

DOCUMENTS ON THE FOREIGN RELATIONS  
OF PAKISTAN

# THE KASHMIR QUESTION

EDITED BY  
K. SARWAR HASAN  
WITH THE COOPERATION OF  
ZUBEIDA HASAN

PAKISTAN INSTITUTE OF INTERNATIONAL AFFAIRS  
KARACHI

The Pakistan Institute of International Affairs is an autonomous, unofficial and non-political body. It is precluded by its rules from expressing an opinion on any aspect of international affairs or the affairs of Pakistan or any other country.

*Copyright*

*All rights reserved*

*First published August 1966*

*Printed at the Inter Services Press Limited,  
G. P. O. Box 244, Karachi*

## INTRODUCTION

WITH the end of World War II, it was hoped that there would follow a period of uninterrupted tranquillity. This hope, however, was destined not to be fulfilled and the international scene has been disturbed by a number of contentious issues. Of these issues, some have been settled, notably the disputes about Trieste, Algeria and West Irian. But there are others which have stubbornly resisted solution and, over the years, they have come to form a classic category of their own. In this category fall such problems as those of Palestine, Berlin, East Germany, Korea, Vietnam and Kashmir. In one sense at least the Kashmir question is different from the others. There is for it *in esse* a solution worked out by the United Nations and agreed to by the parties concerned.

As will be seen in these documents, the Kashmir question has many dimensions. When it was being discussed in the Security Council in 1948, the British Representative, Mr. Noel-Baker, described it "as the greatest and gravest single issue in international affairs".<sup>1</sup> Since then doubtless many other great and grave issues have arisen—and some of them we have mentioned above. But the unsettled Kashmir question is still extremely grave. This was demonstrated when it led, in September 1965, to a war between India and Pakistan. Although the war lasted only seventeen days, the two sides deployed in it practically all they had in the way of land, air and naval power. It was a full-scale war between Asia's two largest nations, barring China. Thus the Kashmir question is one of war and peace in a most populous area of the world.

It is true that the United Nations twice brought about a cessation of fighting in Kashmir. Both times it established a cease-fire, for the maintenance of which it provides machinery at a considerable cost. But experience has shown that a cease-fire is not a substitute for a settlement. Inherent in it is a provocation for a renewal of hostilities. By its very nature, a cease-fire, not followed

<sup>1</sup> S.C.O.R., 3rd Yr., 284th Mtg., 17 April 1948, p. 11.

by a settlement, indicates that there has been an inconclusive war and emphasises the fact that there is a dispute to be settled. For that reason complacent satisfaction over the achievement of a cease-fire is unwarranted. To assure peace in the area what is needed is a settlement of the dispute.

The purpose of this volume is to provide in an accessible form basic documents about the Kashmir question. The aim with which they have been selected is that, taken together, they should present of that question a picture at once comprehensive and objective. The documents have all been taken from published sources. While official Pakistani documents have been included, so have official Indian documents. Material from other sources has also been availed of, notably that published by the United Nations. Every effort has been made to furnish original versions of declarations made by statesmen. Where it has not been possible to obtain the text of a statement, its reported version has perforce been inserted. In the case of such statements made in India, preference has been given to versions published in the Indian press.

The first three chapters give the background of the issue and an account of how it developed into a dispute. Chapter IV contains documents relating to the early stages of the proceedings before the Security Council and text of resolutions then adopted by it. Then follow reports and correspondence of the Commission and Representatives appointed by the Security Council to help settle the question. Documents on Security Council proceedings of 1962 and 1964 are given in Chapter XIII. In Chapter XIV, the new element of China, India and Pakistan relationship, as it affects the Kashmir question, is reflected. Chapter XV is devoted to the process of what virtually amounts to Indian annexation of Kashmir. Chapter XVI, which is the last one, reproduces documents which concern the critical period during which was fought the war of September 1965 between India and Pakistan and which ended with the meeting at Tashkent in January 1966.

Credit is due to Miss Zubeida Hasan, Research Officer in the Pakistan Institute of International Affairs, for the pains which she took in assembling this volume. While the responsibility for the selection of documents is mine, it has been her task to arrange them in the pattern set for the book and to prepare an index for it. The Librarian of the Institute, Mr. Moinuddin Khan,



willingly cooperated. With his help, we were able to obtain material also from other libraries, in particular the Library of the United Nations Information Centre in Karachi. The Ministry of Foreign Affairs of the Government of Pakistan always acceded to our request whenever we asked for the official text of a document not otherwise obtainable. To all of them and to the secretarial staff of the Institute we convey our thanks. We are specially indebted to the Ministry of Education of the Government of Pakistan for giving us a grant-in-aid to facilitate the publication of this volume and others in this series.

**K. SARWAR HASAN**



# CONTENTS

	PAGES
INTRODUCTION ... ..	(i)
SOURCES ... ..	(xiii)
<b>I. THE ACCESSION OF INDIAN STATES</b>	
1. Memorandum on States' Treaties and Paramountcy presented by the Cabinet Mission to His Highness the Chancellor of the Chamber of Princes, 12 May 1946 ...	1
2. Proceedings of the Press Conference addressed by His Excellency the Viceroy, Lord Mountbatten, 4 June 1947	3
3. Indian Independence Act, 18 July 1947 ... ..	9
4. Address by His Excellency the Viceroy, Lord Mountbatten, to the Chamber of Princes, 25 July 1947 ...	11
5. Documents on the Accession of Junagadh ...	16
6. Documents on the Accession of Hyderabad ...	28
7. V. P. Menon on the Accession of Jodhpur ...	38
<b>II. KASHMIR, 1846-1947</b>	
1. Treaty between the East India Company and the State of Lahore, concluded at Lahore, 9 March 1846 ...	39
2. Treaty between the East India Company and Maharaja Gulab Singh of Jammu, concluded at Amritsar, 16 March 1846 ... ..	41
3. Resolution adopted by the All Jammu and Kashmir Muslim Conference, 19 July 1947 ... ..	42
4. Pakistan-Kashmir Standstill Agreement, August 1947	43
5. Telegrams exchanged between the Government of Jammu and Kashmir and the Government of India regarding a Standstill Agreement, August 1947 ...	43
6. Press Note issued by the Government of Jammu and Kashmir regarding disturbances in the State, 12 September 1947 ... ..	44
7. Statement of the Representative of Pakistan, Sir Mohammad Zafrulla Khan, on the violations by India of the Pakistan-Kashmir Standstill Agreement, September 1947 ... ..	44
8. Telegrams exchanged between the Government of Pakistan and the Government of Jammu and Kashmir regarding the disturbances in the State and the implementation of the Standstill Agreement, September-October 1947 ... ..	46
9. Statement of Sheikh Mohammad Abdullah in New Delhi, 21 October 1947 (Reported Version) ...	54

## III. THE DISPUTED ACCESSION OF KASHMIR TO INDIA, 1947

1.	Correspondence between the Government of India and the Maharaja of Jammu and Kashmir regarding the accession of the State to the Dominion of India, October 1947	55
2.	Instrument of Accession of Jammu and Kashmir, 26 October 1947	58
3.	Correspondence between the Government of India, the Government of Pakistan and the Government of the United Kingdom, October 1947	62
4.	Telegrams exchanged between the Governments of India and Pakistan, October 1947	66
5.	Broadcast by the Prime Minister of India, Mr. Jawaharlal Nehru, 2 November 1947	72
6.	Telegram of the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, to the Prime Minister of the United Kingdom, Mr. C. R. Attlee, 4 November 1947	75
7.	Broadcast by the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, 4 November 1947	78
8.	Telegrams exchanged between the Prime Minister of India, Mr. Jawaharlal Nehru, and the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, November 1947	81
9.	Statement by the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, 16 November 1947	86
10.	Telegrams exchanged between the Prime Minister of India, Mr. Jawaharlal Nehru, and the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, November 1947	89
11.	Telegram of the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, addressed to the Prime Minister of the United Kingdom, Mr. C. R. Attlee, 24 November 1947	94
12.	Interview given by the Naib-e-Salar-e-Aala, Muslim League National Guards, Major Khurshid Anver, 6 December 1947 (Reported Version)	96
13.	Telegrams exchanged between the Prime Minister of India, Mr. Jawaharlal Nehru, and the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, December 1947	96
14.	Correspondence between the Prime Minister of India, Mr. Jawaharlal Nehru, and the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, December 1947-January 1948	98

## IV. KASHMIR IN THE SECURITY COUNCIL, 1948

1. Letter of the Representative of India addressed to the President of the Security Council, 1 January 1948 (S/628) ... ..	107
2. Telegram of the President of the Security Council addressed to the Ministers of Foreign Affairs of India and Pakistan, 6 January 1948 (S/636) ... ..	114
3. Letter of the Minister of Foreign Affairs of Pakistan, Sir Mohammad Zafrulla Khan, addressed to the Secretary-General of the United Nations, 15 January 1948 (S/646 and Corr. 1) ... ..	114
4. Statement of the Representative of India, Mr. G. Ayyangar, in the Security Council, 15 January 1948...	136
5. Statement of the Representative of Pakistan, Sir Mohammad Zafrulla Khan, in the Security Council, 16 and 17 January 1948 ... ..	144
6. Resolution adopted by the Security Council, 17 January 1948 (S/651) ... ..	160
7. Resolution adopted by the Security Council, 20 January 1948 (S/654) ... ..	160
8. Draft resolution submitted to the Security Council, 6 February 1948 (S/667) ... ..	162
9. Resolution adopted by the Security Council, 21 April 1948 (S/726) ... ..	163
10. Letter of the Minister of Foreign Affairs of Pakistan, Sir Mohammad Zafrulla Khan, addressed to the President of the Security Council, 30 April 1948 (S/735) ...	168
11. Letter of the Representative of India addressed to the President of the Security Council, 7 May 1948 (S/734/Corr. 1) ... ..	171
12. Resolution adopted by the Security Council, 3 June 1948 (S/819) ... ..	171
13. Letter of the Representative of India addressed to the President of the Security Council, 5 June 1948 (S/825)	172
14. Letter of the President of the Security Council addressed to the Prime Minister of India, Mr. Jawaharlal Nehru, 9 June 1948 (S/AC.12/2) ... ..	173
15. Communication from the Pakistan Commander-in-Chief, General Sir Douglas E. Gracey, to the Government of Pakistan, 20 April 1948 ...	174

<b>V. THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN, 1948-49</b>		
1.	Letter of the President of the Azad Kashmir Government addressed to the Chairman of the UNCIP, 8 July 1948 (S/AC.12/Info. 3) ... ..	177
2.	Resolution adopted by the UNCIP, 13 August 1948 (S/1100, Para 75) ... ..	180
3.	Correspondence between the Chairman of the UNCIP and the Prime Minister of India, Mr. Jawaharlal Nehru, August 1948 ... ..	183
4.	Correspondence between the Chairman of the UNCIP and the Foreign Minister of Pakistan, Sir Mohammad Zafrulla Khan, August-September 1948 ... ..	187
5.	Communication from the Government of India addressed to the Representative of the UNCIP, 23 December 1948 ... ..	206
6.	Communication from the Government of Pakistan addressed to the Representative of the UNCIP, 25 December 1948 ... ..	209
7.	Resolution adopted by the UNCIP, 5 January 1949 (S/1196, Para 51) ... ..	212
8.	Press Communique issued by the UNCIP, 7 January 1949 ... ..	214
9.	Truce terms transmitted to the Governments of India and Pakistan by the UNCIP, 28 April 1949 (S/AC. 12/195) ... ..	215
10.	Letter of the Secretary-General, Ministry of External Affairs, Government of India, addressed to the Chairman of the UNCIP, in reply to the Truce Terms of 28 April 1949, 18 May 1949 (S/AC. 12/207) ... ..	218
11.	Letter of the Minister for Kashmir Affairs, Government of Pakistan, addressed to the Chairman of the UNCIP, in reply to the Truce Terms of 28 April 1949, 30 May 1949 (S/AC. 12/209) ... ..	220
12.	Agreement between the military representatives of India and Pakistan regarding the establishment of a cease-fire line in the State of Jammu and Kashmir, 27 July 1949 (S/AC. 12/TC. 4) ... ..	226
13.	Memorandum proposing Arbitration submitted by the UNCIP to the Governments of India and Pakistan, 26 August 1949 (S/AC. 12/251) ... ..	231
14.	Letter of the Minister for Kashmir Affairs, Government of Pakistan, addressed to the Chairman of the UNCIP agreeing to Arbitration, 7 September 1949 (S/AC. 12/261) ... ..	233

15.	Correspondence between the Secretary-General, Ministry of External Affairs, Government of India, and the Chairman of the UNCIP, resulting in the rejection by India of the Arbitration proposal, September 1949	233
<b>VI. THE McNAUGHTON PROPOSAL, 1949-50</b>		
1.	Proposals made by the President of the Security Council, General A. G. L. McNaughton, 22 December 1949	240
2.	Correspondence between the Representatives of India and Pakistan and General McNaughton, December 1949-January 1950	243
<b>VII. THE DIXON REPORT, 1950-51</b>		
1.	Resolution adopted by the Security Council, 14 March 1950 (S/1469)	249
2.	Report submitted by the United Nations Representative for India and Pakistan, Sir Owen Dixon, to the Security Council, 15 September 1950 (S/1791 incorporating S/1791/Add. 1)	251
3.	Statement of the Permanent Representative of India, Sir Benegal Rau, in the Security Council, 1 March 1951	279
4.	Statement of the Representative of Pakistan, Sir Mohammad Zafrulla Khan, in the Security Council, 6 March 1951	284
5.	Resolution adopted by the Security Council, 30 March 1951 (S/2017/Rev. 1)	289
<b>VIII. THE KASHMIR CONSTITUENT ASSEMBLY</b>		
1.	Statement of the Permanent Representative of India, Sir Benegal Rau, in the Security Council, 9 March 1951	293
2.	Statement of the Representative of the United Kingdom, Sir Gladwyn Jebb, in the Security Council, 21 March 1951	294
3.	Statement of the Permanent Representative of India, Sir Benegal Rau, in the Security Council, 29 March 1951	296
4.	Letter of the Minister of Foreign Affairs of Pakistan, Sir Mohammad Zafrulla Khan, addressed to the President of the Security Council, 4 May 1951 (S/2119)...	297
5.	Resolution adopted by the Security Council, 24 January 1957 (S/3779)	298

## IX. THE GRAHAM REPORTS, 1951-53

- |   |     |     |     |     |
|---|-----|-----|-----|-----|
| 1. Letter from the United Nations Representative for India and Pakistan, Mr. F. P. Graham, addressed to the Prime Minister of India, Mr. Jawaharlal Nehru, and the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, 7 September 1951 | ... | ... | ... | 300 |
| 2. Letter from the Prime Minister of India, Mr. Jawaharlal Nehru, addressed to the United Nations Representative for India and Pakistan, 11 September 1951  | ... |     |     | 303 |
| 3. Letter from the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, addressed to the United Nations Representative for India and Pakistan, 12 September 1951   | ... |     |     | 306 |
| 4. Resolution adopted by the Security Council, 10 November 1951 (S/2392)  | ... | ... | ... | 309 |
| 5. Resolution adopted by the Security Council, 23 December 1952 (S/2883)  | ... | ... | ... | 310 |
| 6. Revised draft proposals for an agreement on demilitarization presented by the United Nations Representative, Mr. F. P. Graham, to the Governments of India and Pakistan, December 1951-February 1953                               | ... | ... | ... | 312 |
| 7. Correspondence between the Governments of India and Pakistan and the United Nations Representative, Mr. F. P. Graham, February 1953...   | ... |     |     | 319 |

## X. NEGOTIATIONS BETWEEN INDIA AND PAKISTAN, 1951-54

- |   |     |     |     |     |
|---|-----|-----|-----|-----|
| 1. Note on the Commonwealth Prime Ministers' meeting on the Kashmir problem recorded by the Prime Minister of India, Mr. Jawaharlal Nehru, 16 January 1951  | ... |     |     | 323 |
| 2. Joint Press Note issued at the conclusion of the Indo-Pakistan Prime Ministers' Conference at Karachi, 28 July 1953  | ... | ... | ... | 327 |
| 3. Joint Press Communique issued at the conclusion of the Indo-Pakistan Prime Ministers' Conference at New Delhi, 20 August 1953  | ... | ... | ... | 328 |
| 4. Correspondence between the Prime Minister of India, Mr. Jawaharlal Nehru, and the Prime Minister of Pakistan, Mr. Mohammed Ali, regarding a regional plebiscite in Kashmir and the appointment of the Plebiscite Administrator, August-December 1953 | ... |     |     | 330 |
| 5. Correspondence between the Prime Minister of India, Mr. Jawaharlal Nehru, and the Prime Minister of Pakistan, Mr. Mohammed Ali, regarding military pacts and the Kashmir question, December 1953-September 1954                                      | ... | ... | ... | 344 |



	<b>PAGES</b>
<b>XI. THE JARRING REPORT, 1957</b>	
1. Draft resolution submitted to the Security Council, 14 February 1957 (S/3787) ... ..	361
2. Amendments to Document S/3787 as proposed by the Union of Soviet Socialist Republics, 15 February 1957 (S/3789) ... ..	362
3. Resolution adopted by the Security Council, 21 February 1957 (S/3793) ... ..	363
4. Report submitted by the President of the Security Council for the month of February 1957, Mr. Gunnar Jarring, to the President of the Security Council, 29 April 1957 (S/3821) ... ..	363
<b>XII. THE GRAHAM REPORT, 1958</b>	
1. Resolution adopted by the Security Council, 2 December 1957 (S/3922) ... ..	368
2. Report submitted by the United Nations Representative for India and Pakistan, Mr. F. P. Graham, to the President of the Security Council, 28 March 1958 (S/3984) ... ..	369
<b>XIII. SECURITY COUNCIL DEBATES, 1962, 1964</b>	
1. Draft resolution submitted to the Security Council, 22 June 1962 (S/5134) ... ..	375
2. Statement of the Permanent Representative of Pakistan, Sir Mohammad Zafrulla Khan, in the Security Council, 22 June 1962 ... ..	376
3. Statement of the Representative of India, Mr. Krishna Menon, in the Security Council, 22 June 1962 ... ..	379
4. Statement of the Representative of India, Mr. M. C. Chagla, in the Security Council, 5 February 1964 ... ..	381
5. Report of the President of the Security Council summing up the debate on the India-Pakistan Question, 18 May 1964 ... ..	382
<b>XIV. BOUNDARY AGREEMENT WITH CHINA AND NEGOTIATIONS WITH INDIA, 1962-63</b>	
<b>A. Sino-Pakistan Boundary Agreement</b>	
1. Boundary Agreement between the Governments of the People's Republic of China and Pakistan, 2 March 1963 ... ..	384
2. Letter of the Representative of India addressed to the President of the Security Council, 16 March 1963 (S/5263) ... ..	388

3.	Letter of the Permanent Representative of Pakistan, Sir Mohammad Zafrulla Khan, addressed to the President of the Security Council, 10 April 1963 (S/5280)	392
<b>B. <i>Negotiations between India and Pakistan</i></b>		
4.	Ayub-Nehru Joint Communique, 29 November 1962	397
5.	Joint Communiqués issued during the Indo-Pakistan Ministerial talks on Kashmir, December 1962-May 1963	397
6.	Statement of the Pakistan Minister of Foreign Affairs, Mr. Zulfikar Ali Bhutto, in the National Assembly, on the Indo-Pakistan Ministerial talks on Kashmir, 17 July 1963	399
7.	Statement of the Prime Minister of India, Mr. Jawaharlal Nehru, in the Lok Sabha, on the Indo-Pakistan Ministerial talks on Kashmir, 13 August 1963	401
<b>XV. THE PROCESS OF INDIAN ANNEXATION OF KASHMIR, 1949-65</b>		
1.	Letter of the Minister for Kashmir Affairs, Government of Pakistan, addressed to the Chairman of the UNCIP, 11 June 1949 (S/AC. 12/213)	405
2.	Article 370 of the Constitution of India defining the status of the State of Jammu and Kashmir	408
3.	Statement of the Acting Minister for External Affairs, Government of India, Mr. N. G. Ayyangar, in the Indian Constituent Assembly, 17 October 1949 (Reported Version)	409
4.	Agreement between the Government of Indian-occupied Jammu and Kashmir and the Government of India concluded in New Delhi, 24 July 1952	412
5.	Minutes of the Final Session of the Committee appointed by the National Conference Working Committee, 9 June 1953	415
6.	Statements of the Prime Minister of Indian-occupied Kashmir, Sheikh Mohammad Abdullah, June-August 1953	416
7.	Letter of the Permanent Representative of India addressed to the President of the Security Council, 21 August 1957 (S/3869)	418
8.	Letter of the Permanent Representative of Pakistan addressed to the President of the Security Council, 3 October 1957 (S/3896)	420
9.	Statement of Sheikh Mohammad Abdullah issued simultaneously in New Delhi and Srinagar, 17 February 1958	421

	<b>PAGES</b>
10. Letter of the Minister of Foreign Affairs of Pakistan, Mr. Zulfikar Ali Bhutto, to the President of the Security Council, 16 January 1964 (S/5517) ... ..	427
11. Statement of the former Prime Minister of Indian-occupied Jammu and Kashmir, Bakhshi Ghulam Mohammad, 3 February 1964 ... ..	431
12. Statements of Sheikh Mohammad Abdullah, April 1964 (Reported Version) ... ..	432
13. Proclamation issued by the Revolutionary Council of Kashmir, 10 August 1965 ... ..	434
 <b>XVI. KASHMIR, 1965-66</b>	
1. Correspondence between the Secretary-General of the United Nations, U Thant, and President Mohammad Ayub Khan of Pakistan, September 1965 ... ..	437
2. Report submitted by the Secretary-General, U Thant, to the Security Council on the situation in Kashmir, 3 September 1965 (S/6651) ... ..	446
3. Resolution adopted by the Security Council, 4 September 1965 (S/6661) ... ..	450
4. Resolution adopted by the Security Council, 6 September 1965 [S/Res/210 (1965)] ... ..	450
5. Correspondence between the Secretary-General, U Thant, Prime Minister Lal Bahadur Shastri of India, and President Mohammad Ayub Khan of Pakistan, September 1965 ... ..	451
6. Note of the Chinese Ministry of Foreign Affairs addressed to the Indian Embassy in Peking, 16 September 1965 (S/6692) ... ..	459
7. Documents on the cease-fire resolution of the Security Council, September 1965 ... ..	461
8. Documents pertaining to the cease-fire violations, September-November 1965 ... ..	463
9. Documents pertaining to the Tashkent Declaration, September 1965-February 1966 ... ..	467
INDEX ... ..	477

## SOURCES

- Bhutto, Zulfikar Ali, *Foreign Policy of Pakistan*, Karachi: Pakistan Institute of International Affairs, 1964.
- Command Papers, London: H.M.S.O. (Cmd.).
- Dawn*, Karachi
- Foreign Affairs*, New York: Council on Foreign Relations.
- Foreign Affairs Record*, New Delhi: Government of India, Ministry of External Affairs.
- Hyderabad's Relations with the Dominion of India*, 2 Volumes, Hyderabad: Government of Hyderabad.
- Indian Express*, Madras.
- Kashmir Documents, (17 January 1948-30 March 1951)*, Rawalpindi: Government of Pakistan, Ministry of Kashmir Affairs, n.d.
- Keesing's Contemporary Archives*, Bristol: Keesing's Publications Limited (of London).
- Khan, Sardar M. Ibrahim, *The Kashmir Saga*, Lahore: Ripon Printing Press, 1965.
- Lakhanpal, P. L., *Essential Documents and Notes on Kashmir Dispute, (Sic.)* New Delhi: International Publications, 1958.
- Menon, V. P., *The Story of the Integration of the Indian States*, Calcutta, Bombay, Madras: Orient Longman's Ltd., 1956.
- Mountbatten of Burma (The Earl), *Time Only to Look Forward*, London: Nicholas Kaye, 1949.
- Negotiations Between the Prime Ministers of Pakistan and India regarding the Kashmir Dispute, (June 1953-September 1954)*, Rawalpindi: Government of Pakistan, Ministry of Kashmir Affairs, n.d.
- Noorani, A. G., *The Kashmir Question*, Bombay: Manaktalas, 1964.
- Pakistan Horizon*, Karachi: Pakistan Institute of International Affairs.
- The Pakistan Times*, Lahore.
- Panikkar, K. M., *The Founding of the Kashmir State*, London: George Allen and Unwin, 1953.
- The Statesman*, New Delhi.
- Tashkent Declaration*, Karachi: Government of Pakistan, Ministry of Information and Broadcasting, March 1966
- United Nations General Assembly Official Records (G.A.O.R.)
- United Nations Press Releases.
- United Nations Security Council Official Records (S.C.O.R.)
- White Paper on Jammu and Kashmir*, New Delhi: Government of India, n.d.

## I. THE ACCESSION OF INDIAN STATES

### 1. MEMORANDUM ON STATES' TREATIES AND PARAMOUNTCY PRESENTED BY THE CABINET MISSION TO HIS HIGHNESS THE CHANCELLOR OF THE CHAMBER OF PRINCES, 12 MAY 1946<sup>1</sup>

Prior to the recent statement of the British Prime Minister in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that if the succession Government or Governments in British India desire independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

2. During the interim period, which must elapse before the coming into operation of a new constitutional structure under which British India will be independent or fully self-governing,

<sup>1</sup> Cmd. 6835.

paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

3. In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new constitutional structure for India, and His Majesty's Government have been informed by the Indian States that they desire, in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions.

4. During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can should it be so desired.

5. When a new fully self-governing or independent Government or Governments come into being in British India, His

Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount Power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

The following explanatory note was issued by the Cabinet Mission in New Delhi on the date of publication (22 May 1946): "The Cabinet Delegation desire to make it clear that the document issued today entitled "Memorandum on States' Treaties and Paramountcy presented by the Cabinet Delegation to His Highness the Chancellor of the Chamber of Princes" was drawn up before the Mission began its discussions with party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words "succession Government or Governments of British India", an expression which would not of course have been used after the issue of the Delegation's recent statement."

## 2. PROCEEDINGS OF THE PRESS CONFERENCE ADDRESSED BY HIS EXCELLENCY THE VICEROY, LORD MOUNTBATTEN, 4 JUNE 1947<sup>1</sup>

*Q.* Reference the Indian States, in view of the fact that there are two Constituent Assemblies likely to come into existence, is it open to any of the Indian States to choose to come into either or into neither if they wish to remain units of the British Commonwealth?

<sup>1</sup> Mountbatten, *Time Only to Look Forward*, pp. 26-43.

*A.* The answer is that the policy about the Indian States is contained in Paragraph 18. That is to say, that the policy of His Majesty's Government remains unchanged and that policy has been made clear in the declaration of 12 May 1946, and if you read that memorandum you will see that by the time the date comes to transfer power, it will be my duty to hand back paramountcy to each of the States. After that the States are free agents to enter either Constituent Assembly or make such other arrangements as they deem necessary.

I think you also asked me whether they could enter the Commonwealth separately as Dominions. The answer is that they cannot, as Dominions. If you ask me whether they can have any relations with the Commonwealth apart from that, that is a hypothetical question, which has not yet arisen. If it does I will have to refer it to His Majesty's Government.

*Q.* May I be permitted to ask another question? If any of the Indian States claims to have taken back paramountcy from the quitting British Power and wants to enter into a separate treaty with His Majesty's Government, would His Majesty's Government be prepared to enter into a treaty with that Indian State either from an economic or military point of view?

*A.* As far as I know this question has not arisen. If an Indian State were to come to me with such a request, I should refer it to His Majesty's Government. I have already answered the question whether they would be given Dominion Status: but this is a hypothetical question. If you ask me further details I really cannot answer. I have not had enough time to think about everything.

*Q.* The political unity of India was ensured by paramountcy. So far as economic integrity was concerned, there are hundreds of agreements between British India and Indian States. And I take it when paramountcy goes, the Indian States will be free and independent to join any one Constituent Assembly. There are hundreds of agreements between British India and Indian States regarding the railways, postal services, coinage, etc., and they ensure the economic integrity of India. Are those agreements to remain intact in respect of paramountcy's dissolution or are they to be dissolved when paramountcy dissolves itself?

*A.* So far as I know those agreements will in any case be



subject to a standstill basis while this is being discussed. I am not a lawyer and I am afraid I do not know the legal terms in which those contracts were drawn up. But if legal authority declares that those contracts are drawn up in terms which make them valid after the handing back of paramountcy, of course they will be in force. If someone says they are invalid then they can continue on a standstill basis until fresh agreements are negotiated.

*Q.* Your Excellency in reply to my question said in regard to the Frontier you could not conceive of a few million people trying to separate into an independent State. According to Paragraph 18, the Indian States, at least some of them, have perhaps an area of fifty square miles and they will become independent overnight. Has Your Excellency also foreseen this, where we could prevent balkanisation of a very bad form in those areas which become independent overnight, when in fact these areas are much less than the areas on the Frontier where you will not allow a referendum on the independence issue?

*A.* That was an expression of opinion. So far as I am concerned, the Frontier can be independent as soon as the leaders of the two parties say so.

*Q.* Has Your Excellency seen to it that there is no balkanisation, which will be of the worst form if the Indian States as such become independent without any machinery whereby they can coordinate their allegiance to one section or the other?

*A.* The answer is two-fold. In the first place the decision about the States was taken a year before I came out. There is a vast difference between the legal status of British India and the Indian States. British India is territory over which His Majesty's Government has the complete right to negotiate on behalf of all, and the principle there is to do exactly what the leaders of the communities in those territories want. The Indian States have never been British territory. They have been independent States in treaty relations with the British. Are you suggesting that we, as our last act, should tear up those treaties and say we are going to compel them to join this or that new Constituent Assembly? And how are we going to enforce it? I may say in all sincerity we can only do what it is legally possible to do. The Indian States must be perfectly aware where their

interests lie. I, as Crown Representative, during the few months when I am exercising paramountcy on behalf of the King will do everything in my power to facilitate agreement and bring them together or negotiate standstill agreements.

I am going to do what I can. I cannot go back on a pledge given and based on treaties entered into many years ago.

*Q.* If Your Excellency would refer to the 1935 Act, you will appreciate my question whether under that Act a place could not be found for the Indian States legally to come in. I agree that later on they might become independent or certain other arrangements can be arrived at. But during the period in which British India will be under the Act of 1935 cannot a place be found for the States under the Act?

*Mr. Menon:* Under the 1935 Act, the Government of India negotiated with the States whether they would come in under a particular group of States. Under the revised Act what is the procedure to be adopted is a matter for decision between His Excellency and the British Indian leaders but the point which you are mentioning will certainly be borne in mind.

*Q.* The principle of non-interference in the affairs of States will mean that it is the intention of His Majesty's Government to leave many types of governments in India when they quit. For example there may be Osmania raj in one place, Dogra raj in another, democracy in a third and autocracy in a fourth and so on and so forth.

*A.* So far as I am aware the government of the Indian States has been progressing and has progressed more rapidly during the last year than at any other time in their history. I am not quite clear whether you suggest that in the last two or three months of my stay here I should use my paramountcy to impose what must be the will of the British very heavily on the States. I do not think it would be right. Even if in one or two instances it might be right, I do not think myself that it is desirable. I really think that we must stand by the Cabinet Mission's statement of 12 May which I think if you read carefully you will find has not given me the right to do what you suggest.

*Q.* It keeps us absolutely in the dark. We do not know on what basis the negotiations between the Princes and His Majesty's Government are to be carried on. The people are not to be con-

sulted nor any publication is to be made of what transpires at all.

*A.* There is going to be no negotiation between His Majesty's Government and the States. When we go, we hand back paramountcy, and in the process we offer our services in helping the Princes to make the necessary contacts with the Government of India and with the Constituent Assemblies to come to an agreement. But we are not actually going to enter into any fresh agreements. We are getting out of all our commitments. In this process of quitting power in India we must try and quit in as legal and correct manner as possible and that is the position. I would put it to you and it is my belief that I have great faith in the future of the whole of India. I believe that ultimately commonsense will prevail. That is what I feel. This is my sincere belief, for I do not think that there is "no hope".

*Q.* When you withdraw paramountcy, would you regard sovereignty as thereafter being vested with the Princes or the people of the States, because there is the British Labour Party in power?

*A.* It is no question of parties in power. It is a question with whom the treaties were made. This is a matter for lawyers. I must know exactly what the legal position is. Please remember that treaties if they are going to be honoured must be honoured in the letter.

*Q.* In view of the fact that speed is the very essence of the plan how are the Princes assisted to come to a favourable decision in favour of joining one or the other Constituent Assembly?

*A.* I had arranged to see the representatives of the Princes five hours after the decision had been arrived at with the leaders, at which I told them what the plan was and I offered my services and the services of the Political Department to speed up all the negotiations that can be taken in hand. Then I put it into their heads that they should work on a basis of standstill agreements. I do not think much more is possible in a few hours.

*Q.* You are aware that some of the States have joined the Constituent Assembly. What will be their position after this statement of His Majesty's Government, will they be free to join either Constituent Assembly, will they be allowed to do so?

*A.* The States are at liberty to send their duly qualified representatives to the existing Constituent Assembly or if they so

desire to the other Constituent Assembly if formed. If they are already in the existing Constituent Assembly they have come into it to take part in the work of framing the constitution. In passing I would refer to the *Hindustan Times* report today on the question whether the Legislative Assembly or the Constituent Assembly would be the body to deal with this matter. In my opinion it can only be the Constituent Assembly. The Legislative Assembly contains European Members whereas the position will not be so in the Constituent Assemblies. The weightage will be in exact proportion to the populations of the territories which form the two States. It automatically provides the same amount of representation for such States as join the Constituent Assemblies. So, I assume that the two Constituent Assemblies will deal with this—I say I assume because these things have still got to be considered.

*Q.* Will the representatives of the States participate in legislation?

*A.* If they so wish. When the Constituent Assembly functions as a legislative body the States' representatives will certainly legislate because they will by that time have made their decision about coming in.

*Q.* Do you think that your advice can be so freely taken? Is there no stronger factor as for instance geographical proximity? If Kashmir wants to join the Hindustan Constituent Assembly, it cannot do so; similarly, if Hyderabad wants to join the Pakistan Constituent Assembly it cannot do it.

*A.* I did not say it cannot do it. I said they are absolutely free to choose. But once more I must say it is a matter for the whole of the Indian authorities to tackle. If they feel that a particular State is better with a certain Constituent Assembly in spite of geographical disadvantages it is for them to decide. I said that normally geographical situation and communal interests and so forth will be the factors to be considered. I am not trying to prejudge.

*Q.* Will paramountcy cease with the complete withdrawal of the British?

*A.* Paramountcy will recede not later than the day on which Dominion Status is given to the two States. Every Resident and Political Agent will be removed.

**Q.** Will you kindly let us know what is proposed to be done about the Political Department's records?

**A.** I think the records are of considerable significance and interest. I will have to consult the States and the leaders; I cannot take a unilateral decision. I think it is up to the Department concerned.

**3. INDIAN INDEPENDENCE ACT, 18 JULY 1947 (10 & 11 Geo. 6, Ch. 30)**

An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.—(1)** As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

**(2)** The said Dominions are hereafter in this Act referred to as 'the new Dominions', and the said fifteenth day of August is hereafter in this Act referred to as 'the appointed day'.

**2.—(1)** Subject to the provisions of subsections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

**(2)** Subject to the provisions of subsections (3) and (4) of this section, the territories of Pakistan shall be—

**(a)** the territories which, on the appointed day, are included in the provinces of East Bengal and West Punjab, as constituted under the two following sections;

**(b)** the territories which, at the date of the passing of this Act, are included in the province of Sind and the Chief Commissioner's province of British Baluchistan; and

**(c)** if, whether before or after the passing of this Act but

before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North-West Frontier Province are in favour of representatives of that province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that province.

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so however, that—

(a) no area not forming part of the territories specified in subsection (1) or, as the case may be, subsection (2), of this section shall be included in either Dominion without the consent of that Dominion; and

(b) no area which forms part of the territories specified in the said subsection (1) or, as the case may be, the said subsection (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

(4) Without prejudice to the generality of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.

\* \* \* \* \*

7. (1) As from the appointed day—

(a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the Rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the Rulers thereof, and all powers,

rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and

- (c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this subsection, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

#### 4. ADDRESS BY HIS EXCELLENCY THE VICEROY, LORD MOUNT-BATTEN, TO THE CHAMBER OF PRINCES, 25 JULY 1947<sup>1</sup>

It is a great pleasure and a great privilege for me to address so many Rulers, Dewans and Representatives of the States of India in this historic Chamber of Princes. It is the first and the last occasion that I have the privilege of addressing you as Crown Representative.

I would like to begin by giving you a very brief history of the negotiations I have conducted since I have been out here and the line that I have taken up about the States.

There were two distinct problems that faced me. The first was how to transfer power to British India and the second how to fit the Indian States into the picture in a manner which would be fair and just to all concerned.

I dealt first with the problem of British India, because you will realise that until that problem was solved it was quite use-

<sup>1</sup> Mountbatten, *Time Only to Look Forward*, pp. 51-6.

less to try to start on a solution of the problem of the States. So I addressed my mind to the former.

There had been universal acceptance among the States of the Cabinet Mission's Memorandum of 12 May and when the political parties accepted the statement of 3 June they fully realised and accepted that withdrawal of paramountcy would enable the States to regain complete sovereignty. That gave me a starting point from which to try and deal fairly with the States.

But before I got down to dealing with the States there was one other thing that I clearly had to do. I had to address myself to the problem of the mechanics of partition—a plan against my personal desires. As you all know, it took three years to separate Burma from India, in spite of the fact (as I can testify, as also His Highness of Bundi and others who fought in Burma) that there are no roads running between India and Burma. Nevertheless, it took three years to arrange that partition. It took two years to separate the province of Sind from Bombay. It took two years to separate the province of Orissa from Bihar. Gentlemen, we decided that in less than two-and-a-half months we shall have to go through the partitioning of one of the biggest countries in the world with 400 million inhabitants. There was a reason for the speed. I was quite certain that while the British overlordship remained no satisfactory conclusions could be reached psychologically between the parties. So once we got the two Governments set up and separated, they would be able to try and finish off the details in an atmosphere of goodwill.

Now, the Indian Independence Act releases the States from all their obligations to the Crown. The States will have complete freedom—technically and legally they become independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. But there has grown up during the period of British administration, owing to the fact that the Crown Representative and the Viceroy are one and the same person, a system of coordinated administration on all matters of common concern which meant that the subcontinent of India acted as an economic entity. That link is now to be broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first—the bigger the State the less the hurt and the longer it



will take to feel it—but even the biggest of the States will feel the hurt just the same as any small State.

The first step was to set up some machinery by which it was possible to put the two future Governments of India—the Dominions of India and Pakistan—into direct touch with the States. So I conceived the scheme of setting up two States Departments within the future Governments. Please note that these States Departments are not the successors of the Political Department. They have been set up simultaneously and side by side. While the Political Department exercised functions relating to paramountcy on behalf of the Crown Representative, the States Departments are to take over those subjects gradually which have nothing to do with paramountcy but which will be concerned with relations with neighbouring States and also provide the machinery to negotiate in such matters. In India the States Department is under the admirable guidance of Sardar Vallabhbhai Patel with my own Reforms Commissioner, Mr. V. P. Menon, as Secretary. In Pakistan the Department is under Sardar Abdur Rab Nishtar with Mr. Ikramullah as the Secretary.

It was necessary to set up two States Departments, one in each Government because the States are theoretically free to link their future with whichever Dominion they may care. But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. The problem therefore is of far greater magnitude with the Dominion of India than it is with Pakistan. In the case of Pakistan the States, although important, are not so numerous, and Mr. Jinnah, the future Governor-General of Pakistan, is prepared to negotiate the case of each State separately and individually. But in the case of India where the overwhelming majority of the States are involved, clearly separate negotiation with each State is out of question.

The first step that I took was to suggest that in the Bill before Parliament—the Indian Independence Act—a clause should be put in which would enable certain essential agreements to continue until renounced by either side. That was only done to ensure that there should be some continuity if in the short time available

it was not possible to get the agreement through with every State representative. It does not replace the need for Standstill Agreements; it gives a very slight breathing space.

Now, I think it is no exaggeration to say that most Rulers and Dewans were apprehensive as to what their future would be when paramountcy lapsed. At one time it appeared that unless they joined the Constituent Assembly and accepted the constitution when it was framed, they would be outside the organisation and left in a position which, I submit, no State could view with equanimity—left out and having no satisfactory relations or contacts with either Dominion Government. You can imagine how relieved I was, and I am sure you will yourselves have been equally relieved, when Sardar Vallabhbhai Patel on taking over the States Department made, if I may say so, a most statesman-like statement of what he considered were the essentials towards agreement between the States and the Dominion of India.

Let us turn for one moment to the Cabinet Mission Plan of 16 May 1946. In this plan the proposal was that the States should surrender to the Central Government three subjects—defence, external affairs and communications. That was a plan which, to the best of my belief, every Ruler and every State accepted as reasonable, fair and just. I talked with so many Rulers and everyone felt that defence was a matter that a State could not conduct for itself. I am not talking of internal security but of defence against external aggression. I submit, that if you do not link up with one or the other of the Dominions, you may be cut off from any source of supplies of up-to-date arms or weapons.

“External affairs” is inextricably linked up with defence. “External affairs” is something again which is outside the boundaries of India in which not even the greatest State can operate effectively. You can hardly want to go to the expense of having ambassadors or ministers or consuls in all foreign countries; surely you want to be able to use those of India or Pakistan. Once more I suggest that “external affairs” is something that you have not dealt with since the formation of the East India Company. It would be difficult to operate and will also be a source of embarrassment for you to have to take it up and it can only be managed by those who manage the defence of the country. I submit that if you take it up it will be a liability and

not an asset.

The third subject is communications. "Communications" is really a means of maintaining the life-blood of the whole subcontinent. I imagine everybody agrees that the life of the country has got to go on. The continuity of communications is already provided for to a certain extent in the Indian Independence Act; and most of the representatives here have come to discuss it as item 2 on the agenda.

Therefore I am sure you will agree that these three subjects have got to be handled for you for your convenience and advantage by a larger organisation. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or encroach in other ways on their sovereignty. If I am right in this assumption, at any rate so far as some Princes are concerned, I think I can dispel their apprehensions and misgivings. The Draft Instrument of Accession which I have caused to be circulated as a basis for discussion (and not for publication) to the representatives of the States provides that the States accede to the appropriate Dominion on the three subjects only without any financial liability. Further, that Instrument contains an explicit provision that in no other matters has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States. This would, in my view, be a tremendous achievement for the States. But I must make it clear that I have still to persuade the Government of India to accept it. If all of you will cooperate with me and are ready to accede, I am confident that I can succeed in my efforts. Remember that the day of the transfer of power is very close at hand and, if you are prepared to come, you must come before 15 August. I have no doubt that this is in the best interests of the States, and every wise Ruler and wise Government would desire to link up with the great Dominion of India on a basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over external affairs, defence and communications.

The whole country is passing through a critical period. I am not asking any State to make any intolerable sacrifice of either

its internal autonomy or independence. My scheme leaves you with all the practical independence that you can possibly use and makes you free of all those subjects which you cannot possibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you can run away from the subjects for whose welfare you are responsible. Whatever may be your decision, I hope you feel that I have at least done my duty by the States.

#### 5. DOCUMENTS ON THE ACCESSION OF JUNAGADH<sup>1</sup>

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 12 September 1947<sup>2</sup>*

\* \* \* \* \*

It has all along been understood that a State is free to accede to either of the two Dominions; but the choice of a State in regard to accession must, in our opinion, necessarily be made with due regard to its geographical contiguity.

