and Afghanistan.

The major thrust of the articles is Iqbal's emphasis on the freedom from economic exploitation. Iqbal's philosophy was based on realism and he was deeply touched by the poor plight of the people and this aspect of his philosophy has been given extensive treatment in this contribution.

In this article on "Evaluation of state and political structure and the role of Islam in Pakistan and Bangladesh" V. N. Moscalenko surveyed phases of the Islamic spirit and narrated that both the states were under the influence of Islam. In Bangladesh, after the initial set-back, the Islamic ideas emerged forcefully. But the discussion is lop-sided and hardly gives the reader any satisfaction of even that of a general view of the real place of Islam in these two states. He has only sparsely studied the subject.

Andrew Wink, the Editor of this volume, discussed "The Islamization of Pakistan and its international context." This is not an impartial study, as even appeal to Islam for the creation of Pakistan has been called as 'pious fraud'. The 1857 war of independence has been described as 'Mutiny.' Pakistan was demanded as a 'Muslim' and not as an 'Islamic State' was his contention. He maintained that when the Muslim League was set up it declared to keep religion out of politics. Quaid-i-Azam has been depicted as 'westernized member of Shi'ite Khojas' who never demanded the separate state and who never stood for 'Islamic ideology.' He called the Muslims of 1946 as 'electorate of illiterate Muslims.' The decision to declare the Ahmadiya community as a non-Muslim minority in 1974 has been criticised. He compared Jamat-e-Islami with other Islamic movements in Iran and Egypt and denigrated all of them as 'fundamentalists.' He discussed the Frontier Province of Pakistan without mentioning the referendum in which they decided to become a part of Pakistan in 1947. He gave plethora of reasons exhorting the Muslim of Indian to be satisfied with a secondary status in a Hindu dominated India. He abhorred the resurgence of Islamic spirit in Bangladesh which led to the re-naming of the state as an 'Islamic Republic' in 1987 by General Ershad. He did not believe that the experience of the Iranian Revolution would be replicated in Pakistan or anywhere else. He discarded the idea that ultimately the Muslim world would be able to forge unity in the form of a new Islamic Super State.

The entire article is full of factual mistakes. Muslim struggle for an Islamic state, Quaid-i-Azam and League's battle for an Islamic order, the referendum of 1947 in NWFP for the joining Pakistan, and the oppression of Hindus of the Muslims after 1947 has been incorrectly described and the views have been expressed on the basis of prejudices rather than on the factual position and correct information. This article is nothing more than a propaganda against Pakistan and Islam.

"The Islamizing the financial sector in Pakistan, main participants and final product" has been the area of study by Christine Gieraths. Interest free-banking is a complex issue. After giving a brief history of the development of the idea, mark-up the concepts of the *Musharika*, *Modaraba* and *Qarz-e-Hasna* have been examined.

The system is still under exploration. It is not very certain when the total interest-free banking would function in Pakistan. This is a challenge with

which Pakistan is confronted and it is hoped that the solution in accordance with Islam, which prohibits interest, would be found out, and a true Islamic-economic order would be established.

S. Jamal Malik made a study of *Change in Traditional Institutions : Waqf in Pakistan*. After providing a background he discussed the implications of the Waqf Property Ordinance of 1961 under which the Government took over the endowments. He also discussed the role of the Ulama Academy which produced Ulama who supported the view point of the Government. *Anjuman-e-Sajjada-Nashins* and *Jamiyyat-al Mashaikh* were set up to protect their interest. They were the custodians of these shrines taken over by the *Auqaf* Department. These efforts and the role of the *Auqaf* Department as contended are not secular in nature but they were intended to undertake the social work for the betterment of the people and to reduce the political influence of the custodian of the shrines. But the fact remains that the tradition is too strong and the respect for the *Pirs* and *Sajjada-Nashins* has steadily increased.

Hugh Van Skyhawk attempted a study on *Islamic Tradition and Universal Brotherhood in the writing of two Contemporary Deccani Sufis*. Husain Baba Kadri of Ahmadnagar (1901-79) stood for inculcating qualities of 'Love, Loyalty and Truth' to the brethren of the country. "Every human being has a right to live safely and share in the service of the democratic age" was his message.

Sekh Abdul Rajhaksah Ismail Biyabani discussed perception of Islam and unity of God "as the foundation of Universal Brotherhood." He termed secularism as the basis of Islam "but very few unfortunately, try to learn and appreciate this aspect" and concluded with a Quranic injunction which states "And walk not on Earth boastfully." "For, one who has succumbed to pride will never remain on the path of Universal Brotherhood."

Islam is a Universal religion and is for the humanity as a whole. But it has distinct precepts of the oneness of Allah and Mohammad (Peace be upon Him) as his last Prophet. This is a different concept of human brotherhood than the one depicted in this article, which is politically orientated.

Another area, *Religious Identities and Indian Politics : Elections in Aligarh 1971-1989* has been dug out by Violette Graff. The role of Aligarh in the creation of Pakistan, the composition of the population and various moves and counter-moves of the communities, castes and the leaders have been

analysed and he concluded : "There is a strange lack of continuity in the representation of the Aligarh Lok Sabha constituency." Except 1984-85, the Congress fielded candidates of the two main communities for the Lok Sabha or the Provincial Assembly. At present the risk of selecting a Muslim or a schedule caste as a candidates is not worth it. Things have changed even in Aligarh. But the "experience has thus proved that politicians in Aligarh cannot build a reputation by indulging in irresponsible behaviour." Despite this, the Aligarh electoral politics "cannot be dissociated from larger development." The Indian politics is falling under the influence of Hindu extremists and Aligarh could not be maintained as a separate island.

The Babri Masjid controversy in India by Theodore P. Wright, Jr. is a subject which has been discussed only casually. The subject has been of vital importance which should have been given more attention. Even the conclusion arrived at are amazing. He advised the Muslims to abide by the rules set by the majority community. The destruction of the Babri Mosque is an event which totally shattered the faith of the Muslims in the Hindu community as having even an iota of Justice and tolerance.

The entire trend of the articles except the one on Allama Iqbal indicated that the contributors have presented a partial and one sided picture of the subjects selected by them. The readers, therefore, should pick up this volume as more of a kind which is soaked in prejudices rather than a candid and objective assessment of the field.

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Harold R. Isaacs, *India's Ex-Untouchables*,
Harper & Row Publishers, New York,
Pages 188, Price \$ 2.95.

India is a land of many contradictions. Its philosophy claims to be most open and all-inclusive of all ways of thoughts and the Hindu religion the most tolerant of religions. Yet this philosophy and this religion gave birth to an intricate system and is said to be most opposite to what is being claimed.

