

CHAPTER IV

CONCLUSIONS

1. This Commission of Inquiry was appointed by the President of Pakistan in December 1971. After examining 213 witnesses, we submitted the Main Report in July, 1972. However, at that time we did not have before us the evidence of the major personalities, except Major General M. Rahim Khan who had played a part in the final events culminating in the surrender in East Pakistan. Accordingly, we stated that "our observations and conclusions regarding the surrender in East Pakistan and other allied matters should be regarded as provisional and subject to modification in the light of the evidence of the Commander, Eastern Command, and other senior officers as and when such evidence becomes available".

2. After the repatriation of prisoners of war from India, the Commission was reactivated in May, 1974. At the resumed session, we have examined as many as 72 persons, including Lt Gen A.A.K. Niazi, Commander, Eastern Command, all the Major Generals and Brigadiers who had served in East Pakistan, Rear Admiral Sharif, Flag Officer Commanding the Pakistan Navy, Air Commodore Inam, the senior most Air Force Officer, and several civilian officers like the chief Secretary, the Inspector General of Police, two Divisional Commissioners etc, Maj. Gen M. Rahim Khan was re-examined at his own request.

3. As it appeared to us that the defeat suffered by the Armed Forces of Pakistan was not merely the result of military factors alone, but had been brought about as the cumulative result of political, international, moral and military factors, we examined all these aspects in our Main Report at some length. We have followed the same pattern of study in the present supplementary Report. Although we are now naturally in possession of far more detailed information as to the events in East Pakistan, yet the main conclusions reached by us on the earlier occasion have remained unaffected by the fresh evidence now available. In the paragraphs that follow, we intend briefly to summarise our conclusions on these major aspects of the causes of surrender in East Pakistan, making reference, wherever necessary, to the conclusions already embodied in the Main Report.

POLITICAL BACKGROUND

4. In the Main Report, we have traced the genesis of the Pakistan movement, the events preceding the establishment of Pakistan, and the political developments which took place between 1947 and 1971, including a detailed study of the effects of the two Martial Law periods in hastening the process of political and emotional isolation of East Pakistan from West Pakistan.

5. We have also, in the Main Report, examined at length the role played by the two major political parties, namely, the Awami League in East Pakistan and the Pakistan Peoples party in West Pakistan, in bringing about the situation resulting in the postponement of the session of the National Assembly scheduled to be held at Dacca on the 3rd of March, 1971. We have then examined the events occurring between the 1st and the 25th of March, 1971, when the Awami League had seized power from the Government of General Yahya Khan, necessitating resort to the military action of the 25th of March, 1971. We have also touched upon the negotiations which Gen Yahya Khan was pretending to hold during this period with Sh. Mujibur Rahman on the one hand and political leaders from West Pakistan on the other. Although he never formally declared these negotiations to have failed, yet he secretly left Dacca on the evening of the 25th of March, 1971, leaving instructions behind for military action to be initiated when his plane reached the Karachi area.

6. We have found, as a result of a detailed analysis of the events surrounding the imposition of the second Martial Law by General Yahya Khan on the 25th of March, 1969, that he did not take over the country in order merely to restore normal conditions and re-introduce the democratic process. He did so with a view to obtaining personal power and those who assisted him did so with full knowledge of his intentions. The fresh evidence recorded by us has only served to strengthen this conclusion as to the intentions of Gen Yahya Khan.

7. All the Senior Army Commanders who were concerned with the administration of Martial Law in East Pakistan as well as the senior civil servants who were inducted into the civil administration in East Pakistan, have expressed the view that military action could not have been a substitute for a political settlement, which was feasible once law and order has been restored within a matter of few weeks after the military action. Most of these witnesses have stated that the most favourable time for a political settlement was between the months of May and September, 1971, during which a reasonable amount of normalcy had been restored and the authority of the Government had been re-established at least in most of the urban areas, if not throughout the countryside. However, no effort was made during these months to start a political dialogue with the elected representatives of the people of East Pakistan; instead fraudulent and useless measures were adopted.