\* \* \* \* \*

The Dominion of India would be prepared to accept any democratic test in respect of the accession of Junagadh State to either of the two Dominions. They would accordingly be willing to abide by a verdict of its people in this matter, ascertained under joint supervision of the Dominion of India and Junagadh....

*Letter of the Prime Minister of Junagadh addressed to the Prime Minister of Pakistan, 16 September 1947<sup>3</sup>*

As I had mentioned in my former letter, our supplies are being cut off. Such supplies, including food and petrol consigned to Jamnagar and other ports for transmission to Junagadh, have been withheld. Communications are being threatened on all sides. Postal and telegraph services will stop and, even otherwise, hostility of staff makes delivery of letters and messages unsatisfactory. A bi-weekly air service we had with Karachi has been ordered to be discontinued from Friday, 19 September.

<sup>1</sup> S.C.O.R., 3rd Yr., Nos. 16-35, 241st-260th Mtgs. and Nos. 36-51, 261st-276th Mtgs.

<sup>2</sup> *Ibid.*, 250th Mtg., 18 February 1948, pp. 190-1.

<sup>3</sup> *Ibid.*, p. 191.

We have no wireless; neither is there any regular sea communication yet between Veraval and Karachi.

*Telegram of the Governor-General of India addressed to the Governor-General of Pakistan, 22 September 1947<sup>1</sup>*

Pakistan Government have neither acknowledged receipt of our message nor replied to this and our previous dispatches on the subject. Instead Pakistan Government have unilaterally proceeded to action which it was made plain Government of India could never and do not acquiesce in. Such acceptance of accession by Pakistan cannot but be regarded by Government of India as an encroachment of India's sovereignty and territory and inconsistent with friendly relations that should exist between the two Dominions. This action of Pakistan is considered by Government of India to be a clear attempt to cause disruption in integrity of India by extending influence and boundaries of Dominion of Pakistan in utter violation of principles on which partition was agreed upon and effected. In these circumstances, I hope that it will be possible for you to prevail upon Government of Pakistan to reconsider their attitude as to accession of Junagadh, but if matter is not reconsidered, responsibility for consequences must, I am compelled to inform you, rest squarely on shoulders of the Pakistan Government. The Government of India are however still prepared to accept the verdict of people of Junagadh in the matter of accession, the plebiscite being carried out under joint supervision of India and Junagadh Governments.<sup>2</sup>

\* \* \* \* \*

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of India, 25 September 1947<sup>3</sup>*

The division of British India agreed upon between the Congress

<sup>1</sup> *Ibid.*, p. 193.

<sup>2</sup> After reading this telegram to the Security Council, Zafrulla Khan observed: "The Security Council will have noted with interest that the question of the plebiscite, so far as Junagadh is concerned, is proposed by the Indian Dominion to be disposed of jointly between the Indian Dominion and the Junagadh State, whereas with regard to Kashmir, even a neutral administration is not acceptable to India, though if the same principle were applied there, the plebiscite ought to be carried on jointly between the Pakistan Government and the Maharaja."

<sup>3</sup> S.C.O.R., 3rd Yr., Nos. 16-35, 250th Mtg., 18 February 1948, p. 194.

and the Muslim League has nothing whatever to do with this, as the question of States was dealt with quite separately and stands on a different footing. In these circumstances, you will agree that Junagadh, like any other State, was entitled and free to join Pakistan, and has done so.

We are really astonished at the view expressed by you which contains a threat to the Dominion of Pakistan that 'such acceptance of accession by Pakistan cannot but be regarded by Government of India as an encroachment on India's sovereignty and territory and inconsistent with friendly relations that should exist between the two Dominions.' Indian Dominion has no rights of sovereignty, territorial or otherwise, over Junagadh. We entirely fail to understand how accession of Junagadh to Pakistan can be regarded as an encroachment upon India's sovereignty and as inconsistent with friendly relations between the two Dominions.

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 5 October 1947<sup>1</sup>*

We regret that we cannot accept either your arguments or your conclusions regarding accession of Junagadh to Pakistan.

\* \* \* \* \*

As regards 'Provisional Government' of Junagadh, we wholly deny the suggestion that it has been set up or encouraged by the Government of India or any authority subordinate to them. This 'Provisional Government' appears to be the spontaneous expression of popular resentment against Junagadh's accession and the proper way to deal with it is to have a referendum as we have repeatedly suggested.

\* \* \* \* \*

The request of Pakistan Government that we should arrange immediately for retrocession of jurisdiction over railways within Junagadh State to authorities of that State and for immediate issue of instructions handing over Junagadh posts and telegraph system to Pakistan authorities prejudices the whole issue of the validity of the accession of Junagadh to Pakistan.

\* \* \* \* \*

<sup>1</sup> *Ibid.*, p. 197.

*Letters of Sir Chimanlal H. Setalvad addressed to the Editor, Times of India, 3 October and 3 November 1947<sup>1</sup>*

(a) Many of those who are enthusing over the activities of the so-called 'Provisional Government' of Junagadh do not seem to realize the dangerous consequences that are likely to follow from what is happening. The Junagadh Government has acted unwisely in acceding to Pakistan, ignoring geographical considerations and the wishes of its subjects, but that affords no justification for what is being done.

The 'Provisional Government' was formed and functioned for some days in Bombay with the avowed object of overthrowing by force the established Government in Junagadh. The Government of Bombay was, I venture to say, bound not to allow the 'Provisional Government' to start its hostile activities against a State which is at peace with the Government of Bombay and with the Government of India, who are at peace with Pakistan to which Junagadh had acceded. Their permitting this to be done amounts to an unfriendly and hostile act against Junagadh and Pakistan.

The Government of India should not have allowed passage over its railways to a body proceeding to Rajkot with the proclaimed object of raising a volunteer army to overthrow the establishment of Junagadh.

The Government of Rajkot should not have given asylum to a body that was raising an army to overthrow the Junagadh Government.

It is most surprising that the Government of Rajkot should have tolerated the seizure by force of Junagadh State property within its territory.

Legally and constitutionally, the Governments of Bombay and India and those of the Kathiawar States are bound to stop and prohibit all activities within their territories of the 'Provisional Government'. The consequences of their inaction would be very serious.

(b) The appeal made by you in your leader this morning for reason and common-sense is very opportune. Recent unfortunate events have so frayed the nerves of those in the

<sup>1</sup> *Ibid.*, 244th Mtg., 11 February 1948, pp. 102-4.

Governments of the two Dominions that indulgence in charges and counter-charges and attributing motives has become the order of the day and has widened the gulf between the two Dominions.

It is hoped for the welfare of the whole country that reason and common-sense will take the place of the present temper on both sides. Pandit Nehru in his broadcast has rightly asked the Pakistan Government how and why the invaders of Kashmir came across the Frontier Province or West Punjab, and how they came to be fully armed. He charges the Pakistan Government with violation of international law and an unfriendly act towards India. He alleges that the Pakistan Government was either too weak to prevent the invaders of Kashmir from marching across its territory or that it was willing that this should happen.

Exactly the same poser can be put to the Indian Dominion with regard to Junagadh. The so-called 'Provisional Government' of Junagadh was openly formed in Bombay, and for days it proclaimed its intention of marching to Junagadh to overthrow the Junagadh Government as by law established. The leaders of that 'Provisional Government' have openly raised a volunteer army and have captured several villages in Junagadh territory. Junagadh House in Rajkot was forcibly seized by the 'Provisional Government', and Rajkot State, which has acceded to India, and the Indian Government themselves have remained passive spectators of all unfriendly and hostile acts against a State which is, together with the Dominion to which it has acceded, at peace with India.

Undoubtedly, Junagadh's action in acceding to Pakistan is unwise from all points of view and deserves condemnation, but that cannot justify the action that has been taken against it. The Indian Dominion may well be asked the self-same questions that Pandit Nehru has put to Pakistan. Was the Government of India too weak to prevent the armies of the 'Provisional Government' from invading Junagadh territory, or was it willing that this should happen.



*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 7 October 1947<sup>1</sup>*

\* \* \* \* \*

In our opinion it is essential to reach a settlement of this fundamental issue first. We are glad that you are agreeable to our discussing conditions and circumstances under which a plebiscite or a referendum should be held to ascertain the wishes of the people. Once this is settled in Junagadh, it would be comparatively an easy matter to dispose of the subsidiary issues of Mangrol and Babriawad.

*Telegram of the Pakistan Foreign Office addressed to the Indian Foreign Office, 21 October 1947<sup>2</sup>*

Recent reports from Junagadh show that Indian troops are still being moved about in Junagadh territory over Junagadh railways, causing a great deal of panic among peaceful population. It is further reported that India is increasing strength of Dominion police forces on railway stations within Junagadh territory, causing serious embarrassment to administration. This is clearly contrary to your promises and subsequent assurances that your forces will not seek passage through Junagadh territory. Our request that the administration of all the communications in Junagadh should now be transferred to Pakistan has not been heeded. . . .

\* \* \* \* \*

*Telegram of the Pakistan Foreign Office addressed to the Indian Foreign Office, 23 October 1947<sup>3</sup>*

The position is summed up by you in regard to a plebiscite or referendum in Junagadh appears to be due to misunderstanding. Our position was and still is that we are prepared to discuss conditions and circumstances in which a plebiscite or referendum should be held in any State or States. You must have no doubt realized that Junagadh is not the only State regarding which this question arises, and that is why we advisedly said "any State or States". We suggest therefore that Menon should come to Karachi for a preliminary discussion with Ikramullah, Secretary Ministry of Foreign Affairs and States,

<sup>1</sup> *Ibid.*, 250th Mtg., 18 February 1948, p. 198.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, pp. 198-9.

to be followed subsequently, if necessary, by a discussion at Cabinet level.

\* \* \* \* \*

...If the press reports are to be believed, you have put in a whole brigade in Kathiawar and round about Junagadh. It may interest you to know that we have not sent a single soldier. A peaceful settlement is possible only if you give up your present aggressive attitude and withdraw your forces from the territories in question, in order to restore the state of affairs which prevailed when Junagadh acceded to Pakistan.

*Telegram of the Prime Minister of Junagadh addressed to the Prime Minister of Pakistan, 26 October 1947<sup>1</sup>*

Further my telegram 25th. Forces belonging to 'Provisional Government', 150 men equipped with modern arms, entered five more villages in Bhesan Mahal main Junagadh territory, and another party of equal strength pushing against Dilawargadh outpost. Whole force comprises Sikhs, Gurkhas, or INA\* men secretly helped by Indian Union.

*Telegram of the Prime Minister of Junagadh addressed to the Prime Minister of Pakistan, 27 October 1947<sup>2</sup>*

Groups of trained soldiers in khaki, based in Indian Dominion, have raided fifteen villages, Regional Commissioner Rajkot denied that they are Indian Union forces, but evidence shows they are Indian troops under command of volunteers of 'Provisional Government' who, on occupation of our territories, proclaim establishment of new raj. In Bhesan Mahal one village police was killed, another injured, and women raped. All State police of occupied parts disarmed, taken prisoners, and village records destroyed. The attacking force carry .303 rifles.

*Telegram of the Prime Minister of Junagadh addressed to the Prime Minister of Pakistan, 2 November 1947<sup>3</sup>*

Apart from occupation of Babriawad and Mangrol by Indian

\* Indian National Army (a voluntary armed group not connected with the Army of India).

<sup>1</sup> *Ibid.*, p. 200.

<sup>2</sup> *Ibid.*, p. 201.

<sup>3</sup> *Ibid.*

forces reported yesterday, so-called 'Provisional Government' has restarted activities. On 31 October about forty men in truck and cars occupied Sadakha, an outlying Junagadh village in Bhavnagar territory. They disarmed village police, closed grain shops, and assaulted some Muslims. Early this morning about 300 Sikhs, wearing Indian Dominion troop uniforms, led by members of 'Provisional Government', occupied Dilawargadh with its twelve villages forming Junagadh outpost on railway line separated from main territory by Jetpur. These soldiers were brought from Virpur, where a large number of Indian troops and motor trucks have been collected for some time. Latest report indicate some 200 armed men were seen three miles off Choki entrance to Junagadh main territory. It is feared Junagadh may be overrun now any moment.

*Telegram of the Pakistan Foreign Office addressed to the Indian Foreign Office, 2 November 1947<sup>1</sup>*

\* \* \* \* \*

The reasons for occupation given in your official communique released today are absolutely untenable, and no one can regard them as otherwise in the light of explanations already provided by us in our telegram No. 649, dated 23 October. You mention in your communique that occupation was peaceful. Surely, it could not have been otherwise as we have already assured you that there were no troops of Junagadh in these areas.

From the circumstances of the case, it is quite clear to us that you have performed this clear act of aggression against Pakistan territory deliberately and in full knowledge of the situation.

*Telegram of the Prime Minister of Junagadh addressed to the Pakistan Foreign Office, 8 November 1947<sup>2</sup>*

Situation serious, threatened to be overwhelmed by force of twenty thousand with tanks and other equipment, under lead of *Arzi Hukumat*\*. Ultimatum served last night unless peaceful surrender given to *Arzi Hukumat*, State will be swept off and

\*Provisional Government.

<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*, p. 202.

occupied, with dire consequences. Having no alternative, we have asked Regional Commissioner Rajkot to give immediate assistance to keep law and order to avoid bloodshed, without prejudice to honourable settlement of issues involved.

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 10 November 1947<sup>1</sup>*

In view of the special circumstances pointed out by Junagadh *Dewan*, our Regional Commissioner at Rajkot has taken temporary charge of Junagadh administration. This has been done to avoid disorder and resulting chaos. We have, however, no desire to continue this arrangement, and wish to find a speedy solution in accordance with the wishes of the people of Junagadh.

We have pointed out to you previously that final decision should be made by means of referendum or plebiscite. We would be glad to discuss this question and allied matters affecting Junagadh with representatives of your Government at the earliest possible moment convenient to you. We propose to invite the Nawab of Junagadh to send his representatives to this conference.

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of India, 10 November 1947<sup>2</sup>*

Your telegrams...informing that your Government had taken charge of Junagadh were received by me on 10 November. You are aware Junagadh has duly acceded to Pakistan Dominion. It would therefore have been clear to you that neither the *Dewan* nor, for that matter, the Ruler himself, can negotiate any settlement, either temporarily or permanently, with Indian Dominion. Pakistan Government has given no authority to the *Dewan* to negotiate with you and we emphatically challenge Indian Dominion's right to enter Junagadh territory.

Your action in taking over State administration and sending Indian troops to the State without any authorization from Pakistan Government, and indeed without our knowledge, is a clear violation of Pakistan territory and breach of international law. Indian Government's activities on the accession of Junagadh to

<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*, pp. 202-3.

Pakistan have all been directed to force the State to renounce accession, and all kinds of weapons have been used by you to achieve this end. Conditions have been carefully and deliberately created by your Government in and around the State which have made the running of administration impossible.

In the circumstances, your plea of having taken over Junagadh administration in order to avoid disorder and resulting chaos cannot be accepted.

With regard to your suggestion of a conference between the representatives of two Dominions and Nawab of Junagadh, you know fully well that we have always been prepared to discuss these and other matters arising out of problems of accession to either Dominion. It is obvious, however, that there is no point in having a conference when you have already occupied our territory by military force. The only conditions under which we can usefully attend the discussion would be immediate withdrawal of Indian troops, reinstatement of Nawab's administration and restoration of normal conditions in and around the borders of Junagadh, including the stoppage of activities of the so-called 'Provisional Government'.

We consider your action in taking charge of Junagadh administration and sending India troops to occupy Junagadh to be a direct act of hostility against Pakistan Dominion. We demand that you should immediately withdraw your forces, and relinquish charge of the administration to rightful ruler, and stop people from Union of India invading Junagadh and committing acts of violence.

\* \* \* \* \*

*Press statement made by the Prime Minister of Pakistan and communicated to the Prime Minister of India, 16 November 1947<sup>1</sup>*

\* \* \* \* \*

Hundreds of States, including a State such as Kapurthala, which has a Muslim majority in the population, acceded to the Indian Union; but in no case did the Pakistan Government interfere in any way. Junagadh was the first State to accede to

<sup>1</sup> *Ibid.*, pp. 203-4.

Pakistan, and, at once, the India Government started on a campaign of vilification, threats and economic blockade. When these weapons did not succeed in intimidating Junagadh State, a 'Provisional Government of Junagadh' was set up on Indian soil, and its first act was to occupy the Junagadh State property in Rajkot, which is the seat of Indian Government's Regional Commissioner.

By infiltration tactics and other aggressive means the 'Provisional Government' proceeded to violate the territory of Junagadh with the help of troops, many of whom were drawn from the Indian Army. Conditions were created in which it became impossible for the Junagadh administration to function. Finally, on the alleged request of the *Dewan*, the administration was taken over and Junagadh was occupied by the Armed Forces of India.

The indisputable legal position is that, in view of the State's accession to Pakistan, the *Dewan* had no right to proffer, and the India Government had no right to accept, the so-called invitation to the Indian Government to take over the administration of the State.

\* \* \* \* \*

*Speech of Mr. Samaldas Gandhi, leader of the Provisional Government of Junagadh, as reported in Dawn, 17 November 1947<sup>1</sup>*

Replying to an address presented to him by the Hindus of Junagadh in appreciation of his services, the dictator of the so-called 'Provisional Government' of Junagadh, Mr. Samaldas Gandhi, said, "All the honour goes to Sardar Patel who was kind enough to give me every possible guidance and cooperation. If there had been no Sardar Patel we could not have met today and could not have achieved such a brilliant success.

"The future of Junagadh will be decided by a referendum, and I am sure that the Hindus will vote for India. But I request the Muslims also to vote for India and thus show the founder of Pakistan, Mohammad Ali Jinnah, that Junagadh is cent per cent in favour of joining the Indian Union.

"If the Muslims vote for Pakistan, we will know who are not loyal to the Union. We cannot keep the serpents and scorpions

<sup>1</sup> *Ibid.*, pp. 204-5.

alive moving under our own pillows. We must put them to death. We will see who votes for Pakistan.”

*Telegram of the Pakistan Foreign Office addressed to the Indian Foreign Office, 22 November 1947<sup>1</sup>*

\* \* \* \* \*

We note that you insist upon keeping your troops in Junagadh and on the continued occupation of the State. If your troops withdraw and if you restore the administration to the rightful ruler as you should, we see no reason why this should lead to anarchy and conflict. In fact, reports are pouring in that your troops are behaving in a most high-handed manner which has resulted in serious loss of Muslim lives.

The fact that you have not formally recognized the ‘Provisional Government’ does not alter the basic position that it was formed and functioned on Indian territory and that, but for your support and encouragement, there would have been no such thing as a ‘Provisional Government’ for Junagadh. We cannot possibly recognize either your occupation of Junagadh or the plebiscite which you appear to contemplate. A free and fair plebiscite can only be held after your forces are withdrawn and the administration of the ruler restored and normal conditions prevail.

*Details of the plebiscite held in Junagadh in February 1948, as disclosed in the Security Council debate on the India-Pakistan Question, 8 March 1948<sup>2</sup>*

(a) *Extract from the Statement of Mr. Gopaldaswami Ayyangar:*

At this particular plebiscite which was taken, the number of voters on the roll was 200,569, of whom there were 21,606 Muslims and 178,963 non-Muslims. The number of voters who polled was 190,870, of whom the number for India 190,779, and the number for Pakistan was 91. The number of those who did not vote or go to the polls was 9,699.

(b) *Extract from the Statement of Sir Zafrulla Khan:*

Mr. Gopaldaswami Ayyangar drew attention to the figures

<sup>1</sup> *Ibid.*, p. 205.

<sup>2</sup> *Ibid.*, 3rd Yr., Nos. 36-51, 264th Mtg., 8 March 1948, pp. 47 and 60-1.

revealed by this plebiscite. These figures are an eloquent commentary on what result is to be expected if a plebiscite is held under such circumstances as the one held in Junagadh. Surely, it is not a matter of pride for the Government of India that, according to their own calculations submitted by Mr. Gopalaswami Ayyangar today, over 20,000 Muslim voters in Junagadh neither dared to go to the polls nor dared, at least, to vote against India. What more do these figures prove than that? What further proof is necessary that a plebiscite held under those circumstances is bound to lead to that result?

There is one further point to which I might draw the attention of the Security Council. It has been reported in the newspaper *Dawn* of Karachi on the authority of two British Press correspondents, who were in Junagadh at the time of the plebiscite and were watching it, that actually there was no secrecy about the balloting at all, and that the ballot papers issued to the voters contained a printed number corresponding to the number on the countrefoil, from which the identity of the voter was easily ascertainable. As a matter of fact, the allegation states further that, when this was brought to the notice of the officer who was in charge of the arrangements, he explained that this was a mistake made by the printer who had no experience in printing ballot papers. But, in any case, there was no secrecy about this ballot at all.

## 6. DOCUMENTS ON THE ACCESSION OF HYDERABAD

*Letter of His Exalted Highness the Nizam addressed to His Excellency the Crown Representative, 8 August 1947<sup>1</sup>*

I am writing to you to make plain the position of my State in the negotiations which are in progress at Delhi. It has always been my desire and the desire of Hyderabad to make the fullest contribution to the prosperity and welfare of India as a whole. Indeed I recognise that the States have a great opportunity to exercise a stabilising influence; both because of their relative freedom from communal strife and because the States represent the section of India which at present has the greatest experience of administration. When it was contemplated that India, on

<sup>1</sup> *Hyderabad's Relations with the Dominion of India*, Vol. I, pp. 3-6.



gaining its independence, would become a single Union, I was quite ready to take my share in the defence of the subcontinent and to make arrangements for the foreign policy of Hyderabad to be directed in general conformity with the foreign policy of India. The partition of India, however, has gravely complicated the problem for my State. As Your Excellency knows, while Hyderabad is necessarily closely concerned in various ways with what will now become the Dominion of India, there are also many ties between my State and the future Pakistan Dominion. It will be within Your Excellency's knowledge also that in this State, which my ancestors and I have ruled for more than two centuries, there has been little communal disturbance and the cleavage on religious grounds has always been much less acute than in British India. It is my earnest wish to pursue a policy which will enable this freedom from discord and disorder to continue, and for this purpose I must take into account the importance of maintaining good relations with both the new Dominions. It is not yet clear how far or in what manner the Indian Dominion and the Pakistan Dominion will consult and cooperate on matters of common concern or how closely their policies can be integrated on the essential subjects of external affairs and defence. I understand that this is a matter which, it is recognised, cannot be resolved before 15 August. It is not possible for me to contemplate an organic union with either of the Dominions until I am more fully informed on these matters. I am bound at this stage to wait and see how the relations between the two Dominions are regulated and developed.

\* \* \* \* \*

I cannot but regard this refusal to negotiate except on terms that Hyderabad first agrees to accede as coercion and pressure to join and a compulsion to a hurried decision. And I hope that even at this late hour, through the good offices of Your Excellency as Crown Representative with special responsibilities to see that His Majesty's Government's pledges to the States are honourably fulfilled, this policy may be reversed. For it is utterly inconsistent with the declared pledges and policy of His Majesty's Government.

\* \* \* \* \*

*Letter of His Excellency the Crown Representative addressed to His Exalted Highness the Nizam, 12 August 1947<sup>1</sup>*

I have received Your Exalted Highness' letter of 8 August 1947, in which you offer to negotiate with the Dominion of India for a treaty in which you would make provision for the conduct of Hyderabad's foreign policy in general conformity with that of the Dominion of India and for the contribution of troops to the defence of the Dominion and for suitable agreements about communications. I recognise Your Exalted Highness' special problems in Hyderabad and your willingness to cooperate with the Dominion of India in these three essential fields. As you know, the anxiety of the Dominion is to achieve stability which they feel cannot be adequately secured unless all the States which are situated within their borders are prepared to come into organic union with them. I myself, as I have told your Negotiating Committee and your Adviser, believe that accession to the Union would be to the mutual advantage of the Dominion and your State. But I fully understand your difficulties and I have no wish to hurry you to a decision. . . .

\* \* \* \* \*

*Extract from the Speech of His Excellency the Governor-General of India in the Constituent Assembly, 15 August 1947<sup>2</sup>*

The only State of the first importance that has not yet acceded is the premier State, Hyderabad. Hyderabad occupies a unique position in view of its size, population and resources, and it has its special problems. The Nizam, while he does not propose to accede to the Dominion of Pakistan, has not up to the present felt able to accede to the Dominion of India. His Exalted Highness has, however, assured me of his wish to cooperate in the three essential subjects of external affairs, defence and communications with that Dominion whose territories surround his State. With the assent of the Government, negotiations will be continued with the Nizam and I am hopeful of reaching a solution satisfactory to all.

<sup>1</sup> *Ibid.*, pp. 6-7.

<sup>2</sup> *Ibid.*, p. 9.

*Letter of His Exalted Highness the Nizam addressed to His Excellency the Governor-General of India, 29 November 1947<sup>1</sup>*

I regret that we have not been able to reach a final agreement as to the eventual nature of the association between Hyderabad and the Dominion of India. As Your Excellency knows, I have not been prepared to contemplate accession to either Dominion, but short of this, I have been ready to negotiate with your Government upon any other basis. I am now enclosing a Standstill Agreement which I am prepared to execute if Your Excellency's Government are also prepared to sign it. It is a disappointment to me that after such protracted negotiations we are unable to do more for the present than carry on existing arrangements subject to such changes as the departure of paramountcy imposes. On the other hand it is essential to put an end to the present state of uncertainty and the fact that the Agreement now to be executed is to endure for a year means that both Governments will be able to turn their attention more fully to the problems of administration without constant preoccupation with the question of our constitutional relationship. To that question we shall eventually have to return, but I am confident that, if during the next year our association in accordance with the terms of the Standstill Agreement is marked by goodwill on both sides, we shall be more likely at the end of that period to reach a satisfactory agreement as to the nature of our long-term association. I regard this Standstill Agreement accordingly as founded upon the principle of good neighbourliness and I am sure that Your Excellency and your Government will approach it in the same spirit. By executing this Standstill Agreement I am in no way permanently prejudicing my rights as an independent sovereign, but I am of course conscious that I am in some important respects suspending the exercise of certain of those rights during the currency of the Agreement.

\* \* \* \* \*

*Agreement made this 29th day of November 1947 between the Dominion of India and the Nizam of Hyderabad and Berar*

Whereas it is the aim and policy of the Dominion of India and

<sup>1</sup> *Ibid.*, pp. 24-7.

the Nizam of Hyderabad and Berar to work together in close association and amity for the mutual benefit of both, but a final agreement as to the form and nature of the relationship between them has not yet been reached:

And whereas it is the advantage of both parties that existing agreements and administrative arrangements in matters of common concern should, pending such final agreement as aforesaid, be continued:

Now, therefore, it is hereby agreed as follows:—

Article 1.—Until new agreements in this behalf are made, all agreements and administrative arrangements as to the matters of common concern, including external affairs, defence and communications, which were existing between the Crown and the Nizam immediately before 15 August 1947, shall, in so far as may be appropriate, continue as between the Dominion of India (or any part thereof) and the Nizam.

Nothing herein contained shall impose any obligation or confer any right on the Dominion—

- (i) to send troops to assist the Nizam in the maintenance of internal order,
- (ii) to station troops in Hyderabad territory except in time of war and with the consent of the Nizam which will not be unreasonably withheld, any troops so stationed to be withdrawn from Hyderabad territory within six months of the termination of hostilities.

Article 2.—The Government of India and the Nizam agree for the better execution of the purposes of this Agreement to appoint Agents in Hyderabad and Delhi respectively, and to give every facility to them for the discharge of their functions.

Article 3.—(i) Nothing herein contained shall include or introduce paramountcy functions or create any paramountcy relationship.

(ii) Nothing herein contained and nothing done in pursuance hereof shall be deemed to create in favour of either party any right continuing after the date of termination of this Agreement, and nothing herein contained and nothing done in pursuance hereof shall be deemed to derogate from any right which, but for this Agreement, would have been exercisable by either party to it after the date of termination hereof.

Article 4.—Any dispute arising out of this Agreement or out of agreements or arrangements hereby continued shall be referred to the arbitration of two arbitrators, one appointed by each of the parties, and an umpire appointed by those arbitrators.

Article 5.—This Agreement shall come into force at once and shall remain in force for a period of one year.

In confirmation whereof the Governor-General of India and the Nizam of Hyderabad and Berar have appended their signatures.

(Sd.) NIZAM OF HYDERABAD AND BERAR

(Sd.) LORD MOUNTBATTEN OF BURMA

*Governor-General of India*

*Letter of the Prime Minister of Hyderabad addressed to the Prime Minister of India, 5 April 1948<sup>1</sup>*

\* \* \* \* \*

I turn now to the specific allegations which are contained in paragraph 3 of the letter. The first, namely (A) (a), alleges a breach in relation to external affairs by giving a loan of 20 crores to a "foreign power", to wit, the Pakistan Government. This is a matter which has been fully discussed between the parties and upon it there is a difference of opinion between our respective Governments as to whether there has been any breach of the Standstill Agreement. The Hyderabad Government, at a time before the Standstill Agreement had been concluded, took the view, which it still maintains, a view based upon precedent when the British were here, that it was entitled to make an investment in securities issued or to be issued by a foreign country. Moreover, in making the so-called loan to Pakistan it left much of the greater part of the debt of the old Government of India with the Indian Union. Further the transaction took place at a time when relations between the two Dominions had not become so strained as they became later, and when a friendly act to one Dominion was not, it was hoped, necessarily to be regarded as unfriendly to the other. The point, however, which the Nizam's Government desires to stress at this juncture is that, as pointed

<sup>1</sup> *Ibid.*, p. 39.

out in paragraph 2 above, I have already taken the steps which the Governor-General himself recommended in order to reach an amicable settlement.\*

*Letter of His Exalted Highness the Nizam addressed to His Excellency the Governor-General of India, 5 April 1948<sup>1</sup>*

Information, which has reached me in Hyderabad, gives me reason to think that the letter addressed to my Prime Minister by your States Ministry was in the nature of an ultimatum to be regarded as a prelude to an open breach of friendly relations. I am therefore making a final appeal to you to exercise your good offices to prevent such a contingency.

\* \* \* \* \*

Unhappily hitherto the Standstill Agreement has not worked smoothly. But the situation can be remedied and our original hopes revived. There are difficulties in interpreting the obligations imposed by the Agreement and in ascertaining the obligations which are continued by it. But these difficulties can be solved, as was contemplated in the Agreement itself, by arbitration.

\* \* \* \* \*

An equally tense situation has been created by the Government of India in relation to the trade, commerce and economic life of Hyderabad. On many occasions I expressed to you, through Sir Walter Monckton and others, my apprehension that, if I chose, as I had been assured I could, to remain independent, the Government of India would seek to coerce me into accession by an economic boycott or even by finding some excuse to invade my territories. . . . You sent me assurances on several later occasions that you would never be a party to any improper pressure on the State and that you had received the necessary assurances from your Ministers. I must tell Your Excellency frankly that, in spite of these assurances and in spite of the Standstill Agreement, economic pressure has in fact been applied

\* The loan was revoked. (Ed.)

<sup>1</sup> *Ibid.*, Vol. II, pp.1-3.

on Hyderabad with growing intensity from the time when the British left. There is no manner of doubt that it is in full force today. Even medicines, medical stores, hospital requisites and chlorine for the water supply of my people are being held up. Of all this my Government have in their possession documentary evidence. There are many Britishers and other foreigners who have been in the State in recent months and can confirm what I say of their own knowledge. Nor has it been seriously challenged by the officers of your Government. . . .

\* \* \* \* \*

The world must know how, between them, the British Government and the new Government of India—I do not seek to apportion blame—have denied fulfilment of the promise that I should be free to choose either, whether to accede or to remain independent.

\* \* \* \* \*

*Letter of His Excellency the Governor-General of India addressed to His Exalted Highness the Nizam, 8 April 1948<sup>1</sup>*

But this I must make clear to you. These assurances were given at a time when both my Government and yours were united in the resolve to make the Standstill Agreement work. I can assure you that such a resolve still holds the field, so far as the Government of India are concerned. But certain events have supervened which make it very much more difficult for the same neighbourly feelings, as then existed, to exist today.

\* \* \* \* \*

*Letter of the Secretary of the Ministry of States of India addressed to the Prime Minister of Hyderabad, 15 May 1948<sup>2</sup>*

\* \* \* \* \*

The Government of His Exalted Highness have suggested that the points in dispute should be referred to arbitration, and it is no doubt true that the Standstill Agreement provides for such reference. But, considering the large number of points on which

<sup>1</sup> *Ibid.*, p. 5.

<sup>2</sup> *Ibid.*, p. 23.

differences have already emerged, it is clear that arbitration on these points would take up all that remains of the period of one year for which the Agreement is to run, leaving little scope for the implementation of the award of the arbitrator. Reference to arbitration, moreover, could be regarded as a practical solution only if the Hyderabad Government were agreeable to taking certain steps immediately which could be regarded as a genuine token of that Government's desire to maintain cordial and friendly relations with the Government of India.

\* \* \* \* \*

*Extract from the note of an interview between His Excellency the Governor-General of India and the Prime Minister of Hyderabad, 7 June 1948<sup>1</sup>*

The Governor-General emphasised that he was speaking without having previously been briefed by his Government. In the course of discussion, the following points were made, to serve as a basis for subsequent talks:

- (a) It was generally agreed that the holding of a plebiscite in Hyderabad, on the issue of whether the State should accede to India or remain independent, was the obvious ultimate solution.
- (b) It was pointed out that whatever the advantages of a plebiscite as the long-term settlement, no such settlement would be worth the paper it was written on unless goodwill was immediately re-established between India and Hyderabad. Therefore the only basis on which it was possible to work was that an interim settlement which would restore friendship should also be reached.

\* \* \* \* \*

*Extract from the minutes of a meeting between the representatives of the Governments of India and Hyderabad, 9 June 1948<sup>2</sup>*

\* \* \* \* \*

...When the Prime Minister of Hyderabad pointed out that

<sup>1</sup> *Ibid.*, p. 51.

<sup>2</sup> *Ibid.*, p. 55.



Hyderabad was agreeable to a plebiscite being held to decide whether Hyderabad should be independent or should accede to the Indian Dominion, Mr. Menon said that Hyderabad should now accede in substance and leave it to be confirmed by the plebiscite.

\* \* \* \* \*

*Letter of the Secretary of the External Affairs Department of Hyderabad addressed to the Secretary of the Ministry of States of India, 9 June 1948<sup>1</sup>*

You indicated during the conversation this morning that the Union troops and Union police were being instructed to enter the State territory to chase the "border raiders". In this matter I am desired to point out that, while the Hyderabad Government is anxious and fully prepared to cooperate in every way to prevent border incidents, they consider that it is not proper for the Government of India to make a unilateral decision to issue instructions—which you said were being issued—to the Union troops and the Union police.

I am, therefore, to request you to kindly see that Hyderabad borders are not crossed by the Union troops or police. The Government of Hyderabad will make every endeavour to prevent border incidents arising within their territory and will be only too glad to provide every facility and assistance on a reciprocal basis to the authorities of the neighbouring provinces in putting down lawlessness. I may observe that the arrangements which existed before 15 August with regard to hot-pursuit might with advantage be followed if lawlessness is to be effectively put down.

*Extract from the communique issued by the Nizam's Government, 17 June 1948<sup>2</sup>*

In response to the oft-repeated suggestion made to the Nizam by the Government of India, the Nizam agreed to leave it to the people of his State to decide whether Hyderabad should remain independent or accede to India. He chose the accepted most democratic method of determining the will of his subjects, *i.e.*, by means of plebiscite. In order that the verdict might be free and

<sup>1</sup> *Ibid.*, p. 65.

<sup>2</sup> *Ibid.*, p. 69.

impartial the Nizam offered to conduct the plebiscite under the general supervision of a neutral and impartial organization or body, such as the United Nations or the International Court of Justice.

The final choice having been left to be decided by the popular will, it was expected that interim arrangements to last till the verdict was announced would present no difficulties. This was not to be. The Government of India demanded that the substance of accession should also be conceded immediately, irrespective of what the decision of the plebiscite might be. This was obviously unfair and amounted to prejudicing the popular will.

\* \* \* \* \*

*Proclamation of the Indian Army Command to the people of Hyderabad, as quoted by Sir Ramaswami Mudaliar, Representative of India, in the Security Council, 20 September 1948<sup>1</sup>*

As soon as our task has been completed, the people of Hyderabad will be given an opportunity to decide their future, both as regards their internal government and their relationship with India.

\* \* \* \* \*

#### 7. V. P. MENON ON THE ACCESSION OF JODHPUR<sup>2</sup>

\* \* \* \* \*

...Lord Mountbatten made it clear that from a purely legal standpoint there was no objection to the Ruler of Jodhpur acceding to Pakistan; but the Maharaja (of Jodhpur) should, he stressed, consider seriously the consequences of his doing so, having regard to the fact that he himself was a Hindu; that his State was populated predominantly by Hindus and that the same applied to the States surrounding Jodhpur. In the light of these considerations, if the Maharaja were to accede to Pakistan, his action would surely be in conflict with the principle underlying the partition of India on the basis of Muslim and non-Muslim majority areas; and serious communal trouble inside the State would be the inevitable consequence of such affiliation....

\* \* \* \* \*

<sup>1</sup> S.C.O.R., 3rd Yr., No. 111, 359th Mtg., p. 61.

<sup>2</sup> V. P. Menon, *The Story of the Integration of the Indian States*, p.117.

## II. KASHMIR, 1846-1947

### 1. TREATY BETWEEN THE EAST INDIA COMPANY AND THE STATE OF LAHORE, CONCLUDED AT LAHORE, 9 MARCH 1846<sup>1</sup>

Whereas the treaty of amity and concord, which was concluded between the British Government and the late Maharaja Ranjit Singh, the Ruler of Lahore in 1809, was broken by the unprovoked aggression on the British provinces of the Sikh Army, in December last: And whereas, on that occasion, by the proclamation dated 13 December the territories then in the occupation of the Maharaja of Lahore, on the left or British bank of the River Sutlej, were confiscated and annexed to the British provinces: and since that time, hostile operations have been prosecuted by the two Governments, the one against the other, which have resulted in the occupation of Lahore by the British troops: And whereas it has been determined that upon certain conditions, peace shall be re-established between the two Governments, the following treaty of peace between the Honourable English East India Company, and Maharaja Dalip Singh Bahadur, and his children, heirs, and successors, has been concluded, on the part of the Honourable Company, by Frederick Currie, Esq., and Brevet-Major Henry Montgomery Lawrence, by virtue of full powers to that effect vested in them by the Right Honourable Sir Henry Hardinge, G.C.B., one of Her Britannic Majesty's most Honourable Privy Council, Governor-General

<sup>1</sup> Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, (Sic), pp. 24-7.

appointed by the Honourable Company to direct and control all their affairs in the East Indies, and on the part of his Highness the Maharaja, Dalip Singh, by Bhai Ram Singh, Raja Lal Singh, Sardar Tej Singh, Sardar Chattar Singh Attariwala, Sardar Ranjor Singh Majithia, Diwan Dina Nath, and Fakir Nur-ud-din vested with full powers and authority on the part of His Highness.

\* \* \* \* \*

Article 2: The Maharaja of Lahore renounces for himself, his heirs and successors all claim to or connection with the territories lying on the south of the River Sutlej, and engages never to have any concern with those territories or the inhabitants thereof.

Article 3: The Maharaja cedes to the Honourable Company in perpetual sovereignty, all his forts, territories, and rights in the Doab and country, hill and plain, situate between the Rivers Beas and Sutlej.

Article 4: The British Government having demanded from the Lahore State, an indemnification for the expenses of the war, in addition to the cession of territory described in Article 3, payment of a one-and-a-half crores of rupees; and the Lahore Government being unable to pay the whole of this sum at this time, or to give security satisfactory to the British Government for its eventual payment; the Maharaja cedes to the Honourable Company, in perpetual sovereignty, as equivalent of one crore of rupees all his forts, territories, rights and interests in the hill countries which are situate between the Rivers Beas and Indus, including the provinces of Kashmir and Hazara.

\* \* \* \* \*

Article 12: In consideration of the services rendered by Raja Gulab Singh of Jammu to the Lahore State, towards procuring the restoration of relations of amity between the Lahore and British Governments, the Maharaja hereby agrees to recognize the independent sovereignty of Raja Gulab Singh, in such territories and districts in the hills as may be made over to the said Raja Gulab Singh by separate agreement between himself and the British Government, with the dependencies thereof, which may have been in the Raja's possession since the time of the

late Maharaja Kharak Singh: and the British Government, in consideration of the good conduct of Raja Gulab Singh, also agrees to recognise his independence in such territories, and to admit him to the privileges of a separate treaty with the British Government.

\* \* \* \* \*

Done at Lahore this 9th day of March in the year of our Lord 1846 corresponding with the 10th day of Rabi-ul-awal of 1262 Hijri and ratified the same day.

2. TREATY BETWEEN THE EAST INDIA COMPANY AND MAHARAJA GULAB SINGH OF JAMMU, CONCLUDED AT AMRITSAR, 16 MARCH 1846<sup>1</sup>

Article 1: The British Government transfers and makes over for ever, in independent possession, to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the River Indus, and westward of the River Ravi, including Chamba and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State, according to the provisions of Article 4 of the Treaty of Lahore, dated 9 March 1846.

Article 2: The eastern boundary of the tract transferred by the foregoing article to Maharaja Gulab Singh shall be laid down by commissioners appointed by the British Government and Maharaja Gulab Singh respectively for the purpose, and shall be defined in a separate engagement after survey.

Article 3: In consideration of the transfer made to him and his heirs by the provisions of the foregoing articles, Maharaja Gulab Singh will pay to the British Government the sum of seventy-five lacs of rupees (Nanak Shahi) fifty lacs to be paid on the ratification of this treaty and twenty-five lacs on or before the 1st of October of the current year A.D. 1846.

Article 4: The limits of the territories of Maharaja Gulab Singh shall not be, at any time, changed without the concurrence of the British Government.

Article 5: Maharaja Gulab Singh will refer to the arbitration of the British Government any disputes or questions that may

<sup>1</sup> Panikkar, *The Founding of the Kashmir State*, pp. 111-5.

arise between himself and the Government of Lahore or any other neighbouring State, and will abide by the decision of the British Government.

Article 6: Maharaja Gulab Singh engages for himself and heirs to join, with the whole of his military force, the British troops, when employed within the hills or in the territories adjoining his possessions.

\* \* \* \* \*

Article 9: The British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

Article 10: Maharaja Gulab Singh acknowledges the supremacy of the British Government and will, in token of such supremacy, present annually to the British Government one horse, twelve perfect shawl goats of approved breed (six male and six female) and three pairs of Kashmir shawls.

\* \* \* \* \*

Done at Amritsar, this 16th day of March in the year of our Lord 1846 corresponding with the 17th day of Rabi-ul-awal 1262 Hijri.

### 3. RESOLUTION ADOPTED BY THE ALL JAMMU AND KASHMIR MUSLIM CONFERENCE, 19 JULY 1947<sup>1</sup>

This meeting of the All-Jammu and Kashmir Muslim Conference Convention expresses its satisfaction on and congratulates the Quaid-i-Azam for his achievement.

The people of the Indian States expected that they would walk shoulder to shoulder with the people of British India in the attainment of freedom. On the partition of India the people of British India have obtained independence but the announcement of 3 June 1947 has strengthened the hands of the Indian Princes and unless the Princes respond to the call of the times, the future of the people of the Indian States is very dark. There are only three ways open to the people of Jammu and Kashmir State—

1. To accede to India, or
2. To accede to Pakistan, or
3. To remain independent.

<sup>1</sup> Sardar M. Ibrahim, *The Kashmir Saga*, p. 27.