By Hindu holy writ some fifteen per cent of the total population of India is marked out as untouchable—the humans whose simple touch pollutes. Hence elaborate regulations have been established governing conditions of their separation from the rest of the people. The Untouchables have been set apart and is the lowest of the four main divisions of Hindus society, the Vernas or castes of Brahmins (priests), Kshatriyas (warriors), Vaisays (merchants) and Shudras (servitors).

As the system functioned over the ages, the Untouchables were also made Unseen, Unapproachable and Unhearable. The details of their miserable existence are simply unbelievable. "In many places they could not enter at all upon streets or lanes used by caste Hindus, or else they had to carry brooms to brush away their footprints in the dirt behind them as they passed. In some places they could not contaminate the earth with their spittle but had to carry little pots around their necks to keep the ground reserved for caste Hindu. In some southern regions there were prescribed distances that Untouchables had to keep from the different levels of upper caste people, 33 feet from the lowest-rated group, 66 feet from a second caste, and 99 feet from the Brahmins, the highest rated of all. By some rules an Untouchable had to shout a warning before entering a street so that all the holier folk could get out of the way of his contaminating shadow. By others he could not raise his voice at all because the sound of his voice falling on a caste Hindu's ear was deemed to be as polluting as his touch.

Indeed the miseries of the Untouchables are so shamefully horrifying that hardly any Indian intellectual has ever attempted to put them in black and white. Universities social science research centres as well as human rights groups also deem it better to ignore them. The best known book on this topic was written by an American, Harold R. Isaacs, *India's Ex-Untouchables*.

Publication of its new edition has caused some interest in the problem of untouchability.

The only reason Isaacs has given for the use of the term 'ex-Untouchable' is that Untouchability has been abolished by law. Article 17 of the Indian Constitution, is supposed to be drafted by Dr. Ambedkar, himself an Untouchable, goes against Untouchability. While its practice was declared forbidden and punishable in accordance with law. The Untouchability (Offences) Act of 1955 spelled out many of the particulars and fixed penalties for violations. Legally speaking, Untouchability has been abolished in India. The real situation is however, quite different. Laws have not caused it to disappear. Things have somewhat become worse. But in rural India, which covers over seven hundred thousand villages, Untouchability is still practiced as before.

Harold Isaacs tells us frankly that "I did not meet a single ex-Untouchable who thought that Untouchability was disappearing or that caste was less important now than it used to be in India."

A report of the Indian Commissioner for Scheduled Castes and Tribes acknowledged that "efforts have largely been confined to platitude, publicity and propaganda which are hardly adequate to shake the roots of this evil Untouchability which has persisted throughout the period of India's recorded history." The report further says that although "some progress has been made but this is more or less confined to urban areas. . . . Rural India has not evinced much change in this regard."

It is interesting to note Mr. Gandhi's attitude towards Untouchability. He was victim of a paradox in this respect. He wanted to preserve the Hindu caste system but to reform it by doing away with Untouchability. As early as 1920, he declared that *Swaraj* would be "unattainable without the removal of the sins of Untouchability."

Isaacs writes that Gandhi saw this evil as an 'excrescence' or an 'appendix in the body of Hinduism' which had to be removed, leaving the rest of the caste system intact and purified.

B. R. Ambedkar, well-known leader of the Untouchables, was never satisfied with this point of view. He again and again reminded the Hindus and Mr. Gandhi that Untouchability was the outcome of the caste system itself.

"There will be outcaste as long as there are castes," he held. Only the complete destruction of this system could bring emancipation to its victims.

The truth is that Gandhi did harm to the cause of their emancipation. In 1930 the British agreed to grant separate electorate to Untouchables. But Mr. Gandhi thwarted the effort. He proclaimed a fast-unto-death to force revision of the electorate award. Eventually Ambedkar was forced to give in. However, he was not happy with Gandhi's action. "There has been many Mahatmas in India whose sole objective was to remove Untouchability and to elevate and absorb the Depressed Classes," Ambedkar said, "but every one of them has failed in his mission. Mahatmas come and Mahatmas have gone. But the Untouchables have remained as Untouchables."

These words display helplessness. Just after four year's frustration, Ambedkar concluded that "just as *Swaraj* is necessary for India so also is a change of religion necessary for the Untouchables. . . . the religion that does not teach its followers to show humanity in dealing with its co-religionists is nothing but a display of force. The religion that compels the ignorant to be ignorant and the poor to be poor is not religion but a visitation."

Finally Ambedkar, alongwith a large number of his followers, abandoned the religion which had but dehumanised him. He embraced Bhuddism.

The most disturbing fact about these unfortunate people is that generally they have resigned themselves to their fate. They have internalised the inhuman injustice done to them. They prefer to live in their psychological cages.

Several thousand years of dehumanising oppression have forced the Untouchable to conceive a preference for remaining much like the old man of whom a Brahmin told Harold Isaacs. This old man, an Untouchable, stood outside the gate of the Brahmin's home "when he back from school one year, a youth all fired up with enthusiasm for India's emancipation from its dead past. "Come in!" the boy urged the old Untouchable. "Come in the house!" the man stood there and looked at him with a stern eye. "You may have given up your religion, young master," "he said but we have not given up ours."

Emancipation of the Untouchables is not possible without a thorough restructuring of the entire Indian society. Presently even the Untouchables are not willing to stand up for such a change. They do not even dream of it. Isaacs says : "It seems to me rather extraordinary that I came upon only one person

who had been pushed by all these circumstances into a condition of violent anger openly expressed. This was a young man who rose in a meeting I had with a group of students in the city of Mysore, made a long speech, and wound up with : "The Congress Party is making fools of the Scheduled Castes (Untouchables)! We need to revolt against the whole caste system! Half of all the caste Hindus must be killed, immediately. I can't tolerate it!"

This is a book which provides glimpses of the caste system as it is in existence in India after independence. The picture is drawn in the light of the past history of Untouchables. The situation is grave for the Untouchables. This volume only draws attention to the sufferings of the Untouchables in India.

The poor and dreadful plight of the Untouchables is such that the world community should take notice and this vast ocean of human beings should not be doomed for ever. Any step taken in this direction would serve the purpose of this study.

KAZY JAVED

Statements

SOUTH ASIAN REGIONAL COOPERATION

NINTH SAVE COMMITTEE MEETING

Kathmandu, Nepal : January 20 - 21, 1992

The Ninth Meeting of the SAARC Audio Visual Exchange (SAVE) Committee was held in Kathmandu on 20-21 January, 1992. Hon. Bijay Kumar Gacchadar, Minister of State for Communications, His Majesty's Government of Nepal while inaugurating the meeting said that the SAVE programmes were among the principal success stories in the SAARC framework and instrumental in arousing hitherto unprecedented awareness in the region. The Secretary General of SAARC H.E. Mr. Ibrahim Hussain Zaki also spoke on the occasion. The meeting attended by participants from all the Member Countries was held at the Hotel Blue Star under the Chairmanship of Mr. Neer Bikram Shah, Chairman and General Manager of Nepal Television. The Secretariat was represented by Ms. Nima Ome, Director.