8. The use of excessive force during the military action and the conduct of some of the officers and men of the Pakistan Army during the sweep operations had only served to alienate the sympathies of the people of East Pakistan. The practice of the troops living off the land, in the absence of a proper organisation of their own logistic arrangements during their operations in the country-side, encouraged the troops to indulge in looting. The arbitrary methods adopted by the Martial Law administration in dealing with respectable East Pakistanis, and then sudden disappearances by a process euphemistically called "being sent to Bangladesh" made matters worse. The attitude of the Army authorities towards the Hindu minority also resulted in large-scale exodus to India. The avowed intention of India to dismember Pakistan was only too well known, but even then the need for an early political settlement was not realised by General Yahya Khan. The general amnesty declared by him in August, 1971, proved ineffective, as it was declared too late, and left much to be desired in its implementation. It did not result in the return of any appreciable number of the elected representatives of the people, who were in any case valuable hostages in the hands of the Indian authorities who did not allow them to cross back into Pakistan.

9. Precious moments were thus wasted, during which the Indians mounted their training programme for the Mukti Bahini and started guerrilla raids into Pakistan territory. General Yahya Khan then embarked upon his scheme of by-elections in place of the disqualified Awami League representatives, but these by-elections were an exercise in futility, for the reason that they were supervised and controlled by the Martial Law administration, and even the selection of the candidates was being made by a Major General of the Pakistan Army. In these circumstances, these newly elected representatives did not have any authority to speak on behalf of the people.

10. Similarly, the appointment of Dr. Malik as the civilian Governor of East Pakistan, and the installation of his ministers, did not produce any impact. These gentlemen did not command the confidence of the people, although Dr. Malik was personally respected as a veteran statesman. These attempts at civilization of the Government of East Pakistan were, therefore, an utter failure in winning back the confidence of the people. Power continued to vest in the hands of the Zonal Martial Law Administrator, namely, Lt Gen A.A.K. Niazi. In any case, in view of the circumstances prevailing, namely, the over-riding importance of maintaining law and order and keeping the lines of communication open, the role of the army continued to be pre-dominant.

11. Apart, therefore, from the immorality and political expediency of the kind of military action taken by General Yahya Khan on the 25th of March, 1971, it was his culpable failure to arrive at a political settlement with the Awami League during the crucial months preceding the war that completely alienated the sympathies of the population of East Pakistanis, confirming their suspicion that the

Generals were not prepared to part with political power in favour of the elected representatives of the people. The refusal of Gen Yahya Khan to negotiate with the Awami League becomes all the more significant when we remember that two of its top leaders, Sh Mujibur Rahman and Dr Kamal Hussain were in his custody in West Pakistan, and that almost all the friendly countries had advised him to arrive at a political settlement in view of the looming Indian threat of military action.

12. The two direct and devastating consequences of this political situation brought about by the military regime itself, since holding the elections of 1970, were the prolonged involvement of the Pakistan Army in counter-insurgency measures throughout the Province, and its forced deployment in penny-pockets all along the borders of East Pakistan to prevent infiltration of Mukti Bahini and Indian agents. In the presence of these two factors, the Pakistan Army was obviously fighting a losing battle from the very start.

INTERNATIONAL ASPECT

13. After exhaustively reviewing the state of our international relations as they existed immediately preceding the war, we had expressed the opinion, in the Main Report, that in the background of our relations with India ever since 1947, it should not have been too difficult to appreciate that India would do every thing to precipitate a crisis in East Pakistan.

14. We also took note of the various efforts made by India to internationalise the refugee problem which had arisen as a result of the exodus of people from East Pakistan to India in the wake of the military action. The Indian propaganda was so successful that all efforts made by the military regime in Pakistan to defuse the situation in East Pakistan left the world unimpressed. The situation was further complicated by the mutual assistance treaty signed between India and USSR in Aug, 1971. All the Governments friendly to Pakistan, especially Iran, China and the USA, had made it clear to Gen Yahya that they would not be in a position to render any physical assistance to Pakistan in the event of an armed conflict with India. However, the significance of this international situation was unfortunately completely lost on Gen Yahya Khan and his associates. They blundered ahead, oblivious of the fatal consequences of their international isolation.