The Convention of the Muslim Conference has arrived at the conclusion that keeping in view the geographical conditions, 80 per cent Muslim majority out of the total population, the passage of important rivers of the Punjab through the State, the language, cultural, racial, and economic connection of the people and the proximity of the borders of the State with Pakistan, are all facts which make it necessary that the Jammu and Kashmir State should accede to Pakistan.

#### 4. PAKISTAN-KASHMIR STANDSTILL AGREEMENT, AUGUST 1947<sup>1</sup>

*Telegram of the Prime Minister of Kashmir addressed to the States Relations Department, Government of Pakistan, 12 August 1947*

Jammu and Kashmir Government would welcome Standstill Agreements with Pakistan on all matters on which these exist at present moment with outgoing British India Government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh agreements.

*Telegram of the Foreign Secretary, Government of Pakistan, addressed to the Prime Minister of Kashmir, 15 August 1947*

Your telegram of the 12th. The Government of Pakistan agree to have a Standstill Agreement with the Government of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution of fresh agreements.

#### 5. TELEGRAMS EXCHANGED BETWEEN THE GOVERNMENT OF JAMMU AND KASHMIR AND THE GOVERNMENT OF INDIA REGARDING A STANDSTILL AGREEMENT, AUGUST 1947<sup>2</sup>

*Telegram of the Government of Jammu and Kashmir addressed to the Government of India, August 1947*

Jammu and Kashmir Government would welcome Standstill Agreements with Union of India on all matters on which these

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Doc. S/1430/Add. 1, Annex 43, pp. 162-3.

<sup>2</sup> Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, p. 45.

No Standstill Agreement was concluded between Kashmir and India. (Ed.)

exist at the present moment with outgoing British Indian Government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh agreements.

*Telegram of the Government of India addressed to the Government of Jammu and Kashmir, August 1947*

Government of India would be glad if you or some other Minister duly authorised in this behalf could fly to Delhi for negotiating Standstill Agreement between Kashmir Government and Indian Dominion. Early action desirable to maintain intact existing agreements and administrative arrangements.

**6. PRESS NOTE ISSUED BY THE GOVERNMENT OF JAMMU AND KASHMIR REGARDING DISTURBANCES IN THE STATE, 12 SEPTEMBER 1947<sup>1</sup>**

On 24 August 1947 large and highly excited mobs collected in West Bagh tehsil and on 25 August, disregarding all efforts to persuade them to disperse, marched on to Bagh, a town in the vicinity, where they reached the number of some 5,000, which swelled considerably during the next two days. These mobs were armed with firearms of various patterns, axes, spears and other weapons.

**7. STATEMENT OF THE REPRESENTATIVE OF PAKISTAN, SIR MOHAMMAD ZAFRULLA KHAN, ON THE VIOLATIONS BY INDIA OF THE PAKISTAN-KASHMIR STANDSTILL AGREEMENT, SEPTEMBER 1947<sup>2</sup>**

I explained yesterday to the Security Council what the standstill agreements mean. Kashmir had arrived at a Standstill Agreement with Pakistan with regard to communications, supplies, and post office and telegraphic arrangements. This Agreement became operative on 15 August. By this postal arrangement, the postal and telegraphic services in Kashmir were run by the Pakistan Government. Yet, on 9 September 1947,

<sup>1</sup> Quoted by Sir Zafrulla Khan, S.C.O.R., 5th Yr., 464th Mtg., 8 February 1950, p.11.

<sup>2</sup> Sir Zafrulla Khan in the Security Council, S.C.O.R., 3rd Yr., 229th Mtg., 17 January 1948, pp. 101-2.



before any kind of trouble or dispute had arisen the Postmaster General of Ambala in East Punjab—and therefore within the Dominion of India—posted Risha Rejena, an officer of the Dominion of India, in charge of the Kashmir Postal Division. This fact would be unbelievable, if it were not true.

A division took place between the two Dominions on 15 August 1947. Between the two Dominions themselves and apart from Kashmir, the entire Kashmir Postal Administration is allotted to Pakistan. That is an arrangement which exists between the two Dominions. There is an arrangement between the Dominion of Pakistan and the State of Kashmir whereby the Kashmir postal telegraph services will be run by Pakistan. Yet on 9 September 1947, their postal authorities deliberately appointed one of their officers in charge of the Kashmir Postal Division, without any intimation to this effect being received by the Government of Pakistan from the Government of India. No explanation was given for this unwarranted interference with the operation of the Standstill Agreement. The Postmaster General of West Punjab reported this in his telegram of 17 September 1947 to the Pakistan Government. A protest was lodged with the Government of India by a telegram which states "Foreign, New Delhi" in its heading. No reply to this telegram has been received. Yet, the Indian Government states that it did not take an interest in those affairs and has not intervened in any manner. What is this, if not an attempt to disrupt the operation of the Standstill Agreement between Kashmir and Pakistan?

Further, the Director-General, Postal Telegraph, New Delhi, in his memorandum dated 1 September 1947 forwarded to the Director of Postal Services, General Post Office, London, included a list showing the mail to be sent to the Dominion of India and the different towns therein. This memorandum included stations in the State of Jammu and Kashmir as if this State formed a part of the Dominion of India. This statement indicated that all mails for the Kashmir State were to be consigned to the Dominion of India. I have here copies of these documents. This one states in its heading: "Indian Postal Telegraph Department, No. D, 65-46/46, Office of the Director-General of Postal Telegraph, New Delhi, 25 September 1947. To the Director of Postal Services, GPO, London E.C.1." After setting out what

arrangements are to be made and what instructions are being issued in the schedule, information relative to what bags are to be made up and for what places they are to obtain correspondence is laid down. This is with regard to letters and packets for Assam, West Bengal and for Kashmir. It is similarly relative to airmails for Delhi, for the Kashmir State and for such and such places.

Another directive from the Director-General of Postal Telegraph at New Delhi which is addressed to all foreign postal administrations and which bears the number D, 98-2/47, dated 27 September 1947, has as its subject "Make up of airmails for the Dominions of India and Pakistan". It is signed by the Director. Included are several places in East Punjab and Kashmir.

They had already included Kashmir in their Dominion on 27 September, four weeks before there was any move, according to them, on the part of the Maharaja to accede to the Dominion of India.

8. TELEGRAMS EXCHANGED BETWEEN THE GOVERNMENT OF PAKISTAN AND THE GOVERNMENT OF JAMMU AND KASHMIR REGARDING THE DISTURBANCES IN THE STATE AND THE IMPLEMENTATION OF THE STANDSTILL AGREEMENT, SEPTEMBER-OCTOBER 1947

*Telegram of the Deputy Commissioner, Rawalpindi, addressed to the Prime Minister of Jammu and Kashmir, 6 September 1947<sup>1</sup>*

Reference your telegram concerning infiltration of armed persons into your territory from Rawalpindi district. I have personally visited Kahuta and have made enquiries from officials of Gujarkhan tehsil. Your information completely wrong. No infiltration has been seen by any officers or village officials anywhere at various points. I do not expect any trouble of any kind. I shall be glad to take action if you are able to furnish anything specific at any time.

*Telegram of the Foreign Minister of Pakistan addressed to the Prime Minister of Jammu and Kashmir, 2 October 1947<sup>2</sup>*

We are willing to do everything we can and indeed are taking

<sup>1</sup> *White Paper on Jammu and Kashmir*, p. 6.

<sup>2</sup> *Ibid.*, p.7.

steps to see that Kashmir is supplied with essential commodities of which it is in need. It must however be appreciated that certain difficulties stand in our way. Drivers of lorries are, for instance, reluctant to carry supplies between Rawalpindi and Kohala and it is impossible for us to spare troops for this escort. The Government of Pakistan are seriously concerned about reports reaching them to the effect that armed Sikhs are infiltrating into Kashmir State. We would once again impress upon you the need for representatives of Governments of Pakistan and Kashmir to meet and consider the question of supplies, the infiltration of these armed Sikhs, and other outstanding questions. We leave it to you to suggest the venue of the meeting.

*Telegram of the Minister of External Affairs of Jammu and Kashmir addressed to the Foreign Minister of Pakistan, 3 October 1947<sup>1</sup>*

Your telegram. Grateful for information supplied. Hope you would agree that guarantee to let commodities come in undisturbed will really mean nothing if not accompanied by measures to enable goods to get through. Visitors anxious to return to their homes in the plains suffering mostly for want of petrol. Military escort for taking European families now here could have escorted petrol supply if local authorities had so desired. Government emphatically contradicts news of Sikhs infiltrating in Kashmir State. As already intimated, armed people from Rawalpindi, Jhelum and Sialkot raiding State territory. Hundreds of armed people from Murree hills are operating in Poonch. Government shall be grateful if this effectively put a stop to immediately. Government considers essential that its complaints be removed at once while being equally willing as Pakistan to settle outstanding problems at the earliest.

*Telegram of the Foreign Secretary, Government of Pakistan, addressed to the Prime Minister of Jammu and Kashmir, 12 October 1947<sup>2</sup>*

Men of Pakistan Army who have recently returned from leave

<sup>1</sup> *Ibid.*

<sup>2</sup> S.C.O.R., 3rd Yr., Nos. 1-15, 228th Mtg., 16 January 1948, pp. 75-6.

at their homes in Poonch report that armed bands, which include troops, are attacking Muslim villages in the State. Their stories are confirmed by the large number of villages that can be seen burning from Murree hills. The Pakistan Government are vitally interested in the maintenance of peace on their borders, and the welfare of Muslims in the adjoining territories, and on those grounds alone would be justified in asking for an assurance that steps be taken to restore order in Poonch. One feature of the present situation in Poonch which, however, makes it peculiarly dangerous to the friendly relations which the Pakistan Government wishes to retain with Kashmir, is that the Pakistan Army obtains a large number of recruits from Poonch. Feeling in the battalions to which these men belong is rapidly rising and the situation is fraught with danger. The Pakistan Government wishes to avoid such a situation as they are sure do the Government of Kashmir, but if it is to be avoided, immediate and effective steps must be taken to end the present state of affairs, and in particular, if it is true that State troops are taking part in the attack on Muslims, to ensure the restoration of their discipline. The Government of Pakistan would like to be informed of the action taken.

*Telegram of the Prime Minister of Jammu and Kashmir addressed to the Government of Pakistan, 15 October 1947<sup>1</sup>*

This Government has ample proof of infiltration. As is the result in every Government, including Pakistan Dominion, military has to take action when disturbances caused cannot adequately be dealt with by Civil Administration. If this action hurts anyone's feelings, Government hopes you will agree that it is for them to help in the task of restoration of peace. Government is prepared to have an impartial inquiry made into the whole affair with a view to remove misunderstanding and to restore cordial relations, which this Government has strictly kept in view so far even in spite of provocations by the people across the border and has maintained in it its true spirits. If, unfortunately, this request is not heeded Government, much against its wishes, will have no option but to ask for assistance to withstand aggressive and unfriendly actions of the Pakistan people along our border.

<sup>1</sup> *Ibid.*, pp. 76-7.

*Telegram of the Prime Minister of Jammu and Kashmir addressed to the Governor-General of Pakistan, 18 October 1947<sup>1</sup>*

Ever since 15 August even in spite of agreement to observe Standstill Agreement on matters on which agreements existed on 14 August with British India increasing difficulties have been felt not only with regard to supplies from West Punjab of petrol, oils, food, salt, sugar and cloth. Working of postal system has been most detrimental to people as well as the Administration. Saving Bank Accounts refused to be operated. Postal certificates not cashed. Cheques by branches here of West Punjab banks not honoured even Imperial Bank branch put hard to meet obligations owing failure of remittances from Lahore Currency Officer. Motor vehicles registered in the State have been held up at Rawalpindi. Railway traffic from Sialkot to Jammu has been discontinued. While the State has afforded safe passage to about one lakh Muslim refugees from Pathankot to Sialkot the Rawalpindi people have murdered and wounded in cold blood over 180 out of party of 220 Kashmiri nationals being conveyed to Kohala at State's request. People armed with modern long range firearms have infiltrated in thousands in Poonch and committed horrors on non-Muslims, murdering, maiming, looting them and burning their houses as well as kidnapping women. Instead cooperation asked for through every possible local as well as provincial authorities and central authority paper promises made have not been actually followed by more rigorous action than before. Press and radio of Pakistan appear actually to have been licensed to pour volumes of fallacious libellous and false propaganda. Smaller feudatory States have been prompted to threaten even armed interference into the State. Even private people in Pakistan are allowed to wire unbearable threats without any check by the Pakistan Dominion post offices. To crown all the State is being blamed for acts which actually are being committed by Pakistan people. Villages are being raided from Sialkot end in addition to actual infiltration in Poonch. The Government cannot but conclude that all is being done with the knowledge and connivance of local authorities. The Government also trusts that it would be admitted that these acts are

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 9-10.

extremely unfriendly if not actually bordering on inimical. Finally the Government wish to make it plain that it is not possible to tolerate this attitude longer without grave consequences to the life, property of the people which it is sacredly bound to defend at all costs. The Government even now hopes that you would personally look into the matter and put a stop to all the iniquities which are being perpetrated. If unfortunately this request is not heeded the Government fully hope that you would agree that it would be justified in asking for friendly assistance and oppose trespass on its fundamental rights. Telegraphed to His Excellency the Governor-General, Pakistan, and repeated to Premier, Pakistan Dominion.

*Telegram of the Foreign Minister of Pakistan addressed to the Prime Minister of Jammu and Kashmir, 19 October 1947<sup>1</sup>*

We are surprised at the contents and tone of your telegram dated 18 October 1947. Instead of taking immediate and effective action in regard to specific complaints made by us in our telegrams, dated 12 October, you have put forward vague allegations of infiltration by people of Pakistan into Kashmir and have accused the border people of manufacturing bad relations. We emphatically and categorically deny the allegations and accusations. People travel to and from between Kashmir and Pakistan in the normal course of business but the allegations regarding the free distribution of arms and ammunitions to Pakistan area adjoining the State borders and the infiltration of armed men into State territory are incorrect. On the other hand there is mounting evidence of ruthless oppression of Muslims in Kashmir State and of raids into Pakistan territory by armed Dogra gangs and non-Muslim refugees from the Punjab. The most recent report is that of an attack on Chamna Khurd village by Dogra army personnel where they exchanged fire with the police killing the Head Constable. Large numbers of armed Sikhs as well as Hindus belonging to Rashtriya Sevak Sangh have gone to Kashmir with the object of repeating the tactics they followed in East Punjab to kill, terrorise and drive out Muslims. In fact

<sup>1</sup> *Ibid.*, pp. 10-1.

exodus of Muslims from the State has already started. The Pakistan Government must take a most serious view of a state of affairs in which the Muslims in Kashmir are suppressed and forcibly driven out.

We are astonished to hear your threat to ask for assistance. Presumably meaning thereby assistance from an outside Power. The only object of this intervention by an outside Power secured by you would be to complete the process of suppressing the Muslims to enable you to join the Indian Dominion as *coup d'état* against the declared and well-known will of the Muslims and others who form 85 per cent of the population of your State. We must earnestly draw your attention to the fact that if this policy is not changed and the preparations and the measures that you are now taking in implementing this policy are not stopped the gravest consequences will follow for which you alone will be held responsible.

As regards the alleged action of the West Punjab Government in blocking the passage of petrol, cloth and food and in stoppage of transport we have already informed you that the West Punjab Government have been asked to provide you with all reasonable assistance in these matters. It is entirely wrong to attribute difficulties in transport which have arisen owing to circumstances beyond the control of the West Punjab Government to the unfriendly intentions of that Government or to regard it as an act of coercion on your Government in taking a decision about the accession of the State. We have already sent a special officer to discuss with you the problems arising in respect of these matters and to settle ways and means of adjusting the difficulties.

Having regard to gravity of the situation we have carefully considered your suggestion to have an impartial inquiry made into the whole affairs. We appreciate the suggestion and ask you immediately to nominate your representative on this Inquiry Committee. On hearing from you we shall nominate our representative without delay so that the Committee can proceed at once with a thorough inquiry into the whole matter. In the meantime we hope that every effort will be made on both sides to restore cordial relations between us.

*Telegram of His Excellency the Governor-General of Pakistan addressed to His Highness the Maharaja of Jammu and Kashmir, 20 October 1947<sup>1</sup>*

I have received telegram of 18 October from your Prime Minister regarding the situation in Kashmir which, I regret, was released to the Press before it reached me and before I could deal with it. My Government have already been in communication with your Government and I deplore that your Prime Minister should have resorted to the tone and language adopted in his telegram to me which embodies a threat to seek outside assistance and is almost in the nature of an ultimatum. This is hardly the way for any responsible and friendly Government to handle the situation that has arisen.

2. On 15 October your Prime Minister sent a telegram to my Government making similar allegations in the same offensive manner as have been repeated in his telegram of 18 October now addressed to me without waiting for the reply for his earlier telegram from my Government. My Government have already replied to that telegram on 18 October and this reply shows clearly that your Government's wholly one-sided and *ex parte* allegations cannot be supported. Since your Government have released to the Press the telegram addressed to me under reply, my Government have no other course left open and have, therefore, decided to release to the Press their reply referred to above refuting your allegations.

3. The allegation in the telegram under reply that the Standstill Agreement has not been observed is entirely wrong. The difficulties that have been felt by your Administration have arisen as a result of the wide-spread disturbances in East Punjab and the disruption of communications caused thereby particularly by the shortage of coal. These difficulties have been felt actually by the West Punjab Government themselves. The difficulties with regard to banking facilities were caused by the lack of staff in the various banks and cannot be laid at the door of the West Punjab Government, who have in fact tried their best to ensure protection to the banks. The failure of remittances from Lahore Currency Officer has nothing to do with the Pakistan Govern-

<sup>1</sup> S. C. O. R., 3rd Yr., Nos. 1-15, 228th Mtg., 16 January 1948. pp. 79-82.



ment since the Lahore Currency Officer is under the Reserve Bank of India. Your Government's complaints regarding Press reports and telegrams by private persons are also wide off the mark. Your Government do not realise that there is no censorship in West Punjab. The complaint about local and provincial authorities is thus wholly unfounded. It is a travesty of the truth to call the promises of the Central Government paper promises, as your Government alleges. My Government adhere to those assurances and have every intention of carrying out the Standstill Agreement.

4. In order to remove various difficulties relating to communications and supply of goods my Government suggested long ago that representatives of the Government of Pakistan and Kashmir should meet. That request was ignored. In the circumstances, I am, reluctantly, forced to the conclusion that the unfounded allegations and accusations are only a smoke-screen to cover the real aim of your Government's policy. A recent instance of this policy is the differential treatment accorded to leaders of the Kashmir National Conference and the Muslim Conference. On the one hand, your Government has released Sheikh Abdullah who was tried and convicted of high treason; removed the ban on his colleagues and allowed the National Conference a free field in which to carry on their propaganda. On the other hand, Mr. Ghulam Abbas and his colleagues whose alleged offence was only that they disobeyed the order banning the meeting of the Muslim Conference are still rotting in jail and the Muslim Conference organization is not allowed its elementary right of civil liberties. The course which your Government is pursuing in suppressing the Muslims in every way, the atrocities which are being committed by your troops and which are driving Muslims out of the State, various indications given in the Press, particularly the release to the Press of your Prime Minister's telegram addressed to me containing unfounded allegations and the threat to enlist outside assistance, show clearly that the real aim of your Government's policy is to seek an opportunity to join the Indian Dominion through a *coup d'etat* by securing the intervention and assistance of that Dominion. This policy is naturally creating deep resentment and grave apprehension among your subjects 85 per cent of whom are Muslims.

5. The proposal made by my Government for a meeting with

your accredited representatives is now an urgent necessity. I suggest that the way to smooth out difficulties and adjust matters in a friendly way is for your Prime Minister to come to Karachi and discuss the developments that have taken place instead of carrying on acrimonious and bitter controversy by telegrams and correspondence. I would also repeat that I endorse the suggestion made in your Prime Minister's telegram of 15 October and accepted by my Government in their reply of 18 October to have an impartial inquiry made into the whole affair.

*Telegram of the Foreign Minister of Pakistan addressed to the Prime Minister of Jammu and Kashmir, 21 October 1947<sup>1</sup>*

In our telegram, dated 12 October 1947, we drew your attention to the grave situation in Poonch. Reports since received indicate that a reign of terror has been let loose in Poonch and that terrible atrocities are being committed by Dogra troops operating in Poonch area. Large number of refugees are crossing from Kashmir territory into Pakistan and they relate stories of inhuman barbarity. Serious anxiety regarding safety of their families in Poonch area is being felt by Pakistan military personnel whom it is exceedingly difficult to reassure in absence of any clear reports or assurances from you. Request immediate detailed report of conditions and assurances of security for Muslim life and property.

9. STATEMENT OF SHEIKH MOHAMMAD ABDULLAH IN NEW DELHI, 21 OCTOBER 1947<sup>2</sup> (Reported Version)

The present troubles in Poonch, a feudatory of Kashmir, were because of the policy adopted by the State. The people of Poonch who suffered under the local ruler, and again under the Kashmir Durbar, who was the overlord of the Poonch ruler, had started a people's movement for the redress of their grievances. It was not communal.

The Kashmir State sent their troops and there was panic in Poonch. But most of the adult population in Poonch were ex-servicemen in the Indian Army, who had close connection with the people in Jhelum and Rawalpindi. They evacuated their women and children, crossed the frontier and returned with arms supplied to them by willing people. The Kashmir State Forces were thus forced to withdraw from certain areas.

<sup>1</sup> *White Paper on Jammu and Kashmir*, p. 12.

<sup>2</sup> Sardar M. Ibrahim Khan, *The Kashmir Saga*, p. 58.

### III. THE DISPUTED ACCESSION OF KASHMIR TO INDIA, 1947

#### 1. CORRESPONDENCE BETWEEN THE GOVERNMENT OF INDIA AND THE MAHARAJA OF JAMMU AND KASHMIR REGARDING THE ACCESSION OF THE STATE TO THE DOMINION OF INDIA, OCTOBER 1947

*Letter of His Highness the Maharaja of Jammu and Kashmir  
addressed to His Excellency the Governor-General of India,  
26 October 1947<sup>1</sup>*

My dear Lord Mountbatten,

I have to inform Your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As Your Excellency is aware the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 46-7.

to enter into Standstill Agreement with my State. The Pakistan Government accepted this Agreement. The Dominion of India desired further discussions with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government under the Standstill Agreement are operating post and telegraph system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government that Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State at first in Poonch and then in Sialkot and finally in mass in the area adjoining Hazara district on the Ramkote side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at several points simultaneously, that it has become difficult to stop the wanton destruction of life and property and looting. The Mahoor power-house, which supplies the electric current to the whole of Srinagar, has been burnt. The number of women, who have been kidnapped and raped, makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer capital of my Government, as a first step to overrunning the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra-Muzaffarabad road and fully armed with up-to-date weapons cannot possibly be done without the knowledge of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. In fact both the Pakistan Radio and Press have reported these occurrences. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State both the Muslims and non-Muslims generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option

but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to freebooters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen as long as I am Ruler of the State and I have life to defend my country.

I may also inform Your Excellency's Government that it is my intention at once to set up an Interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kindest regards,

The Palace, Jammu,  
26 October 1947.

Yours sincerely,  
HARI SINGH

*Letter of His Excellency the Governor-General of India addressed to His Highness the Maharaja of Jammu and Kashmir, 27 October 1947<sup>1</sup>*

My dear Maharaja Sahib,

Your Highness' letter dated 26 October has been delivered to me by Mr. V. P. Menon. In the special circumstances mentioned by Your Highness my Government have decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their policy that in the case of any State, where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people.

Meanwhile in response to Your Highness' appeal for military aid, action has been taken today to send troops of the Indian

<sup>1</sup> *Ibid.*, pp. 47-8.

Army to Kashmir to help your own forces to defend your territory and to protect the lives, property and honour of your people.

My Government and I note with satisfaction that Your Highness has decided to invite Sheikh Abdullah to form an Interim Government to work with your Prime Minister.

With kind regards,

New Delhi,  
27 October 1947.

I remain,  
Yours sincerely,  
MOUNTBATTEN OF BURMA

## 2. INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR, 26 OCTOBER 1947<sup>1</sup>

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

### NOW THEREFORE

*I, Shriman Inder Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji Jammu Kashmir Naresh Tatha Tibbet adi Deshadhpathi, Ruler of Jammu and Kashmir State* in the exercise of my sovereignty in and over my said State, do hereby execute this my Instrument of Accession, and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August, 1947

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 17-9.

(which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendments of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State, authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this *26th day of October, nineteen hundred and forty seven.*

HARI SINGH

*Maharajadhiraj of Jammu  
and Kashmir*

I do hereby accept this Instrument of Accession.

Dated this *27th day of October, nineteen hundred and fortyseven*

MOUNTBATTEN OF BURMA

*Governor-General of India*

### Schedule

*The matters with respect to which the Dominion Legislature may make laws for this State*

#### A. *Defence*

1. The Naval, Military and Air Forces of the Dominion and any other Armed Force raised or maintained by the Dominion; any Armed Forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the Armed Forces of the Dominion.

2. Naval, Military and Air Force works, administration of cantonment areas.

3. Arms; firearms; ammunition.

4. Explosives.

#### B. *External Affairs*

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled



in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalisation.

C. *Communications*

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organization of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. *Ancillary*

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters, but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

3. CORRESPONDENCE BETWEEN THE GOVERNMENT OF INDIA, THE GOVERNMENT OF PAKISTAN AND THE GOVERNMENT OF THE UNITED KINGDOM, OCTOBER 1947

*Telegram of the Prime Minister of India addressed to the Prime Minister of the United Kingdom, 25 October 1947<sup>1</sup>*

For Prime Minister, United Kingdom, from Prime Minister, India:

1. A grave situation has developed in the State of Kashmir. Large number of Afridis and other tribesmen from the Frontier have invaded State territory, occupied several towns and massacred large numbers of non-Muslims. According to our information, tribesmen have been equipped with motor transport and also with automatic weapons and have passed through Pakistan territory. Latest news is that the invaders are proceeding up the Jhelum valley road towards the valley of Kashmir.

2. We have received urgent appeal for assistance from the Kashmir Government. We would be disposed to give favourable consideration to such request from any friendly State. Kashmir's northern frontiers, as you are aware, run in common with those of three countries, Afghanistan, the USSR and China. Security of Kashmir, which must depend upon its internal tranquillity and existence of stable Government, is vital to security of India, especially since part of southern boundary of Kashmir and India are common. Helping Kashmir, therefore, is an obligation of national interest to India. We are giving urgent consideration to the question as to what assistance we can give to the State to defend itself.

3. I should like to make it clear that question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with wishes of the people and we adhere to this view. It is quite clear, however, that no free expression of the will of the people of Kashmir is possible if external aggression succeeds in imperilling the integrity of its territory.

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 45-6. Repeated to the Prime Minister of Pakistan, 26 October 1947 (Ed.)

4. I have thought it desirable to inform you of the situation because of its threat of international complications. Ends.

*Memorandum of the Prime Minister of the United Kingdom addressed to the Prime Minister of Pakistan, 27 October 1947<sup>1</sup>*

I have received message from Prime Minister of India stating that grave situation has developed in Kashmir. That tribesmen equipped with motor transport and automatic weapons entered Kashmir territory through Pakistan. That they have occupied several towns and have killed large numbers of non-Muslims, and that they are advancing on Srinagar. Mr. Nehru says that Government of India have received urgent appeal for assistance from Kashmir Government and they are considering this appeal. He adds that he would like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India.

I have sent Mr. Nehru a reply saying that we have received no confirmed reports of the scale and importance of any incursions there may have been and begging him not to let his answer to this appeal take the form of armed intervention by the forces of India. I would also appeal to you to do everything possible to prevent armed intervention in Kashmir by Muslims from Pakistan, or by tribesmen seeking to pass through Pakistan-administered territory on their way to Kashmir. I hope that it will be possible for you to use your influence with any such who have already entered Kashmir to return home. I am informing Mr. Nehru that I am making this appeal to you.

I also suggest for your consideration, as I am suggesting to Mr. Nehru, that it might be most useful step towards settlement of difficult question of Kashmir's future if it could be discussed by you, Mr. Nehru and Maharaja of Kashmir at a meeting to be held as soon as possible at some suitable place. Ends.

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of the United Kingdom, 29 October 1947<sup>2</sup>*

I thank you for your message communicated by your High Commissioner in Karachi. The position here is that on early

<sup>1</sup> Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, pp. 63-4.

<sup>2</sup> *Ibid.*, pp. 65-7.

morning of the 27th, *i.e.* the day after Mr. Nehru telegraphed to you, the Indian Government sent troops to Kashmir. This is culmination of a series of events which was briefly as follows:—

On 2 October, and in reply to a remonstrance from Kashmir that Pakistan was not abiding by the Standstill Agreement regarding supply to them by Pakistan of essential commodities, I wired to Prime Minister explaining that failure of these commodities to reach Kashmir was due to dislocation of the communications due to disturbances and assuring him that we would do everything to ensure that Kashmir received its supplies. I also said that we were seriously concerned with the stories that armed Sikhs were infiltrating into Kashmir State and again pressed on him the necessity for representatives of Pakistan and Kashmir jointly to consider questions of supplies to the State and other questions. I received a reply to the effect that as Kashmir Government were dealing with disturbances caused by armed men infiltrating from Pakistan into Kashmir they were so busy that they could not discuss matters in dispute between us but they would do when things settle down. Nevertheless, we sent Shah, Joint Secretary of Ministry of Foreign Affairs, to Srinagar to decide things with Kashmir. The Prime Minister, however, refused to have any discussions with him and he had to leave. I also wired denying that armed men were allowed to infiltrate into Kashmir.

Then I telegraphically drew the attention of Kashmir Prime Minister to state of affairs in Poonch and on border of Sialkot district where Muslims were being massacred by State troops. In his reply dated 15 October, after denying these accusations the Prime Minister proposed that an impartial inquiry be made into whole affair in order to 'remove misunderstandings and restore cordial relations' and said that if this proposal were not accepted he had no option but to ask for assistance to withstand the aggressiveness of people on his border. He attributed the raid of which he complained and failure to supply commodities as steps to coerce Kashmir into acceding to Pakistan. I replied on 18 October again denying accusations of raid from Pakistan and pointing a case in which Kashmir troops attacked a village in Pakistan and in an encounter with police killed a Head Constable. I said I was apprehensive that tactics followed in East

Punjab of massacring Muslims and then driving them out were to be followed in Kashmir. I protested against threat to call in assistance from outside the only object of which could be to suppress Muslims and to enable Kashmir to accede to India by a *coup d'etat*. In conclusion I agreed to his proposal for an impartial inquiry and asked him to nominate his representative when we would immediately nominate ours.

On 18 October Prime Minister of Kashmir telegraphed me repeating the charges of failure to send supplies according to Standstill Agreement and of allowing armed men to infiltrate into the State. He also complained of articles in Pakistan newspapers and telegrams from private individuals. He drew the conclusion that Pakistan's attitude was unfriendly, even 'inimical', and ended by saying that unless things improved he would be justified 'in asking for friendly assistance to prevent trespass on fundamental rights of State'.

This telegram was also repeated to Governor-General and published in Press. On 20 October the Governor-General telegraphed to the Maharaja, summarising the telegrams between the two Governments and pointing out that threat to call in outside help amounted almost to an ultimatum and showed that real aim of Kashmir Government's policy 'is to seek an opportunity to join Indian Union through a *coup d'etat*'. He endorsed Kashmir Government's proposal for an inquiry made in their telegram of 15 October and accepted by Pakistan in their telegram of 18 October and said that impartial inquiry as also the proposal of Pakistan Government for a meeting between representatives of two States was an urgent necessity. Finally he invited Maharaja to send his Prime Minister to Karachi to discuss recent developments in a friendly way. No answer was received to this telegram.

There is no doubt that State troops first attacked Muslims of Poonch. Women and children took refuge in Pakistan and burning villages could be seen from our border. There is no doubt that later they set out to massacre Muslims of Jammu. The Brigadier-in-Command of Jammu-Sialkot border admitted to our Brigadier that his orders were to drive out Muslims from a three-mile wide belt and that he was doing this with automatic weapons and mortars. There is no doubt that armed mobs headed

by State troops invaded Pakistan on several occasions. After one of these raids 1,760 dead bodies of Muslims were counted near one of our villages. There are now about one lakh of Muslim refugees from Jammu in West Punjab.

The refusal of Kashmir to send a representative to discuss things and to nominate a representative for an impartial inquiry and their failure to reply to Governor-General's invitation to Prime Minister to come, and their deliberate causing of disturbances in their State by employing their troops to attack Muslims, and the fact that by 9 a.m. on morning of day on which Kashmir's accession was accepted Indian air-borne troops had landed in Srinagar clearly show the existence of a plan for accession against the will of people possible only by occupation of country by Indian troops. This plan is clear from the start.

Kashmir's action cannot be based on action of Pathans who infiltrated into Kashmir as they are not reported to have done so till 22 October and correspondence with State ceased on 20 October. All that could be done short of use of troops which would have violently disturbed Frontier was done to prevent their going to Kashmir.

In these circumstances Government of Pakistan cannot recognise accession of Kashmir to Indian Union achieved as it has been by fraud and violence.

I welcome your proposal that I, the Prime Minister of India and Maharaja of Kashmir should meet to discuss matters. A meeting for this purpose is being held in Lahore tomorrow attended by Governors-General and Prime Ministers of Pakistan and India and I hope by Maharaja and his Prime Minister. I hope we will reach a satisfactory conclusion.

#### 4. TELEGRAMS EXCHANGED BETWEEN THE GOVERNMENTS OF INDIA AND PAKISTAN, OCTOBER 1947

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 28 October 1947<sup>1</sup>*

For Mr. Liaquat Ali Khan from Jawaharlal Nehru :

I have communicated to you text of telegram I sent to Prime Minister, United Kingdom, regarding Kashmir situation. I

<sup>1</sup> *White Paper on Jammu and Kashmir*, p. 48.

have also sent you text of correspondence between Governor-General, India, and Maharaja, Kashmir, regarding accession of Kashmir State to Indian Union. I have sent a further message to Prime Minister, U.K., informing him of imminent peril of Srinagar and Kashmir from raiders and of action we have taken to give protection to people there.

I want to invite your Government's cooperation in stopping these raiders entering Kashmir territory from Pakistan. These raids have already resulted in large-scale death and destruction and if they are not stopped immediately will lead to ruin of Kashmir. The consequences of success of such irresponsible raiders anywhere will be far-reaching all over India. Therefore, in interest of both Pakistan and India such raids must be stopped. As raiders come across Pakistan territory it should be possible to stop them there.

I wish to assure you that action Government of India has taken has been forced upon them by circumstances and imminent and grave danger to Srinagar. They have no desire to intervene in affairs of Kashmir State after raiders have been driven away and law and order established.

In regard to accession also it has been made clear that this is subject to reference to people of State and their decision. Government of India have no desire to impose any decision and will abide by people's wishes. But these cannot be ascertained till peace and law and order prevail. Protection of Kashmir from armed raids thus becomes first objective and in this we trust we shall have your cooperation.

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of India, 30 October 1947<sup>1</sup>*

For Pandit Nehru from Liaquat Ali Khan:

I have received your telegrams including that of 28 October to which I reply. The position is that Sikh attacks on Muslims in East Punjab in August greatly inflamed feeling throughout Pakistan and it was only with greatest difficulty that Pathan tribes were prevented from entering West Punjab to take revenge on Hindus and Sikhs. Muslims in Poonch were attacked and those

<sup>1</sup> *Ibid.*, p. 49.

in Jammu massacred by mobs led by Kashmir State Forces and when it was evident that there was to be repetition in Kashmir of that in East Punjab it became impossible wholly to prevent tribes from entering that State without using troops which would have created a situation on Frontier that might well have got out of control.

Your recent action of sending troops to Kashmir on pretext of accession has made things infinitely worse. The whole of the Frontier is stirring and feeling of resentment among tribes is intense. The responsibility for what is happening is entirely yours. There was no trouble in Poonch or Jammu till State troops started killing Muslims. All along Kashmir Government has been in close touch with you. At the same time they ignored or refused our offers of friendly discussion. On 2 October I suggested that both Pakistan and Kashmir should appoint representatives to discuss supplies to Kashmir and mutual allegations of border raids. The Prime Minister, Kashmir, replied that he was too busy. When in spite of this we sent Shah, Joint Secretary, Ministry of Foreign Affairs and States, to Kashmir the Prime Minister refused to discuss with him. On 15 October Prime Minister, Kashmir, threatened that unless we agreed to an impartial inquiry into what was happening he would ask for assistance to withstand aggression on his borders. We immediately agreed to an impartial inquiry since when no more has been heard from Kashmir of this proposal.

The Pathan raid on Kashmir did not start till 22 October. It is quite clear therefore that Kashmir's plan of asking for Indian troops—and it could hardly have been unilateral—was formed quite independently of this raid and all evidence and action taken shows it was pre-arranged. It would seem rather to have been made after failure of their troops to suppress people of Poonch and in anticipation of reaction which they expected to their massacre of Muslims in Jammu.

I in my turn appeal to you to stop the Jammu killings which still continue. Yesterday West Punjab was again invaded by a well armed mob who after a fight with villagers retreated leaving two Gurkha soldiers in uniform dead behind them. As long as this sort of thing continues passions are bound to become further inflamed.



*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 31 October 1947<sup>1</sup>*

From Jawaharlal Nehru for Mr. Liaquat Ali Khan:

Your telegram, dated 30 October. I have repeatedly expressed to you my sentiments regarding the cycle of retaliation which has plunged West and East Punjab in tragedy. Both in public and private I have condemned atrocities irrespective of community of the perpetrators, Sikh, Hindu or Muslim. If Hindus and Sikhs have killed or driven out Muslims in any part of Kashmir, I condemn their action without reserve. I find it impossible, however, to accept either your version of the causes and course of attack on Kashmir or the baseless suggestion that we have sent troops to Kashmir on pretext of "accession". We are perfectly willing to have all events investigated during last 15 months to find out what have been basic causes and on whom blame rests. What has happened in Kashmir stands apart and must be judged as such more specially in view of imminent danger of widespread disaster which Kashmir valley has had to face which would have the most far-reaching consequences in regard to relations between India and Pakistan.

2. The Government of India entirely agree that no raids from one territory to another should take place and they must be stopped by all means at our disposal. It is patent that they have had nothing to do even remotely with occurrences in or near Kashmir State till they sent their troops to Srinagar on 27 October. Before accession Kashmir was not our responsibility even though we were greatly interested in its future. We were not consulted by the Kashmir Government about any steps they may have taken or any correspondence with you. Our knowledge of what occurred then was derived largely from statements appearing in the Press. From these statements it appears that the Kashmir Government's account is materially different from what you have given and according to them many raids have taken place from West Punjab into Jammu province. As a matter of fact today a considerable part of Jammu province has been occupied by raiders from West Punjab. These raiders are provided, according to reports, with the most modern weapons

<sup>1</sup> *Ibid.*, pp. 49-51.

including flame-throwers. In these circumstances it is curious to state that aggression was from Kashmir State.

3. No impartial person could regard the military operations which for some weeks have been in progress against Kashmir as other than well-organised, well-planned and the result of most careful preparation. These operations certainly did not start on 22 October. What started on 22 October was raid from North-West Frontier Province. Its timing, mobility and speed are more suggestive of a concerted link between this operation and the operation which has been in progress on Kashmir's western borders than of a sudden tribal eruption inspired by communal happenings in the Punjab. In addition to this we have reliable information that regular Pakistan troops in large numbers were concentrated near the Kashmir border at Kohala as well as on the Jammu border and that they were prepared to enter Kashmir in the wake of the raiders.

4. You say that all along the Kashmir Government has been in close touch with us. You also say that Kashmir's plan of asking for Indian troops was formed quite independently of the recent raids. Indeed you even suggest that the request for Indian troops was inspired by us. I repudiate both the statement of alleged fact and the insinuation. Until the Pathan raid started we had no request from Kashmir State for military aid and the question was never considered by us. Some weeks ago we were told by the Kashmir Government that essential supplies had been stopped by the Pakistan Government and we were requested to send some of these essential supplies. A request was also made for arms which was referred, in common with requests from other States, to our States and Defence Ministries. This was sanctioned but as a matter of fact no arms were sent to them at all as this matter was not considered very urgent. It was at 11 p.m. on 24 October that an urgent and specific request was made to us for the first time for troops to be sent. We considered this on the 25th in our Defence Committee and again on the 20th morning. In view of the imminent peril to the valley and the possibility of large-scale massacres, a decision was arrived at regarding accession and to send airborne troops the next day, 27 October. You will appreciate that it would have been easy for us to send these troops earlier if we had intended doing so and thus stop

the raiders at an early stage of their career along the Jhelum valley road. Both military and other competent opinion has criticised us for being dilatory. At no time did we consider the question of sending troops to Kashmir previous to 25 October. The earlier visits of the Kashmir officials were concerned with supplies and no question of giving military help arose.

5. Kashmir's accession to India was accepted by us at the request of the Maharaja's Government and the most numerous representative popular organisation in the State which is predominantly Muslim. Even then it was accepted on the condition that as soon as the invader has been driven from Kashmir soil, and law and order restored, the people of Kashmir would decide the question of accession. It is open to them to accede to either Dominion then. Had we desired a pretext either for Kashmir's accession or for sending our troops there we should not have waited to accomplish our purpose until half of the valley of Kashmir and parts of Jammu province had been given to fire and sword and Srinagar itself was in peril of capture by the raiders with all its horrors.

6. I have no doubt that you realise that the raiders from the Frontier Province or along the Murree road come from Pakistan territory and it is the easiest thing in the world to stop them at the two bridges which connect Pakistan territory to Kashmir. They were not so prevented and their equipment and arms including artillery and automatic weapons bear witness to every help being given to them. We are credibly informed that regular officers of the Pakistan Army are advising the raiders. Even now it should be easy for your Government to stop the passage of these raiders or their supplies to Kashmir territory completely.

7. Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your Government but also to the people of Kashmir and to the world. You lay on us the responsibility for what is happening. I should have thought that this could more appropriately and fairly be placed on those who have been attacking and invading Kashmir. To accuse us of provocation and aggression when all that we have done is to go to the rescue of a people threatened with loss of life, property and honour, is a

singular perversion of truth and reason. It gives me no pleasure to write to you in this strain. I am convinced that if Pakistan and India are to live in peace, leaders on both sides must have trust in one another and act with understanding and restraint. Mutual mistrust and recrimination can only lead to consequences which would be to the advantage of neither India nor Pakistan. I have done everything possible to think and act in this spirit. It was not possible for us to refuse the request of the Kashmir Government to help them prevent raiding bands from committing massacre, arson and loot and ruining Kashmir. I should have thought that it was equally to your advantage to prevent this and hence my appeal to you to stop these raiders at the source.

9. I have no knowledge of the raid you refer to in Jammu in your last paragraph. I am inquiring about it. We shall certainly do our utmost to stop all raids and I appeal to you to do the same. I understand, however, that there is concentration of Pakistan troops on the Jammu border.

5. BROADCAST BY THE PRIME MINISTER OF INDIA,  
MR. JAWAHARLAL NEHRU, 2 NOVEMBER 1947<sup>1</sup>

I want to speak to you tonight about Kashmir, not about the beauty of that famous valley, but about the horror which it has had to face recently. We have passed through very critical days and the burden of taking vital and far-reaching decisions has fallen upon us. We have taken those decisions and I want to tell you about them.

The neighbouring Government, using language which is not the language of Governments or even of responsible people, has accused the Government of India of fraud in regard to the accession of Kashmir to the Indian Union. I cannot emulate that language nor have I any desire to do so, for, I speak for a responsible Government and a responsible people. I agree that there has been fraud and violence in Kashmir but the question is: "Who is responsible for it?" Already considerable parts of the Jammu and Kashmir State have been overrun by raiders from outside, well-armed and well-equipped, and they have sacked and looted the towns and villages and put many of the inhabitants to the

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 52-5.

sword. Frightfulness suddenly descended upon this lovely and peaceful country and the beautiful city of Srinagar was on the verge of destruction.