TABLE I
Schedule of SAVE Programmes
Television

Country	Title	Date	
1. Pakistan	Pakistan Wonderland of Handicrafts	1 February	1992
2. Sri Lanka	Village of the World	1 March	1992
3. Nepal	These Tender Hands	1 April	1992
4. Maldives	Craftsman of BAA Atoll	1 May	1992
5. Bangladesh	A Weaver	1 June	1992
6. Pakistan	Life in the Walled City of Lahore	1 July	1992
7. India	Nesting Together	1 August	1992
8. Nepal	Wedding - Hillstyle	1 September	1992
9. Maldives	Discover Maldives	1 October	1992
10. Pakistan	KAREZ	1 November	1992
11. India	Sangeet Sabha	1 December	1992
12. Bangladesh	Barnali	1 January	1993

The Highway Safety, a coproduction, coordinated by Pakistan was telecast on March 9, 1992.

The meeting reviewed the progress in the implementation of decisions taken at the Eighth SAVE Committee meeting and previewed and auditioned TV and Radio programmes for the SAVE Pool. The programmes approved for telecast and broadcast for the year are given in the Tables 1 and 2 :

TABLE - 2
Schedule of SAVE Programmes
Radio

	Country	Title	Date	
1.	Maldives	Women in the Spotlight	15 April	1992
2.	Nepal	Our Environment	15 May	1992
3.	Pakistan	Pollution in Metropolitan Cities and Remedial Steps	15 June	1992
4.	Sri Lanka	National Games of Sri Lanka	15 July	1992
5.	Bangladesh	Pastoral Songs	15 August	1992
6.	Bhutan	Rice to Riches	15 September	1992
7.	India	In harmony with nature	15 October	1992
8.	Maldives	A Night with Dhohokkobey	15 November	1992
9.	Nepal	Himalayan Harmony	15 December	1992
10.	Pakistan	Story of a String	15 January	1993
11.	Sri Lanka	Melodies and Rhythms of Sri Lanka	15 February	1993

NEW DIRECTOR FROM SRI LANKA

Sri Lanka, February 8, 1992

Mr. N. Navaratnarajah joined the Secretariat as Director from Sri Lanka on February 8, 1992. Mr. N. Navaratnarajah, a career diplomat was Director.

General, Sixth SAARC Summit Conference Division, Ministry of Foreign Affairs, Sri Lanka before taking up his assignment at the Secretariat.

MEETING OF THE COUNCIL FOR SAARC FUND FOR REGIONAL PROJECTS

Bombay, India : February 12 - 13, 1992

The SAARC Heads of State or Government at the Sixth SAARC Summit held at Colombo on December 21, 1991 welcomed the setting up of a SAARC Fund for Regional Projects for identification and development of

regional projects. They noted that the Fund would be managed by a Regional Council of Development Financing Institutions of the SAARC Member States and that the first meeting of the Council would take place in India."

The First Meeting of the Council for SAARC Fund for Regional Projects (SFRP) was held in Bombay on 12 - 13 February 1992. The meeting was attended by the representatives from designated Development Financing Institutions (DFIs) of all the SAARC Countries. Mr. Arif Ayub, Director represented the SAARC Secretariat.

Mr. S. S. Nadkarni, Chairman, Industrial Development Bank of India, Bombay, was elected Chairman of the Council by unanimous choice for a period of two years.

The contributions for the SAARC Fund for Regional Projects of US Dollar 5 million by Member Countries are payable in three tranches over a period of three years.

SFRP would be spent only for pre-feasibility and feasibility studies and preparation of detailed project reports. In case the project materialises the cost of such studies will be shared by the fund and sponsor. It was decided that the Fund should not be utilised for generation of project ideas.

For the purpose of identification of projects, the Council suggested the devising of a format based on which support-worthy projects could be selected. A format would be prepared by the Council Secretariat and circulated among member DFIs which would be finalised by the Secretariat after taking into account the comments/views of the members. This format will be given wide publicity by the nodal DFI in each Member Country so that project ideas can be thrown up from various sources, i.e., individuals, Governments, Technical Committees of SAARC, etc.

It was agreed that the appointment of the consultant would be done only by the Council. The nodal DFIs in each Member Country would maintain a roster of consultants which would also be made available to the Council Secretariat.

As far as possible, each project proposal would be backed by a private entrepreneur, and/or a Government Agency. The nodal DFIs would endeavour to identify sponsors for projects that are considered support-worthy by the Council.

The next meeting of the Council would be held in Bombay on 4 - 5 June 1992.

MEETING OF THE COMMITTEE ON ENVIRONMENT

Dhaka, Bangladesh : February 17 - 19, 1992

During the Colombo Summit in last December, the Heads of State/Government expressed satisfaction at the completion of the Regional Study on "Causes and Consequences of Natural Disasters and the Protection and Preservation of the Environment." The Council of Ministers at its meeting preceding the Colombo Summit approved the recommendations of the Standing Committee to establish a Committee on Environment to : (i) examine the recommendations of the Study; (ii) identify measures for immediate action; and (iii) decide modalities for implementation.

In accordance with this decision, the first Meeting of the Committee on Environment was held in Dhaka on 17 - 19 February 1992. The meeting was inaugurated by the Hon. Minister of Environment & Forest, and Fisheries & Livestock of Bangladesh, Mr. Abdullah Al-Noman. During the Inaugural Session, the Hon. State Minister for Environment & Forest, and Fisheries & Livestock of Bangladesh, Mr. Goyeswar Chandra Roy and the Secretary - General of SAARC, H.E. Mr. Ibrahim Hussain Zaki also made statements.

The Meeting attended by the representatives of all the seven SAARC Member States was chaired by the leader of the Bangladesh delegation, Dr. Mohammad Abdur Rashid, Additional Secretary. The SAARC Secretariat was represented by Mr. R.M. Roy, Director.

Measures identified for immediate actions by the Committee include areas such as strengthening the environment management infrastructure, sound land and water use planning, mountain development, coastal zone management, forestry, energy, hazardous waste management, pollution control bio-diversity management, funding mechanism, etc.

The Report of the Committee will be placed before the Sixteenth Session of the Standing Committee for consideration.

FIRST MEETING OF THE GOVERNING BOARD OF STC**Kathmandu, Nepal : March 24 - 25, 1992**

The First meeting of the Governing Board of the SAARC Tuberculosis Centre (STC) was held in Kathmandu on 24 - 25 March, 1992. The meeting was inaugurated by Hon. Dr. Ram Baran Yadav, Minister of State for Health, His Majesty's Government of Nepal. In his inaugural statement, the Minister said that "while it is needless for me to say that cooperation among the SAARC countries is highly desirable and mutually beneficial, our exercise in regional cooperation will acquire its true meaning and substance only when its dividend reach the common man." He highly lauded the decision to set up the SAARC Tuberculosis Centre and expressed the view that "This will initiate a cooperative approach in our efforts for the prevention and control of tuberculosis in our part of this world."