15. In the Main Report we also dealt with the activities at the United Nations during the critical days of the war, and came to the conclusion that there was no rational explanation why Gen Yahya Khan did not take the dispute to the Security Council immediately after the Indian invasion of East Pakistan on the 21st of November, 1971, nor was it possible to explain his refusal to accept the first Russian Resolution, if indeed the situation in East Pakistan had become militarily so critical that surrender was inevitable. In this context we also referred to the message which was handed over by Major General Farman Ali to Mr Paul Mure Henry, Representative of the UN at Dacca for onward transmission to the Secretary General of the UN, offering certain proposals for a political settlement in East Pakistan. Finally, we expressed the opinion that if Gen Yahya Khan as Commander-in-chief of the Army had shown greater determination and courage and directed the Eastern Command to hold on somewhat longer than the 16th of December, 1971, it was quite possible that a satisfactory solution ordering a ceasefire might have been obtained from the Security Council.

16. During the present phase of our enquiry nothing has been said by the witnesses about the state of our international relations and their impact on the 1971 war, nor about the moves in the United Nations except that Major Gen Farman Ali has clarified the position with regard to the message attributed to him. He had stated that the message was drafted under the instructions of the Governor of East Pakistan who had been authorised by the President of Pakistan to offer proposals for a political settlement with the Awami League, and that he handed over a copy of the same to Mr Paul Mate Henry as directed by the Governor of East Pakistan. While this clarification removes the mystery surrounding the so-called "Farman Ali incident", it does not in any manner affect the conclusions already stated by us in the main Report as regards the international aspect.

THE MILITARY ASPECT

17. While discussing the military aspect of the war in the Main Report we came to the conclusion that the major role in the 1971 disaster had been that of the ground forces, that the strategic concept embodied in war Directive No.4 of 1967, required a drastic revision in the light of the political and military situation developing as a result of the military action in East Pakistan in March 1971, but the Army High Command did not carry out any study in depth of the effect of these new factors, nor did it pay any attention to the growing disparity between the war preparedness and the capability of the armed forces of Pakistan and India as a result of the Indo-Soviet Treaty of Aug 1971. We dealt at length with the concepts of defence as well as the plans formulated by the General Headquarters both for East and West Pakistan, and pointed out the defects and deficiencies in those plans, apart from the inadequacy of resources available on both fronts as compared to those of the enemy. However, we observed that our study of the military aspect of the war in East Pakistan, both limited and total, was inconclusive on account of the non-availability of the evidence of the Commander, Eastern Command, and other senior officers then serving in East Pakistan.

18. Having now had the advantage of examining these commanders at considerable length we feel we are in a position to formulate our final conclusions as to the causes of surrender in East Pakistan.

19. There has been some controversy as to the exact status of Lt Gen A.A.K.Naizi, namely, whether he was a Theatre Commander or merely a Corps Commander, although he has been officially described as Commander, Eastern Command. While a Corps Commander is merely a Commander of a number of divisions placed under his command, a Theatre Commander is not merely in command of all the forces in the area, including the Naval and the Air Forces. In case of East Pakistan the Flag Officer Commanding of the Navy and the Air Force Commanding of the Pakistan Air Force were directly under their own respective Commanders-in-chief, although they were instructed to liaise and coordinate with the Commander, Eastern Command. Technically speaking, therefore, Gen Niazi was not a Theatre Commander and was never designated as such. Nevertheless, situated as he was, we consider that at least from the 3rd of Dec 1971 onwards, on which date war broke out on the Western Front as well, Lt Gen Niazi became, for all intents and purposes, an independent Corps Commander, possessing of necessity and by force of circumstances all the powers of a Theatre Commander, and even the General Headquarters expected him to act as such, for there was no possibility thereafter of replacing him by another Commander of equivalent rank. General Niazi's conduct of war, as also his final decision to surrender, have, therefore, to be judged in this light.