I want to say at once that every step that we have taken in regard to Kashmir has been taken after the fullest thought and consideration of the consequences and I am convinced that what we have done was the right thing. Not to have taken those steps would have been a betrayal of a trust and cowardly submission to the law of the sword with its accompaniment of arson, raping and slaughter.

For some weeks past we had received reports of infiltration of raiding bands into the State territory of Jammu province, also of a concentration of armed men near the border of Kashmir with the North-West Frontier Province. We were naturally concerned about this not only because of our close ties with Kashmir and her people but also because Kashmir is a frontier territory adjoining great nations and therefore we were bound to take interest in the developments there. But we were anxious not to interfere and we took no step whatever to intervene even though a part of Jammu province was overrun by these raiders.

It has been stated that there were raids from the Jammu side across the Pakistan border and that there was communal trouble in Jammu and Muslims were killed and driven away. In the past we have not hesitated to condemn evil, whoever might have committed it, whether Hindu or Sikh or Muslim, and so if Hindus or Sikhs or any functionaries of the State misbehaved in Jammu province, certainly we condemn them and regret their deeds.

\* \* \* \* \*

About this time we were asked by the Kashmir State to provide them with arms. We took no urgent steps, and although sanction was given by our States and Defence Ministries, actually no arms were sent.

\* \* \* \* \*

It was on the 24th night that for the first time, a request was made to us on behalf of the Kashmir State for accession and military help. On the 25th morning we considered this in the Defence Committee but no decision was taken about sending troops in view of the obvious difficulties of the undertaking. On

the 26th morning we again considered this matter. The situation was even more critical then. The raiders had sacked several towns and had destroyed the great power-house at Mahoorā which supplies electricity to the whole of Kashmir. They were on the point of entering the valley. The fate of Srinagar and the whole of Kashmir hung in the balance.

We received urgent messages for aid not only from the Maharaja's Government but from representatives of the people, notably the great leader of Kashmir, Sheikh Mohammad Abdullah, the President of the National Conference. Both the Kashmir Government and the National Conference pressed us to accept the accession of Kashmir to the Indian Union. We decided to accept this accession and to send troops by air, but we made a condition that the accession would have to be considered by the people of Kashmir later when peace and order were established. We were anxious not to finalise anything in a moment of crisis, and without the fullest opportunity to the people of Kashmir to have their say. It was for them ultimately to decide.

And here let me make clear that it has been our policy all along that where there is a dispute about the accession of a State to either Dominion, the decision must be made by the people of that State. It was in accordance with this policy that we added a proviso to the Instrument of Accession of Kashmir.

We decided to send troops on the afternoon of 26 October. Srinagar was in peril and the situation was urgent and critical. Our staff worked hard that day and night, and at day-break on the 27th our troops went by air. They were small in numbers to begin with, but immediately on arrival they rushed into action to stop the invader. Their gallant commander, a brave officer of our Army, was killed the next day.

Since then, troops and equipment have been flown over daily, and I should like to express my high appreciation and the appreciation of my Government for the fine work which our staff have done, as well as the pilots and the air crews who have thrown themselves into this adventure with heart and soul. The airlines have cooperated with us fully and to them also I am grateful. Our youngmen have shown how they can rise to the occasion in a moment of crisis to serve their country.

It must be remembered, therefore, that the struggle in Kashmir is a struggle of the people of Kashmir under popular leadership against the invader. Our troops are there to help in this struggle, and as soon as Kashmir is free from the invader, our troops will have no further necessity to remain there and the fate of Kashmir will be left in the hands of the people of Kashmir.

\* \* \* \* \*

We have asked the Pakistan Government repeatedly to stop these raiders from coming, and to withdraw those who have come. It should be easy for them to stop them for the roads into Kashmir are very few and have to pass over bridges. We on our part have no intention of using our troops in Kashmir when danger of invasion is passed.

We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharaja has supported it, not only to the people of Kashmir but to the world. We will not, and cannot back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations. We want it to be a fair and just reference to the people, and we shall accept their verdict. I can imagine no fairer and juster offer.

Meanwhile we have given our word to the people of Kashmir to protect them against the invader and we shall keep our pledge.

6. TELEGRAM OF THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, TO THE PRIME MINISTER OF THE UNITED KINGDOM, MR. C. R. ATTLEE, 4 NOVEMBER 1947<sup>1</sup>

I thank you for your telegram No. 327 of 31 October and further message of same date regarding situation in Kashmir. The conference which was arranged to be held in Lahore on 1 November did not take place because suddenly on morning of 1 November Lord Mountbatten telephonically informed Governor-General of Pakistan that Pandit Nehru was not well enough to go to Lahore. That, therefore, he alone was coming to attend the meeting of Joint Defence Council of which he is Chairman. That he hoped to take opportunity of meeting the Governor-

<sup>1</sup> Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, pp. 71-3.

General of Pakistan. That since he was only a constitutional Governor-General he could not negotiate a settlement.

In this way the idea of a conference has receded into background so far as Indian Dominion is concerned, for, if Indian Government wanted it the Deputy Prime Minister could have come in place of Pandit Nehru.

The two Governors-General met at Lahore and had a long discussion on 1 November. The upshot of discussion was that Governor-General, Pakistan, made following proposals to Governor-General, India, for acceptance of Indian Dominion:—

“(1) To put an immediate stoppage to fighting the two Governors-General should be authorised and vested with full power by both Dominion Governments to issue a proclamation forthwith giving forty-eight hours’ notice to the two opposing forces to cease fire. Governor-General, Pakistan, has no control over forces of Provisional Government of Kashmir or tribesmen engaged in fighting but he will warn them in clearest terms that if they do not obey order to cease fire immediately the forces of both Dominions will make war on them.

(2) Both forces of Indian Dominion and tribesmen to withdraw simultaneously and with utmost expedition from Jammu and Kashmir State territory.

(3) With sanction of two Dominion Governments the two Governors-General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State and arrange for plebiscite without delay under their joint control and supervision.”

Lord Mountbatten was requested to place these proposals immediately before Indian Dominion and to get their acceptance of them. Governor-General, Pakistan, undertook to do likewise. Governor-General, Pakistan, is still awaiting a reply from Governor-General, India.

On evening of 2 November, a day after return of Lord Mountbatten to Delhi, Pandit Nehru broadcast what he calls decision of Indian Government and it is most unfortunate that he should have thought fit to do so in the manner and language he has used. Leaving aside the highly provocative attacks on Pakistan Government, the proposal he has put forward is full of most dangerous potentialities and will not bring peace to Kashmir.



As long as forces of Indian Dominion are on Kashmir soil the struggle of Kashmir people will go on. What Indian Government call the restoration of law and order is no more than an attempt to oppressive killing-terror and driving out Muslim population of Jammu and Kashmir until, like East Punjab and Indian States in East Punjab, the composition of population is entirely changed. Pandit Nehru's broadcast indicates clearly that India Government intend to complete their occupation of Jammu and Kashmir and get entire control over its territory under superficial attractive slogan that ultimately the fate of Kashmir will be decided by people of Kashmir. Pandit Nehru has even avoided use of word plebiscite and has spoken of referendum which might mean anything. After Indian Government have established complete mastery over territory of Jammu and Kashmir the holding of a plebiscite or referendum will be purely a farce.

In the meantime feelings throughout West Pakistan and tribal territory are running very high and will soon get beyond all control. After ghastly massacres in East Punjab it is impossible to expect people to witness patiently a tragedy on an equal scale in Jammu and Kashmir. Very little news of Jammu is allowed to reach outside world but situation there is extremely grave. According to our information thousands of Muslims are being massacred everyday. In Jammu city itself 90,000 Muslims are bottled up and are in imminent peril of their lives.

The problem is so inflammatory and dangerous that it requires an immediate solution. All this was fully impressed upon Governor-General, India, in talk that Governor-General, Pakistan, had with him. The Pakistan Government are convinced that the only solution which will avoid further bloodshed and bring peace to Jammu and Kashmir, get a free verdict of people of State, and restore friendly relations between two Dominions is that proposed by Governor-General, Pakistan. Immediate action essential. Every day that passes counts and makes situation more and more dangerously grave. I once more urge you to take immediate action without a moment's delay or else the consequences will be beyond control and most disastrous having much wider repercussions not only in the subcontinent but throughout world.

7. BROADCAST BY THE PRIME MINISTER OF PAKISTAN,  
MR. LIAQUAT ALI KHAN, 4 NOVEMBER 1947<sup>1</sup>

\* \* \* \* \*

In the exhilaration of self-styled gallantry and valour some erstwhile sympathisers of the oppressed people of Kashmir seem to have forgotten the history of this beautiful land. Let us, therefore, briefly recall it for their benefit.

This piece of God's earth along with the human beings inhabiting its hills and valleys was, under the infamous Amritsar Treaty, sold by the British to a Dogra chieftain for the paltry sum of Rs. 75 lakhs.

The present Maharaja inherits the people of Kashmir from his forefathers as though they were so many cattle. It is this immoral and illegal ownership that the gallantry and valour of Indian troops is defending today by spilling the blood of the suppressed slaves who had been bartered away by the British.

During the past 100 years of Dogra rule, this highly gifted and most attractive race of Kashmiris has been dragged down to the lowest depths of misery. In recent years they have made many attempts to fight for their freedom. Time and again they have been thwarted but time and again they have risen to defy tyranny.

The fight is not yet at an end. But I would like my listeners to know that today the people of Kashmir are fighting not only for their freedom, but also for their very existence. For their misfortunes have, in recent months, taken on a darker side. They have been caught in the meshes of a widespread plan for the extermination of Muslims. This plan has succeeded in Alwar, in Bharatpur, in Patiala, in Faridkot, and in Kapurthala. And all these you will note are States that have acceded to the Indian Union.

Only yesterday Muslims formed the majority of the population in Kapurthala. There are hardly any left there now. When we asked the Indian Government to protect the Muslims in these States, we were told that these events were the States' internal affairs and the India Government could not interfere. After the massacre of Muslims in East Punjab and East Punjab States, the forces of annihilation turned to Jammu and Kashmir.

Towards the end of September, the I.N.A. and the Rashtriya Sewak Sangh shifted their headquarters from Amritsar to Jammu,

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 56-60.

and thousands of Sikh refugees, so called, began to infiltrate into Kashmir. These so-called Sikh refugees came from East and not West Punjab. They came armed with modern weapons and were provided with more weapons by the State authorities. They set about their foul business in Jammu and Poonch repeating the horrible drama that they had enacted in East Punjab and with the same type of characters playing the leading roles.

In the beginning of October, news of the bestial deeds perpetrated on the innocent people of Kashmir began to trickle through. In a short time the trickle became a torrent. Burning villages could be seen from the Murree hills. Thousands of terror-stricken refugees poured into Pakistan.

It was at this stage that the people of Kashmir, in sheer desperation, turned on their oppressors. Kashmiris, and specially the inhabitants of Poonch, have many relatives in Hazara and in West Punjab. Consequently feelings in certain parts of Pakistan rose very high and some people from the North-West Frontier Province and the tribal area, stirred by the atrocities in Kashmir, rushed to the aid of their brethren. It is the oppressed, enslaved and entrapped people of Kashmir struggling for their freedom and now for their lives and their sympathisers, whom the Indian Government is helping to wipe out. The declared object of the Indian Government is to strengthen the Maharaja's hands. How blood-stained these hands are is quite well-known to the leaders of India, even though they may choose to forget this fact now.

The stress has deliberately been shifted to the so-called raiders, as if the people of Kashmir themselves had suddenly slipped off their minds the memory of the century-old oppression, and had overnight become enamoured of their tyrannical oppressors. To present the rebellion of an enslaved people to the world as an invasion from outside simply because some outsiders have shown active sympathy with it, is a dishonest rewriting of history.

Much has been made of modern arms that are alleged to have been used against the Army and a tall structure of insinuation and innuendo has been built on this detail. It is, however, forgotten that many of those who are fighting the invading troops of India come from the 60,000 ex-Army men of Poonch, who are not incapable of capturing the arms of their enemy.

Let us, therefore, not be misled by the laboured picture, so elaborately drawn, of the 'gallant' Indian Army saving the beautiful land of Kashmir and its people from invading hordes. It is not invading hordes but the patriots of Kashmir that the Indian Army is shooting and bombing. It is not Kashmir but a tottering despot that the Indian Government and their camp-followers are trying to save.

In his broadcast, the Prime Minister of India has been tilting at windmills. The armies of Pakistan have not marched into Kashmir as the armies of India, in one guise or another, marched into Junagadh and Manavadar when these States acceded to Pakistan. The Indian Government regarded the accession of Junagadh to Pakistan as a threat to their security.

The accession of Kashmir to India is a much greater threat to the security of Pakistan. We do not recognise this accession. The accession of Kashmir to India is a fraud, perpetrated on the people of Kashmir by its cowardly Ruler with the aggressive help of the Indian Government.

\* \* \* \* \*

The refusal of the Kashmir Government to send a representative to discuss things and to nominate a representative for an impartial inquiry and their failure to reply to Mr. Jinnah's invitation to the Prime Minister to come to Karachi, their deliberate causing of disturbances in their State by employing their troops to attack Muslims, the fact that by 9 a.m. on the morning of the day on which Kashmir's accession was accepted Indian air-borne troops had landed in Srinagar clearly show the existence of a plan for accession against the will of the people, possible only by occupation of the country by Indian troops.

Even though all sorts of accusations were made against Pakistan by the Kashmir Government (and it was to redress these wrongs that the Indian Government claims to have sent military aid to the Kashmir Government) yet at no stage did the Indian Dominion ask the Pakistan Government about the accusations and allegations or try to find a solution of this problem by joint consultation. It was only after India had accepted Kashmir's accession and sent forces into Kashmir that the Pakistan Government was informed of the action.

After the unwarranted occupation of Kashmir by the Indian Government, Mr. Jinnah proposed that an immediate conference should be held in Lahore. It was to be attended by the Governors-General and the Prime Ministers of the two Dominions and the Maharaja and his Prime Minister. This invitation was accepted and the conference was to be held on 29 October. At the last minute the conference was postponed as Pandit Nehru fell ill. It was arranged then that the conference should be held on 1 November and attended by the Governors-General and the two Prime Ministers. This conference also did not take place because on the morning of 1 November again at the last minute we were informed that Pandit Nehru was not well enough to come to Lahore.

In this way the idea of the conference receded into the background, so far as the Indian Dominion is concerned. If the Indian Government really wanted to discuss this most vital and urgent matter, surely the Deputy Prime Minister could have come in place of Pandit Nehru.

On 1 November, Lord Mountbatten came to Lahore alone to attend the meeting of the Joint Defence Council and took the opportunity to see Mr. Jinnah. At this meeting certain suggestions were made to Lord Mountbatten, but no further communication has been received by me or Mr. Jinnah from the Indian Government. Instead, Pandit Nehru has chosen to hurl across the world reckless accusations against the Pakistan Government, regardless of true facts. His broadcast was arranged after Lord Mountbatten's return to Delhi, and what the validity of his accusations is I have already told you. That is where the matter stands today. The issues are for you and the world to judge.

8. TELEGRAMS EXCHANGED BETWEEN THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AND THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, NOVEMBER 1947

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 3 November 1947<sup>1</sup>*

Following for Liaquat Ali Khan from Jawaharlal Nehru:

I have received no reply yet from you to my telegram, dated 31 October, regarding Kashmir.

<sup>1</sup> *White Paper on Jammu and Kashmir*, p.55.

Reference to last paragraph of your telegram, dated 30 October, I have inquired from Prime Minister, Kashmir, about alleged raid. His reply sent after investigation is that there was no raid from Kashmir side to West Punjab but there was a raid from West Punjab side into Jammu province. This was resisted by villagers and State troops and two Gurkha soldiers were killed in Kashmir territory. Apparently their bodies were dragged away by the raiders into West Punjab.

I am informed that in Jammu province situation is well in hand except in areas under the occupation of raiders who are continuing their depredations. Kashmir Government is protecting Muslims in Jammu and the border would be quite safe but for raids from West Punjab.

I have repeatedly requested you to stop raiders from entering Kashmir territory from Pakistan both in Jammu province and along the Jhelum valley road. Our information is that these raiders are being helped by high Pakistan officials. Indeed Prime Minister of North-West Frontier Province has openly declared that these raiders should be helped. We have definite information of senior officials of the Frontier Province giving every assistance to these raiders. We put it to you that this not only is against your own declaration but also is a breach of international law. We trust that you will take immediate steps not only to stop further raiders from coming into Kashmir State territory but order withdrawal of all those who are already in Kashmir State.

We are anxious to restore peaceful conditions in Kashmir and we invite your cooperation again to this end. This can only be done after the withdrawal of the raiders who have inflicted tremendous damage in the State territory. As soon as raiders are withdrawn there would be no necessity for our keeping our troops there.

I wish to draw your attention to the broadcast on Kashmir which I made last evening. I have stated our Government's policy and made it clear that we have no desire to impose our will on Kashmir but to leave final decision to the people of Kashmir. I further stated that we have agreed to an impartial international agency like the United Nations supervising any referendum. This

principle we are prepared to apply to any State where there is a dispute about accession. If these principles are accepted by your Government there should be no difficulty in giving effect to them.

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of India, 6 November 1947<sup>1</sup>*

Following for Pandit Nehru from Liaquat Ali Khan:

Your telegrams, dated 31 October and 4 November, regarding Kashmir.

In broadcast I made on evening of 4 November I gave a review of Kashmir situation and of events leading up to it. It is hardly necessary for me to go over the whole ground again or reply to your allegations in detail. But I must say that you are singularly misinformed about position in Jammu and Kashmir. In particular your account of border incidents in Jammu and of conditions in Jammu is so contrary to facts that I can only conclude that Jammu and Kashmir Government are sedulously keeping truth away from you. Let me repeat that it is the Muslims in Jammu who are being massacred by the thousand every day with active assistance of State police and military, who are also organising raids into West Punjab. When Kashmir Government made an offer of an impartial inquiry into these border incidents we accepted it at once. The Kashmir Government never broached the subject again. Your other allegations and insinuations are equally devoid of foundation and I emphatically repudiate them.

A day before your broadcast indicating policy of your Government a long discussion took place between Lord Mountbatten and the Quaid-e-Azam as a result of which the following proposals were put before Lord Mountbatten for communication to you and your Government:—

1. To put an immediate stop to fighting; the two Governors-General should be authorised and vested with full powers by both the Dominion Governments to issue a proclamation forthwith giving 48 hours notice to two opposing forces to cease fire. We have no control over forces of Provisional Government of Kashmir or tribesmen engaged in fighting but we will warn them in clearest terms that if they do not obey order to cease fire immediately the forces of both Dominions will make war on them.

<sup>1</sup> *Ibid.*, p. 60.

2. Both the forces of Indian Dominion and tribesmen to withdraw simultaneously and with utmost expedition from Jammu and Kashmir State territory.

3. With sanction of two Dominion Governments the two Governors-General to be given full power to restore peace, undertake administration of Jammu and Kashmir State and arrange for plebiscite, without delay, under their joint control and supervision.

Lord Mountbatten promised to let me know your Government's reply to these proposals but we have heard no more about them. Your Government's policy is vague. I still ask your Government to let me have your reply to our definite proposals.

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 8 November 1947<sup>1</sup>*

For Prime Minister, Pakistan, from Prime Minister, India:

Your telegram, dated 6 November, about Kashmir was received today.

2. I regret that I have to disagree completely with your account of what has happened or is happening in Jammu and Kashmir State. We have received and are receiving full information from our own representatives in both Jammu and Srinagar, and this convinces us that your information is wholly wrong.

3. I regret also the tone and content of your broadcast of 4 November regarding Kashmir which indicated no desire to find method of settlement. It was merely an indictment which has no relation to fact.

4. In the last paragraph of your telegram you say that Lord Mountbatten promised to let you know the views of the Indian Government to the proposals discussed between the two Governors-General but that you have heard no more about them. On this point there seems to have been a misunderstanding.

5. Lord Mountbatten on his return from Lahore gave me a full account of his talk with Mr. Jinnah and in particular of two important suggestions which had been discussed namely (one) the withdrawal of Indian Dominion troops and tribesmen from Kashmir, and (two), the holding of a plebiscite at the earliest possible date.

<sup>1</sup> *Ibid.*, pp. 61-2.



6. As regards the first proposal Lord Mountbatten told me that Mr. Jinnah desired that the withdrawal of the Indian Dominion troops and tribesmen should be simultaneous but that he, (Lord Mountbatten), had pointed out that it was clearly impossible for the Indian troops to withdraw from Kashmir valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir. Lord Mountbatten had also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary.

7. As regards the second point Lord Mountbatten reported that Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities. To meet this point Lord Mountbatten had suggested that it should be conducted under the auspices of UNO. Mr. Jinnah had put forward the counter-proposal that the two Governors-General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him to undertake this duty.

8. On the very day that I had this talk with Lord Mountbatten I made a broadcast in which the views of the Government of India on both these proposals were stated plainly and sincerely and I followed it up with a telegram to you indicating that they might form the basis of discussion at our next talk.

9. It is thus clear beyond any shadow of doubt that we did in fact put forward definite proposals as a basis for discussion between us, as soon as possible after Lord Mountbatten's return from Lahore.

10. I would have been glad to explain to you personally, at the meeting that had been arranged for tomorrow, the proposals we had put forward and the reasons for our inability to accept the proposals made to Lord Mountbatten by Mr. Jinnah. But since, unfortunately, you are unable to come, I must let you have my views upon them. They are as follows.

11. As regards your proposals one and two, a number of well-armed raiders have entered Kashmir to the accompaniment of massacre, arson and loot. Our troops have been sent there to drive out these raiders and protect Kashmir. So long as these raiders remain there, and law and order have not been established,

our troops must discharge their duty. Afterwards they will be withdrawn, as I have already undertaken.

12. The raiders are either under your control, or they are not. If they are under your control you should withdraw them and, in any event, stop them coming through Pakistan territory into Kashmir. If they are not under your control and you can do nothing to stop them, then surely we are entitled to deal with them as we think best.

13. As regards proposal number three in your telegram of 6 October, (*sic*), we entirely endorse Lord Mountbatten's view (*vide* paragraph seven above).

14. It will thus be seen that our proposals which we have repeatedly stated are: (one) that the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir; (two) that the Government of India should repeat their declaration that they will withdraw their troops from Kashmir soil as soon as the raiders have withdrawn and law and order are restored; (three) that the Governments of India and Pakistan should make a joint request to UNO to undertake a plebiscite in Kashmir at the earliest possible date.

15. The above conclusions relate only to Kashmir, but it is essential, in order to restore good relations between the two Dominions that there should be acceptance of the principle that, where the Ruler of a State does not belong to the community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is the same as the State's, the question whether the State should finally accede to one or the other of the Dominions should be ascertained by reference to the will of the people.

16. The Major-General commanding our forces in Jammu and Kashmir has been given the most explicit orders to do everything in his power to ensure that no victimisation of any community is permitted.

9. STATEMENT BY THE PRIME MINISTER OF PAKISTAN,  
MR. LIAQUAT ALI KHAN, 16 NOVEMBER 1947<sup>1</sup>

I have seen the Press report of the speech made by the Deputy Prime Minister of India at a public meeting at Rajkot on

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 62-5.

12 November and his subsequent speech at Junagadh, in the course of which he made various unfounded allegations against Pakistan, tried to justify the acts of aggression committed by the Indian Government in Manavadar, Junagadh and Kashmir, and threatened Hyderabad with similar aggression.

\* \* \* \* \*

I believe that a true understanding between the two countries can be based only on a clear and dispassionate appreciation of the facts of the present situation. It is with a view to promoting such an understanding that I propose to restate the position of the Pakistan Government in respect of the States over which the present disputes have arisen.

Hundreds of States, including States such as Kapurthala, had a Muslim majority in the population, acceded to the Indian Union, but in no case did the Pakistan Government interfere in any way. Junagadh was the first State to accede to Pakistan and at once the Indian Government started on a campaign of vilification, threats and economic blockade....

\* \* \* \* \*

In the Kashmir dispute, too, we have repeatedly urged a peaceful settlement by negotiation. The Muslims of Jammu and Kashmir have suffered grievously under the Maharaja's Government. Thousands have been killed, Muslim women have been abducted in large numbers and over 100,000 Muslims have been driven out of their homes into Pakistan in a cruel and inhuman manner.

This destruction of Muslim life, honour and property is still continuing by armed mobs with the help of the State and Indian Union forces, with the set purpose of eliminating the Muslim population from the State, and thousands of refugees are pouring into Pakistan. Dogra troops and gangsters from the State have made numerous incursions into our territory in West Punjab.

We made repeated attempts to persuade the Kashmir Government to discuss these questions with us, but they were determined to join the Union of India against the will of the people of Kashmir by a *coup d'etat*.

The Indian Government, in direct and clear repudiation of the principles on which they had questioned the accession of Junagadh to Pakistan, and without any reference to, or consultation

with the Pakistan Dominion, whose security is vitally affected by events in Kashmir, occupied Kashmir by military force and have, since the very first day of their entry into Kashmir, been endeavouring in putting down the Muslims there by force.

Pakistan territory itself has been twice violated by the Indian forces. Bombs have been dropped in our territory in the vicinity of the Kohala bridge and our police post at Ghari-Habibullah, in the Hazara district, has been machine-gunned by the Indian Air Force.

\* \* \* \* \*

We have made repeated efforts to have a conference with the Indian Dominion to bring about a peaceful settlement, but, on one pretext or another, the Indian Government, with the might of military power behind them, have flouted the idea. The attitude of the Indian Government indicates that they are determined to force a military decision on Kashmir and to reduce the plebiscite to a farce by eliminating the Muslim population by the cruel methods which are now in operation.

Indeed, it now seems extremely doubtful if there will be any attempt at all to ascertain the wishes of the people of Kashmir. Speaking to Pressmen at Srinagar on 10 November, during Pandit Jawaharlal Nehru's visit to that place, Sheikh Abdullah was reported to have observed that there may not be a referendum at all.

While this quisling, who has been an agent of Congress for many years, struts about the stage bartering away the life, honour and freedom of his people for the sake of personal profit and power, the true leaders of the Muslims of Kashmir are rotting in jail. His statement reveals an uneasy realisation that, despite all the repression, the verdict of the people of Kashmir will go in favour of accession to Pakistan.

There is not the slightest doubt that the whole plot of the accession of Kashmir to India was pre-planned. It cannot be justified on any constitutional or moral grounds. It is quite clear now that what the India Government are after is permanent occupation of Kashmir. They can maintain this unjust occupation only by liquidation of the Muslim population of Jammu and Kashmir, who are now suffering military repression in its worst form and who are struggling for their freedom and, indeed, for their very existence against heavy odds.

The Indian Government's whole conduct is based on 'might is right', and on the belief that Pakistan is unable to fight them. If the Indian Government are allowed to follow their imperialist land-grabbing policy, this will have repercussions not only in Asia, but throughout the world.

The fundamental principle of the Charter of the United Nations is to prevent might prevailing over right. The whole dispute should, therefore, be brought before the bar of international opinion.

We are ready to request UNO immediately to appoint its representatives in Jammu and Kashmir State in order to put a stop to fighting and to the repression of Muslims in the State, to arrange the programme of withdrawal of outside forces, to set up an impartial administration of the State till a plebiscite is held and to undertake the plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession.

10. TELEGRAMS EXCHANGED BETWEEN THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AND THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, NOVEMBER 1947

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of India, 10 November 1947<sup>1</sup>*

For Pandit Jawaharlal Nehru from Liaquat Ali Khan:

I have received your telegram No. 304, dated 8 November, regarding Kashmir and have also had an account of your discussions with Sardar Abdur Rab Nishtar and Mohammed Ali. I have also seen draft agreement prepared by Lord Ismay, Menon and Mohammed Ali. I agree with you that early settlement of Kashmir question is essential to restore good relations between the two Dominions. Indeed every effort must be made to remove all causes of friction. For this purpose a very early meeting between us is necessary.

If I had been fit enough to travel I should have come to Delhi but, unfortunately, I am still confined to bed. I, therefore, invite

<sup>1</sup> Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, pp. 78-9.

you to come to Lahore at an early date convenient to you for a discussion of outstanding questions and hope that you will be able to accept this invitation.

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 13 November 1947<sup>1</sup>*

For Liaquat Ali Khan from Jawaharlal Nehru:

On return from Kashmir I have received your telegram No. 695-G, dated 10 November. I am surprised to see reference to some draft agreement. There is no such thing to my knowledge, but some kind of a formula for discussion was placed before me and I was told by Menon that he did not agree with parts of it. Lord Ismay also informed me that he did not think it feasible. When I saw it I made it clear to Mohammed Ali that we could not possibly consider it.

An essential preliminary is complete withdrawal of all raiders and invaders into Kashmir territory from Pakistan. We cannot withdraw our troops from Kashmir, or cease taking precautionary measures, till Kashmir is free from these raids and there is no chance of further attack. Already Kashmir State has suffered greatly. My recent visit to Kashmir brought home to me the urgent necessity of every action being taken by us to drive away every single raider from State territory. The acts of vandalism that they have committed in Kashmir shocked me beyond measure. No organised authority can permit such savage behaviour in its territory. Hospitals, convents, churches, libraries, shops, in fact every place was ruined and looted. I saw large numbers of Muslim women with their ears torn because ear-rings had been pulled out. The population of Kashmir valley which, as you know, is chiefly Muslim complained bitterly of this outrageous behaviour and begged us to continue to protect them. We cannot leave them in the lurch.

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of India, 19 November 1947<sup>2</sup>*

Your telegram PRIMIN-338, dated 13 November, regarding Kashmir. If you will see document which you state was placed

<sup>1</sup> *Ibid.*, p. 79.

<sup>2</sup> *Ibid.*, pp. 80-1.

before you, you will find that it is headed "Draft Agreement". This draft agreement was prepared by Lord Ismay, Menon and Mohammed Ali and represented conclusions of a solution even though all or any of them might have doubts whether two Governments would accept it. Since you do not agree with it there is nothing more to be said about it.

You have mentioned certain instances of destruction of life and property. No one could condemn them more severely or regret them more than I do. Such acts must be condemned by every right thinking man wherever they occur. But I am pained to see that you appear to have taken no action regarding atrocities which are being perpetrated on Muslims of Jammu and Poonch. I have drawn your attention repeatedly to large-scale massacres of Muslims and to abduction of women. The brutality and cold-blooded murders and crimes against women of which Dogra troops of Indian Union have been guilty in Jammu and Poonch are of most heinous kind. The thousands of Muslims who are pouring into Pakistan from Jammu and Poonch tell tales of woe too horrid to be repeated. Your Government appears to be completely indifferent to this murder, rape, abduction, loot and arson, the only purpose of which is to liquidate entirely the Muslim population of the State.

I repudiate emphatically the insinuation in your telegram that Pakistan Army authorities are giving help to so-called raiders into Kashmir. On contrary, we have plenty of evidence that soldiers of Indian Union and of States that have acceded to Indian Union have been engaged in raids into Pakistan territory. I suggest you might appropriately have an inquiry into conduct of these soldiers.

I notice that you are not prepared to have a discussion until those whom you call raiders have been driven out of Kashmir, and also that anything relating to Kashmir must have approval and consent of Sheikh Mohammad Abdullah. This is hardly a constructive approach to Kashmir problem. In view of stand you have taken I see no other way to a peaceful settlement except a reference of whole question to UNO. I sent you a copy of Press statement I issued on 16 November in which I have made this proposal. I hope you will agree that in the present circumstances this is the only fair and peaceful solution.

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 21 November 1947<sup>1</sup>*

From Prime Minister, India, for Prime Minister, Pakistan:

Your telegram, dated 19 November. I have nothing to add to what I have already said regarding the so-called agreement in my telegram, dated 13 November. I have been assured by parties concerned that this was no agreement at all but points noted down for discussion.

2. Immediately after the accession of Kashmir State to India we were entirely occupied, militarily and otherwise, in the Kashmir valley and we were not in touch with the Jammu situation. We came to learn later that two convoys of Muslims had been brutally attacked in Jammu. We took immediate steps to prevent evacuation of Muslims from Jammu and to protect them there. Another conyoy had started already but this was guarded by our troops and when this was attacked our troops inflicted very heavy casualties on the attackers killing 150 of them, wounding nearly a hundred and capturing 500 of them. Since then there has been no evacuation, no convoys and no attacks. We have issued strictest possible instructions to commanders of our forces that they should do everything possible to protect Muslims in Jammu and these orders have been carried out with success during the last fortnight. We deeply regret the attacks on Muslim convoys early in November and heavy casualties suffered by them. We should like to point out, however, that no troops of the Indian Union have been guilty of offences that you attribute to them. They have effectively protected Muslims. It appears that attacks on Muslim convoys were made chiefly by non-Muslim refugees.

\* \* \* \* \*

8. Your statement that we are not prepared to have discussion until raiders have been driven out of Kashmir must be based on some misunderstanding. We are ready for a discussion at any time. All that I have said, and would repeat, is that a settlement of the Kashmir issue cannot take place unless the raiders are made to leave Kashmir State territory.

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 65-7.



9. I must express my great regret at the remarks that you have made in your Press statement about Sheikh Mohammad Abdullah. I regard him as a man of high integrity and patriotism. You know well his great influence in Kashmir. All communities look up to him but more specially and naturally the Muslims of Kashmir. He has faced a very difficult situation with remarkable courage and ability. He is now head of the Kashmir Administration and undoubtedly represents in a very large measure the popular will of Kashmir. It would be improper in every way for us not to consult him in any matter relating to Kashmir State.

The specific suggestions regarding reference to the United Nations in your Press statement are:

- (i) "That UNO should immediately appoint representatives in Jammu and Kashmir in order to put a stop to fighting, and to repression of Muslims in the State." Since United Nations have no (repeat no) forces at their disposal, we do not see how they can put a stop to the fighting or to the alleged repression of Muslims. This can only be done by an organised military force, and is being done by our troops. The fighting would also stop as soon as the raiders were made to withdraw and I have repeatedly asked your cooperation in stopping transit and supplies to raiders through Pakistan territory.
- (ii) "To set up an impartial administration of the State." It is not clear to me what UNO can do in the present circumstances in Kashmir till peace and order have been established. We are convinced that Sheikh Abdullah's administration is based on the will of the people and is impartial. Anyone who goes to Kashmir and sees things for himself can appreciate this. Moreover, we have pledged that, so long as our forces are in Kashmir, protection of all sections of the community will be their first and sacred duty. This duty will be discharged without fear or favour.
- (iii) "To undertake the plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession." I have repeatedly stated that as soon as the raiders have been driven out of Kashmir or have withdrawn and peace and order have been established, the people of Kashmir should

decide the question of accession by plebiscite or referendum under international auspices such as those of the United Nations. It is clear that no such reference to the people can be made when large bodies of raiders are despoiling the country and military operations against them are being carried on. By this declaration I stand.

\* \* \* \* \*

I did not suggest that the Pakistan Army was participating officially in the raid. We possess, however, incontrovertible evidence that members of the Pakistan Army, whether on leave or deserters, have joined the raiders and that the military equipment which can only have come from the Pakistan Army has been in possession of the raiders.

11. TELEGRAM OF THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, ADDRESSED TO THE PRIME MINISTER OF THE UNITED KINGDOM, MR. C. R. ATTLEE, 24 NOVEMBER 1947<sup>1</sup>

Many thanks for your telegram of 22 November regarding Kashmir. Your suggestion of having recourse to International Court of Justice appears to be based on an inadequate appreciation of realities of situation in Kashmir. You have focussed your attention solely on the last process in the solution of the Kashmir question, namely, the holding of a plebiscite and have ignored the essential pre-requisites for a free and unfettered exercise of the will of the people. These are: firstly, cessation of fighting and withdrawal of all outside forces, Indian or tribesmen, as well as of large number of armed Sikhs and Rashtriya Sewak Sangh who have entered the State since beginning of trouble ; secondly, the establishment of an impartial interim administration which would put a stop to repression of Muslims and give free and equal opportunity to all political parties in the State. Without these two essential pre-requisites there is no chance of a free verdict of the people of the State on the question of accession.

\* \* \* \* \*

4. The Indian Government's insistence upon the retention of  
<sup>1</sup> Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, pp. 85-6.

their troops in Kashmir until they have restored law and order to their own satisfaction can only mean that Indian troops will stay in the State until they have crushed by military force all opposition to their permanent occupation of Kashmir. The methods by which maintenance of law and order is used to consolidate an alien rule are well known. The Muslim population of the State has been feeling impact of those methods in full force. The true leaders of Muslims, and politically conscious among them, are, with their families, the special targets of this repression. In spite of protestation of Indian Government the number of Muslim refugees into Pakistan swells day by day and is now over 200,000 (two hundred thousand). All these refugees bring with them horrible tales of most inhuman atrocities. I repeat that what Indian Government is after is permanent occupation of Kashmir and they know they cannot achieve this object until they have changed composition of population by converting Muslim majority into a minority. Behind their high-sounding phrases stands this hideous reality—their elimination and demoralisation of whole population by violent means—and any proposal which fails to tackle this basic fact offers no real solution.

5. The above analysis shows that first, fighting must stop and all outside forces must withdraw and secondly, which is no less essential, that Kashmir Administration must be taken over by an impartial and independent authority immediately. Not until these conditions are fulfilled is there any hope of getting a free plebiscite which, in our opinion, need not wait till the spring.

6. I hope you now realise the actual position. If you would consider these basic facts you will, I hope, support our proposal that UNO should immediately send out a Commission to undertake the tasks outlined in para. 5 above. This Commission should have under it an International Police Force to maintain law and order. The composition of this force can be left to decision of UNO Commission. We, on our part, would be prepared to accept a force drawn solely from Commonwealth.

12. INTERVIEW GIVEN BY THE NAIB-SALAR-E-AALA, MUSLIM LEAGUE NATIONAL GUARDS, MAJOR KHURSHID ANVER, 6 DECEMBER 1947<sup>1</sup> (Reported Version)

Major Khurshid Anver was very bitter against the Pakistan Government for not having rendered any assistance to the tribesmen in their heroic bid to capture Srinagar.

He was of the opinion that given the necessary arms and ammunition, the tribesmen would sweep the whole State within a few days.

Major Anver said he was organising the tribesmen and that he hoped to have a standing army of 200,000 within a period of six months.

Giving a *resume* of the Kashmir campaign, Major Anver said that the attack on Kashmir was originally planned from two sides—one from the regions adjoining Kashmir State in the tribal belt and the other from the Pakistan border. While the frontier tribesmen's attack materialized the other one did not, owing to various obstructions placed by the Pakistan Government in the way of the attackers.

\* \* \* \* \*

Thereafter, the Major said with a sigh, a new chapter started. All the tribesmen were withdrawn. Some tribesmen returned home while others were still engaged in fighting on the Poonch front.

13. TELEGRAMS EXCHANGED BETWEEN THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AND THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, DECEMBER 1947

*Telegram of the Prime Minister of India addressed to the Prime Minister of Pakistan, 12 December 1947<sup>2</sup>*

From Prime Minister, India, for Prime Minister, Pakistan:

Ever since my return from Lahore I have given the most earnest thought to the settlement of all outstanding matters in dispute between India and Pakistan. My colleagues share my desire for such a settlement which is essential for the well-being

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 4-5.

<sup>2</sup> *Ibid.*, p. 73.

of both India and Pakistan. It is our good fortune that agreements have already been arrived at in regard to many matters in controversy. But you will appreciate that it is difficult to make any progress if conflict and suspicion continue between the two countries. Such conflict is likely to affect all our other relations and may lead to a deterioration of the situation.

2. The major cause of this conflict at present is Kashmir. We have discussed this matter with you at great length without resolving our differences or finding a way out of the impasse. I need not reiterate the arguments which have been repeatedly advanced in support of our position. You are fully seized of them.

3. We have given further thought, in the light of our discussion in Lahore, to the question of inviting the United Nations to advise us in this matter. While we are prepared to invite UNO observers to come here and advise us as to the proposed plebiscite, it is not clear in what other capacity the United Nations help can be sought. According to your own declaration to us you are not parties to the present struggle in Kashmir. We cannot treat with irregular invaders as a State. No Government can deal with such raids which have brought death and destruction to Kashmir, except through military means. We owe an obligation to the people of Kashmir to restore peaceful and normal conditions and we have pledged ourselves to this end. We would gladly cooperate in an attempt to restore peace by settlement.

4. I trust that you will appreciate the logic and reasonableness of our position and our earnest desire to find a solution which is honourable to all concerned. I hope to meet you when you visit Delhi on 22 December to attend the next meeting of the Joint Defence Council and to discuss this matter further with you. I confess, however, that I find myself unable to suggest anything beyond what I have offered already, namely, to ask the UNO to send impartial observers to advise us regarding the plebiscite.

I hope that your health continues to improve.

*Telegram of the Prime Minister of Pakistan addressed to the Prime Minister of India, 16 December 1947<sup>1</sup>*

For Prime Minister, India, from Prime Minister, Pakistan:

Your telegram, dated 1 December.

<sup>1</sup> *Ibid.*, pp. 73-4.

As you know I am most desirous for a settlement of all matters in dispute between India and Pakistan. So are my colleagues. And I agree with you that major issue outstanding between the two Dominions is Kashmir and as I pointed out before also Junagadh. During our discussions in Delhi and Lahore I explained to you how vital a place Kashmir occupies in relation to Pakistan. The security of Pakistan is bound up with that of Kashmir, and ties of religion, cultural affinity and economic interdependence bind the two together still closer. The security and well-being of people of Kashmir is of highest importance to people of Pakistan. We are therefore vitally interested in peaceful and honourable conditions for people of Kashmir so that freed from all pressure, external or internal, they might of their own free will decide to which Dominion they wish to accede. The test of any course of action would therefore be whether it leads to creation of conditions in which a really free plebiscite can be held. To my mind, the problem can only be solved by an act of statesmanship in the light of basic realities of situation and not by legal disputations as to how Pakistan is party to dispute or how UNO can be brought in. I hope when we meet on 22 December we shall be able to discuss matter in this spirit.

Many thanks for your inquiry about my health. I am feeling better now.

14. CORRESPONDENCE BETWEEN THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AND THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, DECEMBER 1947-JANUARY 1948

*Letter of the Prime Minister of India addressed to the Prime Minister of Pakistan, 22 December 1947<sup>1</sup>*

Dear Mr. Liaquat Ali Khan,

1. On various occasions, I have drawn your attention to the aid which the raiders into Kashmir State are deriving from Pakistan. They have free transit through Pakistan territory. They are operating against Kashmir from bases in Pakistan. Their modern military equipment could only have been obtained from Pakistan sources; mortars, artillery and mark V-mines are not normally the kind of armament which tribesmen possess.

<sup>1</sup> *White Paper on Jammu and Kashmir*, pp. 74-5.

Motor transport, which the raiders have been using, and the petrol required for it, could also be obtained in Pakistan only. Food and other supplies are also secured from Pakistan; indeed, we have reliable reports that the raiders get their rations from military messes in Pakistan. According to our information, large numbers of these raiders are receiving military training in Pakistan, which could only be under officers of the Pakistan Army.