The SAARC Tuberculosis Centre is being established at the National Tuberculosis Centre at Thimi near Kathmandu pursuant to a decision taken at the Fifth SAARC Summit held at Male' in 1990.

The Government Board, responsible for overseeing the activities of the Centre, was recently constituted with one member nominated by each of the seven Member Countries. The Director of the Centre will be the Member - Secretary of the Board.

The Board at its first meeting adopted, *inter alia*, the financial regulations for the Centre and its Rules of Procedures. The meeting also cleared the budgets for the Centre for the fiscal year 1992-93 and 1993-94 for submission to the appropriate bodies.

The Centre is expected to start functioning by the middle of the current year.

FIRST SPECIAL SESSION OF THE STANDING COMMITTEE**Colombo, Sri Lanka : April, 1992**

The Sixth SAARC Summit in Colombo welcomed the report presented by the Chairman of the Fifth SAARC Summit, President of the Republic of Maldives and the Head of Government of Bangladesh on the adoption of a more businesslike and functional approach in the conduct of SAARC Meetings as well as the Report submitted by the Chairman of the Ninth Session of the

Council of Ministers, the Foreign Minister of Maldives on rationalizing the SAARC activities. They also considered the proposals submitted by Member States and the secretariat to made the Association a more effective instrument for the realisation of the aspirations of the people of South Asia.

In this regard, the Heads of State or Government decided that the Standing Committee should meet in Special Session in order to collate and study all such proposals and comments in this respect and submit its recommendations to the Eleventh Session of the Council of Ministers.

Accordingly, the Standing Committee met in Special Session for the first time in Colombo in April 1992 under the Chairmanship of Mr. B. P. Tilakaratna, Foreign Secretary of Sri Lanka and Chairman of the Standing Committee.

The 3-day Special Session, which was inaugurated by Sri Lankan Foreign Minister, Mr. Harold Heart examined the report of the Preparatory Meeting, which had taken place earlier at the SAARC Secretariat end February 1992 decided to submit its recommendations on the following for the consideration by the Council of Ministers :

- (i) The adoption of a more businesslike and functional approach in the conduct of SAARC Meetings.
- (ii) Rationalizing SAARC activities with special emphasis on the evaluation of the Integrated Programme of Action and the functioning and constitution of SAARC Technical Committees.

Other issues taken up by the Special Session including the following :

- (i) Role of the SAARC Secretariat in the coordination and monitoring of the implementation of SAARC activities.
- (ii) Development of collective positions on issues of common interest and their presentation at regional and international fora.
- (iii) Cooperation between SAARC and appropriate international and regional organisations.
- (iv) People to People contact in SAARC Countries.

TC ON METEOROLOGY**Karachi, Pakistan : April 16 - 18, 1992**

The Tenth Meeting of the SAARC Technical Committee on Meteorology was held at Karachi from 16 to 18 April 1992. The Meeting was inaugurated by Syed Ghous Ali Shah, the Minister of Defence, Government of the Islamic Republic Pakistan. The Secretariat was represented by Director Mr. Arif Ayub.

The Meeting considered the ongoing activities of the Technical Committee which, *interalia*, included Regional Awards to encourage young scientists for their papers, setting up of Experts Panels and adopting their Terms of Reference on (a) Agrometeorology (b) Climatology & Data Exchange and (c) Instrumentation; State-of-the-Art Reports and SAARC Meteorological Research Centre (SMRC) to be set up in Dhaka, Bangladesh.

The Technical Committee reviewed the 1992 Calendar of Activities and also proposed activities for 1993.

SAARC ENVIRONMENT MINISTERS MEET**New Delhi, India : April 8 - 9, 1992**

In pursuance of the decision of the Sixth SAARC Summit held in Colombo in December 1991, Environment Ministers of SAARC Countries met in New Delhi on 8 - 9 April 1991 to deliberate upon the issues on the agenda of the United Nations Conference on Environment and Development (UNCED) Mr. Kamal Nath, Minister for Environment and Forests, Government of India, welcomed the SAARC Ministers and delegates. In his opening remarks, he outlined the objectives of the meeting and underlined the high stakes of developing countries in the outcome of UNCED. SAARC Secretary-General, Mr. I. H. Zaki made a brief statement on the activities carried out in the field of environment within the SAARC framework. SAARC Directors Mr. R.M. Roy and Mr. Ahmed Saleem also participated.

Detailed statements were made by the Environment Ministers of SAARC countries. They highlighted the need for a coordinated approach by SAARC and welcomed the initiative to harmonise views on the approach to UNCED. At the end of their deliberations, the Ministers issued a Joint Communiqué reflecting the consensus of view on environment and development. The Joint

Communique was later transmitted to the Secretary-General of UNCED for circulation to the delegates.

The Council of Ministers at its Eleventh Session in Colombo in July 1992 noted the Report of the SAARC Environment Ministers' Conference and commended the Conference for issuing the Joint Communique which outlined common positions on issues discussed before the UNCED. The Council welcomed the first successful exercise in intra-SAARC consultations and coordination at an international conference which should encourage SAARC in articulating collective positions on other issues of common interest as well.

PANEL OF EXPERTS ON SOUTH ASIAN DEVELOPMENT FUND (SADF)

Thimphu, Bhutan : April 21 - 22, 1992

In pursuance of the Sixth SAARC Summit decision to examine the proposal of His Majesty the King of Bhutan to undertake a pre-feasibility study for the establishment of a South Asian Development Fund (SADF), a Panel of Experts, consisting of eminent persons from the SAARC Member States, was appointed by the SAARC Secretary-General. The Panel held its first meeting in Thimphu on 21 - 22 April, 1992 under the Chairmanship of Mr. Lyonpo Dawa Tsering, Minister for Foreign Affairs of the Royal Government of Bhutan. The meeting was inaugurated by SAARC Secretary-General, Mr. I. H. Zaki, Director, Mr. N. Navaratnarajah from SAARC Secretariat also participated.

The Panel felt that at the present moment, the SAARC countries have a serious resource constraint and that the current world events were adding more constraints to the resource availability for the development of the region. They expressed the view that establishment of an institutional mechanism such as the proposed South Asian Development Funds (SADF), which will be operated outside the SAARC framework, could be an important means of realizing the desired objectives. The Panel also identified certain sectors which could be covered under the Fund for financing projects.