20. The traditional concept of defence adopted by Pakistan Army was that the defence of East Pakistan lies in West Pakistan. However Lt Gen Niazi contented before the Commission that the Indians would not have started an all-out war in East Pakistan if the Western Front had not been opened by Pakistan. It seems to us that this contention is based on a lack of proper appreciation of the enemy threat which was fast developing in the Eastern Theatre. It had become quite evident that the Mukti Bahini, on their own, even after their training in India would never be able to face a pitched battle with the Pakistan Army, and the Indians could not afford to prolong the war by proxy for an indefinite period. The plan of capturing a sizeable chunk of territory for setting up Bangladesh has also been frustrated by the forward deployment of our troops. An all-out war had, therefore, become inevitable for India, and in such an event the only course open for Pakistan was to implement the traditional concept of defending East Pakistan from West Pakistan in a determined and effective manner. The concept, therefore, that the defence of East Pakistan lies in West Pakistan remained valid and if ever there was need to invoke this concept it was on the 21st of Nov 1971 when the Indian troops had crossed the East Pakistan borders in naked aggression. Unfortunately, the delay in opening the Western front and the half-hearted and hesitant manner in which it was ultimately opened only helped in precipitating the catastrophe in East Pakistan.

21. The Operational instructions issued by the Eastern Command as No.3 of 1971 on the 15th of July 1971, contemplated a forward defensive posture with strong points and fortresses which were to be made logistically self-sufficient to fight a battle lasting for at least 30 days, even if by-passed. They were also expected to act as firm bases or jumping-off points for actions against the enemy from the flanks or from behind. Dacca was to be defended at all costs by being made into a fortress, as it was the lynch-pin, both politically and militarily.

22. The plan envisaged as many as 25 fortresses and 9 strong points, consisting mainly of built up areas such as district or sub-divisional headquarter towns, large villages and cantonments. The paucity of troops did not permit them to be manned but it was expected that the troops deployed along the border and in counter insurgency operations would gradually fall back and take up defensive positions within the fortresses and strong points. His concept further contemplated that the fortresses would be defended to the last man and last round.

23. the fortress concept postulates 3 essential conditions for its success namely : a) that there must be adequate reserves to strike the enemy if bypasses the fortress, and to give mutual support to another fortress; b. that the fortress must be so located as to be able to mutually support each other and c. that the population in the areas in which such fortresses are located is not hostile. Gen Niazi was fully aware that none of these conditions were fulfilled in East Pakistan as he did not have enough troops to man 34 fortress and strong points with his then 29 battalions: his fortress and strong points were so located that they were not in a position to mutually support each other, and he also knew that the local population was hostile and movement of his troops would be made impossible by the Mukti Bahini. We are at a loss to understand how he expected the concept to succeed in these circumstances.

24. The evidence clearly discloses that none of the fortresses were manned nor did they have protective defences capable of withstanding enemy attacks supported by armour. Troops were expected to man these fortresses after falling back from their forward: even such artillery or heavy weapons as the troops possessed were to be moved to the fortresses. The withdrawal of the troops to the fortresses was as was to be expected in these circumstances, by no means an orderly withdrawal, but in most cases it was a disorderly retreat, leaving even the heavy equipment behind. There were no reserves with any local Commanders, except for 16 Division, and the command reserve of only a brigade strength and also been committed in the Eastern sector, through which the main enemy thrust came. This soundness of the fortress concept thus stood thoroughly exposed by the end which it produced.

25. In our view, the concept was utterly inappropriate for achieving the mission assigned to the Commander, Eastern Command, of defending East Pakistan and maintaining his presence in East Pakistan in the changed situation created by the war launched by the enemy. The wisest course of action for Gen Niazi would have been to concentrate his troops in a smaller area, protected by the major natural obstacles around the military and political lynch pin- Dacca.