2. The forms of aid, enumerated in the preceding paragraph, which the raiders are receiving, constitute an act of aggression against India because they are being used against a State which has acceded to the Indian Dominion. The Government of India, while protesting against the action of the Pakistan Government in furnishing or allowing such assistance to be furnished, and urging that the Pakistan Government should stop such help and at least urge the raiders to withdraw, has so far taken no action itself which might involve entry by Indian troops into Pakistan territory. They have been hoping, all these weeks, though with diminishing hope, that the Pakistan Government themselves would put a stop to aid to the raiders which is of the nature of help to India's enemies. Since protests have failed to bear fruit, the Government of India now formally ask the Government of Pakistan to deny to the raiders:—

- (1) All access to and use of Pakistan territory for operations against Kashmir;
- (2) all military and other supplies;
- (3) all other kinds of aid that might tend to prolong the present struggle.

3. The Government of India have always desired and still earnestly desire to live on terms of friendship with Pakistan. They sincerely hope that the request which they have now formally made will be acceded to promptly and without reserve. Failing such response, they will be compelled to take such action, consistently with the provisions of the United Nations Charter, as they may consider necessary to protect their interests, and to discharge their obligations to the Government and people of Kashmir.

Yours sincerely,  
JAWAHARLAL NEHRU

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 30 December 1947<sup>1</sup>*

Dear Pandit Nehru,

Please refer to your demi-official letter, dated 22 December, in which you have brought formal charges against the Pakistan Government for aiding and abetting the so-called 'invaders' of Kashmir in their fight against the forces of the Maharaja and the Indian Dominion.

2. Despite the ominous hint contained in paragraph three I trust I am right in assuming that your letter is not an "Ultimatum" but a fore-runner of a formal reference of the matter to the UNO. If so, nothing could be more welcome, for, you will recollect, this is exactly what the Pakistan Government has been suggesting throughout as the most effective method of ironing out our mutual differences. I am therefore sincerely glad to find that you propose at last to adopt this particular line of approach to our problems.

\* \* \* \* \*

4. The case of Kashmir is simple and our attitude has been explained frankly and repeatedly both in our communications to you and our official statements to the Press. The Pakistan Government has not accepted and cannot accept the so-called 'accession' of the Jammu and Kashmir State to India. We have said it before and repeat that the 'accession' was fraudulent inasmuch as it was achieved by deliberately creating certain conditions, with the object of finding an excuse to stage the 'accession'. It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State. The accession was against the well-known will of an overwhelming majority of the population and could not be justified on any grounds whether moral or constitutional, geographical or economic, cultural or religious.

\* \* \* \* \*

6. As regards the charges of aid and assistance to the 'invaders' by the Pakistan Government we emphatically repudiate them. On the contrary, and solely with the object of maintaining

<sup>1</sup> *Ibid.*, pp. 80-6.



friendly relations between the two Dominions, the Pakistan Government have continued to do all in their power to discourage the tribal movements by all means short of war. This has caused bitter resentment throughout the country, but despite a very serious risk of large-scale internal disturbances the Pakistan Government has not deviated from the policy.

In view of this background it would not be surprising if some nationals of Pakistan were taking part in the struggle of the liberation of Kashmir along with the forces of the Azad Kashmir Government. You must have already heard of an International Brigade composed of representatives of many nations in the world who are likewise fighting on the side of the Azad Kashmir Government. In regard to the modern military equipment that you allege to be in possession of the Azad Kashmir forces, our information is that these forces are poorly equipped and such few modern weapons as they might possess have either been captured from the Dogra and Indian troops or have been in the possession of the ex-soldiers of Poonch since the days of the British. As you know there are large numbers of Poonchis in the Pakistan Army and if some of them while on leave in their homes rendered assistance to their kith and kin in defence of their hearths and homes, it is scarcely to be wondered at.

7. On the contrary, it is the Indian Government which must answer the charge of conspiracy with the Maharaja of Kashmir in repudiation of the very principles on which it had only one month before opposed Junagadh's accession to Pakistan. The plea that the accession is only temporary pending restoration of peaceful conditions is too flimsy to stand examination, particularly in the light of recent negotiations in the course of which a perfectly fair and workable plan of withdrawal of opposing forces followed by a referendum under impartial aegis, suggested by us, was turned down by your Government. But all this, fits in with the general 'pattern' of the India Government's political attitude towards Pakistan ever since it became evident that partition was the only possible solution to our constitutional problems.

\* \* \* \* \*

10. The process of partition itself was marked by all manner of obstructions aimed at depriving Pakistan of its rightful share

of financial and other assets. Even in cases in which agreement was reached the implementation was delayed or sabotaged.

11. At this stage the main chain of events which eventually brought untold suffering to millions of people of East Punjab, Rajputana and the United Provinces was set in motion with a carefully prepared attack on a special train carrying Pakistan Government employees and their families from Delhi to Karachi on 9 August 1947. As the plan unfolded itself it became clear that the Sikhs encouraged and actively assisted by the Hindus had determined to liquidate by violent and bloody means the entire Muslim population of East Punjab. The object of the plan was to kill or drive out Muslims in order to settle the Sikh population which was being pulled out of West Punjab under a planned scheme. The *modus operandi* was to disarm the Muslim population and then to leave it at the mercy of armed bands who were actively assisted by the Army and the police. There is abundant evidence that this plan had the full support and active assistance not only of the officers of the Provincial Government but also of the Sikh States such as Patiala, Kapurthala and Faridkot. Alwar and Bharatpur had already set the example in eliminating their entire Muslim population, but they were soon outdone. Kapurthala which like Kashmir was a Muslim majority State has today not a single Muslim left. Similarly large tracts of Muslim majority areas which under the Boundary Award had been most unjustly included in East Punjab were depopulated. The whole country was ravaged by fire and sword, vast numbers were butchered and countless women were abducted. Indeed decency forbids mention of some crimes committed against women. Millions were forcibly and ruthlessly driven out of their homes. The process went on sector by sector and culminated in the tragedy that was enacted in Delhi, the capital of India. According to the Government of India itself there was a complete breakdown of administration for a number of days. The destruction and desecration of mosques, tombs and holy places and forcible conversions on a mass scale were special features of these happenings.

\* \* \* \* \*

16. These are not the only examples of aggression against Pakistan territory. Numerous raids by armed bands assisted by

the police and military have taken place across the border into Pakistan. The Royal Indian Air Force have made repeated attacks on Pakistan territory causing damage to life and property.

17. Another illustration of the same attitude is provided by the refusal of the Indian Government to implement the recent financial agreement of all outstanding cases which had been referred to the Arbitral Tribunal. The Indian Government is deliberately withholding the payment of rupees fifty-five crores of the cash balances which is the legal due of the Pakistan Government according to this agreement. This is the latest manifestation of their desire to strangle Pakistan financially and economically which characterised the partition proceedings. In the case of military stores there has been a similar refusal to implement the agreement. The Supreme Commander who was appointed as a neutral authority under the Joint Defence Council to carry into effect the partition of the Armed Forces and military stores was forced, despite the protestations of the Pakistan Government, to leave by your Government long before he could complete his task. At the time this was done the Indian representatives on the Joint Defence Council pledged the word of the Indian Cabinet that Pakistan would receive her due share of military stores. This pledge like other similar pledges of the Indian Government has not been honoured and the slight trickle of military stores to Pakistan shows signs of stopping altogether.

\* \* \* \* \*

19. I however note with pleasure your assurance that the Government of India have always desired and still earnestly desire to live on terms of friendship with Pakistan. On behalf of the Pakistan Government I fully and sincerely reciprocate this desire. I am constrained, however, to observe that the Government of India have at no stage afforded any practical proof of their desire to live on terms of friendship with Pakistan, more particularly in the case of Junagadh and Kashmir. On my side I can assure you that the earnest desire of the Government of Pakistan to live on terms of friendship with India has in many instances restrained the Government of Pakistan from taking action which would not only have been legally justifiable, but was in several instances urgently called for, and yet was not adopted

in the hope that the attitude of the Government of India might even during these later stages be more favourably affected towards Pakistan. I find it more and more difficult to persuade myself to continue to entertain that hope. The course of events, very briefly set out above, would normally have been treated as a chain of aggression justifying extreme action on the part of the aggrieved Government. Now that your letter of 22 December 1947 has indicated an intention on the part of the Government of India to invite the intervention of the United Nations, a course which the Pakistan Government has so far ineffectively suggested to the Government of India, for the resolving of their differences, I have taken this opportunity to invite your attention to the main heads of the differences between the two Governments that stand in the way of an amicable adjustment of our relations. It is my most earnest hope that these differences may be speedily composed and that our relations will thereafter ever continue to be on the most cordial, cooperative and friendly basis. I trust you will agree that the intervention of the United Nations, whatever form it is to take, should be invited in respect of all these matters, so that all pending differences may be speedily resolved.

Yours sincerely,  
LIAQUAT ALI KHAN

*Letter of the Prime Minister of India addressed to the Prime Minister of Pakistan, 5 January 1948<sup>1</sup>*

Dear Mr. Liaquat Ali Khan,

Your letter of 30 December was received in New Delhi on 1 January. I had gone to Lucknow for the day and did not, therefore, get it until the 2nd. On the 3rd I had to visit Ajmer and yesterday, the 4th, was fully occupied with celebrations of Burma's Independence and other business. This will explain the delay in my sending you a reply.

2. I do not think that any useful purpose will be served by my attempting to answer, at length, the counter-charges that you have made against India in paragraph 18 of your letter. Pakistan's accusations that the accession of Jammu and Kashmir

<sup>1</sup> *Ibid.*, pp. 87-9.

was procured by conspiracy, fraud and force has been repeatedly made by you and as frequently denied and refuted by us. So far as the cases of Junagadh and Manavadar are concerned, we maintain that there is no parallel between them and that of Kashmir.

3. Any impartial person familiar with the tragic happenings in the Punjab will recognise the complete baselessness of the suggestion that India organised the wholesale massacre of the Muslim population in any part of its territories. Massacres of non-Muslims began first in 1946 in Calcutta, and in March 1947 in the West Punjab. What happened in India against Muslims was by way of retaliation against the atrocities perpetrated on non-Muslims first in Calcutta, and, later, in territories which are now part of Pakistan, *e.g.*, Noakhali and the West Punjab. We have not only not encouraged, but openly and consistently condemned retaliation. We have also done everything in our power to protect Muslim minorities in India. We claim that we have done so more effectively than Pakistan.

4. I am not aware that there has been any stoppage of essential requirements, such as coal and rail transport, as a kind of sanction against Pakistan. Where delays have occurred these have been due entirely to other causes, *e.g.*, shortage of wagons, or, in the disturbed areas of the Punjab, to dislocation of traffic owing to the disturbances.

5. There has been no deliberate withholding of Pakistan's share of funds and arms and equipment with intent to apply pressure to Pakistan. As I have already tried to explain to you, we stand by the financial agreement that was recently reached. Payment has been deferred because we cannot, while operations against Jammu and Kashmir State are being conducted from bases in Pakistan, with Pakistan's connivance and assistance, reasonably, be expected to make available funds which might be used to intensify military operations against us.

6. The first two charges, *viz.*, that India has never wholeheartedly accepted the partition scheme, and that India is out to destroy the State of Pakistan which her leaders persistently continue to regard as part of India itself, are completely devoid of foundation, and I must emphatically repudiate them. Had we not desired to accept the partition scheme, nothing would

have been simpler for us than to refuse acceptance when the scheme was first put forth. India has no responsibility for the sequence of events which you regard as evidence of India's resolve to destroy the State of Pakistan. The provocation for the events came from Pakistan. It is true that some of us have expressed the view that India and Pakistan must draw closer to each other. The facts of history and geography fully justify this conclusion. Two neighbouring States such as Pakistan and India can either be friends, or live in a state of veiled or of open hostility. No responsible Indian leader has ever thought that friendship between India and Pakistan, which is more desirable than mistrust or enmity, should be achieved by forcible compulsion of Pakistan into political union with India.

In conclusion, I would add that while I fully share your hope that our approach to the United Nations Security Council will help to lay the foundation of friendlier relations between Pakistan and India, it is not possible for us to invite the intervention of the Council on all the matters which you have mentioned. Peace between India and Pakistan is not threatened either by past events or by the entirely imaginary hostile motives that are attributed to us, but by the hostilities that are now in progress in general in Kashmir State between the Indian State Forces on the one and the invaders, tribesmen and Pakistan nationals, operating from bases in Pakistan and with assistance drawn from Pakistan, on the other. This is an issue at once clear-cut and urgent, and, unless valuable time is to be wasted on acrimonious debate, this is the issue for the settlement of which the Security Council must, in our opinion, exclusively apply itself.

Yours sincerely,  
JAWAHARLAL NEHRU

## IV. KASHMIR IN THE SECURITY COUNCIL, 1948

### 1. LETTER OF THE REPRESENTATIVE OF INDIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, 1 JANUARY 1948 (S/628)<sup>1</sup>

*New York, 1 January 1948.*

The Government of India have instructed me to transmit to you the following telegraphic communication :

“1. Under Article 35 of the Charter of the United Nations, any Member may bring any situation whose continuance is likely to endanger the maintenance of international peace and security to the attention of the Security Council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India. The circumstances of accession, the activities of the invaders which led the Government of India to take military action against them, and the assistance which the attackers have received and are still receiving from Pakistan are explained later in this memorandum. The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance, which is an act of aggression against India. If Pakistan does not do so, the Government of India may be compelled, in self-defence, to enter Pakistan

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, Annex 28, pp.139-44.

territory in order to take military action against the invaders. The matter is therefore one of extreme urgency and calls for immediate action by the Security Council for avoiding a breach of international peace.

“2. From the middle of September 1947, the Government of India had received reports of the infiltration of armed raiders into the western parts of Jammu province of the Jammu and Kashmir State; Jammu adjoins West Punjab, which is a part of the Dominion of Pakistan. These raiders had done a great deal of damage in that area and taken possession of part of the territory of the State. On 24 October, the Government of India heard of a major raid from the Frontier Province of the Dominion of Pakistan into the valley of Kashmir. Some two thousand or more fully armed and equipped men came in motor transport, crossed over to the territory of the State of Jammu and Kashmir, sacked the town of Muzaffarabad, killing many people, and proceeded along the Jhelum valley road towards Srinagar, the summer capital of the Jammu and Kashmir State. Intermediate towns and villages were sacked and burnt, and many people killed. These raiders were stopped by Kashmir State troops near Uri, a town some fifty miles from Srinagar, for some time, but the invaders got around them and burnt the power-house at Mahoorā, which supplied electricity to the whole of Kashmir.

“3. The position, on the morning of 26 October, was that these raiders had been held by Kashmir State troops and part of the civil population who had been armed, at a town called Baramulla. Beyond Baramulla there was no major obstruction up to Srinagar. There was immediate danger of these raiders reaching Srinagar, destroying and massacring large numbers of people, both Hindus and Muslims. The State troops were spread out all over the State and most of them were deployed along the western border of Jammu province. They had been split up into small isolated groups and were incapable of offering effective resistance to the raiders. Most of the State officials had left the threatened area and the civil administration had ceased to function. All that stood between Srinagar and the fate which had overtaken the places *en route* followed by the raiders was the determination of the inhabitants of Srinagar, of all communities, and practically without arms, to defend themselves. At this time



Srinagar had also a large population of Hindu and Sikh refugees who had fled there from West Punjab owing to communal disturbances in that area. There was little doubt that these refugees would be massacred if the raiders reached Srinagar.

“4. Immediately after the raids into the Jammu and Kashmir State commenced, approaches were informally made to the Government of India for the acceptance of the accession of the State to the Indian Dominion. (It might be explained in parenthesis that Jammu and Kashmir form a State whose Ruler, prior to the transfer of power by the United Kingdom to the Dominions of India and Pakistan, had been in treaty relations with the British Crown, which controlled its foreign relations and was responsible for its defence. The treaty relations ceased with the transfer of power on 15 August last, and Jammu and Kashmir like other States acquired the right to accede to either Dominion).

“5. Events moved with great rapidity, and the threat to the valley of Kashmir became grave. On 26 October, the Ruler of the State, His Highness Maharaja Sir Hari Singh, appealed urgently to the Government of India for military help. He also requested that the Jammu and Kashmir State should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the Government of India from the largest popular organisation in Kashmir, the National Conference headed by Sheikh Mohammad Abdullah. The Conference further strongly supported the request for the State's accession to the Indian Dominion. The Government of India were thus approached, not only officially by the State authorities, but also on behalf of the people of Kashmir, both for military aid and for the accession of the State to India.

“6. The grave threat to the life and property of innocent people in the Kashmir valley and to the security of the State of Jammu and Kashmir that had developed as a result of the invasion of the valley demanded immediate decision by the Government of India on both the requests. It was imperative on account of the emergency that the responsibility for the defence of the Jammu and Kashmir State should be taken over by a government capable of discharging it. But, in order to avoid any possible suggestion that India had utilized the State's immediate peril for her own political advantage, the Government of India made

it clear that once the soil of the State had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognised democratic method of a plebiscite or referendum which, in order to ensure complete impartiality, might be held under international auspices.

“7. The Government of India felt it their duty to respond to the appeal for armed assistance because :

“(1) They could not allow a neighbouring and friendly State to be compelled by force to determine either its internal affairs or its external relations;

“(2) The accession of the Jammu and Kashmir State to the Dominion of India made India really responsible for the defence of the State.

“8. The intervention of the Government of India resulted in saving Srinagar. The raiders were driven back from Baramulla to Uri and are held there by Indian troops. Nearly 19,000 raiders face the Dominion forces in this area. Since operations in the valley of Kashmir started, pressure by the raiders against the western and south-western border of the Jammu and Kashmir State has been intensified. Exact figures are not available. It is understood, however, that nearly 15,000 raiders are operating against this part of the State. State troops are besieged in certain areas. Incursions by the raiders into the State territory, involving murder, arson, loot and the abduction of women, continue. The booty is collected and carried over to the tribal areas to serve as an inducement to the further recruitment of tribesmen to the ranks of the raiders. In addition to those actively participating in the raid, tribesmen and others, estimated at 100,000, have been collected in different places in the districts of West Punjab bordering the Jammu and Kashmir State, and many of them are receiving military training under Pakistani nationals, including officers of the Pakistan Army. They are looked after in Pakistan territory, fed, clothed, armed and otherwise equipped, and transported to the territory of the Jammu and Kashmir State with the help, direct and indirect, of Pakistani officials, both military and civil.

“9. As already stated, the raiders who entered the Kashmir valley in October came mainly from the tribal areas to the north-west of Pakistan and, in order to reach Kashmir, passed through

Pakistan territory. The raids along the south-west border of the State, which had preceded the invasion of the valley proper, had actually been conducted from Pakistan territory, and Pakistani nationals had taken part in them. This process of transmission across Pakistan territory and utilization of that territory as a base of operations against the Jammu and Kashmir State continues. Recently, military operations against the western and south-western borders of the State have been intensified, and the attackers consist of nationals of Pakistan as well as tribesmen. These invaders are armed with modern weapons, including mortars and medium machine-guns, wear the battle dress of regular soldiers and, in recent engagements, have fought in regular battle formation and are using the tactics of modern warfare. Man-pack wireless sets are in regular use and even mark-V mines have been employed. For their transport the invaders have all along used motor vehicles. They are undoubtedly being trained and to some extent led by regular officers of the Pakistan Army. Their rations and other supplies are obtained from Pakistan territory.

“10. These facts point indisputably to the conclusion:

- “(a) That the invaders are allowed transit across Pakistan territory;
- “(b) That they are allowed to use Pakistan territory as a base of operations;
- “(c) That they include Pakistan nationals;
- “(d) That they draw much of their military equipment, transportation and supplies (including petrol) from Pakistan; and
- “(e) That Pakistan officers are training, guiding and otherwise actively helping them.

“There is no source other than Pakistan from which they could obtain such quantities of modern military equipment, training or guidance. More than once, the Government of India had asked the Pakistan Government to deny to the invaders facilities which constitute an act of aggression and hostility against India, but without any response. The last occasion on which this request was made was on 22 December, when the Prime Minister of India handed over personally to the Prime Minister of Pakistan a letter in which the various forms of aid given by Pakistan to the

invaders were briefly recounted and the Government of Pakistan were asked to put an end to such aid promptly; no reply to this letter has yet been received in spite of a telegraphic reminder sent on 26 December.

“11. It should be clear from the foregoing recital that the Government of Pakistan are unwilling to stop the assistance in material and men which the invaders are receiving from Pakistan territory and from Pakistani nationals, including Pakistan Government personnel, both military and civil. This attitude is not only un-neutral, but constitutes active aggression against India, of which the State of Jammu and Kashmir forms a part.

“12. The Government of India have exerted persuasion and exercised patience to bring about a change in the attitude of Pakistan. But they have failed, and are in consequence confronted with a situation in which their defence of the Jammu and Kashmir State is hampered and their measures to drive the invaders from the territory of the State are greatly impeded by the support which the raiders derive from Pakistan. The invaders are still on the soil of Jammu and Kashmir and the inhabitants of the State are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large numbers, of invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than the Jammu and Kashmir State is a menace to the rest of India. Indefinite continuance of the present operations prolongs the agony of the people of Jammu and Kashmir, is a drain on India's resources and a constant threat to the maintenance of peace between India and Pakistan. The Government of India have no option, therefore, but to take more effective military action in order to rid the Jammu and Kashmir State of the invader.

“13. In order that the objective of expelling the invader from Indian territory and preventing him from launching fresh attacks should be quickly achieved, Indian troops would have to enter Pakistan territory; only thus could the invader be denied the use of bases and cut off from his sources of supplies and reinforcements in Pakistan. Since the aid which the invaders are receiving from Pakistan is an act of aggression against India, the Government of India are entitled, under international law, to send their Armed Forces across Pakistan territory for dealing effectively

with the invaders. However, as such action might involve armed conflict with Pakistan, the Government of India, ever anxious to proceed according to the principles and aims of the Charter of the United Nations, desire to report the situation to the Security Council under Article 35 of the Charter. They feel justified in requesting the Security Council to ask the Government of Pakistan:

“(1) To prevent Pakistan Government personnel, military and civil, from participating or assisting in the invasion of the Jammu and Kashmir State;

“(2) To call upon other Pakistani nationals to desist from taking part in fighting in the Jammu and Kashmir State;

“(3) To deny to the invaders: (a) access to and use of its territory for operations against Kashmir, (b) military and other supplies, (c) all other kinds of aid that might tend to prolong the present struggle.

“14. The Government of India would stress the special urgency of the Security Council taking immediate action on their request. They desire to add that military operations in the invaded areas have, in the past few days, been developing so rapidly that they must, in self-defence, reserve to themselves the freedom to take, at any time when it may become necessary, such military action as they may consider the situation requires.

“15. The Government of India deeply regret that a serious crisis should have been reached in their relations with Pakistan. Not only is Pakistan a neighbour but, in spite of the recent separation, India and Pakistan have many ties and many common interests. India desires nothing more earnestly than to live with her neighbour-State on terms of close and lasting friendship. Peace is to the interest of both States; indeed to the interests of the world. The Government of India's approach to the Security Council is inspired by the sincere hope that through the prompt action of the Council, peace may be preserved.

“16. The text of this reference to the Security Council is being telegraphed to the Government of Pakistan.”

(Signed) P. P. PILLAI  
Representative of India to the  
United Nations

2. TELEGRAM OF THE PRESIDENT OF THE SECURITY COUNCIL  
ADDRESSED TO THE MINISTERS OF FOREIGN AFFAIRS OF  
INDIA AND PAKISTAN, 6 JANUARY 1948 (S/636)<sup>1</sup>

The Security Council is on the point of undertaking the examination of the request submitted to it by India, which invokes Article 35 of the Charter of the United Nations. Prior to such examination, and without prejudice to any decision on the part of the Council, I venture, as President of the Security Council, to address an urgent appeal to each of the two States which appear to be most closely concerned in the matter to refrain from any step incompatible with the Charter and liable to result in an aggravation of the situation, thereby rendering more difficult any action by the Security Council.

I am addressing the same communication to the Minister of Foreign Affairs of Pakistan (India).

I have the honour to be, etc.

3. LETTER OF THE MINISTER OF FOREIGN AFFAIRS OF PAKISTAN,  
SIR MOHAMMAD ZAFRULLA KHAN, ADDRESSED TO  
THE SECRETARY-GENERAL OF THE UNITED NATIONS,  
15 JANUARY 1948 (S/646 and Corr. 1)<sup>2</sup>

*15 January 1948.*

1. I have the honour to forward the following documents:

Document I, being Pakistan's reply to the complaint preferred by India against Pakistan under Article 35 of the Charter of the United Nations.

Document II, a statement of disputes which have arisen between India and Pakistan and which are likely to endanger the maintenance of international peace and order. Pakistan being a Member of the United Nations has the honour to bring these to the attention of the Security Council under Article 35 of the Charter of the United Nations.

Document III, which contains a statement of the particulars of Pakistan's case, with reference to both the matters dealt with in documents I and II.

2. It is requested that these documents may be placed before the Security Council and that the Security Council may be

<sup>1</sup> S.C.O.R., 3rd Yr., Nos. 1-15, 226th Mtg., 6 January 1948, pp. 4-5.

<sup>2</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, Annex 6, pp. 67-87.

The paragraphs omitted in this document are those which have already appeared in preceding documents. (Ed.)

requested to deal with the complaint referred to in document II at the earliest possible date. It is further requested that all action required by the rules in connection with these documents may kindly be taken as early as possible.

(Signed) ZAFRULLA KHAN  
Minister for Foreign Affairs,  
Government of Pakistan

*Document I*

*Government of Pakistan*

PAKISTAN'S REPLY TO INDIA'S COMPLAINT

1. The Government of India have, under Article 35 of the Charter of the United Nations, brought to the notice of the Security Council the existence of a situation between India and Pakistan in which the maintenance of international peace and security is likely to be endangered. The situation in their view is due "to the aid which the invaders, consisting of nationals of Pakistan and of tribesmen from territory immediately adjoining Pakistan on the north-west are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India". They have requested the Security Council "to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India". They have also threatened that if Pakistan does not do so, the Government of India may "enter Pakistan territory, in order to take military action against the invaders".

2. The specific charges which the India Government have brought against Pakistan are:

- (a) That the invaders are allowed transit across Pakistan territory;
- (b) That they are allowed to use Pakistan territory as a base of operations;
- (c) That they include Pakistan nationals;
- (d) That they draw much of their military equipment, transport and supplies (including petrol) from Pakistan; and
- (e) That Pakistan officers are training, guiding and otherwise helping them.

3. While the particulars of Pakistan's case are set out in document III, the Pakistan Government emphatically deny that they are giving aid and assistance to the so-called invaders or have committed any act of aggression against India. On the contrary and solely with the object of maintaining friendly relations between the two Dominions, the Pakistan Government have continued to do all in their power to discourage the tribal movement by all means short of war. This has caused bitter resentment throughout the country, but despite a very serious risk of large-scale internal disturbances the Pakistan Government have not deviated from this policy. In circumstances which will become clear from the recital of events set out in document III, it may be that a certain number of independent tribesmen and persons from Pakistan are helping the Azad Kashmir Government in their struggle for liberty as volunteers, but it is wrong to say that Pakistan territory is being used as base of military operations. It is also incorrect that the Pakistan Government are supplying military equipment, transport and supplies to the "invaders" or that Pakistan officers are training, guiding and otherwise helping them.

### *Document II*

#### *Government of Pakistan*

#### PAKISTAN'S COMPLAINT AGAINST INDIA

1. For some time past, a situation has existed between the Dominion of India and the Dominion of Pakistan which has given rise to disputes that are likely to endanger the maintenance of international peace and security. Under Article 35 of the Charter of the United Nations, the Government of Pakistan hereby bring to the attention of the Security Council the existence of these disputes and request the Security Council to adopt appropriate measures for the settlement of these disputes and the restoration of friendly relations between the two countries.

2. While the particulars of the background and circumstances out of which these disputes have arisen are set out in document III, a brief statement of these disputes is:

*A.* In anticipation of the Award of the Boundary Commission set up under the Indian Independence Act, 1947, to effect a demarcation of boundaries between East and West Punjab and



East and West Bengal, an extensive campaign of "genocide" directed against the Muslim populations of East Punjab, Delhi, Ajmer, and the States of Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpur, Alwar and Gwalior, etc. was undertaken by the non-Muslim Rulers, people, officials, police and Armed Forces of the States concerned and the Union of India beginning in the month of July 1947 and is still in progress. In the course of the execution of this well-planned campaign, large numbers of Muslims—running into hundreds of thousands—have been ruthlessly massacred, vastly larger numbers maimed, wounded and injured and over five million men, women and children have been driven from their homes into neighbouring areas of western Pakistan. Brutal and unmentionable crimes have been committed against women and children. Property worth thousands of millions of rupees has been destroyed, looted and forcibly taken possession of. Large numbers of Muslims have, by extreme violence and the threat of violence, been compelled to make declarations renouncing their faith and adopting the Sikh or Hindu faith. Vast numbers of Muslim shrines and places of worship have been desecrated, destroyed or converted to degrading uses. For instance, in the State of Alwar no single Muslim place of worship has been left standing.

Among other results of this campaign, the most serious has been to drive into western Pakistan territory over five million Muslims in an extreme condition of destitution, a very large proportion of whom are faced with death owing to privations, disease and the rigorous climate of western Pakistan during the winter. Apart from the appalling volume of human misery and suffering involved, the economy of western Pakistan has been very prejudicially affected by the incursion of these vast numbers of refugees.

These events have established that the religion, culture and language of the thirty-five million Muslims within the Union of India, and indeed their very existence is in danger, as not only have the Government of India failed to provide adequate protection to the Muslims in areas which have been referred to above, but the police and the Armed Forces of the Union of India and the Rulers of the States concerned have actively assisted in the

massacre and other atrocities committed upon the Muslim population.

\* \* \* \* \*

C. The State of Jammu and Kashmir, which on the south and west is contiguous to western Pakistan and has a Muslim population of nearly 80 per cent and a Hindu Ruler, entered into a Standstill Agreement with Pakistan in the latter half of August 1947. The territory of the State was purchased by the great-grandfather of the present Ruler from the East India Company in 1846 for 7.5 million rupees, and ever since the Muslim population of this State has been oppressed and exploited by its Hindu Dogra Rulers. On several occasions the Muslim population has risen in rebellion against its oppressors, but these risings have always been mercilessly suppressed. The Maharaja was thus aware that any attempt by him to accede to the Union of India would not be tolerated by his people and would provoke violent reactions and uprisings throughout the State which he would be unable to control with the help of his own forces. Apparently he entered into the Standstill Agreement with Pakistan to secure his communications, all of which ran through Pakistan, and also a continuation of his supplies which could only be moved through Pakistan. The State obtained a narrow outlet into East Punjab and thus into the Union of India as the result of the most unfair and unjust Boundary Award of Sir Cyril Radcliffe.

The Maharaja's own desire, as subsequent events have proved beyond a doubt, was to accede to the Union of India, but he dared not take that step for fear of the well-known attitude of the overwhelming majority of his people and the consequences to which such a step might expose him. The device adopted by him was to allay the feelings of his Muslim subjects by means of the Standstill Agreement and then to bring about a state of affairs which would furnish him with an excuse to call in the military aid of the Union of India and thus transfer to the Government of India the responsibility of dealing with his people. In order to carry this plan into effect, massacres of the Muslim population of the State by armed bands of Sikhs and Hindus and by the forces of the Maharaja were started in the latter half of September

and provoked rising of the Muslim population in different parts of the State.

The tragic events and the happenings in East Punjab and the Sikh and Hindu States in and around that province had convinced the Muslim population of Kashmir and Jammu State that the accession of the State to the Indian Union would be tantamount to the signing of their death warrant. When the massacre started, the Muslim population of the State realized that the fate that had overtaken their co-religionists in Kapurthala, Faridkot, Nabha, Jind, Patiala, Bharatpur and Alwar, etc. was about to overtake them also. A wave of terror thus ran throughout the State and the neighbouring districts of West Punjab and the North-West Frontier Province. In their desperate situation, the Muslim population of the State decided to make a final bid for liberty and indeed for their very existence, in which they had the full sympathy of their relations and fellow Muslims in the neighbouring districts of Pakistan. Several thousands of the Muslim people of the State, particularly in the area of Poonch, had served in support of the cause of the United Nations during the Second World War, and they decided to sell their lives dearly in the struggle with which they were now faced.

The Maharaja made this the excuse to "accede" to the Union of India and the Government of India thereupon landed its troops in the State without consultation with, or even any notice to, the Government of Pakistan with which the State had concluded a Standstill Agreement and to the territories of which it was contiguous throughout practically the whole of its southern and western border. The Pakistan Government made several efforts to bring about an amicable settlement of the situation but every one of these was rejected by the Maharaja and the Government of India. In the meantime, the Muslim population of the State are being subjected to an intensified campaign of persecution and oppression in areas which are in the occupation of the Indian forces.

The Muslim population of the State have set up an Azad (Free) Kashmir Government, the forces of which are carrying on their fight for liberty. It is possible that these forces have been joined by a number of independent tribesmen from the tribal areas beyond the North-West Frontier Province and persons

from Pakistan, including Muslim refugees from East Punjab who are nationals of the Indian Union.

The allegation made by the Indian Government that the Pakistan Government is affording aid and assistance to the Azad Kashmir forces, or that these forces have bases in Pakistan territory, or that these forces are being trained by Pakistan officers or are being supplied with arms or material by the Pakistan Government is utterly unfounded.

On the contrary, armed bands from the State have repeatedly carried out incursions and raids into Pakistan territory and the Air Force of the Indian Union has on several occasions bombed Pakistan areas causing loss of life and damage to property. Protests made by the Pakistan Government to India have passed unheeded. Attacks by units of the Indian Air Force over Pakistan territory have been described as due to errors of judgment. These attacks still continue.

It has been announced by the Government of India that it is their intention after restoring "order" in the State to carry out a plebiscite to ascertain the wishes of the people in the matter of the accession of the State to India or to Pakistan. Anybody having the most superficial knowledge of the conditions that have prevailed in the State during the last 100 years would not hesitate to affirm that a plebiscite held while the Sikh and Hindu armed bands and the forces of the Union of India are in occupation of the State, and are carrying on their activities there, would be no more than a farce. A free plebiscite can be held only when all those who have during the last few months entered the State territory from outside, whether members of the Armed Forces or private, have been cleared out of the State, and peaceful conditions have been restored under a responsible, representative and impartial administration. Even then care must be taken that all those that have been forced or compelled to leave the State since the middle of August 1947 are restored to their homes, as it is apprehended that in the Jammu province and elsewhere whole areas have been cleared of their Muslim population.

*D.* Ever since the announcement of the decision to carry out a partition of the subcontinent of India into Pakistan and India, those responsible for giving effect to the decision on behalf of India have adopted an attitude of obstruction and hostility

towards Pakistan one of the objects being to paralyse Pakistan at the very start by depriving it of its rightful share of financial and other assets. Even in cases in which agreement had been reached, the implementation thereof was either delayed or sabotaged altogether. This has been illustrated conspicuously by India's failure to implement the clauses of the settlement arrived at between Pakistan and India early in December 1947 and announced on 9 December, comprising the division of military stores, cash balances and other matters. Particulars of some of the instances in which India has committed default in implementing its obligations are set out in paragraph 26 to 29 of document III.

*E.* In its complaint preferred to the Security Council under Article 35 of the Charter of the United Nations, India now threatens Pakistan with direct attack.

3. To sum up, Pakistan's complaint against India is:

(1) That India has never wholeheartedly accepted the partition scheme and has, since June 1947, been making persistent attempts to undo it;

(2) That a pre-planned and extensive campaign of "genocide" has been carried out, and is still in progress against Muslims in certain areas which now form part of the Indian Union, notably East Punjab, Delhi, Ajmer, and the States of Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpur, Alwar and Gwalior, etc. which are in accession with India, by the non-Muslim Rulers, people, officials, police and Armed Forces of the States concerned and of the Union of India;

(3) That the security, freedom, well-being, religion, culture and language of the Muslims of India are in serious danger;

(4) That Junagadh, Manavadar and some other States in Kathiawar which have lawfully acceded to Pakistan and form part of Pakistan territory have been forcibly and unlawfully occupied by the Armed Forces of the Indian Union, and extensive damage has been caused to the life and property of the Muslim inhabitants of these States, by the Armed Forces, officials and non-Muslim nationals of the Indian Union;

(5) That India obtained the accession of the State of Jammu and Kashmir by fraud and violence, and that large-scale massacre, looting and atrocities on the Muslims of Jammu and Kashmir

State have been perpetrated by the Armed Forces of the Maharaja of Jammu and Kashmir and the Indian Union and by the non-Muslim subjects of the Maharaja and of the Indian Union;

(6) That numerous attacks on Pakistan territory have been made by the Royal Indian Air Force, by armed bands from the Indian Union and the State of Jammu and Kashmir;

(7) That India has blocked the implementation of agreements relating to or arising out of partition between India and Pakistan, including the withholding of Pakistan's share of cash balances and military stores;

(8) That under pressure from the Government of India, direct or indirect, the Reserve Bank of India is refusing to honour to the full its obligations as Banker and Currency Authority of Pakistan, and that such pressure is designed to destroy the monetary and currency fabric of Pakistan;

(9) That India now threatens Pakistan with direct military attack; and

(10) That the object of the various acts of aggression by India against Pakistan is the destruction of the State of Pakistan.

4. The Pakistan Government request the Security Council:

(1) To call upon the Government of India

(a) To desist from acts of aggression against Pakistan;

(b) To implement without delay all agreements between India and Pakistan including the financial settlement arrived at between India and Pakistan, and announced on 9 December 1947, with regard to the division of cash balances and military stores of the pre-partition Government of India and other matters;

(c) To desist from influencing or putting pressure directly or indirectly on the Reserve Bank of India in regard to the discharge of its functions and duties towards Pakistan;

(2) To appoint a Commission or Commissions

(a) To investigate the charges of mass destruction of Muslims in the areas now included in the Indian Union, to compile a list of the Rulers, officials, and other persons guilty of "genocide" and other crimes against humanity and abetment thereof, and to suggest steps for bringing these persons to trial before an international tribunal;

- (b) To devise and implement plans for the restoration to their homes, lands and properties of Muslim residents of the Indian Union who have been driven out of or have been compelled to leave the Indian Union and seek refuge in Pakistan; to assist in the relief and rehabilitation of such refugees; to secure the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them; and to take effective steps for the future security, freedom and well-being of Muslims in India and for the protection of their religion, culture and language;
- (c) To arrange for the evacuation from Junagadh, Manavadar, and other States of Kathiawar which have acceded to Pakistan, of the military forces and civil administration of the Indian Union and to restore these States to their lawful rulers;
- (d) To assist the restoration to their homes, lands and properties of residents of the States referred to in (c) who have fled from, or have been driven out of such States, and for the payment of compensation by the Indian Union for loss or damage caused by the unlawful actions and activities of the military forces, civil officials and nationals of the Indian Union in these States;
- (e) To arrange for the cessation of fighting in the State of Jammu and Kashmir; the withdrawal of all outsiders, whether belonging to Pakistan or the Indian Union, including members of the Armed Forces of the Indian Union; the restoration and rehabilitation of all Muslim residents of the Jammu and Kashmir State as on 15 August 1947, who have been compelled to leave the State as a result of the tragic events since that date, and the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them; to take steps for the establishment of an impartial and independent administration in the State of Jammu and Kashmir, fully representative of the people of that State; and thereafter to hold a plebiscite to ascertain the free and unfettered will of the people of the Jammu and Kashmir State as to whether the State shall accede to Pakistan or to India; and

- (f) To assist in and supervise the implementation of all agreements arrived at between India and Pakistan in pursuance of the decision to partition the subcontinent of India and to resolve any differences in connection therewith.

5. In conclusion, the Pakistan Government wish to assure the Security Council and the Government of India of their earnest desire to live on terms of friendship with India and to place the relations between the two countries on the most cordial, co-operative and friendly basis. This happy state of affairs so earnestly desired by Pakistan can only be achieved through a just and satisfactory settlement of the differences that at present unfortunately divide the two countries. Any attempt to settle any of these questions in isolation from the rest is bound to end in frustration and might further complicate a situation already delicate and full of explosive possibilities. Friendly and cordial relations can only be restored by the elimination of all differences that are at present generating friction and causing exacerbation. The disputes to which the attention of the Security Council has been drawn in this document are all inter-related and are specific manifestations of the spirit that is poisoning the relationship between the two countries. The restoration of this relationship to a healthy and munificent state depends entirely upon a just and fair settlement of every one of these disputes being simultaneously achieved. Pakistan hopes and trusts that this will be secured as speedily as possible through the Security Council.

### *Document III*

#### *Government of Pakistan*

#### PARTICULARS OF PAKISTAN'S CASE

1. The Pakistan Government are glad that the Government of India have chosen to make a reference to the Security Council. In fact they have for some time been of the view that this is the only feasible method of peacefully settling the differences between the two countries. They have already unsuccessfully tried over a period of many months to seek a solution of the disputes between the two Dominions by the methods described in Article 33 of the Charter.

2. India has chosen to confine the reference to the Security



Council to one single aspect of the Kashmir question which ignores the basic and fundamental issues affecting the State of Jammu and Kashmir. But even the Kashmir episode in all its aspects is but one link in the chain of events which has been unfolding itself ever since it became obvious that there was no solution of the Hindu-Muslim problem except the partition of India. A reference to the Security Council must therefore cover much larger ground and embrace all the fundamental differences between the two Dominions.

3. The story begins as early as the middle of 1946 following the demonstration of Muslim solidarity throughout the country after the last provincial elections. It then became clear that the achievement of Pakistan was the unalterable goal of the Muslims. The inevitability of the partition of the country which then became evident gave rise to a wave of deep resentment among the Hindu and Sikh population of the subcontinent. As a direct result of this, severe communal rioting occurred in several towns and provinces of India such as Calcutta, Noakhali, Bihar, Bombay, Garhmukteshwar, Rawalpindi, Lahore and Amritsar. Such communal strife had not been unknown previously, but what was astonishing was the unprecedented scale of killings that took place in Bihar and Garhmukteshwar proving beyond doubt the existence of a well-settled plan of extermination of the Muslims. It was during these disturbances that the Rashtriya Swayam Sewak Sangh came to be known as the author of some of the most brutal massacres. The orgy of blood, however, died down in due course but, as later events proved, only temporarily.

4. The political activity which took place in the early part of 1947 produced a lull, but soon after the partition plan was announced on 3 June 1947, clear indications began to be received that the country was going to be plunged into a blood bath by the fanatical Sikhs and the militant Hindu groups headed by the Rashtriya Swayam Sewak Sangh, who had made no secret of their opposition to the partition scheme, in spite of its having been accepted by the representatives of all the three major communities.

5. The preparations which the Sikhs were making for creating large-scale disturbances were known to the authorities, and in fact the Sikh leaders made no secret of them. So overwhelming

was the evidence that the Viceroy was compelled to warn the Maharaja of Patiala, Master Tara Singh and the other Sikh leaders that strong action would be taken against them. At a meeting which the Viceroy had in the beginning of July 1947 with Congress and Muslim League leaders and members of the Interim Government, it was decided to arrest immediately prominent Sikh leaders, including Master Tara Singh and Udham Singh Nagoke. These arrests were, however, postponed on one ground or another and the Sikh plan was allowed to be put into operation with a carefully prepared attack on a special train carrying Pakistan Government employees and their families from New Delhi to Karachi on 9 August 1947.