The Report of the first meeting of the Panel of Experts was considered by the Eleventh Session of the Council of Ministers in Colombo in July 1992, which authorised the Panel to undertake a feasibility study to examine in greater depth, precision and clarity the possibilities of mobilizing global

surpluses for regional development, as envisaged in the proposal of His Majesty the King of Bhutan. The Council also requested the Chairman of the Panel to conduct preliminary consultations with potential contributors and international financial institutions in this regard.

SEMINAR ON TREATMENT OF DRUG ADDICTS

Islamabad, Pakistan : April 26 - 27, 1992

A Seminar on Treatment and Relapse Prevention of Drug Addicts was held in Islamabad, Pakistan from April 26 - 27, 1992. All Member States participated in this Seminar.

The Seminar was inaugurated by Mr. Abdul Qayyum, Secretary, Narcotics Control Division, Government of Pakistan. Mr. Malik Mohammad Ashraf Director, Planning and Development, Pakistan Narcotics Control Board made the keynote address.

Country reports and technical papers relating to various aspects of treatment and relapse prevention of drug addicts were presented and discussed. Efforts to evolve methods/madalities of treatment, relapse prevention and after care, exchange of material views and expertise among the SAARC member countries were discussed. Over the counter sale of psychotropic substances to be banned and dispensed only on the prescription of Registered Medical Practitioners' and the need for proper system of registration and feed back of drug addicts among different treatment facilities were some of the recommendations made by this Seminar.

TC ON POSTAL SERVICES

Kathmandu, Nepal : May 19 - 20, 1992

The Eleventh Meeting of the Technical Committee on Postal Services was held in Kathmandu, Nepal on 19 - 20 May 1992. The meeting was inaugurated by Hon'ble Bijaya Kumar Gachhedar, Minister of State for Communications, His Majesty's Government of Nepal. The Meeting was attended by participants from all the SAARC countries. Director Mr. Nima Ome represented the SAARC Secretariat.

The Committee reviewed the progress in the implementation of decisions taken between June 1991 and April 1992. The Committee noted with

satisfaction that the following activities envisaged under the calendar of activities have been held :

- (a) Letter-Writing Competition under the theme "Letter A Source of Lasting Friendship", Bhutan.
- (b) One Week Workshop on "Caring for the Customers", India (4 - 10 March 1992).
- (c) Two-Week Seminar on "Postal Operations and Future Challenges," Sri Lanka (10 - 21 June 1991).

The Committee also noted that the following activities will be held during the current year :

- (a) Study Tour on Professional Training in Pakistan (11 - 30 July 1992).
- (b) Training course on International Postal Service, Bangladesh (October 1992).
- (c) Study Project on Integration of Postal Services with Rural Development, Nepal, (by 1992).
- (d) Studies on "Concessional Mail Tariff and Mail Transmission Norms" in SAARC region, India (year 1992).

The Committee prepared the Calendar of Activities for the year 1993.

GOVERNING BOARD OF SAIC

Dhaka, Bangladesh : May 26 - 28, 1992

The Sixth Meeting of the Governing Board of the SAARC Agricultural Information Centre (SAIC) was held in Dhaka on 26 - 28 May, 1992. The meeting was inaugurated by Mr. K. M. Rabbani, Secretary, Ministry of Agriculture, Government of the People's Republic of Bangladesh. In his inaugural address Mr. Rabbani highlighted the role and importance of agricultural information in increasing agricultural production and productivity in each of the SAARC Member States and assured the Board that the Government of Bangladesh would extend all possible cooperation to help SAIC develop as a fruitful regional institution. Director Mr. K. B. Shrestha represented the SAARC Secretariat.

The Board elected Mr. Karma Tashi of Bhutan as Chairman of the Governing Board in place of the outgoing Chairman Dr. M.S.U. Chowdhury of Bangladesh.

The Board examined the Institutional and Programme Cost Budget of SAIC for 1992-93 and recommended it to the Technical Committee on Agricultural for obtaining approval of the Standing Committee.

COUNCIL FOR THE SAARC FUND FOR REGIONAL PROJECTS

Bombay, India : June 4, 1993

The Second Meeting of the Council for the SAARC Fund for Regional Projects was held at Bombay on 4 June 1992 under the Chairmanship of Mr. S. S. Nadkarni, Chairman of the Industrial Development Bank of India to approve the format for collection of information on project ideas. The delegates from the Member States informed the Chairman that the format had been widely publicised and proposals for the projects ideas were being received. SAARC Secretariat was represented by Mr. Arif Ayub.

It was agreed that the following types of projects would be eligible for assistance from the SAARC Fund for Regional Projects :

- (i) Only commercially viable activities would be taken up under the auspices of the Fund.
- (ii) All project ideas to be considered should, as far as possible, be supported by sponsor(s).
- (iii) Project ideas, which are not commercially viable but which are of regional interest may be referred to the SAARC Secretariat for circulation amongst Technical Committee for further processing.

According to the decision taken in the first meeting of the Council, 5 per cent of the contribution was to be paid by 31st March 1992 and another 28.33 per cent was to be paid by 15th September 1992. While Sri Lanka has already paid 33.33 per cent of the contribution, Bhutan has contributed 5 per cent India has contributed Rs. 25 Laka which is more than the contribution due as on March 31, 1992. The next meeting of the Council is expected to take place on 5th November 1992 at Colombo, Sri Lanka.

TC ON PREVENTION OF DRUG TRAFFICKING AND DRUG ABUSE

Colombo, Sri Lanka : June 15 - 17, 1992

The Seventh Meeting of the Technical Committee on Prevention of Drug Trafficking and Drug Abuse was held in Colombo from 15 - 17 June, 1992. Gen. S.C. Ranatunge, Secretary, Ministry of Defence whilst inaugurating the Meeting said that it was in 1986 that SAARC decided to include Prevention of Drug Trafficking and Drug Abuse as one of the agreed areas of cooperation.

He also stated that the SAARC Regional Convention on Narcotic Drugs and Psychotropic Substances which was signed at the Fifth SAARC Summit in Male', Maldives was highly significant. He further said that this Convention provided an ideal legal framework for advancing regional cooperation. He also stated that in order to bring into force and to make it an effective instrument in combating the problem of drug trafficking and drug abuse in our region all Member States must ratify the Convention.

Representatives from all the Member States made country statements. The Secretariat was represented by Mr. N. Navaratnarajah, Director.

The Committee urged Member States to continue to exchange useful information on Programmes of Drug Control and Prevention. The Committee noted the formation of the Federation of Non-Governmental Organisations against Drug Abuse (FONGODA) as the Apex Body in Sri Lanka and recognised the difficulties highlighted by other Member States in the formation of such Apex Bodies.

The Committee welcomed the establishment of the SAARC Drug Offences Monitoring Desk' at the Sri Lanka Police Narcotics Bureau in Colombo and urged Member States to ensure a regular flow of information in the prescribed format to enable SDOMD to effectively carry out its task of evaluation, analysis and dissemination.