26. At any rate, there should have been a contingency plan for a planned withdrawal into the Dacca triangle to cater for fighting a all-out war with an enemy vastly superior in resources and capabilities both on the ground and in the air. The failure on part of the Eastern Command to so plan amounts to gross negligence for, in fact, in fact, what was done was merely to give battle in weakness and be forced to retreat in disorder. The fortress strategy might have been suitable for carrying out the counter insurgency operations, but after the 21st of Nov 1971, it became redundant. The net result of this strategy was to give the opposite advantage to the enemy, who at his leisure routed and dispersed our troops while himself concentrating advanced in order towards Dacca.

27. The tragedy with Gen Niazi has been his obsession that he will not be called upon to fight any major battles with the Indians in East Pakistan, inspite of enormous Indian build-up around East

Pakistan, the detailed briefing given by GHQ to his Chief of Staff ABOUT THE INDIAN PLANS AND THE ADVICE GIVEN TO HIM BY THE CHIEF of the General Staff and the Vice-chief of the General Staff, during their last visit to the Eastern Theatre, for the deployment of his troops. Gen Niazi's only reaction to these warnings about the new threat was to hastily raise two ad hoc Divisions namely 36 Div in Sept 1971 and 39 Div on the 19th of Nov 1971 by committing his command reserves.

28. Lt Gen Niazi tried to justify the deployment of his reserves by saying that he had been promised 8 more battalions, and if these had been sent, he would have had enough troops to create a command reserve as also to meet then deficiencies of the new ad hoc formations. The evidence unfortunately does not disclose that any firm commitment was made by GHQ. We also find that even if the extra battalions had been sent the position would not have materially improved as there was no clear plan for their deployment. Gen Niazi was therefore not justified in denuding himself of his reserves before the actual arrival of the additional troops.

29. We are also not impressed by the excuse put forwarded by the Commander, Eastern Command for not modifying his plans, namely that the mission originally assigned to him hold every inch of territory in East Pakistan and to prevent the establishment of Bangladesh by the capture of any sizeable chunk of territory, was never changed by the High Command. As an independent Corps Commander, thousands of miles away from the GHQ, it should have been apparent to him that at least from the 21 Nov 1971 onwards the more important part of his mission was to defend East Pakistan and to keep the Corps in being, by giving up territory if necessary.

30. We also find that it is not correct to say that the mission given to the Eastern Command was never changed, because the GHQ had given him through more than one message a clear indication that territory had become less important, and that the Command should fight for time keeping in view only territories of strategic importance.

31. The detailed narrative of events as given by us in the Supplementary Report, clearly shows that the planning was hopelessly defective and there was no plan at all for the defence of Dacca, nor for any concerted effort to stem the enemy onslaught with a Div or a brigade battle at any stage. It was only when the general found himself gradually being encircled by the enemy which had successfully managed to bypass his fortresses and reached Faridpur, Khulna, Daudkandi and Chandpur (the shortest route to Dacca) that he began to make frantic efforts to get the troops back for the defence of Dacca. It was unfortunate then too late, the ferries necessary for crossing the troops over the big Jamna river from the area of 16 division had disappeared and the Mukti Bahini had invested the area behind, making vehicular movement impossible. Orderly withdrawal of troops in time for concentrated defence was also made impossible by the unfortunate orders issued by Lt Gen Niazi that no withdrawal was to take place unless cleared two up and without suffering 75% casualties.

32. In the absence of contingency plans for the withdrawal of troops into the Dacca triangle area behind the big rivers, to prevent the enemy breakthrough and to deal if need be with the known capability of the enemy to heli-drop troops behind our lines after it had acquired mastery of the air by either eliminating or neutralising our Air Force of only one squadron, it was not at all a matter of surprise that the defences should have collapsed immediately in thin lines in the forward positions were pierced by the enemy. On the fourth day of the all-outwar major fortresses were abandoned without a fight, namely, Jessore and Jhenidaon the West and the Brahmanbaria in the east. On the next day the Comilla fortress was isolated by encirclement from all sides, and on the 9th of Dec. 1971 even a divisional commander abandoned his area of responsibility with his headquarters, leaving his formation behind. On the same day 2 more fortresses Kushtia and Laksham were abandoned. At the latter fortress even the sick and the wounded were left behind. By 10 Dec 1971, even Hilli, where a determined battle had been fought for 16 days had to be abandoned. The Brigade returning from Mymensingh got entangled with heli dropped Indian troops, and the Brigade Commander and some of his troops were taken prisoner.