6. As the plan unfolded itself, it became clear that the Sikhs, encouraged and actively assisted by the Hindus, had determined to liquidate by violent and bloody means the entire Muslim population of East Punjab. The object of the plan was to kill or drive out Muslims in order to settle in their place the Sikh population which was being pulled out of West Punjab under a planned scheme. The *modus operandi* was to disarm the Muslim population and then to leave it at the mercy of armed bands which were actively assisted by the army and police. There is abundant evidence that this plan had the full support and active assistance not only of the officers of the East Punjab Government but also of the Sikh States as Patiala, Kapurthala, and Faridkot. Months before the partition of the country in August 1947, Alwar and Bharatpur had set the example in liquidating their entire Muslim population by massacres, forced conversions on a mass scale and by driving out the rest. Patiala, Faridkot, Jind, Kapurthala, in fact all the Hindu and Sikh States in the East Punjab, followed this example with added atrocities and fresh horrors. Malerkotla, a small neighbouring State in the East Punjab which has a majority of non-Muslims in the population and a Muslim Ruler, provides a refreshing contrast since there has been no disturbance of any kind in that State and the non-Muslim population has been perfectly safe. On the other hand, Kapurthala, which like Kashmir had a majority of Muslims in the population with a non-Muslim Ruler, has today hardly any Muslims left. Similarly, large tracts of Muslim majority areas which under the Boundary Award had been

most unjustly included in East Punjab were cleared of Muslims by massacres, forced conversions and expulsions.

The whole country was ravaged by fire and sword, vast numbers were butchered and countless women were abducted. Indeed, decency forbids mention of some crimes committed against women. Millions were forcibly and ruthlessly driven out of their homes. The process went on sector by sector and culminated in the tragedy that was enacted in New Delhi, the capital of India. According to the Government of India themselves, there was a breakdown of administration in the capital for a number of days. The destruction and desecration of mosques, tombs and holy places and forcible conversions on a mass scale were special features of these happenings. In Alwar, for example, every mosque has been destroyed.

7. While this vast scheme of 'genocide' was being put into execution in East Punjab and neighbouring areas, the Pakistan Government made repeated efforts to persuade the Union of India to arrest its course. A number of conferences were held between the two Dominions almost invariably at the instance of the Pakistan Government, but while lip-service was paid to the necessity of restoring order, no serious effort was made by the Indian Government to implement their promises. In fact it became clear that they were determined to leave no Muslims in East Punjab. The Pakistan Government appealed to the Governments of the British Commonwealth to arrange a conference to find ways and means of removing this serious threat to the peace and security of the subcontinent, but the India Government opposed this proposal on the ground of outside interference. The Pakistan Government also proposed that the United Nations observers should immediately visit the disturbed areas but this too was opposed by India.

\* \* \* \* \*

13. Kashmir provides the culminating illustration of the hostility of the India Government to Muslims and Pakistan, and their determination to satisfy their imperialistic ambition of rule over the entire subcontinent by fascist tactics and use of naked force.

\* \* \* \* \*

15. On 15 August 1947, Jammu and Kashmir State like other

States was free to accede or not to accede to either Dominion. It entered into a Standstill Agreement with Pakistan under which *inter alia* the administration of post and telegraph services was entrusted to Pakistan. Since all the natural outlets of the State continue into Pakistan, all outside supplies reached the State through Pakistan.

16. In view of the communal composition of the population of the State and the continuous oppression and degradation to which they had throughout the period of Dogra rule been subjected and against which they had risen a number of times, it was perfectly obvious to the Maharaja that any attempt made by him to accede to the Union of India and thus to perpetuate the slavery of the overwhelming Muslim population of his State to Hindu rule would immediately provoke a widespread and violent uprising which he would be utterly unable to withstand with the help of his own forces. He, therefore, chose to enter into a Standstill Agreement with Pakistan which served for the time being to allay the uneasiness of the Muslim population of the State and led them to hope that the Standstill Agreement would eventually ripen into full accession. This was, however, only a device on the part of the Maharaja to gain enough time within which to create conditions which would furnish him with a plausible excuse to call in the forces of the Indian Union so that, after trampling down all popular opposition with their help, he might be able to accomplish his desire of acceding to the Union of India, thus putting upon the latter the responsibility of dealing with his rebellious people.

17. During September 1947, disturbing news of repression and massacres of the Muslims of the State by the Sikh armed bands and Rashtriya Swayam Sewak Sangh, assisted by the Hindu Dogra police and Army of the State, started reaching Pakistan through Muslim refugees who sought asylum in Pakistan. Soon the number of refugees swelled and it became obvious that the happenings of the East Punjab and the States like Patiala and Kapurthala were being re-enacted in Jammu and Kashmir. At the same time, the number of raids by armed bands from the State territory into Pakistan increased. The Pakistan Government repeatedly tried to discuss these questions with the Kashmir Government as well as the complaints of the Kashmir

Government regarding supplies which, owing to the breakdown of communications in the Punjab, were not reaching the State in full.

The Pakistan Government sent a representative of their Ministry of Foreign Affairs to Srinagar to discuss these matters with the State, but Mr. Mahajan, who had taken charge as Prime Minister of the State on 15 October, refused to hold discussions with him and he had to return. On the very day that Mr. Mahajan took charge, he addressed a telegram to the Prime Minister of Pakistan threatening that, unless Pakistan agreed to an impartial inquiry into the matters in dispute between the two States, he would be compelled to ask for outside assistance. The Prime Minister of Pakistan at once accepted the proposal for an impartial inquiry and asked the Prime Minister of Kashmir to nominate a representative for this purpose. The Government of Kashmir made no further reference to this matter. On 18 October, the Prime Minister of Kashmir in a communication to the Governor-General of Pakistan repeated his charges against Pakistan and concluded by saying that he wished to make it plain that the attitude of the Government of Pakistan could be tolerated no longer and that he would be justified in asking for outside assistance. On 20 October, the Governor-General replied calling attention to the repeated attempts of Pakistan to maintain friendly relations with Kashmir and inviting the Prime Minister of Kashmir to come to Karachi and talk things over with him. The Governor-General also pointed out that the threat to call outside help amounted almost to an ultimatum and showed that the real aim of the Kashmir Government's policy was to seek an excuse to accede to the Indian Union.

In the opinion of the Government of Pakistan, the course of these negotiations clearly shows that the Kashmir Government had never any intention of maintaining friendly relations with Pakistan and that, at any rate as early as 15 October, they had made up their minds to call in outside assistance in concert with the Government of India.

18. Meanwhile, the repression of Muslims in the State was increasing in intensity. Repression was followed by resistance particularly in the area of Poonch, which includes in its population 65,000 ex-soldiers who fought for the United Nations

during the last world war. The resistance in its turn was sought to be put down with severer oppression until the Dogra savagery, supported by the brutality of Sikhs and Rashtriya Swayam Sewak Sangh, created a reign of terror in the State. In sheer desperation the Muslim population of the State broke out into open revolt in several areas and declared their independence of the Maharaja. Many of them were ruthlessly cut down and acts of indescribable horror were perpetrated by the Dogra forces of the Maharaja assisted by the Sikhs and the Rashtriya Swayam Sewak Sangh. This state of affairs naturally aroused strong feelings of sympathy throughout Pakistan, where the presence of millions of Muslim refugees from East Punjab (nationals of the Indian Union) and Indian States was an ever constant reminder of the fate which was about to overtake the Muslims of Kashmir. Consequently, some of these refugees and other Muslims from contiguous areas who had numerous ties of relationship with the persecuted Muslims of the State went across to assist their kinsmen in the struggle for freedom and indeed for existence itself.

It is to be noted that the first outside incursion into the State occurred more than a week after the Prime Minister of Kashmir had threatened to call in outside assistance. It is clear that the sole responsibility for these events must rest on the Maharaja's Government, which ordered the oppression of the Muslims as a matter of State policy on the model of what had happened in East Punjab and States like Patiala, Bharatpur, Alwar, etc. In conspiracy with the India Government, they seized upon this incursion as the occasion for putting into effect the pre-planned scheme for the accession of Kashmir as a *coup d'etat* and for the occupation of Kashmir by the Indian troops simultaneously with the acceptance of the accession by India.

The Pakistan Government have not accepted and cannot accept the accession of Jammu and Kashmir State to India. In their view the accession is based on violence and fraud. It was fraudulent inasmuch as it was achieved by deliberately creating a set of circumstances with the object of finding an excuse to stage the "accession". It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State. The accession was against the

well known wishes of an overwhelming majority of the population and could not be justified on any grounds whether moral, constitutional, geographical, economic, cultural or religious.

19. For some time past, the India Government have been engaged in misleading the world as to the true wishes of the people of Kashmir by playing up the National Conference and its leader Sheikh Abdullah. Sheikh Abdullah had been sentenced by the Maharaja's Government in 1946 to a long term of imprisonment on a charge of treason. He was released early in October 1947 as part of the plan to accede to India. On the other hand, the true leaders of the Muslims of the State, whose only representative organization is the Muslim Conference, are kept in jail on technical grounds. Their real offence is that, being the true representatives of the majority of Muslims of the State, they favour the accession of the State to Pakistan.

20. If the Government of India had extended to the Pakistan Government the courtesy of consulting them before embarking on their enterprise and suddenly landing troops in Kashmir, or even notifying Pakistan of their proposed action, thus providing an opportunity for discussion and consultation, it might have been possible to avert the tragedy of Kashmir. The events following the forcible occupation of the State by the Indian troops more than confirmed the worst fears of the Muslims. Massacres, atrocities and crimes against women were now committed on a scale surpassing anything which the Maharaja's forces had previously perpetrated. Jammu province, which had a majority of Muslims, has today very few Muslims left in areas under occupation of the Indian forces. The condition created by the military intervention of the Government of India served to swell the torrent of popular resentment in Pakistan to an uncontrollable degree.

21. In view of this background, it is not surprising if independent tribesmen and persons from Pakistan, in particular the Muslim refugees (who, it must be remembered, are nationals of the Indian Union) from East Punjab are taking part in the struggle for the liberation of Kashmir as part of the forces of the Azad Kashmir Government. In regard to modern military equipment which is alleged to be in the possession of the Azad Kashmir forces, according to the best information of the

Pakistan Government, these forces are poorly equipped and such few modern weapons as they possess have either been captured from the Dogras and Indian troops or have been in their possession since the days of the British. The Pakistan Government emphatically repudiate the charge that they have supplied military equipment, transport and supplies to the "invaders" or that Pakistani officers are training, guiding and otherwise helping them.

22. The military resistance of Azad Kashmir has no doubt come as an unpleasant surprise to the Indian Government, which appear to have underestimated the valour and patriotism of a people stirred to their depths by the horrors perpetrated upon them and their co-religionists in certain parts of the Indian Union. The character of the terrain, the climate, the familiarity of the Azad Kashmir forces (the bulk of which are drawn from the State) with the country in which they are operating, their military traditions and the military skill acquired by them during their fight on the side of the United Nations have all combined to nullify to a large extent the vastly superior equipment of the Indian forces.

23. This recital of the events in Kashmir would be incomplete without a statement of the many efforts made by the Pakistan Government to reach a peaceful settlement of this question. Immediately after the intervention of the Government of India in Kashmir on 27 October, the Governor-General of Pakistan arranged a conference to be attended by the two Governors-General, the two Prime Ministers of the Dominions and the Maharaja and Prime Minister of Kashmir. This conference fell through owing to the indisposition of Pandit Jawaharlal Nehru, the Prime Minister of India. A second meeting was arranged for 1 November, but again at the last minute Pandit Nehru could not come and only the Governor-General of India came. During the discussion with the Governor-General of India, the Governor-General of Pakistan put forward the following proposals:

(1) To put an immediate stop to fighting, the two Governors-General should be authorised and vested with full powers by both Dominion Governments to issue a proclamation forthwith giving forty-eight hours' notice to the two opposing forces to



cease fire. The Governor-General of Pakistan explained that he had no control over the forces of the Azad Kashmir Government or the independent tribesmen engaged in the fighting but that he would warn them that, if they did not obey the order to cease fire immediately, the forces of both Dominions would make war on them.

(2) Both the forces of the India Dominion and the outside "invaders" to withdraw simultaneously and with the utmost expedition from Jammu and Kashmir State territory.

(3) With the sanction of the two Dominion Governments, the two Governors-General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State and arrange for a free plebiscite without delay under their joint control and supervision.

24. No reply was received to these proposals for many days. On 2 November, however, the Prime Minister of India made it clear in a broadcast that the India Government intended to force a decision by military action and to continue their occupation and the puppet administration set up by them. The plebiscite which he has announced would be held after the complete subjugation of the State by the Indian Armed Forces is bound to be no more than a farce and must result in the permanent occupation of the State by India, which is the aim of the India Government. All subsequent discussions between the two Dominions have proved fruitless owing to the insistence of India on keeping their troops in the State and their refusal to agree to an impartial administration as the pre-requisite of a free and unfettered plebiscite. The Pakistan Government suggested as early as 17 November that the whole matter, including the retention of troops, the character of the interim administration and the holding of the plebiscite, should be entrusted to the United Nations but the India Government refused to accept this proposal.

25. While Pakistan is doing its best to maintain peaceful relations with India, there have been many attacks on Pakistan territory by armed bands from Jammu and Kashmir State territory supported by the forces of the Maharaja and those of the Indian Union. The Pakistan Government have sent repeated representations to the India Government on the subject but without any effect. The Royal Indian Air Force has also made num-

erous attacks on Pakistan territory causing considerable damage to life and property. The protests of the Pakistan Government have only elicited the assertion by the Government of India that these are minor incidents due to error of judgment by Indian airmen. The attacks have, however, been persisted in.

26. India's treatment of Pakistan in respect of administrative, economic and financial matters indicates the same attitude of hostility towards Pakistan. The process of partition itself was punctuated by all manners of obstruction aimed at depriving Pakistan of its rightful share of financial and other assets and, even in cases in which agreement was reached, the implementation was delayed or sabotaged. A large number of instances can be quoted in support of this statement but it will suffice to mention the following: (1) division of military stores; (2) division of cash balances; (3) interference with the Reserve Bank so as to destroy the monetary and currency fabric of Pakistan.

27. To supervise the division of Armed Forces and military stores, a Joint Defence Council was set up consisting of Lord Mountbatten, Governor-General of India, as Chairman; representatives of the two successor authorities, India and Pakistan; and Field Marshal Auchinleck, the Supreme Commander, as impartial authority to implement the decision of the Joint Defence Council. It was estimated that the Supreme Commander would be able to complete his task by 31 March 1948. Within a very short time of the setting up of the Supreme Command, India created so hostile an atmosphere in Delhi that the Supreme Commander found it impossible to discharge his responsibilities and was forced to recommend the abolition of his headquarters long before he had completed his task. In spite of the protests of Pakistan, the Government of India succeeded in doing away with this impartial organization which could have ensured equitable distribution of the stores and proper reorganization of the Armed Forces. The India Government pledged their word at the time that Pakistan would get its due share of military stores. These assurances were supported by Lord Mountbatten, who, at a meeting of the Joint Defence Council held on 8 November, stated that "he believed that in view of the unanimous endorsement given by the Indian Cabinet to the pledge that India would deliver to Pakistan the latter's full share of stores, Pakistan's

principal objection had been met". This pledge, like other similar pledges of the India Government, has not been honoured and the slight trickle of military stores to Pakistan shows signs of stopping altogether.

28. The story of the division of cash balances is even more illustrative of the attitude of the Government of India. The cash balances of the undivided Government of India on 14 August 1947 were 4,000 million rupees. Pakistan representatives demanded that of this sum 1,000 million rupees should be handed over to Pakistan as its share. Since the matter could not be settled, it was decided to refer the case to the Arbitral Tribunal. In the beginning of December 1947, however, all outstanding cases which had been referred to the Arbitral Tribunal were settled by agreement between the two Dominions and Pakistan's share of the cash balances was fixed at 750 million rupees. This financial settlement was reached on its own merits and was in no way linked with the Kashmir question or any other issue. Nevertheless India has since refused to hand over the amount until the Kashmir question is settled. India's action is made possible only by the fact that the Reserve Bank of India, which holds the cash balances, is controlled and dominated by the India Government and is not functioning as it should, as a trustee of both the Dominions.

29. According to the arrangements agreed to at the time of partition, the Reserve Bank of India was to act as Banker and Currency Authority both for the Indian Union and Pakistan. As it was realized that it would take some time for Pakistan to establish its own Currency and Banking Authority and to substitute its own currency for the common currency of the pre-partition India which is in use all over the subcontinent, it was agreed that Pakistan's own currency should commence coming into use from 1 April 1948, but that a separate Currency Authority should be set up by Pakistan by 1 October 1948. On the suggestion of the Reserve Bank made before the partition, it was agreed that:—

- (a) So long as there were notes available in the Banking Department, Pakistan should be freely allowed ways and means advances on payment of interest at one-half per cent and the only limitation on these ways and means advances would be the availability of notes in the Banking Department; and

(b) When ways and means advances were needed by Pakistan to meet its requirements which could not be otherwise met out of its cash balances or ways and means advances, Pakistan should be able to have its currency expanded against its own *ad hocs*. The limit for such *ad hocs* was fixed at 30 million rupees. It was agreed, as a part of the financial settlement between India and Pakistan announced on 9 December 1947, that India would not object to the removal of this top limit if the Reserve Bank did not raise any objection. Such *ad hocs* were to be retired against the Pakistan share of the assets of the Reserve Bank in its Issue Department.

Under pressure from the Government of India, direct or indirect, the Reserve Bank is now refusing to honour to the full its obligations. This pressure is continuing and is designed to destroy the monetary and currency fabric of Pakistan, thus endangering the safety of the State.

30. Not content with these various acts of hostility and aggression against Pakistan, the Government of India now threaten Pakistan with a direct military attack.

4. STATEMENT OF THE REPRESENTATIVE OF INDIA,  
MR. G. AYYANGAR, IN THE SECURITY COUNCIL,  
15 JANUARY 1948<sup>1</sup>

On 15 August, when the Indian Independence Act came into force, Jammu and Kashmir, like other States, became free to decide whether it would accede to the one or the other of the two Dominions, or remain independent. It was, however, expected that the State would, as a matter of course, enter into relationship with one or the other of the Dominions, having regard to its geography and history, its economic interests and the wishes of its population. Kashmir started negotiating simultaneously with India and Pakistan, since it was contiguous to, and had close economic ties with, both of them.

India was, of course, vitally interested in the decision that the State might take in regard to accession. Kashmir, because of its geographical position, with its frontiers contiguous with those of countries like the Union of Soviet Socialist Republics and

<sup>1</sup> S.C.O.R., 3rd Yr., Nos. 1-15, 227th Mtg., 15 January 1948, pp. 13-29.

The correspondence referred to herein is reproduced in Chapters II and III. (Ed.)

China, is of vital importance to the security and international contacts of India. Economically also, Kashmir is intimately associated with India. The caravan trade routes from Central Asia to India pass through Kashmir State. Nevertheless, we have at no time put the slightest pressure on the State to accede to the Indian Dominion, because we realised that Kashmir was in a very difficult position. While a Standstill Agreement with India was being negotiated, we learned that pressure was being applied on Kashmir by the Pakistan authorities with a view to coercing it into acceding to Pakistan. At first we did not pay any serious attention to the reports we received. At that time all the energies of the Government of India were strained to the utmost in achieving the task of effecting a gigantic transfer of population on a vast scale. But the reports about the application of coercive pressure began to come with increasing frequency. In, or about, the month of September the position became really serious.

The events which actually followed cannot be explained away as a fortuitous combination of circumstances. A closer examination would reveal to any impartial body of men that there was a definite method, a calculated plan, which was being followed. It is not my desire to overburden this statement with details. I shall, however, briefly refer to the main events. It was not easy for Kashmir to obtain the essential supplies from India because of the difficulty of communications. The Pakistan Government started with a breach of its Standstill Agreement with the State. Quotas of petrol—384,000 gallons—wheat, salt, kerosene oil and cloth allotted to the State under the All-India Basic Plan, for which payment had been made by the Kashmir Government, and which were lying in Pakistan territory at the towns of Rawalpindi, Lalamusa, Sarai Alamgir and Sialkot, were withheld and prevented from being imported into the State. The consequent distress of the people of the State was great. It became impossible to carry on normal trade, and the entire transport of men and goods to and from the State came to a standstill for want of petrol. That the State of Jammu and Kashmir was subjected to economic blockade has been testified to by foreign correspondents. I will cite only two examples. On 13 October 1947, Norman Cliffe, correspondent of the *London News Chronicle*, reported from Kashmir: "Pakistan has cut off from Kashmir supplies

of petrol, sugar, salt and kerosene oil, although a Standstill Agreement between them has been signed." The London *Times* carried the following dispatch from its correspondent in India: "The refusal of Pakistan to supply petrol, salt, sugar and kerosene oil to Kashmir has nearly cut off the State from India." The Government of Pakistan itself pleaded that it could not send these essential supplies, and in defence of its inability to do so, it put forward the excuse that the means of transport were lacking. A sufficiency of transport was, however, always available for carrying invaders to Kashmir, on 22 October 1947 and later.

\* \* \* \* \*

India came into the picture of the present developments on Kashmir only on the eve of signing the Instrument of Accession. Since then, we have come to know of the pressure which had been exercised by Pakistan for obtaining the accession of the State. Side by side with economic strangulation of Kashmir by stoppage of supplies, raids and armed activity began to take place from West Punjab on the territory of Jammu and Kashmir State. On 3 September a gang of 400 Pakistan nationals armed with spears and pistols attacked the village of Dohali, 12 miles south-east of Ranbirsingh Pura, looted and set fire to the village.

\* \* \* \* \*

Matters had thus come to such a pass that the Government of Kashmir had to send a telegram of protest to the Governor-General of Pakistan. . . .

The Governor-General of Pakistan, in his reply dated 20 October 1947, made no effort to answer the specific accusations. Instead, he chose to treat the communication from the Government of Kashmir as an ultimatum containing an alleged threat to seek outside assistance. However, by the time the reply of the Governor-General of Pakistan reached the Government of Kashmir, the large-scale invasion of the State from the side of the North-West Frontier Province had actually commenced.

On 22 October 1947, about 2,000 tribesmen, some in about 100 lorries supplied to them by Pakistan's North-West Frontier Province, and others on foot, fully armed with modern weapons and under the command of a Pakistan national, entered the

town of Muzaffarabad at dawn. They sacked the town, killing, looting and raiding as they went along. The *Gurdwara* (a place of religious worship for the Sikhs) was burned, the Government treasury looted, and State records destroyed. The local troops were taken by surprise, outnumbered and defeated.

The invaders continued their progress along the Jhelum valley road towards Srinagar. Their triumphant march was temporarily stemmed at Uri, a town 50 miles from Srinagar, by the demolition of a bridge and the gallant resistance of about 150 men under the command of Brigadier Rajendra Singh of the Kashmir Army, who was killed fighting a memorable last-ditch battle. The raiders managed to construct a diversion which was about a mile long and which must have required considerable engineering skill, as it was completed in 52 hours. They then continued their advance and, before reaching Baramula, they burned the powerhouse at Mahooria which supplied electricity to the whole of Kashmir.

The position was now critical. The State troops were scattered all over the territory of Kashmir. They had been split into small isolated groups, incapable of offering resistance to raiders who were overwhelming in numbers. All that stood between Baramula and Srinagar was a plain road, with hardly any troops to impede the raiders' advance. But the inhabitants of Srinagar, consisting of Hindus, Sikhs and Muslims under their leader Sheikh Abdullah, rose up as one man to defend Srinagar.

\* \* \* \* \*

From Baramula, where the raiders received reinforcements in thousands, they spread in armed batches towards Sopore, Bandipura, sparing no one from loot or violence. Srinagar, the capital of the State, and the whole of the Kashmir valley, were in peril.

In this situation the Maharaja of Kashmir approached the Government of India for military aid and addressed a letter from Jammu, dated 26 October 1947, to the Governor-General, Lord Mountbatten.

\* \* \* \* \*

On 27 October 1947, the Governor-General of India replied as follows from New Delhi, to the Maharaja's letter. . . .

The two letters give the story of the offer and acceptance of the accession. I would invite the attention of the members of the Security Council to the high-principled statesmanship characteristic of the Government of India under its present leadership. In accepting the accession they refused to take advantage of the immediate peril in which the State found itself and informed the Ruler that the accession should finally be settled by plebiscite as soon as peace had been restored. They have subsequently made it quite clear that they are agreeable to the plebiscite being conducted if necessary under international auspices. The acceptance of the accession was urged upon the Government of India by the leader of the most influential popular organization in Kashmir. It was clear to my Government—as indeed it was clear to everybody else—that peace in Kashmir could never be restored or maintained without the support of the people. Sheikh Abdullah, leader of the National Conference in Kashmir, pressed for accession as earnestly as the Ruler of Kashmir himself, and his organization promised its complete cooperation. On the question of accession, the Government of India has always enunciated the policy that in all cases of dispute the people of the State concerned should make the decision.

The Government of India had in fact no plans to send any military assistance to Kashmir before 25 October 1947. The British Chiefs of Staff of the three services of the Indian Armed Forces have certified.

1. On 24 October the first intimation of the tribesmen's capture of Muzaffarabad reached the Commander-in-Chief in India.

2. No plans of sending troops to Kashmir had been either considered or made by the Indian Army until then.

3. On 25 October directions from the Government of India were received for the first time to prepare plans for sending troops to Kashmir by air and road if necessary.

4. On 27 October, with Kashmir's Instrument of Accession signed, Indian troops were sent to Kashmir by air.

Had India had any plans ready to send troops to Kashmir before this date it would hardly have waited until the invaders had overrun half the valley.

There is ample proof available to establish that the invaders



of Kashmir are not only being allowed transit across Pakistan territory but also draw much of their equipment, arms, transport supplies and petrol from Pakistan.

For three months thousands of tribesmen have crossed Pakistan territory and have continued to pour into Kashmir. And yet Pakistan has acquiesced in this mass and continuous trespass on its own territory by people who were openly on their way to violate the integrity of a neighbouring State and to challenge constituted authority therein.

\* \* \* \* \*

A British officer of the Pakistan Army, writing home to the United Kingdom on 25 November 1947 from Abbotabad, said that lorry-loads of food from local civil supplies and about 1,000 gallons of gasoline were being sent to tribesmen in Kashmir from Abbotabad daily. Our District Liaison Officer at Jhelum reported on 25 November 1947 that a large number of the First Punjab Regiment, dressed in civilian clothes, were carrying arms and ammunition every evening in trucks and sometimes tanks and armoured cars over the Jammu and Kashmir border. He saw 5,000 tribesmen under training 14 miles beyond Kahuta.

Our representative at Peshawar reported in November that about 20,000 tribesmen had moved from the North-West Frontier Province to Kashmir accompanied by men of the Pakistan Army "on leave", frontier constabulary and additional police in plain clothes, and that petrol, ammunition, arms and transport were invariably supplied to them. Transport for this purpose was requisitioned by order of the North-West Frontier Province Government.

\* \* \* \* \*

There is proof also to show that the raiders have in use .303 rifles, Bren and Sten guns, two and three-inch mortars, 3.7 howitzers' anti-tank rifles, mark-V mines and manpack W/T sets. I have photographs of some of these items which we captured from the raiders, indicating that such large numbers could only have come from Pakistan military depots.

\* \* \* \* \*

We have ample evidence to prove that the raiders include a large number of Pakistan nationals. There is reason to suspect

that "General Tariq, Commander-in-Chief of the raiders", who has been described by a foreign Press correspondent as a tall Sandhurst-trained officer, is a regular officer of the Pakistan Army. Michaels, U.P.A. correspondent, in a despatch dated 11 November 1947, said he met three "rebel" officers at Palandri. One of them admitted he was an officer of the Pakistan Army "on leave to fight in Kashmir".

\* \* \* \* \*

Certain members of the Central and Provincial Governments in Pakistan have done extensive propaganda in the North-West Frontier Province and Western Punjab calling upon all Muslims to fight a jihad (Holy War).

\* \* \* \* \*

The Press and the State-controlled radio in Pakistan have extolled Pathans all along for their "success" in Kashmir. They frequently refer to India as "the enemy". They have repeatedly said that Pathans have proved to the world by their victories in Kashmir that they alone can effectively protect the State of Pakistan.

The Prime Minister of Pakistan has emphatically repudiated the charges of aiding and assisting the invaders in Kashmir, and has stated that they have in fact tried to stem their movement "by all means short of war". Yet, according to him, it should not be surprising if "some Pakistan nationals" were taking part in the struggle for the liberation of Kashmir along with the raiders.

Pakistan officials have stated that arms, Brens and mortars being used against us are those brought over when Muslims of the Kashmir military forces deserted to the invaders, or those captured from our forces. The number of desertions has been comparatively so small that this allegation is in essence false.

The Prime Minister of Pakistan has described the raiders in Kashmir as "poorly equipped" and has said that such modern weapons as they possess have been captured from the Kashmir State troops or were in their possession since the days of the British. He has, however, confessed that Pakistan military personnel on leave in their homes "might have rendered assistance to their kith and kin in defence of their hearths and homes".

It seems extraordinary conduct for an Army to allow its officers and men to "go on leave" and omit to take disciplinary action against them for participating, during their leave, in fighting against a neighbouring and a friendly country. As a matter of fact, these men on leave could not have been defending their own hearths and homes when they joined in convoys and formations proceeding from the North-West Frontier Province toward places in Jammu and Kashmir State, sacking, burning and looting towns and villages on their way.

\* \* \* \* \*

The numerous communications exchanged between, and the statements made by, the Prime Ministers of India and Pakistan merely show that, whereas we have been making earnest endeavours to seek the cooperation of Pakistan in effecting the withdrawal of the raiders, the Government of Pakistan has not been willing to do anything to stop the raiders from making use of its territory for warlike operations against Kashmir.

\* \* \* \* \*

I come now to the subject-matter of the reference made to the Security Council. In doing so, it is necessary to emphasise that there is no dispute about territory. The territory is that of Kashmir, and it is this territory which has been invaded, its towns and villages sacked, its people massacred, and its women abducted. Secondly, the subject-matter of reference is limited to the dispute in Kashmir, and its purpose is to request the Security Council to use its undoubted influence and power to persuade the Government of Pakistan (1) to prevent Pakistan Government personnel, military and civil, from participating in or assisting the invasion of Jammu and Kashmir State; (2) to call upon other Pakistani nationals to desist from taking any part in the fighting in Jammu and Kashmir State; (3) to deny to the invaders: (i) access to and use of its territory for operations against Kashmir; (ii) military and other supplies; and (iii) all other kinds of aid that might tend to prolong the present struggle.

We have referred to the Security Council a simple and straightforward issue. There is at this very moment a small war going on in Kashmir. Every day that passes brings in its wake added sorrow and suffering to the people of Kashmir. Furthermore,

every day that the war is prolonged, the danger of the extension of the area of conflict grows. Who can derive satisfaction from such a state of affairs? Is it not really a matter of extreme urgency that the raiders be withdrawn and fighting cease? Is not the withdrawal of these raiders and the averting of a threatened breach of the peace the sole issue demanding priority and urgent consideration? Are we making any unreasonable demands when we ask our neighbouring State of Pakistan to discharge its neighbourly duties? We desire only to see peace restored in Kashmir and to ensure that the people of Kashmir are left free to decide in an orderly and peaceful manner the future of their State. We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established. Everything that we have done has been in discharge of our legal, constitutional, and moral responsibilities and obligations.

\* \* \* \* \*

What is the present position as regards the political problem in that State? By committing himself before the world to the framing of a constitution providing for responsible government and calling Sheikh Mohammad Abdullah to shoulder the responsibility for administration during the interim period, the Maharaja has already set in train the chain of events which will convert him in the next few months from an absolute ruler into the constitutional head of an executive responsible to a democratically-elected legislature.

The question of the future status of Kashmir *vis-a-vis* her neighbours and the world at large, and a further question, namely, whether she should withdraw from her accession to India, and either accede to Pakistan or remain independent, with a right to claim admission as a Member of the United Nations—all this we have recognized to be a matter for unfettered decision by the people of Kashmir, after normal life is restored to them.

**5. STATEMENT OF THE REPRESENTATIVE OF PAKISTAN,  
SIR MOHAMMAD ZAFRULLA KHAN, IN THE SECURITY  
COUNCIL, 16 AND 17 JANUARY 1948<sup>1</sup>**

We now turn to the State of Kashmir itself. This State was

<sup>1</sup> S.C.O.R., 3rd Yr., Nos. 1-15, 228th-229th Mtg., 16 and 17 January 1948, pp. 64-118. Correspondence referred to herein is reproduced in Chapters II and III. (Ed.)

purchased by the great-grandfather of the present Ruler of Kashmir from the British East India Company in 1846 for 7,500,000 rupees. Roughly, this is less than \$2,500,000.

The population of Kashmir is distributed communally as follows: In Kashmir proper, apart from Jammu, 93.5 per cent are Muslims. Sixty-two per cent of the population of Jammu are Muslims. In the combined Jammu and Kashmir State, 78 per cent are Muslims. The total population is approximately 4,000,000.

Gilgit, which is the high mountain region in the north-west, a part of which borders on the USSR, is entirely Muslim. The total area of the State, which is largely composed of high mountains and barren hills, is 82,000 square miles. The region is famous for its beauty. The people of this State are similarly famous. Their high artistic talents are well known. What is not fully known is the depths of misery to which they have been reduced by a century of unmitigated tyranny and oppression under Dogra rule until it is difficult to say which is the greater tragedy to a Kashmiri: his life or his death. Death often provides release from the unbroken chain of suffering, misery and privation which begins in the cradle and ends only in the grave.

\* \* \* \* \*

The whole of the soil belonged to the Maharaja. Nobody had any rights of ownership in it. They were liable to eviction at the will of the Maharaja, irrespective of for how many generations the family had occupied the farm. If a Muslim became converted to Hinduism, he retained all rights in his property. In the converse case, if a Hindu became a Muslim, he lost all interests in joint family property under the law of the State. Some reforms were granted under adjudication. As a result, a legislative assembly was also set up, and the Kashmiris achieved some alleviation of their condition.

We now come to the events of the last year. The constitutional settlement arrived at between the British and the Indians, on the one hand, and between different sections of Indians, on the other, presented the Maharaja with a difficult choice. Geography, economics and the wishes and the sentiments of an overwhelming majority of his people pointed in one direction—that is to say, accession to Pakistan—and indications have not been wanting

that he was at one time inclined to proceed in that direction.

\* \* \* \* \*

A Standstill Agreement had been arrived at, then, between the Maharaja of Kashmir and Pakistan. Later, the Maharaja appears to have been inclined in the other direction. But this presented a problem in regard to his people. As I have said, 78 per cent were Muslims. Having regard to his geographical position and the distribution of population in his State, he knew that it was certainly as much as his throne was worth if he made any movement in the direction of accession to India, so long as his people were there to protest and to desire accession to Pakistan.

However, the other Hindu States of the Punjab solved this problem. For instance, Kapurthala had a majority of Muslims—but then the Maharaja of Kapurthala got rid of all of them. That is how the question was resolved. The Maharaja of Kashmir must have thought that in the case of Kashmir the killing of a few thousand of his Muslim subjects, the jailing of the leaders, and the expulsion of a million or so might sufficiently cow the rest. And apparently that was the scheme that was adopted.

In the month of September, atrocities upon the Muslim population by the troops of the Maharaja started, both in the Jammu portion and in the Kashmir State portion, particularly that part of the State which is known as Poonch. Poonch is a smaller State which is ruled by a member of the senior line of the Maharaja's family, but the ruler of Poonch owes allegiance to the Maharaja of Kashmir. But Poonch had this troublesome feature: that, on the lowest estimate, at least 70,000 Poonchis had served on the side of the United Nations in the last war, and therefore were not very easy to deal with.

\* \* \* \* \*

Another element that was added was that Sikh refugees from West Punjab and the Rashtriya Swayam Sewak Sangh volunteers had entered Jammu State and had started the massacre of Muslims on a large scale.

\* \* \* \* \*

Here is a picture of how the trouble and the oppression of the

people in Poonch by State troops started. The people in Poonch are largely ex-servicemen of the Indian Army; that is, when India was one country and was not yet divided. They were compelled, in view of the horrors committed elsewhere, with which they were now faced, to evacuate their women and children, take them out of Poonch and put them in West Punjab, and then come back to fight with weapons borrowed or taken from their friends and relatives in West Punjab. Is that not exactly what has been stated by the Prime Minister of Pakistan as the cause and the origin of the trouble, and is that not what is being repudiated by India? The representative of India is present here. He can say whether or not this is a correct account.

\* \* \* \* \*

Now for an account of the happenings in Kashmir itself. Starting with these occurrences in the Jammu and Kashmir State, slowly the whole of Kashmir was getting enveloped in an orgy of loot, murder and arson. On 4 October the inhabitants of several villages, including Jandala, Makhialkotli, Nawal Danna and Cheerala, were reported to have been burnt alive in their houses. It is estimated that hardly one per cent escaped from the carnage.

\* \* \* \* \*

In Jammu proper, under the pressure of gangsters, Muslims were segregated in the local police lines, where the State authorities promised them protection. The rooftops of all high buildings adjoining the police lines were occupied by Dogra troops and Sikh marauders, who kept on firing on the Muslim refugees with impunity. On the same day, one of the Muslim festival days, 18 October, firing on the Muslims continued for ten hours, and it is estimated that over four thousand people were killed. The State authorities pleaded lack of police personnel to prevent the repeated attacks of Sikhs, I.N.A. and R.S.S. gangs on these unarmed Muslims. Kanwar Sir Dalip Singh, a former judge of the Lahore High Court, who was touring the province of Jammu as a representative of the Government of India, asked the Muslims to surrender their arms and ammunition and keep in readiness for evacuation to Pakistan. Every individual was allowed

to take only his bedding and a small box. All other belongings of the evacuees were deemed to have been forfeited to the State.

\* \* \* \* \*

These are some accounts of what had been happening in the State, both before the State acceded to the Indian Union and after accession of the State, as many of the dates are in November. The accession to India was on 26 October and the Indian troops were landed on 27 October.

\* \* \* \* \*

What was the situation up to 18 October? There were complaints and cross-complaints. I shall not enlarge upon what appears to have been justified and what appears not to have been justified. There were complaints and cross-complaints and there were grievances. The Prime Minister of Kashmir says, "I demand an impartial inquiry. If you will not accede to my request to grant an impartial inquiry, I shall be compelled to ask for outside assistance." The reply goes back: "Having regard to the gravity of the situation, we have carefully considered your suggestion to have an impartial inquiry made into the whole affair. We appreciate the suggestion and ask you immediately to nominate your representative on this Inquiry Committee. On hearing from you, we shall nominate our representative without delay so that the Committee can proceed at once with a thorough inquiry into the whole matter."

That demand was met. Therefore, there was no reason to ask for any outside assistance. What did they do? This is the first demand on the other side for an impartial inquiry. We said, "All right, name your representative and we shall name ours." Not one word has since been heard of an impartial inquiry or a committee to set up an impartial inquiry. They went back on it completely.

\* \* \* \* \*

So far, three steps have been taken. When the trouble first arose, there were allegations of non-fulfilment of the agreement with regard to supplies from the Kashmir side. There were allegations of raids in Pakistan territory and the massacre of Muslims inside the State, from the Pakistan side, and it was



suggested that a representative of the Pakistan Government should go to Kashmir and discuss these matters, on the spot, with the Prime Minister of the Kashmir State. As a matter of fact the Joint Secretary in the Foreign Office at Karachi was dispatched for the purpose. The courtesy shown to him when he arrived was that the Prime Minister refused to hold any discussion with him. That was the first attempt of Pakistan to settle matters by amicable adjustment.

The second step was this request, on 15 October, by the Prime Minister of Kashmir, for an impartial inquiry. We accepted at once and we telegraphed our acceptance, asking them to nominate their representative and stating that on hearing from them, we would nominate ours. We heard nothing more about it. This was repeated in the Governor-General's telegram of 20 October.

He then made a further suggestion. He said that instead of carrying on these acrimonious and bitter accusations against each other by telegraph, he still suggested that a meeting take place. He suggested that the Prime Minister might come down to Karachi to discuss matters. This was turned down. Reports of atrocities and raids in West Pakistan territory continued to be received.

\* \* \* \* \*

Several other telegrams were dispatched with reference to raids which had taken place. After the so-called accession which took place on 26 October, the Government of India troops landed in Kashmir on 27 October. The Security Council is now aware of the geographical and economic situation which exists in Kashmir and Pakistan. It is also aware that Kashmir had concluded a Standstill Agreement with Pakistan. There was a Standstill Agreement which existed between Pakistan and the Government of Kashmir. This request for accession was made and accepted as set forth in the written statement which was read out by the Indian representative, as contained in the letter to Lord Mountbatten and Lord Mountbatten's acceptance of that request (227th meeting).

There was no intimation either from the Government of Kashmir or from the Government of India to the Pakistan Government that this was taking place or was about to take place. If the situation in Kashmir was causing grave anxiety—

and it might very well be causing grave anxiety—then when the appeal was made to the Government of India, it was surely the business of the Government of India to get in touch immediately with the Government of Pakistan and say something to this effect: “Both of us are interested in this. Can we not get together to remedy the situation?” Were they not willing at the very least to notify the Government of Pakistan that the landing of troops in Kashmir was intended? No intimation was given. There was no opportunity for discussion and no opportunity to partake of joint action in order to arrive at a settlement.

By their own action, the Government of India now makes a complaint that Pakistan should have joined them in settling the problem. However, by their own action the Government of India put any kind of joint action or settlement out of the question. I should repeat that proposals from our side for joint action were made. The only intimation that was received was after the troops had landed in Kashmir on 28 October....

At that time it was suggested that a conference should now take place at Lahore, where the Governor-General of Pakistan and the Prime Minister of Pakistan both were then—and they were both ill—to which the Governor-General of India, Lord Mountbatten, and the Prime Minister of India, Pandit Jawaharlal Nehru, together with the representatives of Kashmir, should be parties.

An intimation of this was conveyed to the Prime Minister of the United Kingdom, who was perturbed over the turn that the affairs had taken and was anxious that the situation should be resolved by mutual discussion and adjustments. The first suggestion for this conference was 29 October, but it could not take place as Pandit Jawaharlal Nehru was not well enough to be able to travel from Delhi to Lahore. It was therefore postponed to 1 November, at which time it was hoped that all six—the three Prime Ministers, the two Governors-General, and the Maharaja of Kashmir—would be able to attend.

On 1 November Pandit Jawaharlal Nehru was still unable to attend, but Lord Mountbatten came to Lahore. There was a discussion between Lord Mountbatten, the Governor-General, and the Prime Minister of Pakistan. What transpired is contained in the following telegram, addressed by the Prime Minister

of Pakistan to the Prime Minister of the United Kingdom. . . .

"1. To put an immediate stop to fighting, the two Governors-General should be authorized and vested with full powers by both Dominion Governments to issue a proclamation forthwith, giving forty-eight hours' notice to the two opposing forces to cease fire. The Governor-General of Pakistan has no control over the forces of Provisional Government of Kashmir or the tribesmen engaged in the fighting, but he will warn them in the clearest terms that if they do not obey the order to cease fire immediately, the forces of both Dominions will make war on them;

"2. Both the forces of India Dominion and the tribesmen to withdraw simultaneously and with the utmost expedition from Jammu and Kashmir State territory;

"3. With the sanction of the two Dominion Governments, the two Governors-General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State, and arrange for a plebiscite without delay under their joint control and supervision."

\* \* \* \* \*

This was the fourth attempt to settle the matter by negotiation, and every one of these attempts was made on behalf of Pakistan, We had first offered to send a representative to discuss matters with the Kashmir Government, and actually sent him, but the Prime Minister of Kashmir declined to discuss the matter with him. The Prime Minister of Kashmir then asked for an impartial inquiry, and we at once agreed. We asked them to nominate their representative, and we have heard nothing further with regard to that. We then suggested that the Prime Minister of Kashmir should come to Karachi to discuss matters, so that a way might be found out of the situation by amicable means. This offer was not accepted.

We then made this suggestion after the situation had deteriorated a great deal by the unilateral action that the Dominion of India had taken without consultation with us—without any reference to us—in sending their troops into Kashmir. This was a suggestion which, if adopted, could easily have stopped any further bloodshed in Kashmir. Either the tribesmen who

were coming in from outside would have taken the warning issued to them and stopped the fighting, or the two Dominions together would have fought them and excluded them from Kashmir and Jammu territory. But this again was turned down, and therefore, no solution along these lines become possible.