TC ON AGRICULTURE

Kathmandu, Nepal : June 16 - 17, 1992

The Eleventh Meeting of the Technical Committee on Agriculture was held in Kathmandu from 16 - 17 June, 1992. The meeting was inaugurated by Mr. B. P. Sinha, Secretary, Ministry of Agriculture of His Majesty's

Government of Nepal. Participants from Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka attended this meeting. The SAARC Secretariat was represented by Mr. K.B. Shrestha, Director.

The delegates to the meeting presented their country reports highlighting the activities implemented in their respective countries. All Member States were urged to extend their full cooperation for the timely completion of scheduled activities. It was felt that activities such as post-harvest technology, agro-based industries, rural infrastructure development such as road, marketing and non-formal, functional education to farmers, etc., have relevance to the work of this Committee and hence needed inter-sectoral coordination with other Technical Committees.

The following programmes were recommended by the Committee :

- (i) Reaching the Million-Training of Farmers and Farm Women in the SAARC Region by 2000 A.D.
- (ii) Promotion of the 'Bio-villages' in the SAARC Region.
- (iii) Promotion of Agricultural Products with High Nutritional Value in the SAARC Region.

The Coordinators for these programmes were identified and it was decided that they would prepare a project proposal in their respective areas for consideration at the next meeting.

The Committee also reviewed the Calendar of Activities for 1991-92 and drew up the Calendar of Activities for 1993.

TC ON TRANSPORT

Colombo, Sri Lanka : June 19 - 20, 1992

The Eleventh Meeting of the Technical Committee on Transport was held in Colombo from 19 - 20 June, 1992. Participants from Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka attended this meeting. The meeting was inaugurated by Mr. A. R. M. Jayawardena, Secretary of the Ministry of Transport and Highways of Sri Lanka and current Chairman of the Committee. While inaugurating the meeting the Chairman emphasized the need to extend the scope of activities of the Technical Committee and to adopt action-oriented programmes with a regional focus for implementation. SAARC Secretariat was

represented by Director Mr. K. B. Shrestha. The Committee reviewed the progress in the implementation of the decisions taken at its Tenth Meeting.

An important agenda item "In-depth Examination of Transport Infrastructure and transit facilities so as to come up with viable proposals for Improvement" was considered at this meeting and the Committee felt that owing to the complexity of the issues involved and the need for standardized and detailed information it would be necessary to examine them in a systematic manner. Therefore, the need to evolve a format for a questionnaire to elicit information on this subject was felt and the Committee recommended that a Consultant be appointed by the Secretary-General SAARC, to prepare and design the format for the questionnaire.

A Bangladesh proposal to form an Association of SAARC Countries Ship Owners' Associations, was also welcomed by the Committee.

The review of Calendar of Activities for the year 1991-92 was undertaken by the Committee and the Calendar for 1992-93 was also drawn up at this meeting.

TC ON HEALTH AND POPULATION ACTIVITIES

Dhaka, Bangladesh : June 20 - 22, 1992

The Tenth meeting of the Technical Committee on health and Population Activities met at Dhaka from 20 - 22 June, 1992 under the Chairmanship of Mr. Syed Ahme-J, Secretary, Ministry of Health and Family Welfare, Government of Bangladesh. The Meeting was inaugurated by Mr. Chowdhury Kamal Ibne Yusuf, Minister for Health and Family Welfare of Bangladesh and attended by representatives from all Member States. Mr. Ahmed Saleem, Director, represented the SAARC Secretariat.

The Dhaka Meeting observed, *inter-alia*, that all the annual reports on the Situation of Children had not been received and requested Member States who had not done so, to send them to the Chairperson of the Committee. It also reviewed the progress on the implementation of the South Asian Plan of Action on Children; discussed the possibility of harmonization of National Laws and Regulations in the areas of Health and Population Activities; recommended a feasibility study for establishing of a unit for producing HIV testing kits in consideration of the impending threat of AIDS in the region and

invited Member States to put forward proposals for inclusion in the Calendar of Activities for 1993. The programme cost budget of the SAARC Tuberculosis Centre (STC) in Nepal was also considered by the Committee.

COMMITTEE ON ECONOMIC COOPERATION (CEC)

Colombo, Sri Lanka : June 22 - 23, 1992

The Second Meeting of the Committee on Economic Cooperation (CEC) was held in Colombo from 22 - 23 June 1992. The Meeting was inaugurated with an address by Mr. A.R. Munsoor, Minister of Trade and Commerce of Sri Lanka. Mr. R.A.P. Goonetilleke chaired the meeting. SAARC Secretary - General Mr. I. H. Zaki also made a statement at the inaugural session underlining the urgent need to promote regional cooperation in the field of trade and economic relations. Director, Mr. R. M. Roy from SAARC Secretariat also participated.

The Committee considered the Report of the First Meeting of the Inter - Governmental Group (IGG) on Trade Liberalisation held in New Delhi on 4 - 5 May 1992 and recommended it for approval by the Council of Ministers at its Eleventh Session. The Report of the IGG contained essential elements for a draft agreement on SAARC Preferential Trading Arrangement (SAPTA). The Committee recommended that the IGG should hold its next meeting early with adequate preparatory work to draft an agreement on preferential trading arrangement and submit it to the next meeting of the Committee on Economic Cooperation.

The Committee recommended that early recognition be granted to the proposed SAARC Chamber of Commerce and Industry. It also deliberated on areas on cooperation such as industrial complementation, SAARC Fund for Regional Projects and Science and Technology. It recommended that measures to improve transport and transit facilities be taken to accelerate the pace of trade liberalisation and expansion. It recognised the importance of regional approach for standardisation and quality control for the expansion of trade. It was agreed that India would circulate a detailed proposal for a regional group on standardisation and quality control, for consideration of the Member States.

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Chronology of Important Events

SOUTH ASIAN REGION

January to June 1992

BANGLADESH

- January 1* Prof. Ghulam Azam was elected as the *Amir* of Jamaat-i-Islami Bangladesh, by the party's *Majlis-i-Shura*.
- 2 The Government undertook a Taka 197.8 million project for reintroduction of non-formal education programmes throughout the country.
- 6 Bangladesh Government said that nearly 1000 Burmese Muslims had fled to Bangladesh as Rangoon's military rulers built up their forces on the frontier after a border clash.
- The Bangladesh armed forces were put on full alert on the border with Burma.
- 9 Attorney-General, Aminul Haq told that the former President, Hussain Mohammad Ershad, and his associates had stolen funds to buy property in Thailand and Singapore.
- 10 The opposition in the Bangladesh Parliament demanded that Jamaat-i-Islami leader Prof. Ghulam Azam be tried for 'war crimes' and supporting the Pakistan Army in 1970.
- 13 Bangladesh Prime Minister, Begum Khaleda Zia, said that Bangladesh would buy warships and create a forward base in Bengal.
- January 22* A Division Bench of the High Court rejected a review petition of former President Hussain Mohammad Ershad, seeking stay of Judgement in the corruption cases against him.
- February 5* German Deputy Foreign Minister, Helmut Schaefer, held talks with Bangladesh Prime Minister, Khaleda Zia, on matters of mutual interest.
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This Chronology has been prepared by Syed Karim Haider, Research Assistant, Pakistan Study Centre, University of the Punjab, Quaid-i-Azam Campus, Lahore.