THE SURRENDER

33. The painful story of the last few days immediately preceding the surrender on 16 Dec 1971 has been narrated in Part 1V of the Supplementary Report. We have come to the conclusion that there was no order to surrender, but in view of the desperate picture painted by the Commander, Eastern Command, the higher authorities only gave him permission to surrender if he in his judgement thought it was necessary. Gen Niazi, could have disobeyed such an order if he thought he had the capability of defending Dacca. On his own estimate, he had 26,400 men at Dacca in uniform and he could have held out for at least another 2 weeks, because the enemy would have taken a week to build up its forces in the Dacca area and another week to reduce the fortress of Dacca. If Gen Niazi had done so and lost his life in the process, he would have made history and would have been remembered by the coming generations as a great hero and a martyr, but the events show that he had already lost the will to fight after the 7th December 1971, when his major fortresses at Jessore and Brahmanbaria had fallen. The question of creating history, therefore, was never in his mind.

34. Even more painful than the military failures of Lt. Gen Niazi is the story of the abject manner in which he agreed to sign the surrender document laying down arms to the so-called joint-command of India and Mukti Bahini, to be present at the Airport to receive the victorious Indian General Aurora, to present a guard of honour to the Indian General, and then to participate in the public surrender ceremony at the Race Course, to the everlasting shame of Pakistan and its Armed forces. Even if he had been obliged to surrender, by force of circumstances, it was not necessary for him to behave in this shameful manner at every step of the process of surrender. The detailed accounts which have been given before the Commission by those who had the misfortune of witnessing these events, leave no doubt that Lt. Gen Niazi had suffered a complete moral collapse during the closing phases of the war.

35. While undoubtedly the responsibility for these failures lies with the Commander, Eastern Command, GHQ cannot escape its responsibility, as the plan had been approved by it. It was also the responsibility of GHQ to correct the mistakes of the Eastern Command, as communications were open to the last. It was incumbent upon GHQ to guide, direct and influence the conduct of the war in the Eastern Theatre, if the Commander himself in that Theatre was incapable of doing so. But the GHQ failed in this important duty. The Commander-in-Chief remained indifferent.

36. While we have not specially condemned the performance of senior Officers other than Lt Gen A.A.K. Niazi, Maj Gen Mohammad Jamshed, Maj Gen M. Rahim Khan and some of the Brigadiers, we cannot help remarking that all the Senior Officers stationed in East Pakistan immediately before and during the war of 1971 must be held collectively responsible for the failings and weaknesses which led to the defeat of the Pakistan Army. The only thing which goes in their favour is that while assessing their individual responsibility the Commission was obliged to take note of the limitations imposed upon them by the concepts and attitudes adopted by the Eastern Command, the admitted shortages and deficiencies in men and materials faced by them as compared to the vast resources of the enemy, and the general demoralization which stemmed from the culpable acts of commission and omission on the part of the Army High Command at Rawalpindi and the Commander, Eastern Command at Dacca. Finally, there was also the unfortunate overriding factor of a long and inherited tradition of unquestioned obedience and loyalty to the superior Commander which prevented most of these Officers from questioning the soundness of the critical decisions and actions taken by the High Command, including the final act of surrender.

37. Before we conclude this part of the discussion, we would like to place on record that, apart from a few individuals, the large body of Officers and men operating in East Pakistan accepted the final decision without any thought of disobedience only owing to their ingrained sense of discipline, and the majority of them would have been undoubtedly willing to fight to the last and lay down their lives for the glory of Pakistan. The gallantry and determination with which some of the battles were fought in East Pakistan has been acknowledged even by the enemy.