No direct reply was given, but the Prime Minister of India subsequently explained that he had dealt with the matter in his broadcast. In the subsequent telegram that he dispatched on 8 November 1947, he still adhered to the position that the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir, and that the Government of India would repeat their declaration that they would withdraw their troops from Kashmir soil as soon as the raiders had withdrawn, and law and order had been restored.

\* \* \* \* \*

Again I appeal to the Security Council. The two matters in controversy between the two Governments were how to deal with this situation, including the incursion of the tribesmen into Kashmir, and how the free plebiscite to enable the people of Kashmir to express their unfettered choice in the matter of accession is to be arranged. The Prime Minister of Pakistan makes this fifth attempt to come to some settlement, and invites the Prime Minister of India to Lahore so that they together may be able to find a way out.

The Prime Minister of India lays down two conditions. One condition is that in order to determine what shall be done to get rid of the so-called raiders from Kashmir, "You must first get rid of them before we will talk of how to get rid of them."

The second is that in order to decide how a free plebiscite shall be held in Kashmir, in order to ascertain and determine whether the view of Sheikh Mohammad Abdullah, that is to say, of the National Conference, shall prevail, or whether the Muslim Conference has greater support, "You must first accept Sheikh Mohammad Abdullah as the head of the administration, without whose consent and approval nothing can be done."

That, in effect, was the reply. These are the two questions to be determined, but they must first both be decided in favour of the Dominion of India's view before any conversation can be

held as to how they are to be dealt with!

Thereafter, the Prime Minister of Pakistan sent a telegram to the Prime Minister of India on 16 November, stating that he was issuing a Press statement, and enclosing the text of it, from which I shall read one or two extracts. . . .

\* \* \* \* \*

“The fundamental principle of the Charter of the United Nations is to prevent might prevailing over right. The whole dispute should, therefore, be brought before the bar of international opinion. We are ready to request the United Nations immediately to appoint its representative in the Jammu and Kashmir State in order to put a stop to fighting and repression of Muslims in the State, to arrange the programme of withdrawal of outside forces, set up an impartial administration of the State until a plebiscite is held, and undertake the plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession. We are prepared to accept a similar solution of the dispute regarding Manavadar and Junagadh.”

\* \* \* \* \*

This was the sixth offer made by Pakistan.

\* \* \* \* \*

For the reasons set forth in these paragraphs which I have read out—for whatever they are worth—that suggestion was not immediately taken up. On 22 December, however, a letter was delivered to the Prime Minister of Pakistan which contained the proposal to refer the matter to the Security Council in the form which it has actually been referred.

\* \* \* \* \*

I now come to some of the specific allegations that have been made in the statement entered on behalf of India the day before yesterday (227th meeting) with regard to Pakistan's complicity, as it described, in the situation in Kashmir. The representative of India starts with a statement that they were innocent even of all knowledge of what was going on in Kashmir until the eve of Kashmir's accession to India. He said: “India came into the picture of the present developments in Kashmir only on the eve of

signing the Instrument of Accession. Since then" —that is, 22 October— "we have come to know of the pressure that had been exercised by Pakistan for obtaining the accession of the State."

He then goes on to set down incidents of what he thinks was pressure put upon Kashmir to accede to Pakistan, but he does try to make out a case of complete lack of knowledge even of what was happening in Kashmir. It was only on the eve of the accession that they came to know anything at all about these matters.

However, I would request the members of the Council to examine the verbatim record of the statement of the Indian representative. He stated:

"India was, of course, vitally interested in the decision that the State might take in regard to accession." Being vitally interested, they invite the Council to believe that though they were interested in the decision, they took no interest in what was happening. The paragraph continues as follows: "Kashmir, because of her geographical position, with her frontiers contiguous with those of countries like the Union of Soviet Socialist Republics and China, is of vital importance to the security and international contacts of India. Economically also, Kashmir is intimately associated with India. The caravan trade routes from Central Asia to India pass through Kashmir State."

\* \* \* \* \*

I am sure the representative of India will forgive me, if, as a result of that knowledge and that experience, I refuse to believe as true the statement that the Government of India took no interest in and was not aware of what was happening in Kashmir. "Nevertheless," the representative of India continued, "we have at no time put the slightest pressure on this State to accede to the Indian Dominion, because we realised that Kashmir was in a very difficult position." Indeed, the Government of India had been so anxious about these matters that in the case of Junagadh, which legally, constitutionally and legitimately acceded to Pakistan, they have carried out their obligations in respect of such accession in the most scrupulous manner. We shall come to the details of this matter when the Security Council reaches the second part of its agenda.

“While a Standstill Agreement with India was being negotiated,” the representative of India continued, “we learned that pressure was being applied on Kashmir by the Pakistan authorities with a view to coercing it into acceding to Pakistan.”

A few paragraphs after this statement appears the following: “Since then, we have come to know of the pressure which had been exercised by Pakistan for obtaining the accession of the State.” I do not admit that any pressure was being exercised, I cannot give an explanation of that, but here the Indian Government alleges that while a Standstill Agreement was being negotiated, “we learned that pressure was being applied on Kashmir by the Pakistan authorities with a view to coercing it into acceding to Pakistan. At first we did not pay any serious attention to the reports we received. At that time all the energies of the Government of India were strained to the utmost in achieving the task of effecting a gigantic transfer of population on a vast scale. But the reports about the application of coercive pressure began to come with increasing frequency. In or about the month of September, the position became really serious.” Yet the knowledge of all this contained in all the reports which were coming in contemporaneously was obtained by them after the accession.

Again, it is said by India: “We did not even think of accession or a military action until 24 October.” Sheikh Mohammad Abdullah, who had been convicted and sentenced—most unjustly, I am quite certain myself—on a charge of treason, and who had already been in jail for eighteen months or so, was suddenly released—and I am happy that was so—and proceeded to Delhi. For what purpose? What was he doing there? I am not suggesting he was doing anything unlawful, but I am suggesting that he was negotiating the terms of accession to the Government of India, on behalf of His Highness the Maharaja of Kashmir, against whom—according to the Maharaja of Kashmir, not according to me—he had been guilty of treason for which he languished in jail for eighteen months. He was already there even ahead of 22 October, the first date on which any incursion is alleged to have taken place from the North-West Frontier Province into Kashmir. But it is said that pressure was being applied on behalf of Pakistan against Kashmir, to induce Kashmir to accede to Pakistan. The pressure is suggested as

having been applied in the form of stoppage of supplies which should have gone on normally under the Standstill Agreement.

I already explained yesterday what the conditions were in East Punjab and West Punjab during that period. Practically no normal traffic was moving between the two territories. None could move. There was so much killing going on. The only traffic was that of refugees, and they sometimes, even when under military escort, were massacred. Therefore, it was not only Kashmir that was suffering from lack of supplies; West Punjab itself was suffering from lack of supplies. If under those conditions, difficulties were experienced in moving supplies, it was not a pressure being put upon Kashmir; it was due to the circumstances then existing. This was explained in the telegram of 20 October from the Governor-General of Pakistan to His Highness the Maharaja of Kashmir.

Then, railways in western Pakistan were experiencing great difficulty in maintaining services—even behind their frontiers where this question of refugees and killings and massacres was not acute—owing to lack of coal. Coal had to come from the Dominion of India. The Dominion of India was experiencing difficulties in the matter of supply of coal to Pakistan, and Pakistan, consequently, was experiencing difficulties in running its railways and other communications.

Then there was a third factor. The Dogra troops were killing Muslims inside the State of Kashmir, and Muslim lorry-drivers of vehicles that would normally have carried these supplies from Rawalpindi into Kashmir refused to move, even in respect of such supplies as were already available inside West Punjab, unless military escort was provided. It was repeatedly explained to the Kashmir authorities that the West Punjab Government, having regard to much more urgent calls upon them, was unable to supply military escort for these lorries. These and others were the reasons for the interruption of supplies, and not any kind of pressure that was being put upon the Kashmir Government to decide one way or the other.

\* \* \* \* \*

Further accusations are made with regard to the specific matter of incursions into Kashmir itself, and it has been said



that the Pakistan Government is guilty, on the evidence which has been instanced and which, it is said, is in the possession of the Government of India....

\* \* \* \* \*

It is then said that these people have arms of various descriptions and that those arms could only have come from the Pakistan Government. In the first place, anyone who is familiar with conditions on the north-west frontier of India will certainly know that these independent tribes have always been in the habit of accumulating quite large stores of arms by all sorts of means, legitimate as well as illegitimate. As a matter of fact guns, rifles and so on are manufactured by them. Whether by raids, by illicit purchase, or by stealing, they always get them, and other arms also. As a matter of fact, it is the saying all along the frontier that no young tribesman can obtain a bride unless he has first obtained a first-class rifle and can prove himself to be an expert in its use. So far as the Pakistan Government is concerned, the Government of India itself is the witness of how much military stores it has so far, under the settlement, itself handed over to the Pakistan Government, from which the Pakistan Government, out of its surplus, could supply these stores for use by these people. As a matter of fact, one of the matters to which attention has been invited by the Pakistan Government in its representation to the Security Council is the failure of the Government of India to hand over to the Pakistan Government its due share of military stores. Pakistan is woefully short of its quota, much less could it supply anybody out of it.

\* \* \* \* \*

In the Indian statement it is then said that the methods employed by these people indicate that they are led by professional soldiers. Of course there are, as I have said, as many as 70,000 professional soldiers in Poonch itself who have served during this past war. What greater experience do you want in any soldier? They are there and they are subjects of Kashmir; they are the people of the Maharaja. These are the people whom he tried to

suppress and massacre by the use of his State troops which ran away, leaving their equipment, at first contact when these people rose. What more professional soldiers are wanted to lead these people? They are there; they are Kashmiris; they are subjects of Kashmir and they are inside the State.

\* \* \* \* \*

Apparently, the case that is sought to make out here is that all this trouble comes from the tribesmen, that it is outsiders who have made an incursion into the State and disturbed the peace of that beautiful and happy valley. That is an entirely untrue picture of the whole situation. The correct picture is that the Maharaja, for purposes of his own, let his troops loose upon his people in certain areas, particularly in Poonch; that he let the bands of Sikh and Rashtriya Sewak Sangh volunteers create havoc in certain parts of the Jammu province of his State; and that against these barbarities the people of the State rose in revolt.

It is admitted that the whole of Gilgit—in some respects the crucial portion of Kashmir, inasmuch as its border joins the border of the Union of Soviet Socialist Republics in the north-west—has thrown off the Maharaja's authority. It is not alleged that any tribesmen have gone into Gilgit. Then who has brought about this change in Gilgit? Obviously the people of Gilgit, the subjects of the Maharaja—they are one hundred per cent Muslims, but they are his subjects nevertheless. Yet the Maharaja pretends that none of his people has taken part in these doings, that it is only these 'outsiders' who are creating the trouble.

Consider the trouble in Kashmir itself. All the Muslims of the Jammu province, all the Muslims of Poonch, such Muslims of the valley itself as have any choice in the matter—because, as I have said, the leaders are in jail and others are being persecuted—are all behind this movement.

If this is denied, why does not Sheikh Mohammad Abdullah make an effort to persuade the Maharaja, if he has no authority—I understand he is now virtually the Prime Minister—to release his colleagues or opposite numbers, whichever way he regards them, of the Muslim Conference? Why are they being

kept in jail, unless it is for the purpose that the movement for accession to Pakistan should be crushed by all means at the disposal of the Maharaja and those who are advising him?

\* \* \* \* \*

What is happening in Kashmir is a continuance of the process which has reached its culmination in the State of East Punjab and cannot be divorced from it. It would be no answer to say that a good deal of that kind of thing has happened in West Punjab also. I mentioned to the Council yesterday that it has. It is most regrettable but it has. It is as deplorable that it has happened in West Punjab as it is that it has happened in East Punjab. However, when you are trying to appreciate a picture, you have got to take the picture against its background, and judge human reactions against that background.

The question is: How is this situation to be met? It can be met only in one way. When the people of Kashmir—when I say the people of Kashmir I mean the Muslims of Kashmir, because the Hindus, the non-Muslims, are, at the moment, in no danger of being persecuted—are convinced that there is no further need for apprehension of their being dealt with in the manner in which their co-religionists have been dealt with in the other States—Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpur, Alwar and Gwalior—and when there is no further pressure upon them of any kind, they will be in a position to express their desire as to the accession to India or Pakistan.

If, under those circumstances, they are invited to express and make their free choice and if their choice is India, then they have made their free choice and can accede to their choice. If their choice is Pakistan, India should reconcile itself to the fact that their choice is Pakistan and they should be allowed to accede to Pakistan. That is the only anxiety which the Pakistan Government and the people of Pakistan have. It is claimed that India is going into the State merely to restore peace, law and order. It would surely be reasonable to expect that if this were the object of this incursion of the Indian Army into Kashmir, they would first have rid Kashmir of the Sikh bands who had carried out massacres and looting on such a large-scale in the province of Jammu of the Kashmir State.

6. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
17 JANUARY 1948 (S/651)<sup>1</sup>

*The Security Council,*

*Having heard* statements on the situation in Kashmir from representatives of the Governments of India and Pakistan;

*Recognizing* the urgency of the situation;

*Taking note* of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto, and in which they affirmed their intention to conform to the Charter;

*Calls upon* both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

*And further requests* each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon.

7. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
20 JANUARY 1948 (S/654)<sup>2</sup>

*The Security Council,*

*Considering* that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency,

*Adopts the following resolution:*

A. A Commission of the Security Council is hereby estab-

<sup>1</sup> *Kashmir Documents*, (17 January 1948-30 March 1951), p. 1.

*Submitted by:* Belgium.

*Votes for:* Argentina, Belgium, Canada, China, Colombia, France, Syria, UK, USA.

*Abstentions:* Ukrainian Soviet Socialist Republic, USSR. (Ed.)

<sup>2</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, Annex 1, pp. 64-5.

*Submitted by:* Belgium.

*Votes for:* Argentina, Belgium, Canada, China, Colombia, France, Syria, UK, USA.

*Abstentions:* Ukrainian Soviet Socialist Republic, USSR. (Ed.)

lished, composed of representatives of three Members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected.

Each representative on the Commission shall be entitled to select his alternates and assistants.

B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

C. The Commission is invested with a dual function:

(1) To investigate the facts pursuant to Article 34 of the Charter;

(2) To exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties; to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council, have been carried out.

D. The Commission shall perform the functions described in Clause C:

(1) In regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948; and

(2) In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.

E. The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realization of its mission and the reaching of its conclusion.

F. The Commission, its members, alternate members, their assistants and its personnel shall be entitled to journey, separately or together, wherever the necessities of their task may require,

and, in particular, within those territories which are the theatre of the events of which the Security Council is seized.

G. The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may consider necessary.

8. DRAFT RESOLUTION SUBMITTED TO THE SECURITY COUNCIL, 6 FEBRUARY 1948 (S/667)<sup>1</sup>

*The Security Council,*

1. *Having considered* the claims and allegations of India and Pakistan, expresses the conviction that a peaceful settlement of the dispute about the accession of Jammu and Kashmir will best promote the interests of the peoples of Jammu and Kashmir, of India and of Pakistan.

2. *Considering* that it is urgent and important to stop acts of violence and hostility in Jammu and Kashmir; and to decide the question of whether the State of Jammu and Kashmir shall accede to Pakistan or to India by the democratic method of a plebiscite to be held, as recognised by the parties, under the auspices of the United Nations to ensure complete impartiality.

3. *Believes* that the joint action of the Governments of India and Pakistan is required to carry out the purposes set forth below:

4. *Alternative A*

*Takes note* with satisfaction that both Governments, in seeking a solution by negotiation under the auspices of the Council, have agreed to cooperate with each other and with the Council in developing specific proposals and, to this end, to apply the following principles which, in the opinion of the Council, should, among others, constitute the basis of a just settlement:

*Alterantive B*

*Appeals*, therefore, to both parties, in seeking a solution by negotiation under the auspices of the Council, to cooperate with each other and with the Council in developing specific proposals and, to this end, to apply the following principles, which, in the opinion of the Council, should, among others, constitute the basis of a just settlement:

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for January, February and March 1948, pp. 24-5.

*Submitted by:* President of the Security Council and the Rapporteur. This draft was not voted upon. (Ed.).

- (a) Acts of violence and hostility must end.
- (b) The withdrawal and continued exclusion of all irregular forces and armed individuals who have entered Jammu and Kashmir from outside must be brought about, each party using to that end all the influence at its disposal.
- (c) Regular Armed Forces in aid of the establishment and maintenance of order must be made available. In this connection the Governments should seek to ensure cooperation between their military forces to establish order and security until the question of accession shall have been determined by the plebiscite.
- (d) Regular Armed Forces must be withdrawn as soon as re-establishment of law and order permits.
- (e) After acts of violence and hostility have ceased, all citizens of the Jammu and Kashmir State who had left on account of the recent disturbances, shall be invited and be free to return to their homes and to exercise all their rights without any restrictions on legitimate political activity. There shall be no victimization. All political prisoners should be released.
- (f) The conditions necessary for a free and fair plebiscite on the question of whether the State of Jammu and Kashmir shall accede to India or to Pakistan, including an interim administration which will command confidence and respect of the people of the State of Jammu and Kashmir, must be established.
- (g) Such conditions include that the plebiscite must be organised, held and supervised under the authority of the Security Council at the earliest possible date.

9. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
21 APRIL 1948 (S/726)<sup>1</sup>

*The Security Council,*

*Having considered* the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir.

*Having heard* the representative of India in support of that complaint and the reply and counter-complaints of the representative of Pakistan,

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for April 1948, pp. 8-12.

*Submitted by:* Belgium, Canada, China, Colombia, UK and USA. This resolution was voted upon paragraph by paragraph. (Ed.)

*Being strongly of the opinion* that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about cessation of all fighting,

*Noting* with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir should be decided through the democratic method of a free and impartial plebiscite,

*Considering* that the continuation of the dispute is likely to endanger international peace and security,

*Reaffirms* the Council's resolution of 17 January 1948 (document S/651),

*Resolves* that the membership of the Commission established by the resolution of the Council of 20 January 1948 shall be increased to five and shall include in addition to the membership mentioned in that resolution, representatives of.....and..... and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution, the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five,

*Instructs* the Commission to proceed at once to the Indian subcontinent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in cooperation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution, and to this end,

*Recommends* to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A. *Restoration of Peace and Order*

1. The Government of Pakistan should undertake to use its best endeavours:



- (a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;
- (b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should cooperate in the maintenance of peace and order.

2. The Government of India should:

- (a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution of 20 January that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;
- (b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;
- (c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:
  - (i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;
  - (ii) That as small a number as possible should be retained in forward areas;
  - (iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that until such time as the Plebiscite Administration referred to below finds it necessary

to exercise the powers of direction and supervision over the State forces and policy provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2(a) above has been put into operation, personnel recruited locally in each district should be as far as possible utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for use of such forces of either Dominion as it deems effective for the purpose of pacification.

#### B. *Plebiscite*

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate representatives to share equitably and fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should, at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority

to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

- (c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.
- (d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service of his assistants and subordinates.
- (e) The Administrator should have the right to communicate directly with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising, which may tend, in his opinion, to interfere with the freedom of the plebiscite.

11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed,

caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State, and that there will be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavour to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:

- (a) all citizens of the State, who have left it on account of disturbances, are invited, and are free, to return to their homes and to exercise their rights as such citizens;
- (b) there is no victimization;
- (c) minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

### C. *General Provisions*

16. The Government of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

10. LETTER OF THE MINISTER OF FOREIGN AFFAIRS OF PAKISTAN, SIR MOHAMMAD ZAFRULLA KHAN, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, 30 APRIL 1948 (S/735)<sup>1</sup>

30 April 1948

1. In compliance with your letter dated 22 April 1948, I trans-

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for May 1948, pp. 40-2.

mitted to my Government the resolution adopted by the Security Council at its 286th meeting held on 21 April 1948.

2. I have the honour to inform you that, in the view of the Pakistan Government, the measures indicated in the resolution referred to above are not adequate to ensure a free and impartial plebiscite on the question of the accession of Jammu and Kashmir State to India or Pakistan. The Government of Pakistan much regret that they have not been placed in a position to carry out the obligations sought to be laid upon them by the resolution.

3. The Pakistan Government noted that a member of the Security Council observed at the meeting referred to above that appeals and proclamations by the Pakistan Government would not suffice to bring about compliance with the suggestions contained in Article 1 (a) of the resolution, and suggested that if they considered it necessary to use their forces in order to bring about compliance, they should have the right to do so. It was, however, pointed out that Article 5 provided in part for this contingency, and that if Pakistan forces were placed at the disposal of the Commission when the Commission found this necessary that would be enough to cover the need.

4. The Pakistan Government note further that the expression "forward areas" in Article 2 (c) is intended to mean areas which are at present closest to the line which separates the Indian forces from the forces in the State which are now in arms against them, thus ensuring the Indian forces are not to advance further into the State beyond the areas at present in their occupation. The expression "base area" in Article 2 (c) (III), it was stated, means areas outside the valley of Kashmir and outside the field of operation of actual fighting, from which the troops engaged in those operations are supplied.

5. The Pakistan Government also note that the purpose of Article 6 was stated to be that there should be organized in the State of Jammu and Kashmir an Interim Administration which would command the confidence and respect of all the people of the State and would be a symbol to the people on both sides that the Government of the State was officially neutral on the issue of accession to India or Pakistan. While on the one hand the suggestion that the Muslim Conference and the Azad Kashmir should have a majority in the Council of Ministers was not found

acceptable, on the other hand it was stressed that no advantage would be accorded to the group that holds powers at the present moment. The Pakistan Government recognize that the criterion in the reconstitution of the Council of Ministers would not be the predominantly Muslim character of the population of the State but the neutralization of the Government between the group which favours accession to Pakistan and that which favours accession to India. Each group is to choose its own representatives on the Council of Ministers in order to form a coalition Government which collectively would be completely neutral in so far as the issue of accession to India or Pakistan is concerned.

It is further noted that Article 6 is related to Article 1 (a) for the reason that, if it is apparent that the interim Administration which would be formed in accordance with the above principles and which would prevail during the period immediately preceding and during the plebiscite is a fair one, this would be helpful in inducing the tribesmen to withdraw.

6. The Pakistan Government also note that the Plebiscite Administrator has full authority to get such powers as he might deem necessary for the holding of a free and impartial plebiscite and, therefore, would be competent to deal with any offences under Article 11 and to remedy the situation created by the dismissal of employees of the State who were suspected of favouring accession to Pakistan.

7. Without casting any doubt on or detracting in any way from the authoritative character of explanations referred to above, the Pakistan Government regret that the Security Council did not incorporate them in the text of the resolution in appropriate language.

8. Although, as stated above, the resolution is inadequate to secure the objectives set out in the preamble of the resolution and is, therefore, not acceptable to the Pakistan Government, they have authorized me to submit under protest and with prejudice the name of Argentina as Pakistan's nominee on the Commission.

9. I trust this will enable you to call upon Czechoslovakia and Argentina to proceed forthwith to designate the remaining member of the Commission.

(Signed) ZAFRULLA KHAN  
*Minister of Foreign Affairs,  
Government of Pakistan*

11. LETTER OF THE REPRESENTATIVE OF INDIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, 7 MAY 1948 (S/734/Corr. 1)<sup>1</sup>

7 May 1948

I have been directed to communicate to you the following message from the Prime Minister and Minister of External Affairs of the Government of India to the President of the Security Council:

“The Government of India have given the most careful consideration to the resolution<sup>2</sup> of the Security Council concerning their complaint against Pakistan over the dispute between the two countries regarding the State of Jammu and Kashmir. The Government of India regret that it is not possible for them to implement those parts of the resolution against which their objections were clearly stated by their delegation, objections which after consultation with the delegation, the Government of India fully endorse.

“If the Council should still decide to send out the Commission referred to in the preamble to the resolution, the Government of India would be glad to confer with it.

“Jawaharlal Nehru, Prime Minister and Minister of External Affairs, India”.

(Signed) M. K. VELLODI  
*India delegation to the  
Security Council*

12. RESOLUTION ADOPTED BY THE SECURITY COUNCIL, 3 JUNE 1948 (S/819)<sup>3</sup>

*The Security Council,*

*Reaffirms* its resolutions of 17 January 1948, 20 January 1948 and 21 April 1948;

*Directs* the Commission to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by the resolution of 21 April 1948;

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, Annex 3, p. 66.

<sup>2</sup> Document S/726.

<sup>3</sup> S.C.O.R., 3rd Yr., No. 79, 312 Mtg., 3 June 1948, p. 21.

*Submitted by:* Syria.

*Votes for:* Argentina, Belgium, Canada, Colombia, France, Syria, UK, USA.

*Abstentions:* China, Ukrainian Soviet Socialist Republic, USSR. (Ed.)

*And directs* the Commission further to study and report to the Security Council when it considers it appropriate on the matters raised in the letter of the Foreign Minister of Pakistan, dated 15 January 1948, in the order outlined in paragraph D of the resolution of the Council dated 20 January 1948.

13. LETTER OF THE REPRESENTATIVE OF INDIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, 5 JUNE 1948 (S/825)<sup>1</sup>

*5 June 1948*

I am directed to communicate to you the following message from Pandit Jawaharlal Nehru, Prime Minister and Minister for External Affairs, Government of India:

“The Government of India have just seen the text of the resolution on the India-Pakistan dispute adopted by the Security Council on 3 June 1948. The resolution directs the UN Commission appointed under the Council resolution of 21 April 1948 “further to study and report to the Security Council, when it considers appropriate, on the matters raised in the letter of the Foreign Minister of Pakistan, dated 15 January 1948”. These matters, apart from the Kashmir issue, relate to (1) Junagadh, (2) genocide, and (3) agreements between India and Pakistan.

2. With regard to these three matters it has been repeatedly stated on behalf of the Government of India that they do not constitute a threat to international peace, that they are outside the Council’s jurisdiction, and that the last two, namely, the charges against India of genocide and non-implementation of agreements, are baseless. The Government of India are surprised that, in spite of the facts and arguments adduced on their behalf, the Council should have thought it fit to direct the Commission to study and report on these matters when it considers it appropriate. The Government of India wish to record their emphatic protest against this enlargement of the scope of the Commission’s activities and to make it clear that they do not acquiesce in it.

3. In the communication made to the Security Council by Mr. Vellodi on their behalf on 7 May 1948, the Government of India reaffirmed their objections to the resolution adopted by the Security Council on 21 April, with regard to Kashmir and pointed

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for June 1948, p. 78.



out that if in spite of these objections, the Council should decide to send out the Commission set up under the resolution, the Government would be glad to confer with it. The Government of India find themselves unable to go beyond this position. In other words, there can be no question of the Commission proceeding to implement the resolution on Kashmir until objections raised by the Government of India have been satisfactorily met. If the Commission is to visit India, they would like to know in advance the point or points on which it would wish to confer with them.

“Jawaharlal Nehru, Prime Minister and Minister of External Affairs, India”.

(Signed) P. P. PILLAI

*Representative of India to the  
United Nations*

14. LETTER OF THE PRESIDENT OF THE SECURITY COUNCIL  
ADDRESSED TO THE PRIME MINISTER OF INDIA,  
MR. JAWAHARLAL NEHRU, 9 JUNE 1948 (S/AC. 12/2)<sup>1</sup>

*Lake Success, 9 June 1948*

I have the honour to acknowledge receipt of your message concerning the India-Pakistan question, communicated to me in the letter dated 5 June 1948 from the representative of India to the United Nations. This message was circulated to representatives on the Security Council and discussed at its 315th meeting held on 8 June 1948.

In accordance with the views expressed at that meeting, I wish to explain that the Council has taken no position on the merits of the matters raised in the letter dated 15 January 1948 from the Foreign Minister of Pakistan and maintains an open mind on these questions.

The resolution of 3 June 1948 only instructs the Commission of Mediation to gather further information, when it deems appropriate. It preserves the order of the Commission's work outlined in paragraph D of the resolution of 20 January 1948, which places the situation in Jammu and Kashmir before the other situations set out in the letter dated 15 January 1948 from the Foreign Minister of Pakistan.

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, Annex 14, pp. 108-9.

Furthermore, the resolution of 3 June 1948 directs the Commission to seek to accomplish in priority the duties assigned to it by the resolution of 21 April 1948, which relates to the situation in Jammu and Kashmir.

I have forwarded your message to the Commission of Mediation and asked them to communicate directly with you as regards your request for advance information on the points on which they wish to confer with your Government.

I wish to assure you that in its consideration of these questions the Security Council has been animated only by the desire to achieve a peaceful settlement and promote friendly relations between the Governments concerned.

(Signed) FARIS EL-KHOURI

*President of the Security Council*

15. COMMUNICATION FROM THE PAKISTAN COMMANDER-IN-CHIEF, GENERAL SIR DOUGLAS E. GRACEY, TO THE GOVERNMENT OF PAKISTAN, 20 APRIL 1948<sup>1</sup>

*General Military Situation:* (a) The build-up of the Indian Army for an all-out offensive in Kashmir started towards the end of February 1948 at a very rapid rate. Eight brigade groups, complete with supporting arms, artillery, armour, engineers, etc. backed by a considerable air force of fighters, bombers and transport aircraft are at present deployed in Jammu and Kashmir and the process of building-up continues but appears to be almost complete now. On 15 March 1948 the Indian Defence Minister announced in the Indian Constituent Assembly that the Indian Army will clear out the so-called raiders from Kashmir within the next two or three months. So far the main concentrations are in the south, i.e. in the area Jammu-Naoshera at least one additional brigade group is already reported to have moved into the valley. There are also indications of two separate commands being organized, one in the valley and one in the Jammu area. The offensive on a limited scale appears to have started already and Rajauri was captured by Indian troops on 12 April. This was followed by a reign of terror which included the burning of villages, the massacre of the civilian population and other atrocities. Four

<sup>1</sup> S.C.O.R., 5th Yr., No. 6, 464th Mtg., 8 February 1950, pp. 27-9.

thousand men are reported to have been victimized in this manner and great panic and confusion prevailed in the area.

\* \* \* \* \*

*Summary of Deductions:* (a) That a general offensive is being planned by the Indian Army in the north and the south is a certainty. Their objectives are likely to be as follows: south: (i) Bhimber-Mirpur, (ii) Poonch; north: Muzaffarabad-Kohala.

(b) Judging from what has happened in Rajauri, an advance by the Indian Army in any of the above areas is almost certain to create a big refugee problem for Pakistan, which is already saturated. Refugees will be an extremely serious strain on the civil administration and a heavy drain on the country's economic and financial resources. From this point of view alone it is imperative that the Indian Army is prevented from gaining any of the above objectives.

(c) Occupation of Bhimber and Mirpur will give India the strategic advantage of having crossed two major obstacles i.e., the Rivers Ravi and Chenab, and of coming right up to the Pakistan border, thereby sitting on our doorsteps, threatening the Jhelum bridge which is so vital for us, and getting further opportunities for intrigue etc. It would also give them the control of the Mangla headworks, thus placing the irrigation in Jhelum and other districts at their mercy.

(d) Occupation of Poonch by the Indian Army is certain to have a most serious effect on the morale of the many Poonchis in the Pakistan Army, and this in turn will adversely affect the morale of other troops. Desertions will undoubtedly increase and discipline will receive a big set-back.

(e) The loss of Muzaffarabad or Kohala will, broadly speaking, have the most far-reaching effect on the security of Pakistan. It would enable the Indian Army to secure the rear gateway to Pakistan through which it can march in at any time it wishes to do so, without any major obstacle such as the River Jhelum to stand in its way. It will encourage subversive elements such as Khan Abdul Ghaffar Khan and his party, Ipi, and Afghanistan; and it will certainly cause extreme panic and alarm in some of the adjoining districts of the North-West Frontier Province and Punjab

resulting in the mass exodus of population which will create an insoluble refugee problem within Pakistan itself.

(f) An easy victory of the Indian Army in any of the above-mentioned sectors, particularly in the Muzaffarabad area, is almost certain to arouse the anger of the tribesmen against Pakistan for its failure to render them more direct assistance, and might well cause them to turn against Pakistan.

\* \* \* \* \*

*Recommendations: 7.* If Pakistan is not to face another serious refugee problem with about 2,750,000 people uprooted from their homes; if India is not to be allowed to sit on the doorsteps of Pakistan to the rear and on the flank at liberty to enter at its will and pleasure; if civilian and military morale is not to be affected to a dangerous extent; and if subversive political forces are not to be encouraged and let loose within Pakistan itself, it is imperative that the Indian Army is not allowed to advance beyond the general line Uri-Poonch-Naoshera.

## V. THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN, 1948-49

1. LETTER OF THE PRESIDENT OF THE AZAD KASHMIR GOVERNMENT ADDRESSED TO THE CHAIRMAN OF THE UNCIP, 8 JULY 1948 (S/AC.12/Info. 3)<sup>1</sup>

*Trarkhel, 8 July 1948*

1. The Azad Kashmir Government have followed with interest the proceedings of the Security Council and of its Commission with regard to the State of Jammu and Kashmir. They welcome and are in sympathy with all efforts to find a peaceful and honourable settlement of this problem. It is, however, a matter of surprise and regret to them that, while the Security Council gave a very full hearing to the representatives of India and Pakistan and listened to a long statement from Sheikh Mohammad Abdullah, the Head of the Emergency Administration set up by the Maharaja of Kashmir, no opportunity was afforded to the representative of the Azad Kashmir Government to place their point of view before the United Nations. As the Government of Azad Kashmir were, and still are, in control of more than half the areas of Jammu and Kashmir, the failure of the Security Council to grant a hearing to the representative of Azad Kashmir Government was a serious injustice to the people of Jammu and Kashmir. We earnestly hope that you and the members of the Commission will not repeat the mistake of the Security Council, and that you will take the earliest opportunity to visit Azad Kashmir to see with your own eyes the havoc wrought by the Indian Army and the heroic struggle of our people, and to

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, Annex 20, pp. 118-23.

discuss with our representatives ways and means to bring to a speedy end this tragic state of affairs.

I would like, meanwhile, to draw your attention to some of the basic points with regard to Jammu and Kashmir which must be kept in view if a peaceful and lasting settlement is to be achieved.

\* \* \* \* \*

8. During the four months that the Kashmir question was debated in the Security Council, from January to April 1948, the Security Council had most elaborate accounts of the manner in which the Maharaja of Jammu and Kashmir acceded to India, of the uprising of his Muslim subjects throughout the State, and of the attempt of the Kashmir Government to suppress them with the help of the Armed Forces of India. There are certain facts, however, which are of sufficient importance to merit repetition.

Under section 9 of the Indian Independence Act 1947, which brought into being the Dominions of India and Pakistan, British paramountcy over the Indian States lapsed and they became free to accede to either Dominion. Being a Hindu, the Maharaja of Jammu and Kashmir was inclined to accede to India and carried on secret negotiations with the Hindu leaders of India. The majority of the Maharaja's subjects, however, being Muslims, were naturally in sympathy with Pakistan, and favoured accession to that Dominion. Pakistan Day was celebrated in several places, and public demonstrations were held demanding accession to Pakistan. The Maharaja's Government attempted at first to crush the pro-Pakistan movement with the help of their police and military, but when these proved insufficient, Indian soldiers in plain-clothes and trained Sikh and Rashtriya Swayam Sewak Sangh assassins began to pour into the Jammu province and Poonch. These developments took place in August 1937, (*sic*), long before the so-called invasion of the Kashmir valley by tribesmen. The oppressed people of Jammu and Kashmir fought back with great tenacity and heroism, and received a limited amount of assistance from their relatives and friends from across the borders of Pakistan. The Maharaja of Kashmir thereupon came out into the open, declared his accession to India against the expressed wishes of the majority of his subjects, and so paved the way for the forcible occupation of the State by the Indian Army.

\* \* \* \* \*

11. We will be glad to discuss with the Commission the conditions on which the Azad Kashmir Government could agree to participate in the plebiscite and be bound by its results. Some of these have already been mentioned in the statements made from time to time by the Quaid-i-Millat Chowdhury Ghulam Abbas, myself and my colleagues. Others would have to be worked out in the light of the conditions now obtaining and future developments. The principal conditions are, however, enumerated below:—

(a) The Indian Armed Forces, and the Sikh and Rashtriya Swayam Sewak Sangh assassins must be completely withdrawn;

(b) Military and police forces required for internal security and the maintenance of law and order should be raised locally, and be under the control of the Plebiscite Administrator until the plebiscite is over;

(c) A provisional government should be set up which would reflect the will of the majority of the people. As the Muslim Conference enjoys the confidence of the vast majority of Muslims of Jammu and Kashmir, who constitute nearly 78 per cent of the State's population, it should assume the main responsibility for forming the provisional government, and should provide the Prime Minister. We would welcome the cooperation of other political parties, but I would like to make it perfectly clear that, under no circumstances, would the representatives of the Muslim Conference and the Azad Kashmir Government agree to the continuance as Prime Minister of Sheikh Abdullah, who has been playing the role of a quisling, and is a traitor to his own country;

(d) If a popular government cannot be immediately established, we would agree to the setting up of a completely neutral administration under the supervision and control of the United Nations Commission until the plebiscite is over;

(e) All political prisoners must be released, and all political parties granted the fullest freedom to propagate their views and ideas;

(f) All State employees who have been dismissed since 15 August 1947 because of their alleged sympathies for Pakistan should be re-instated;

(g) The Commission should ensure the restoration and rehabilitation of all residents of Jammu and Kashmir who have left, or who have been compelled to leave the State since August 1947;

(h) The Plebiscite Administration should have under its full and effective control not only the Armed Forces and the police stationed within the country but also the administrative and judicial machinery, and should thus be in a position to ensure a free and impartial plebiscite;

(i) The future constitution of the State should be decided by its own people, in accordance with recognized democratic methods.

The Azad Kashmir Government feel that these are the minimum conditions which must be satisfied before they could commit themselves and their people to the solution proposed by the Security Council. The conditions suggested are, in our view, eminently reasonable and are in conformity with the statements of almost all the members of the Security Council in the early stages of its debate. I must emphasize that the Azad Kashmir Government will not accept any settlement to which they are not a party, and that Pakistan, though keenly interested in the future of Jammu and Kashmir, cannot bind the Azad Kashmir Government or commit them to a course of action without their previous approval.

\* \* \* \* \*

(Signed) SARDAR MOHAMMAD IBRAHIM KHAN  
*President, Azad Kashmir Government*

2. RESOLUTION ADOPTED BY THE UNCIP, 13 AUGUST 1948  
(S/1100, Para 75)<sup>1</sup>

*The United Nations Commission for India and Pakistan,*

*Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and*

*Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation,*

*Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:*

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, pp. 32-4.



*Part I**Cease-fire order*

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals *forces under their control* shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the cooperation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

*Part II**Truce agreement*

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

**A**

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

**B**

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

## C

1. Upon signature, the full text of the truce agreement or a *communiqué* containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

*Part III*

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

3. CORRESPONDENCE BETWEEN THE CHAIRMAN OF THE UNCIP AND THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AUGUST 1948

*Letter of the Prime Minister of India addressed to the Chairman of the UNCIP, 20 August 1948 (S/1100, Para 78)*<sup>1</sup>

1. On 17 August, my colleague, the Minister without Portfolio, and I discussed with you and your colleagues of the Commission now in Delhi the resolution which you had presented to us on the 14th instant. On the 18th, I had another discussion with you, in the course of which I tried to explain to you the doubts and difficulties which members of my Government, and representatives of the Government of Kashmir whom we consulted, had felt as the result of a preliminary but careful examination of the Commission's proposals.

2. During the several conferences that we had with the Commission when it first came to Delhi, we placed before it what we considered the basic fact of the situation which had led to the conflict in Kashmir. This fact was the unwarranted aggression, at first indirect and subsequently direct, of the Pakistan Government on Indian Dominion territory in Kashmir. The Pakistan Government denied this although it was common knowledge. In recent months, very large forces of the regular Pakistan Army have

<sup>1</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, pp. 34-6.

further entered Indian Union territory in Kashmir and opposed the Indian Army which was sent there for the defence of the State. This, we understand now, is admitted by the Pakistan Government, and yet there has been at no time any intimation to the Government of India by the Pakistan Government of this invasion. Indeed, there has been a continual denial and the Pakistan Government have evaded answering repeated inquiries from the Government of India.

In accordance with the resolution of the Security Council of the United Nations adopted on 17 January 1948, the Pakistan Government should have informed the Council immediately of any material change in the situation while the matter continued to be under the consideration of the Council. The invasion of the State by large forces of the regular Pakistan Army was a very material change in the situation, and yet no information of this was given, so far as we know, to the Security Council.

The Commission will appreciate that this conduct of the Pakistan Government is not only opposed to all moral codes as well as international law and usage, but has also created a very grave situation. It is only the earnest desire of my Government to avoid any extension of the field of conflict and to restore peace that has led us to refrain from taking any action to meet the new situation that was created by this further intrusion of Pakistan armies into Jammu and Kashmir State. The presence of the Commission in India has naturally led us to hope that any arrangement sponsored by it would deal effectively with the present situation and prevent any recurrence of aggression.

3. Since our meeting of 18 August, we have given the Commission's resolution our most earnest thought. There are many parts of it which we should have preferred to be otherwise and more in keeping with the fundamental facts of the situation, especially the flagrant aggression of the Pakistan Government on Indian Union territory. We recognise, however, that, if a successful effort is to be made to create satisfactory conditions for a solution of the Kashmir problem without further bloodshed, we should concentrate on certain essentials only at present and seek safeguards in regard to them. It was in this spirit that I placed the following considerations before Your Excellency:

(1) The paragraph A, 3 of part II of the resolution should not

be interpreted, or applied in practice, so as

- (a) To bring into question the sovereignty of the Jammu and Kashmir Government over the portion of their territory evacuated by Pakistan troops;
- (b) To afford any recognition of the so-called Azad Kashmir Government; or
- (c) To enable this territory to be consolidated in any way during the period of truce to the disadvantage of the State.

(2) That from our point of view the effective insurance of the security of the State against external aggression, from which Kashmir has suffered so much during the last ten months, was of the most vital significance and no less important than the observance of internal law and order, and that, therefore, the withdrawal of Indian troops and the strength of Indian forces maintained in Kashmir should be conditioned by this overriding factor.

Thus at any time the strength of the Indian forces maintained in Kashmir should be sufficient to ensure security against any form of external aggression as well as internal disorder.

(3) That as regards part III, should it be decided to seek a solution of the future of the State by means of a plebiscite, Pakistan should have no part in the organization and conduct of the plebiscite or in any other matter of internal administration in the State.

4. If I understood you correctly, A, 3 of part II of the resolution does not envisage the creation of any of the conditions to which we have objected in paragraph 3(1) of this letter. In fact, you made it clear that the Commission was not competent to recognize the sovereignty of any authority over the evacuated areas other than that of the Jammu and Kashmir Government.

As regards paragraph 3 (2), the paramount need for security is recognized by the Commission, and the time when the withdrawal of Indian forces from the State is to begin, the stages in which it is to be carried out and the strength of Indian forces to be retained in the State, are matters for settlement between the Commission and the Government of India.

Finally, you agreed that part III, as formulated, does not in any way recognize the right of Pakistan to have any part in a plebiscite.

5. In view of this clarification, my Government, animated by

a sincere desire to promote the cause of peace and thus to uphold the principles and the prestige of the United Nations, have decided to accept the resolution.