- February 6* It was reported that Bangladesh would buy warships from the United States and would establish a Naval Base in Bay of Bengal.
- 16* Bangladesh Finance Minister, Mr. Saifur Rehman, said that Pakistan and Bangladesh had almost identical views on politico-economic issues at all the forums including SAARC and OIC.
- March 4* A top Bangladeshi foreign ministry official said that only Burma could ultimately ensure the safety of Muslim refugees from that country, who had said that they would not return unless, they had international guarantees.
- 5* Bangladesh Government announced the appointment of Mr. M. Mizanur Rahmad as the Ambassador of the Republic of Bangladesh to the Kingdom of Bhutan.
- 13* Bangladesh Government dismissed claims by Rangoon that tens of thousands of Muslims who had fled to Burma after alleged persecution by the military were not Burmese.
- 16* Prime Minister Khaleda Zia left for the United States for talks with US President George Bush.
- 21* Bangladesh issued a fresh appeal for international aid to save up 200,000 Burmese Muslim refugees facing hunger and disease after fleeing alleged persecution by the Burmese Army.
- 31* Bangladesh Cabinet endorsed the Finance Ministry proposals on the revitalisation and the reorganisation of the Bank of Credit and Commerce International.
- April 1* It was reported that the Bangladesh Government's Attorney General, Aminul Haq, resigned.
- 26* Bangladesh-Burma officials first round of talks with reiterating by both sides their decision to resolve the Muslim refugee problem bilaterally in a spirit of understanding, goodwill and mutual trust.
- May 7* It was reported that seven people were killed and more than a dozen injured when Bangladeshi border guards opened fire on smugglers selling Indian cattle.
- 9* It was reported that four people were killed and more than 1000 injured when armed rivals attacked a rally of Bangladesh's opposition Awami League party in Chittagong.
- 12* Bangladesh Prime Minister Begum Khaleda Zia's talk about visit to India finally took place on May 26, 1992.
- June 4* It was reported that Bangladesh sacked six army generals in a purge of officers closely linked to former President Hussain Mohammad Ershad.

BHUTAN

- February 5* Bhutan Government announced that it was taken concrete steps to achieve a more balanced trade with Bangladesh.

BURMA

- January 12* It was reported that more than 50,000 Burmese Muslims had taken refuge in south-eastern Bangladesh after fleeing military persecution in the western Burmese province of Arakan.
- 22 Burma rejected Bangladesh's request for the return of arms captured by its troops from the border post in south-eastern district of Bangladesh.
- 30 Burma's military buildup along the Bangladesh border was likely to prevent thousands of Muslim refugees returning home for a long time to come.
- February 2* The leader of the Military Junta of Burma called the unrest among its Muslims minority as 'minor and unimportant'. He threatened that the rebels would be crushed.
- 17 Burma deployed more troops and heavy artillery along its tense western frontier with Bangladesh, raising fears of a clash and a new flood of Burmese Muslim refugees.
- 25 It was reported that a continuing influx of refugees from Burma was tremendous pressure on resources of impoverished Bangladesh.
- March 13* Burma's Military Government had abolished nine more political parties, further cutting the number of legal parties from the original 235 to 20.
- 29 It was reported that Burmese Junta Chief Gen. Saw Mung, in a message to Bangladesh Prime Minister Khaleda Zia hoped that the 'friendly ties' with Bangladesh would be constantly developed.
- April 10* Burmese Foreign Minister Ohn Gyaw has coming to Dhaka to discuss influx of Rohingya Muslims into Bangladesh and soured relations between the two countries.

INDIA

- January 4* The Indian Army Chief toured the Kashmir's Line of Control and said that steps had been taken to prevent its crossing by Kashmiri militants.
- 6 Indian Prime Minister P.V. Narasimha Rao decided to cut his salary by 10 per cent amid Government efforts to slash its own burgeoning expenditure.
- January 11* India welcomed a suggestion made by Sri Lanka to have periodic meetings of SAARC at the level of permanent representatives in New York and Geneva.
- 13 Indian Prime Minister Narasimha Rao said that India was willing to talk with Pakistan but wanted them to be only within the framework of the Simla Agreement of 1972, which excluded Kashmir from its purview.
- 16 Indian Prime Minister P.V. Narasimha Rao reiterated that India would not be browbeaten by any one on the issue of supplying a nuclear reactor to Iran.
- 31 Indian Prime Minister P.V. Narasimha Rao held talks with U.S. President George Bush that centred a nuclear non-proliferation.

- February 14* It was reported that India would retain its option to make nuclear weapons and had also refused to sign the non-proliferation treaty.
- 17* Prime Minister P.V. Narasimha Rao cancelled an appearance at an election rally in the State of Punjab.
- March 3* The Press Trust of India reported that India and Azerbaijan signed a protocol on establishing diplomatic ties.
- 7* A bill was introduced in the Lok Sabha to give Indian citizenship rights to Indian babies born overseas.
- 13* It was reported that at least five opposition members of Indian Parliament had defected from their party, providing a boost for Prime Minister P.A. Narasimha Rao's minority Government and blunting threats from one of his main foes.
- April 4* Indian Defence Minister Sharad Pawar held talks with U.S. Administration Officials, including Defence Secretary Dick Cheney, likely to finalize agreement on the purchase of technology for the indigenous production of the Light Combat Aircraft (LCA).
- May 5* The Press Trust of India said that India successfully launched a medium range, surface-to-surface missile for the eastern state of Orissa.
- 20* Indian President Ramaswami Venkatraman said that the Indian Government regarded Tibet as part of China and supported no anti-Chinese political activity of the Dalai Lama, the Tibetan spiritual leader living in exile.
- June 10* Indian Prime Minister P.V. Narasimha Rao left for a Madrid Stopover en route to the earth summit.

NEPAL

- February 10* Nepal's Prime Minister Girija Prasad Koirala had vowed not to smoke in public to avoid setting a bad example to children.
- 29* Royal Nepal Air Line pilots went on indefinite strike disrupting flights in the Himalayan Kingdom and forcing the Government to draft in army aviator.
- April 1* Nepalese Maoists allied with various left-wing groups for a general strike to protest the Government's failure to control prices and its growing economic ties to neighbouring India.
- 8* A Nepalese Communist Party leader said police killed 22 left-wing demonstrators during anti-Government protests and he called on Prime Minister Girija Prasad Koirala's Government to resign.
- 24* It was reported that a former Nepali Prime Minister who led a popular political movement against the century-old Rana regime in the 1940 dies, after a protracted illness.