The Moral Aspect

38. Apart from the political, international and military factors, an important cause for the defeat of the Pakistan Army in the 1971 war was the lack of moral character and courage in the senior Army Commanders. From the evidence brought before the Commission it has clearly emerged that the process of moral degeneration among the senior ranks of the Armed forces was set in motion by their involvement in Martial Law duties in 1958, that these tendencies re-appeared and were, in fact, intensified when Martial Law was imposed in the country once again in March 1969 by General Yahya Khan, and that there is indeed substance in the allegations that a large number of senior Army Officers had not only indulged in large-scale acquisition of lands and houses and other commercial activities, but had also adopted highly immoral and licentious ways of life, which seriously affected their professional capabilities and their qualities of leadership. It appears that they had lost the will to fight and no longer possessed the ability to take vital and critical decisions demanded of them for the successful prosecution of the war. These remarks particularly apply to General Yahya Khan, his close associates, General Abdul Hamid Khan, the late Maj Gen Khuda Dad Khan and Lt Gen A.A.K. Niazi, apart from certain other Officers. It is necessary that these serious allegations be properly dealt with, as recommended by us in the next Chapter.

Alleged Atrocities

39. Our examination of the available evidence shows that there is substance in the allegations that during and after the military action excesses were indeed committed on the people of East Pakistan, although versions and estimates put forward by the Dacca authorities are highly coloured and exaggerated. We have also found that strong provocation was offered to the Army owing to the misdeeds of the Awami League militants. It is also clear that use of force was undoubtedly inherent in the military action required to restore the authority of the Federal Government. Unfortunately, in spite of all these factors, we are of the view that the Officers charged with the task of restoring law and order were under an obligation to act with restraint and to employ only the minimum force necessary for the purpose. The Pakistan Army was called upon to operate in Pakistan territory and could not, therefore, be permitted to behave as if it was dealing with external aggression or operating on enemy soil. Irrespective, therefore, of the magnitude of the atrocities, we are of the considered opinion that it is necessary for the Government of Pakistan to take effective action to punish those who were responsible for the commission of these alleged excesses and atrocities. For this purpose a high-powered Court or Commission of Inquiry should be set up, and its personnel should be publicly accounted so as to satisfy national conscience and international opinion.

Professional Responsibility of Certain Senior Army Commanders

40. From the conclusions outlined by us in the preceding paragraphs, particularly as regards the military aspect of the debacle it has become clear that in our view several senior Army Commanders have been guilty of serious dereliction of duty in formulating and executing the defence plans, and since are even guilty of shamefully abandoning the fortresses which it was their duty to defend. We have also found that the Commander, Eastern Command, and his chief of Staff, Brig. Baqir Siddiqui displayed wilful neglect in the matter of the execution of defence plans, with the result that large quantities of valuable war materials, equipment, installations, arms and ammunition were delivered intact to the Indians at the time of surrender. All these acts of omission and commission call for deterrent action by way of court martial wherever permissible under the law. Detailed recommendations in respect of all these matters are contained in the next Chapter.

41. It has come to the notice of the Commission that during his period of captivity, and even after repatriation to Pakistan, Lt. Gen. A.A.K. Niazi assisted by his Chief of Staff, Brig. Baqir Siddiqui, has been making efforts to influence his Divisional and Brigade Commanders, by threats and inducements, so as to persuade them to present a coordinated story of the events in East Pakistan with a view to mitigating his own responsibility for the debacle. This is a serious matter and calls for notice.

42. The surrender in East Pakistan has indeed been a tragic blow to the nation. By the act of surrender Pakistan stood dismembered, and the image of the Pakistan Army as an efficient and excellent fighting force stood shattered. We can only hope that the nation has learnt the necessary lessons from these tragic events and that effective and early action will be taken in the light of the conclusions reached in the report.