SAARC

- February 19* The first meeting of the SAARC Committee on environment began to examine the recommendation of the draft regional study on environment, identify measures for immediate action and decide modalities of the implementation.
- February 25* SAARC Secretary General, Mr. Ibrahim Hussain Zaki said it is a noble objective of the SAARC to uplift the economic well being of the people of South Asia, and the Association must achieve this objective.

SRI LANKA

- January 4* A military spokesman said that Sri Lankan forces and Tamil separatists fought a fierce battle in the east in which three rebels and soldiers were killed.
- 11* Sri Lankan troops killed about 20 Tamil guerillas who attacked a naval base sentry post in northern Sri Lanka.
- 17* Government troops shot and killed 15 Tamil rebels after the guerillas ambushed a patrol killing 9 Sinhalese soldiers in north-western Sri Lanka.
- February 9* Nine member of Sri Lanka's Parliament lost their membership, because they had not attended the parliament's session for more than three months after their election.
- 17* Twenty eight suspected Tamil rebels were killed in eastern Sri Lanka.
- 29* Sri Lanka opposition lawmakers submitted two no-confidence motions over Government's plans to restructure state-run banks and to buy more aircraft for the national carrier.
- March 10* It was reported that Sri Lanka's cash-strapped economy would be in serious trouble by the middle of the year if tea prices continue to fall and a drought persists.
- 17* It was reported that at least 26 Sri Lankan soldiers and up to 100 Tamil rebels were killed, when troops overran two guerillas bases in the north-eastern jungle.
- June 2* Separatist Tamil guerillas killed 15 Muslim civilians when they attacked a bus in eastern Sri Lanka.
- 9* Tamil tiger rebels ambushed Sri Lankan troops in two areas under nominal Government control and killed at least 16 soldiers.

LIST OF PUBLICATIONS 1981 - 92

Rafiq Ahmad Sarfraz Hussain Mirza	<i>Maldives</i> : No. 5, March, 1984.
Fayyaz Ahmad Rafiq Ahmad Mohammad Javed Iqbal	<i>Burma</i> : No. 6, December, 1985.
Rafiq Ahmad Musarrat Javed	<i>Bhutan</i> : No. 7, December, 1986.
Current Affairs Series	
Rafiq Ahmad	<i>South Asian Scanner</i> : No. 1, (1981).
Rahim Yar Abbasi Rafiq Ahmad Rahim Yar Abbasi	<i>South Asian Scanner</i> : No. 2, (1982).
Rafiq Ahmad Rahim Yar Abbasi Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 3, (1982).
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Rafiq Ahmad Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 2, (1983) and No. 6.
Rafiq Ahmad Mohammad Jahangir Khan Sohail Mahmood	<i>South Asian Scanner</i> : No. 1, (1984) and No. 7.
Rafiq Ahmad Mohammad Jahangir Khan Sohail Mahmood	<i>South Asian Scanner</i> : No. 1, (1985) and No. 8.
Rafiq Ahmad Mohammad Jahangir Khan Sohail Mahmood	<i>South Asian Scanner</i> : No. 2, (1985) and No. 9.
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Rafiq Ahmad Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 4, (1985) and No. 11.
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*List of Publications 1981-92***Monographs**

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- Mohammad Jahangir Khan
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(A Politico-Economic Analysis).*
- Mohammad Sarwar *Indian General Elections : 1984.*
- Ayaz Mohammad Rana *Pak-Nepal Relations, (1986).*
- Rafiq Ahmad *Hegemony Bipolarity or Multipolarity ?
Key to Durable Peace in South Asia.*
- Mohammad Sarwar *Indian General Elections 1989.*
- Ahmad Ejaz *Republic of India (Bharat) : A Profile 1990.*
- Inayatullah *Politics of Ethnicity and Separation in
South Aisa.*

Books

- Rafiq Ahmad *Pakistan India Relations--Prospects for
a Durable Peace.*
- Sarfraz Hussain Mirza
Syed Farooq Hasnat
Sohail Mahmood *The Sikh Question : From Constitutional
Demands to Armed Conflict.*
- Tahira Anjum *Bharti Secularism our Aqliyyaten (Urdu)*
- Qazi Javed *SAARC : Masail our Irtiqa (Urdu).*

Seminar Papers

- Theodore P. Wright (Jr.) *Seminar 1984
Methodology of Research on Indian
Muslims.*
- Prof. Rchard B. Barnett *Seminar 1985
The Late pre-Colonial Background to the
Indian Princely States.*

Journal (Bi-annual)

Rafiq Ahmad (Editor) :

South Asian Studies : Vol. I, No. 1, January 1984 ; Vol. I, No. 2, July 1984 ; Vol. II, No. 1, January 1985 ; Vol. II, No. 2, July 1985 ; Vol. III, No. 1, January 1986 ; Vol. III, No. 2, July 1986 ; Vol. IV, No. 1, January 1987 ; Vol. IV, No. 2, July 1987 ; Vol. V, No. 1, January 1988 ; Vol. V, No. 2, July, 1988 ; Vol. VI, No. 1, January, 1989 ; Vol. VI, No. 2, July, 1989 ; Vol. VII, No. 1, January 1990, Vol. VII, No. 2, July 1990, Vol. VIII, No. 1, January 1991, Vol. VIII, No. 2, July 1991 ; Vol. IX, No. 1 January, 1992.

Notes to Contributors

Manuscripts, articles, book reviews and notes or letters on themes of contemporary or historical interest, with particular reference to South Asia, will be welcomed.

Manuscript should be clearly typed on one side of the paper only, and should be double-spaced. Two copies should be submitted.

Bibliographies and footnotes should be placed at the end of the article. Footnotes should be numbered consecutively, and bibliographies should be arranged alphabetically. Foreign words should be underlined.

Bibliographical references should be completed in respect of the title of the book, the name of the author, the year and the place of publication.

Utmost care should be taken to prepare statistical data for publication. All headings, columns, rows, symbols, units of measurement, periods, political and geographical areas, and sources should be clearly stated in each statistical table, instead of giving such explanations in the text.

Tables, maps, and diagrams should be numbered and given at the end of the article, each on a separate sheet of paper. They should be clearly drawn so that they are suitable for photocopying as submitted.

Abstracts

Authors should submit abstract of their articles, not exceeding 100 words. The first page of the paper should include the title of the paper as well as the name and institutional affiliation of the author.

The Editor reserves the right to make editorial revisions.