(Signed) JAWAHARLAL NEHRU  
Prime Minister, India

*Letter of the Chairman of the UNCIP addressed to the Prime Minister of India, 25 August 1948 (S/1100, Para 79)<sup>1</sup>*

I have the honour to acknowledge the receipt of your communication dated 20 August 1948 regarding the terms of the resolution of the United Nations Commission for India and Pakistan which the Commission presented to you on 14 August 1948.

The Commission requests me to convey to Your Excellency its view that the interpretation of the resolution as expressed in paragraph 4 of your letter coincides with its own interpretation, it being understood that as regards point (1) (c) the local people of the evacuated territory will have freedom of legitimate political activity. In this connection, the term *evacuated territory* refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command.

The Commission wishes me to express to Your Excellency its sincere satisfaction that the Government of India has accepted the resolution and appreciates the spirit in which this decision has been taken.

(Signed) JOSEF KORBEL  
Chairman

*Letter of the Prime Minister of India addressed to the Chairman of the UNCIP, 20 August 1948 (S/1100, Para 80)<sup>2</sup>*

You will recall that in our interview with the Commission on 17 August, I dealt at some length with the position of the sparsely populated and mountainous region of the Jammu and Kashmir State in the north. The authority of the Government of Jammu and Kashmir over this region as a whole has not been challenged or disturbed, except by roving bands of hostiles, or in some places like Skardu which have been occupied by irregulars or Pakistani troops. The Commission's resolution, as you agreed in the course of our interview on the 18th, does not deal with the problem of

<sup>1</sup> *Ibid.*, pp. 36-7.

<sup>2</sup> *Ibid.*, p. 37.

administration or defence in this large area. We desire that, after Pakistani troops and irregulars have withdrawn from the territory, the responsibility for the administration of the evacuated areas should revert to the Government of Jammu and Kashmir and that for defence to us. (The only exception that we should be prepared to accept would be Gilgit). We must be free to maintain garrisons at selected points in this area for the dual purpose of preventing the incursion of tribesmen, who obey no authority, and to guard the main trade routes from the State into Central Asia.

(Signed) JAWAHARLAL NEHRU  
Prime Minister, India

*Letter of the Chairman of the UNCIP addressed to the Prime Minister of India, 25 August 1948 (S/1100, Para 81)*<sup>1</sup>

I have the honour to acknowledge receipt of your letter of 20 August 1948 relating to the sparsely populated and mountainous region of the State of Jammu and Kashmir in the north.

The Commission wishes me to confirm that, due to the peculiar conditions of this area, it did not specifically deal with the military aspect of the problem in its resolution of 13 August 1948. It believes, however, that the question raised in your letter could be considered in the implementation of the resolution.

(Signed) JOSEF KORBEL  
Chairman

4. CORRESPONDENCE BETWEEN THE CHAIRMAN OF THE UNCIP AND THE FOREIGN MINISTER OF PAKISTAN, SIR MOHAMMAD ZAFRULLA KHAN, AUGUST-SEPTEMBER 1948

*Letter and Memorandum of the Foreign Minister of Pakistan addressed to the Chairman of the UNCIP, 19 August 1948 (S/AC. 12/44)*<sup>2</sup>

1. I have the honour to refer to your letter of 13 August, forwarding the resolution adopted by the United Nations Commission at its 39th meeting and stating that this resolution is intended to present the principles which may serve as a basis of

<sup>1</sup> *Ibid.*

<sup>2</sup> S.C.O.R., 3rd Yr., Supple. for November 1948, Annex 26, pp .129-35.

discussion. At our informal meeting on 14 August, you reiterated that the proposals contained in the resolution were only meant to serve as a basis of discussion, and you kindly offered to clarify and elucidate any points arising out of these proposals.

2. The Government of Pakistan have given their most serious consideration to the proposals made by the Commission, but regret that they are not in a position to indicate their views with regard to them without obtaining clarification of a number of important points. The matters with regard to which further elucidation is required are set out in the attached memorandum. It would be greatly appreciated if the Commission could provide the elucidation requested.

3. While reserving their views with regard to the proposals formulated by the Commission, the Government of Pakistan would like to submit certain observations with regard to the Commission's approach to the question of a cease-fire. As the Commission is aware, the Pakistan representatives, in their discussions with the Commission during its stay in Karachi from 31 July to 13 August, put forward the view that the proposals regarding a cease-fire should be completely divorced from all other proposals. In the view of the Pakistan Government, the truce proposals contained in part II of the Commission's resolution are so closely interlinked with the final solution of the Kashmir question that it is impossible to separate the one from the other. This was fully recognized by the members of the Security Council who sponsored the resolution of 21 April. Senator Austin explained that the resolution had a certain unity and all its parts were inter-related. For example, the proposal with regard to the withdrawal of tribesmen could only be implemented if there was satisfaction in respect of the reconstitution of the State Government and the creation of other conditions in which the accession of Jammu and Kashmir to India or Pakistan could be determined by means of a free and impartial plebiscite.

4. It is the considered opinion of the Pakistan Government that there are only two practical ways of dealing with the Jammu and Kashmir situation, namely:

- (1) To bring about a cease-fire pure and simple, such as is in part I of the Commission's resolution; or
- (2) To attempt at the very start a complete and final solution of the entire Jammu and Kashmir question.



The Pakistan Government regret to note that the Commission has not adopted the first alternative, which would have put a stop to the fighting immediately, and, in the calmer atmosphere thereby created, would have greatly improved the chances of a final settlement being reached. The result of extending the scope of the resolution beyond part I must inevitably be to bring the whole field of the dispute under immediate discussion and thereby to delay the attainment of a cease-fire until a final solution of the whole problem can be agreed upon.

(Signed) ZAFRULLA KHAN  
Minister for Foreign Affairs  
and Commonwealth Relations,  
Government of Pakistan

### Appendix

*Memorandum Regarding Points in the Commission's Resolution of 13 August 1948 Requesting Further Elucidation*

#### *Preliminary*

1. It has been explained to the Commission that it is only the Azad Kashmir Government that can authorize the issue of cease-fire orders to their own forces. The Pakistan Government wish to be informed what steps the Commission has taken or proposes to take to secure the agreement of the Azad Kashmir Government to its proposals.

#### *Preamble to the Commission's resolution*

2. The preamble to the resolution of the Commission states that certain conditions are essential to the implementation of the Commission's endeavours "to assist the Governments of India and Pakistan in effecting a final settlement of the situation". The Government of Pakistan are unable to appreciate the exact significance of this statement. The preamble to the Security Council's resolution of 21 April 1948 (S/726) clearly affirms the desire of both India and Pakistan "that the question of accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite", and instructs the Commission to "place its good offices and

mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite, by the two Governments, acting in cooperation with one another and with the Commission”, and recommends certain measures to the two Governments as being in its opinion “appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan”.

It is thus clear that the dispute between the two Dominions relating to Jammu and Kashmir is “whether the State of Jammu and Kashmir is to accede to India or Pakistan”, and that the settlement of this dispute is to be brought about by means of a free and impartial plebiscite. It is presumed, therefore, that the expression *a final settlement of the situation* employed by the Commission in the preamble to its resolution means in the words of the Security Council the creation of “proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan”. If the expression “a final settlement of the situation” has any implication, direct or indirect, whether falling short of or going beyond the quotation set out from the Security Council’s resolution, the Government of Pakistan wish to be apprised of it.

#### *Part I of the Commission’s resolution*

3. The Pakistan Government are unable to appreciate the exact significance of the opening words of paragraph D of part I of the resolution. If and when a cease-fire has been arranged, the Commission will be under the inescapable necessity of appointing military observers for the purpose set out in the paragraph. The number, duties, functions and posting of these observers will, no doubt, be at the discretion of the Commission. The Pakistan Government wish to be certain that the Commission is not in any doubt that if a cease-fire order is agreed to, its observance will inevitably require supervision by neutral military observers appointed by and acting under the authority of the Commission.

*Part II of the Commission's resolution*

4. The discussions before the Security Council on the subject of Jammu and Kashmir proceeded on the basis that India did not desire a military solution of the problem, but would be content to abide by the results of a free and impartial plebiscite. It was recognized by the Security Council that the fighting in Jammu and Kashmir had flared up as the result of military and other repressive measures adopted by the Ruler against his subjects, and that the only method of securing a cessation of the fighting was to create conditions which would satisfy everybody concerned that the question of accession of the State to India or Pakistan would be settled on the basis of a free and impartial plebiscite. While the Security Council was still engaged on the consideration of the Kashmir case, India was steadily building up its Armed Forces in Jammu and Kashmir. This building-up process did not cease on 21 April 1948, but was continued and intensified. The Indian Army mounted a big offensive in the beginning of April, thereby causing a material change in the situation. This offensive action has continued ever since. The publicly declared intention of the Government of India was to secure a military decision in Jammu and Kashmir, thus presenting the United Nations Commission with a *fait accompli*. This situation not only put in jeopardy the entire population of the areas under the Azad Kashmir Government, and led to a big influx of refugees into Pakistan, but also constituted a direct threat to Pakistan's security. It was this which compelled the Government of Pakistan to move their troops into certain defensive positions.

Paragraph A, 1 of part II of the Commission's resolution states that the presence of Pakistan troops in the territory of the State constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council. This is obviously a one-sided and inadequate description, since, as pointed out above, the build-up of India's forces, and their launching an all-out offensive had already materially changed the situation. Even as a factual statement, apart altogether from the feasibility or otherwise of the proposal based upon it, the paragraph should have included the facts mentioned above which necessitated the presence of Pakistan troops in Jammu and

Kashmir. The Government of Pakistan are unable to appreciate the omission.

5. Without at all implying that the proposals set out in the resolution of the Commission could form the basis of discussion, the Pakistan Government feel that the possibility of the truce being broken by the Government of India cannot be ruled out. It would materially assist the Pakistan Government in their appreciation of the various proposals contained in the resolution if the Commission would be so good as to take the Pakistan Government into its confidence as to the measures or guarantees which the Commission may have in mind to safeguard the security of Pakistan and the population of the areas under the control of the Azad Kashmir Government against any subsequent aggressive action by the Government of India and the Sikh and Rashtriya Swayam Sewak Sangh volunteer bands. In particular, the Pakistan Government would be glad to know whether the Commission intend to secure the services of an international or neutral force for this purpose, and, if so, what the strength of such a force would be.

6. Paragraph A, 2 seeks the agreement of the Pakistan Government to the using of their best endeavours to secure the withdrawal from the State of tribesmen, etc., who have entered the State for the purpose of fighting. The Commission is no doubt aware that the Security Council was convinced that it would not be possible to persuade the tribesmen and other sympathizers of the Azad Kashmir Government to withdraw unless they were satisfied as to the security of the Muslim population of the State and the establishment of conditions for a free and impartial plebiscite. The Government of Pakistan are unable to discover any proposals in the resolution of the Commission designed to secure and guarantee these conditions. Would the Commission kindly indicate what measures it proposes to adopt to convince the tribesmen and other elements concerned that these conditions have been or will be established, and that no danger or prejudice would result to the Muslim population of the State even if the terms of the truce were subsequently broken by the Government of India?

7. It has been explained to the Commission that a large number of Sikh and Rashtriya Swayam Sewak Sangh volunteer

bands have entered the State since 15 August 1947, and have been operating in the areas occupied by the Indian Armed Forces, committing all kinds of atrocities upon and terrorizing the Muslim population. There is no proposal in the resolution of the Commission to the effect that such elements must withdraw from the State. The Pakistan Government wish to be informed what proposal the Commission has in mind in this connection.

8. In paragraph A, 3 the Commission proposes that, pending a final solution, the territory at present under the control of the Azad Kashmir Government will be administered by the Government under the surveillance of the Commission. The Commission no doubt realises that the population of this territory is almost wholly Muslim and is in full support of the Azad Kashmir Government. On the other hand, the majority of the population of the territory under the control of the Government of India is opposed to the regime established by the Government of India. The Government of Pakistan would wish to be enlightened as to the reasons which, while necessitating or rendering desirable the surveillance of the Commission over the Azad Kashmir Government in respect of the territories of the latter, would not with much greater force call for the surveillance of the Commission over the regime operating in the rest of the State. Since the Commission considers that it is in a position to take certain territories under its surveillance, there would appear to be no objection, in principle, to the Commission taking the whole of Jammu and Kashmir under its surveillance.

9. The Commission has asked for the withdrawal of Pakistan troops from Jammu and Kashmir though these troops are in wholly Muslim areas and have been welcomed by the local population. On the other hand, the Commission is aware of the serious objections to the quartering of non-Muslim troops on a predominantly Muslim population. The Government of Pakistan therefore wish to be informed of the reasons which necessitate the retention of any portion of India's Armed Forces in Jammu and Kashmir.

10. Assuming that a truce could be agreed upon on the basis of the Commission's proposals, the Government of Pakistan would appreciate an indication from the Commission of the manner in which the Commission proposes, in accordance with the

concluding portion of paragraph B, 1, to secure a synchronized and simultaneous withdrawal of the Pakistani forces and the bulk of the Indian forces from the State.

11. The Pakistan Government wish to know whether the surveillance of the Commission over the territories of Azad Kashmir implies any control over the Azad Kashmir forces, which would under the Commission's proposals remain intact. If so, what control does the Commission contemplate exercising over the State forces, the local militia raised by Sheikh Abdullah and over any Indian Armed Forces that may be left in the State under the Commission's proposals?

12. The Security Council's resolution of 21 April 1948 contemplates the maintenance of law and order throughout the State with the aid of local forces. Does the Commission contemplate that any additional forces would be required for the maintenance of law and order in any part of the State? If so, the Pakistan Government would welcome an indication of the Commission's view whether it intends to call upon both India and Pakistan to provide such forces as contemplated in paragraph 5 of the Security Council's resolution of 21 April 1948.

13. The Security Council's resolution of 21 April 1948 sets out in paragraphs 11, 12 and 14 a number of conditions for the restoration of human and political rights, including the return of those who had left or been compelled to leave the State since 15 August 1947. The Pakistan Government wish to be informed whether paragraph B, 3 of the Commission's resolution is intended to cover and guarantee all these conditions from the moment a truce is agreed upon.

### *Part III of the Commission's resolution*

14. The observations submitted in paragraph 2 above apply with equal force to part III of the Commission's resolution. The Government of Pakistan would welcome an elucidation of this part. It states that "the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people" and that the Government of India and the Government of Pakistan shall "enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured". It may be pointed out that some of

these conditions are set out in the Security Council's resolution of 21 April 1948. It is presumed that consultations between the two Governments and the Commission would be designed to secure the implementation of these conditions and the devising of any further conditions that may become necessary or may appear to be desirable.

The most important of the conditions agreed upon by the Security Council were that:

(a) The Government of Jammu and Kashmir would be re-constituted so as to ensure that the major political groups in the State would share "equitably and fully in the conduct of the administration at the Ministerial level" (paragraph 6), and the interim administration so formed would, in the words of Senator Austin, be such as "would command the confidence and respect of all the people of the State and would be a symbol to the people on both sides that the Government of the State was officially neutral on this issue" of accession to India or Pakistan.

(b) A Plebiscite Administrator would be appointed by the Secretary-General of the United Nations and would be vested with wide powers, including power of direction and supervision of State forces and police (paragraphs 7, 8 and 9).

(c) The appointment of special magistrates to deal with certain types of cases (paragraph 10).

The Pakistan Government presume that the object of the concluding portion of part III of the Commission's resolution is to secure agreement on the implementation of these among other conditions of a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

*Letter of the Chairman of the UNCIP addressed to the Foreign Minister of Pakistan, 27 August 1948 (S/AC. 12/55)*<sup>1</sup>

On behalf of the United Nations Commission for India and Pakistan, I have the honour to reply to your letter dated 19 August 1948 referring to the letter of the Chairman of the Commission of 13 August 1948, and enclosing a memorandum containing points of inquiry with regard to the Commission's resolution. The Commission, in the memorandum herewith enclosed,

<sup>1</sup> *Ibid.*, Annex 27, pp. 135-8.

meets your requests for further elucidation on the points presented by you.

The Commission has noted your observations as to its approach to the question of cease-fire, and appreciates the point of view of the Pakistan Government that an unconditional cease-fire is indeed a desirable step. In fact, the Commission's activities during its early deliberations were directed along these lines, and earnest consideration was given to the issues involved. Mr. Lozano, Vice-Chairman of the Commission, travelled to Karachi in order to ascertain the points of view of the Government of Pakistan, while other members of the Commission were ascertaining the points of view of the Government of India in New Delhi. The presence of Pakistan troops in the State of Jammu and Kashmir, however, is a material change in the situation as considered by the Security Council in its resolution of 21 April 1948, which creates obstacles to the effective and immediate implementation of an unconditional cease-fire.

Once the Commission was apprised of the stipulations of the Government of Pakistan and the Government of India in respect of a cease-fire, it proceeded to draw up fair and equitable proposals which, it was felt, should meet with the approval of both parties. As a link between an unconditional cease-fire and final settlement, which will necessarily be subject to negotiations, the Commission has recommended a truce agreement as set forth in part II of the resolution. The terms of this truce agreement, and the principles upon which it has been conceived, without jeopardizing immediate cessation of hostilities, are intended to create an atmosphere favourable to consultations among the two Governments and the Commission in which a final and peaceful solution might be agreed upon.

The Commission sincerely hopes that the Government of Pakistan, as a step towards the satisfactory solution of the situation in the State of Jammu and Kashmir, and in the interest of furthering international peace and security, will find it possible to signify its acceptance of the Commission's resolution of 13 August 1948.

*(Signed)* JOSEF KORBEL

*Chairman*



### Appendix

#### *Reply of the Commission to the Pakistan Government's Memorandum Regarding Points in the Commission's Resolution of 13 August 1948*

1. (a) On 18 July 1948, during the interview between Mr. Alfredo Lozano and Sir Mohammad Zafrulla Khan, the latter emphasized that, in submitting the condition that the proposal for a cease-fire order should have the consideration or approval of the Azad Kashmir forces, his only aim was to ensure that their views be taken into account, whether by the appearance of representatives of the Azad Kashmir before the Commission or through the Pakistan Government as intermediary.

(b) In answer to the questionnaire placed by the Commission before the Government of Pakistan on 4 August 1948, the Minister for Foreign Affairs stated that "the Pakistan Army is at present responsible for the overall command... of Azad Kashmir forces."

(c) During the *expose* made by the High Command of the Pakistan Army on 9 August 1948, it was stated that the Azad Kashmir forces were operationally controlled by the Pakistan Army.

(d) In view of these assurances, the Commission understands that the Government of Pakistan will ascertain and reflect the position of the Azad authorities in arriving at their decision with regard to the Commission's resolution of 13 August 1948.

2. The expression *a final settlement of the situation* does not fall short of, nor go beyond the terms of the Security Council resolution of 21 April 1948, and is in harmony with it. The Commission, however, is not committed to a rejection of a peaceful solution which might be agreed upon by the two Governments, provided that such solution reflects the will of the people.

3. The Commission is in no doubt that the observance of the cease-fire order will require neutral military observers. These observers will be appointed by the United Nations and will act under the authority of the Commission.

4. The Security Council resolution of 21 April 1948, which sets forth the terms of reference of the Commission, was adopted with cognizance of the presence of Indian troops in the State of Jammu and Kashmir. The presence of Pakistani troops in

Jammu and Kashmir, however constitutes a material change in the situation inasmuch as the Security Council did not contemplate the presence of such troops in that State, nor was it apprised thereof by the Government of Pakistan. The Commission cannot accept the statement in the memorandum that the Commission's description in this respect is "one-sided and inadequate".

5. In drawing up the resolution of 13 August 1948, the Commission did not and could not proceed on the assumption that one or the other party would violate the truce. The implementation of the resolution presupposes good faith and cooperation between the two parties.

As the Government of Pakistan is aware, the United Nations does not have at its disposal an international force. The use of a neutral force has not been contemplated by the Commission. However, the Government of Pakistan will have noted that the resolution provides for neutral military observers to be stationed where the Commission deems it necessary.

6. The Commission reaffirms its conviction that good faith and active collaboration on the part of both Governments are essential to the implementation of the resolution. Under the terms of the resolution, the Government of India is bound to assist local authorities in maintaining law and order in areas now occupied by Indian troops further, the Government of India undertakes to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law, and order will be safeguarded and that all human and political rights will be guaranteed.

The Commission is convinced that confidence in the purpose and objectives of the resolution will be promoted by the appeals that the two Governments make to all concerned for the creation and maintenance of an atmosphere conducive to a satisfactory solution.

Acceptance of the truce agreement will lead directly to consultation between the two Governments and the Commission to determine fair and equitable conditions whereby the free expression of the will of the people will be assured.

7. Pending the acceptance of the conditions for a final settlement, Indian forces, as provided for in part II, B, 2, will assist local authorities in the maintenance of law and order. Upon

acceptance of the truce agreement, withdrawal of elements mentioned in the memorandum will be considered in the implementation of part III and under the provisions of the Security Council's resolution of 21 April 1948.

8. Surveillance of territories of the State of Jammu and Kashmir other than those now occupied by the Pakistan Army and forces under its control is not provided for in the resolution. The administration of such areas remains under the jurisdiction of the Government of the State.

9. A portion of the Indian Armed Forces will remain in the State of Jammu and Kashmir for the purposes indicated in part II, B, 2 of the resolution.

10. In accordance with part II, B, 1 of the resolution, the Indian Government, when apprised that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, agrees to begin to withdraw the bulk of its forces from the State in stages to be agreed upon with the Commission. Synchronization of the withdrawal of the Armed Forces of the two Governments will be arranged between the respective High Commands and the Commission.

11. The Commission does not contemplate measures for control over forces remaining within the State of Jammu and Kashmir beyond the provisions of the resolution.

12. The Commission has not contemplated the use of forces for the maintenance of law and order other than those envisaged under the terms of its resolution of 13 August 1948.

13. Paragraph B, 3 of part II of the Commission's resolution, which relates to the truce agreement, is not intended to deal with the questions raised in paragraphs 11, 12, and 14 of the Security Council's resolution of 21 April 1948. These questions, relating to the plebiscite, will logically arise in the implementation of part III of the Commission's resolution of 13 August 1948.

14. Part III of the Commission's resolution envisages that both Governments reaffirm their desire that the future status of the State of Jammu and Kashmir be decided in accordance with the will of the people, and that, upon the acceptance of the truce agreement, their representatives enter into consultation with the Commission in order to establish the conditions under which the free expression of the will of the people will be assured.

*Letter of the Chairman of the UNCIP addressed to the Foreign Minister of Pakistan, 3 September 1948 (S/AC.12/58)*<sup>1</sup>

\* \* \* \* \*

(1) In connection with paragraph A, 3 of part II of the resolution, the term *evacuated territory* refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command, it being understood that the population of these territories will have freedom of legitimate political activity.

(2) The commission reaffirms that, according to its resolution, United Nations neutral military observers will be posted on both sides of the cease-fire line with the object of ensuring that the conditions of the truce are adhered to. In case of a breach of any of these conditions, a report will be made to the Commission, and the Commission, on being satisfied that action in respect of the report is necessary, will call upon the authorities in either area to take the desired action.

(3) As regards paragraph B, 1 and 2, of part II, the Commission, while recognizing the paramount need for security of the State of Jammu and Kashmir, confirms that the minimum strength required for the purpose of assisting the local authorities in the observance of law and order would be determined by the Commission and the Government of India. The Commission considers that it is free to hear the views of the Government of Pakistan on the subject.

(4) As regards part III:

(a) You are respectfully referred to paragraph 2 of the Commission's memorandum accompanying its letter dated 27 August, which clarifies the position of the Commission on this subject.

(b) The Commission will be guided by the terms of the Security Council's resolution of 21 April 1948 setting forth the conditions for a plebiscite, subject to such modifications as the Commission might determine with the agreement of the Governments of Pakistan and India.

(5) Regarding publication, the Commission has the honour to inform you that it will publish, after having received the answers

<sup>1</sup> *Ibid.*, S/1100, Para 90, pp. 39-40.

of both Governments to its resolution, the full text of the resolution and the correspondence relevant to it as exchanged between the Commission and the two respective Governments.

(Signed) JOSEF KORBEL

Chairman

*Letter of the Foreign Minister of Pakistan addressed to the Chairman of the UNCIP, 6 September 1948 (S/1100, Para 97)*<sup>1</sup>

\* \* \* \* \*

6. As a result of the clarifications and elucidations furnished by the Commission, the Government of Pakistan understand that the Commission's resolution of 13 August 1948 seeks to achieve the objectives outlined below:

First, a cease-fire order in accordance with the proposals set out in part I of the resolution, so that the fighting may be brought to an end.

Secondly, that the conditions of a truce, the period of which the Commission is anxious to reduce to a minimum, be agreed upon in accordance with the proposals set out in part II of the Commission's resolution. These proposals contemplate the actual determination of the cease-fire line, and that synchronization of the withdrawal of the Armed Forces of the Governments of Pakistan and India shall be arranged between the High Commands of the two Governments and the Commission, and that all territory under the authority or control of the Pakistan High Command, including Gilgit and the areas under the control of Azad Kashmir, shall during the period of the truce continue to be administered by the authorities which are in *de facto* control of it at the time of the cease-fire, and that no civil or military officer of the Government of India or of the State Government shall enter into or exercise any authority over it. The Azad Kashmir forces shall remain intact, *i.e.* shall not be disarmed or disbanded. The surveillance contemplated by the Commission over the local authorities does not imply the exercise of control over or interference with the administration.

Thirdly, that this period be utilised towards restoring peaceful conditions throughout the territories of the State of Jammu and

<sup>1</sup> *Ibid.*, pp. 41-5.

Kashmir, so that once that was achieved to a reasonable degree, the conditions for preparing and holding a free and impartial plebiscite could be put into effect forthwith. The Commission would also consider during this period, along with the representatives of the Government of India and the Government of Pakistan, any proposals suggesting additions to or modifications of the conditions set out in part B (paragraphs 6 to 15, both inclusive) of the Security Council's resolution of 21 April 1948.

Fourthly, that the Commission proceed to prepare and hold the plebiscite at the earliest possible date. As soon as this stage is reached, the conditions of a free and impartial plebiscite shall be put into operation and shall over-ride all arrangements in operation during the period of the truce which are inconsistent with those conditions.

7. The Government of Pakistan desire to stress that they are interested in and would be affected by the result of the plebiscite at least in an equal degree with the Government of India, and they assume that it will be the constant endeavour of the Commission to bring about and promote conditions in and affecting the State of Jammu and Kashmir which would place the two Governments on a position of absolute equality and advantage *vis-a-vis* the plebiscite, and should leave no room for any of feeling on the part of either Government and indeed of any section of the people of the State that any party or section was subject to any handicap or disadvantage, or enjoyed any position of privilege or advantage denied to any other.

8. In the view of the Pakistan Government the presence of the Armed Forces of the Government of India in any part of the State would militate against the restoration of peaceful conditions and would also conflict with the establishment of conditions for a free and impartial plebiscite. This is a view that the Government of Pakistan intend to continue to urge upon the Commission for their acceptance.

\* \* \* \* \*

10. The Government of Pakistan have not been informed of any clarifications and elucidations of the proposals contained in the Commission's resolution of 13 August 1948 that the Commission may have furnished to the Government of India. If no

clarifications or elucidations have been furnished, no point in that behalf arises. If any clarifications and elucidations have been furnished by the Commission to the Government of India, it is necessary that they should be communicated to the Government of Pakistan and the latter's agreement to them secured. It is equally necessary that the clarifications and elucidations furnished by the Commission to the Government of Pakistan should be communicated to the Government of India and their acceptance of them secured. The Commission will recognise that it is of the utmost importance that any agreement between the two Governments should be arrived at on the clearest possible basis, so that there is left no possibility of any misunderstanding of any of the matters agreed upon. In other words, it is essential that the Governments should agree simultaneously to the same thing and in the same sense.

11. Although there are several features in the Commission's proposals which from the point of view of the Pakistan Government are not satisfactory, nevertheless as a step towards the solution of the situation in the State of Jammu and Kashmir, and in the interest of furthering international peace and security, the Pakistan Government have authorized me to inform the Commission that:

Subject to the clarifications and elucidations furnished by the Commission to the Government of Pakistan being accepted by the Government of India, and the elucidations and clarifications, if any, furnished by the Commission to the Government of India being acceptable to the Government of Pakistan, and provided the Government of India accept the conditions laid down in part B (paragraphs 6 to 15, both inclusive) of the Security Council's resolution of 21 April 1948, as explained by the sponsors of the resolution in the Security Council, for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan, the Government of Pakistan accept the proposals contained in the Commission's resolution of 13 August 1948, as clarified and elucidated to the Pakistan Government by the Commission.

*(Signed)* ZAFRULLA KHAN  
*Minister for Foreign Affairs  
and Commonwealth Relations,  
Government of Pakistan*

*Letter of the Chairman of the UNCIP addressed to the Foreign Minister of Pakistan, 19 September 1948 (S/1100, Para 108)*<sup>1</sup>

1. The Commission has given careful consideration to your first letter of 6 September 1948 in which you have transmitted the views of your Government on its resolution of 13 August. Several of the points raised therein are covered by the terms of the resolution and by the elucidations offered to you in its communications of 27 August (S/AC.12/55), 3 September (S/AC.12/58), and 7 September (S/AC. 12/62).

2. As regards the other points of your letter, the Commission wishes to confirm its oral explanations, as follows:—

(a) With respect to point 2, the Commission was repeatedly informed by you and by representatives of the Pakistan Army that the Azad Kashmir forces were under the over-all control of the Pakistan High Command. In connection with the political aspect of the question raised in points 2 and 3, the existence of the Azad Kashmir movement has not been ignored by the Commission, consideration thereof appearing in part II, A, 3 of its resolution of 13 August.

(b) As regards the last sentence of point 5, the Commission wishes to repeat that the individual explanations offered by the sponsors of the Security Council's resolution do not form a part of that document and are not binding upon the Commission, but receive due consideration by the Commission in its deliberations.

(c) Concerning point 6, the objectives the Commission seeks to achieve are clearly outlined in its resolution and are elucidated in the appendix to its letter of 27 August, and in its letter of 3 September. Moreover, the Commission agrees that it will be anxious to reduce the truce period to a minimum and that the resolution does not contemplate the disarmament or disbanding of Azad Kashmir forces.

(d) The Commission considers that the questions raised in points 7, 8 and 9 of your letter are not pertinent at this stage, but relate instead to the agreement envisaged in part

<sup>1</sup> *Ibid.*, pp. 48-9.



III of the resolution. As for the particular issue raised in point 9, the Commission stresses again its conviction that the objectives and terms of its resolution provide adequate incentives to obtain the cooperation of the Azad Kashmir forces and of the tribesmen in the implementation of the resolution through the good offices offered by the Pakistan Government.

(e) As regards point 10, the text of the resolution and the correspondence relevant to it, as exchanged between the Commission and the two respective Governments, have been published. The explanations offered by both Governments are in full harmony.

3. As regards the conclusions contained in point 11 of your letter, upon presentation of the resolution the Commission requested the Governments of Pakistan and India to consider and accept this document as a whole. It was intended that the details for the implementation of the resolution be discussed at common meetings between the representatives of both Governments and the Commission in subsequent stages, and following the cessation of hostilities. The Commission observes with regret that the Government of Pakistan has been unable to accept the resolution without attaching certain conditions beyond the compass of this resolution, thereby making impossible an immediate cease-fire and the beginning of fruitful negotiations between the two Governments and the Commission to bring about a peaceful and final settlement of the situation in the State of Jammu and Kashmir.

The Commission sincerely hopes that the Government of Pakistan may find it possible to reconsider their position and accept the proposals contained in the Commission's resolution of 13 August 1948, as clarified and elucidated in the present letter and the correspondence mentioned therein.

(Signed) J. KLAHR HUDDLE

*Chairman*

5. COMMUNICATION FROM THE GOVERNMENT OF INDIA  
ADDRESSED TO THE REPRESENTATIVE OF THE UNCIP,  
23 DECEMBER 1948<sup>1</sup>

*Aide-memoire 2*

22 December 1948

Mr. Lozano and Mr. Colban met the Prime Minister at 11 a.m. The Honourable Shri N. Gopaldaswami Ayyangar, Sir Girja Shanker Bajpai and Mr. Pai were also present.

2. Mr. Lozano said that the *aide-memoire* of the conference which took place on Monday, 20 December, was a correct account of the proceedings. He suggested, however, that the phrase "large-scale disarming" of the Azad Kashmir forces used in the portion of the *aide-memoire* dealing with B.4 (b) of the Commission's plebiscite proposals did not, perhaps, represent the Commission's intention. What the Commission had in mind was the disbanding of these forces; disarming, it was assumed, would follow.

The Prime Minister pointed out that disbandment was not the same thing as disarming. Pakistan had raised something like thirty-five battalions of 28,000 to 30,000 men who now formed part of the Azad Kashmir forces. The presence of such a large number of armed people, even if the regular formations were disbanded, would not be conducive to ensuring either the security of that part of Jammu and Kashmir which is under the control of Indian and State forces, or the security of those inhabitants of the territories referred to in A.3 of part II of the resolution of 13 August who did not fully subscribe to or share the political views of pro-Pakistan elements.

Moreover, the question of the re-entry into these territories of State citizens who had left it on account of the present conflict had to be kept in mind. With such a large number of members of the Azad Kashmir forces under arms, former inhabitants of these territories who held different political views would not dare to re-enter and would therefore be debarred from participation in a "free and impartial" plebiscite. In view of this explanation, Mr. Lozano agreed that the phrase "large-scale disarming" should be regarded as correctly interpreting the Commission's intention.

<sup>1</sup> S.C.O.R., 4th Yr., Supple. for January 1949, Annex 4, pp. 39-42.

3. Discussion then turned on B.10 of the proposals. Mr. Lozano, answering an inquiry of the Prime Minister, said that the Commission did not contemplate that the Plebiscite Administrator should undertake any administrative functions in regard to the plebiscite until parts I and II of the Commission's resolution of 13 August 1948 had been implemented. Until such implementation, the conditions for the discharge of such functions would not exist. What the Commission had in mind was that discussions on details connected with the plebiscite might begin as soon as possible since this would create a good impression all around. Mr. Colban supported this view on the ground that the announcement of a Plebiscite Administrator of high standing would have an excellent psychological effect.

Mr. Colban added that, of course, if difficulties arose in the implementation of part II of the resolution of 13 August, the preliminary consultations regarding the functions of the Plebiscite Administrator and other detailed arrangements for the plebiscite would have to be deferred.

The Prime Minister replied that, under the Commission's proposals, the Governments of India and of Jammu and Kashmir assumed a great many responsibilities while Pakistan had to do practically nothing. The Governments of India and of Jammu and Kashmir could not, in fairness, be expected to discharge any of their responsibilities regarding the plebiscite until there was satisfactory evidence that Pakistan was carrying out its obligations under part II of the resolution of 13 August. Moreover, once the present proposals had been accepted, the things left over for discussion with the Plebiscite Administrator would be, firstly, his functions and secondly, detailed arrangements for carrying out a plebiscite. A consideration of the latter arrangements would clearly be impracticable until parts I and II of the resolution of 13 August had been implemented.

Unless the cease-fire was carried out and Pakistani forces, hostile tribesmen and Pakistani nationals who had entered the State for purposes of fighting had withdrawn, there could not be, in the territories referred to in A. 3 of part II of the resolution of 13 August, any local authorities with whom plebiscite arrangements could be discussed.

B.9, as at present worded, could be interpreted to mean that

consultations with the Plebiscite Administrator should start immediately on the signature of the truce. This clearly was not feasible. Mr. Lozano and Mr. Colban pointed out that, when the paragraph in question was drafted, all these considerations were not present to the mind of the Commission. The Commission, according to Mr. Lozano, had assumed that, since the Prime Minister of India had informed the Commission, two days after it had placed before him the conditions attached by the Government of Pakistan to their acceptance of the resolution of 13 August, that he stood on his original premises that the Pakistani forces must be withdrawn from the State before the Government of India could consider any further steps, action in relation to B.9 would be feasible only after satisfactory progress had been made with the implementation of part II of the resolution of 13 August.

He and Mr. Colban agreed that the consultations envisaged in B.9 could take place only after the Commission was satisfied that satisfactory progress had been made with the implementation of part II of the resolution, that is after hostile tribesmen, Pakistani forces and Pakistani nationals who had entered Jammu and Kashmir for the purpose of fighting had withdrawn from State territory. Mr. Lozano said that this was the interpretation of B.9 which they would present to the Pakistani Government in Karachi.

4. Mr. Lozano stressed the importance of appointing the Plebiscite Administrator as soon as possible. In view of the preliminaries that had to be gone through, he thought that it might take some time before the Plebiscite Administrator was finally appointed. The Prime Minister pointed out that, if Pakistan accepted the present proposals and carried out its obligations under part II of the resolution of 13 August promptly, he saw no reason why the appointment should take much time. What he wished to emphasize was that there would be nothing which the Plebiscite Administrator could usefully do in India until progress had been made with the implementation of part II of the resolution as now explained by Mr. Lozano and Mr. Colban.

5. As regards alternative methods of ascertaining the wish of the people regarding the future status of Jammu and Kashmir, Mr. Lozano said that the statement in paragraph 3 of the *aide-memoire* dated 21 December 1948 was substantially similar to

his own record which reads: "Mr. Lozano said that it would be up to the Plebiscite Administrator to report to the Security Council (through the Commission) if he found the plebiscite procedure to be impossible for technical or practical reasons. The Plebiscite Administrator and/or the Commission could then recommend alternative solutions."

6. Concluding the discussion, the Prime Minister once again emphasized the need for security for displaced State nationals returning to the territory referred to in part II A. 3 of the Commission's resolution of 13 August. Equally important would be the task of rehabilitation of refugees returning to these areas as well as to the part of the State under the control of the Government of Jammu and Kashmir. Hundreds of thousands of persons were involved. Not only organization and machinery but time and money would be needed to accomplish the formidable task of restoring these unhappy persons to what once was their home. Until this task was completed, the conditions for a free and impartial plebiscite would not exist. Mr. Lozano recognized the importance of this matter and pointed out that it will have to be carefully gone into when the consultations on the details of the present proposals take place.

6. COMMUNICATION FROM THE GOVERNMENT OF PAKISTAN  
ADDRESSED TO THE REPRESENTATIVE OF THE UNCIP,  
25 DECEMBER 1948<sup>1</sup>

*Karachi, 25 December 1948*

As agreed at this afternoon's meeting, I enclose a memorandum embodying the clarifications given by you of the Commission's proposals of 11 December 1948. I shall be grateful if you will kindly confirm the correctness of this record.

*(Signed) ZAFRULLA KHAN  
Minister for Foreign Affairs  
and Commonwealth Relations,  
Government of Pakistan*

<sup>1</sup> S.C.O.R., 4th Yr., Supple. for January 1948, Annex 5, pp. 43-5.

*Memorandum embodying the clarifications given by Mr. A. Lozano of the Commission's proposals of 11 December 1948*

*General*

These proposals represent the considered views of the Commission in so far as the organization and conduct of the plebiscite is concerned, and should be accepted in their entirety. While the Commission does not close the door to further changes, and is not unwilling to consider counter-proposals, no modifications or additions to these proposals can be entertained unless they are acceptable to the Commission and to the Governments of India and Pakistan.

*Clause A*

The Commission's resolution of 13 August 1948 will be interpreted in the light of the elucidations and clarifications given by the Commission.

*Clause B.3 (a)*

(i) The Plebiscite Administrator will be selected as soon as possible after the acceptance of these proposals.

(ii) The Plebiscite Administrator will be selected in consultation with the Governments of India and Pakistan, but the final decision will rest with the Secretary-General of the United Nations in agreement with the Commission.

(iii) The expression "the Plebiscite Administrator... will be formally appointed to office by the Government of Jammu and Kashmir" does not mean that he will be an employee of the Government of Jammu and Kashmir, or subject to its control.

*Clause B.3 (b)*

By the expression, "the Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary", is meant that the Plebiscite Administrator will be competent to exercise such powers as he considers necessary for organizing and conducting the plebiscite and for ensuring its freedom and impartiality, and he shall be deemed to have derived those powers from the authorities concerned. The organizing and conducting of the plebiscite will be the responsibility exclusively of the Plebiscite Administrator.

*Clause B.4*

(i) For "A.2" of part II of the resolution of 13 August in sub-clause B.4 (b) read "A.3".

(ii) The intention of the Commission is to ensure a large-scale reduction and disarmament, the exact scope of which will be determined by the Commission and the Plebiscite Administrator in consultation with the authorities concerned.

*Clause B.6(a)*

(i) The objective of the Commission is to enable all citizens of the State who have left it on account of the disturbances since 15 August 1947 to return to the State and to exercise all their rights as citizens of the State. The manner in which this operation will be carried out has not been examined by the Commission, and is a matter for determination by the Plebiscite Administrator in consultation with the Governments of India and Pakistan.

(ii) The proposals provide for two Commissions, one operating in India and the other in Pakistan. The Commission has not, however, entered into a detailed study of the manner in which these Commissions will operate and considers that it must be left to the discretion of the Plebiscite Administrator to adopt such other practical methods as may be necessary to give effect to the intentions of the Commission.

*Clause B.6(b)*

The object of this provision is to ensure the withdrawal of elements which have endangered or might endanger the maintenance of peace and order, and of refugees and other nationals of India and Pakistan who have entered the State since 15 August 1947, other than for a lawful purpose. The manner in which this objective will be achieved will be determined by the Plebiscite Administrator in consultation with the Governments of India and Pakistan.

*Clause B.7*

The review of cases of officials dismissed on account of their political sympathies is not excluded from the scope of clause 7. The Commission, however, feels that this is a matter of detail, and should be taken up in connection with the consultations envisaged in clause B.10 of these proposals.

*Clause B.10*

(i) The Plebiscite Administrator will begin his study of the problem and the recruiting of his staff as soon as possible after his nomination.

(ii) The discussion of details of these proposals will not, however, be started until the truce agreement has been signed, and the Commission is satisfied that implementation of part II of its resolution of 13 August is making satisfactory progress.

(iii) The formal appointment of the Plebiscite Administrator will be made, and he shall assume formal charge of his duties within the State, when it is found by the Commission that the cease-fire and truce arrangements set forth in parts I and II of its resolution of 13 August have been carried out.

7. RESOLUTION ADOPTED BY THE UNCIP, 5 JANUARY 1949  
(S/1196, Para 51)<sup>1</sup>

*The United Nations Commission for India and Pakistan*

*Having received* from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's resolution of 13 August 1948:

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;

2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed;

3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

<sup>1</sup> S.C.O.R., 4th Yr., Supple. for January 1949, pp. 23-5.

This resolution is based on the Commission's proposals of 11 December 1948. (Ed.)



(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.

4. (a) After implementation of parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State Armed Forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A.2 of part II of the resolution of 13 August, final disposal of the Armed Forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to cooperate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other citizens of the State) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

(a) There is no threat, coercion or intimidation, bribery or

other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection, and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement, the details of the foregoing proposals will be elaborated in the consultations envisaged in part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

*Commends* the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

*Resolves* to return in the immediate future to the subcontinent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles.

#### 8. PRESS COMMUNIQUE ISSUED BY THE UNCIP, 7 JANUARY 1949<sup>1</sup>

The Governments of India and Pakistan have informed the

<sup>1</sup> S.C.O.R., 4th Yr., Supple. for January 1949, p. 45.

United Nations Commission for India and Pakistan that they have accepted the principles proposed by the Commission for the holding of a plebiscite in the State of Jammu and Kashmir for the purpose of determining the State's future status. These principles are supplementary to the Commission's resolution of 13 August 1948 which provided for a cease-fire and truce. Following the agreement of the two Governments to the Commission's last proposals both Governments ordered the forces under their control in the State to cease-fire effective at 11.59 p.m., 1 January 1949.

The Governments of India and Pakistan are commended for their endeavour to reach a friendly and peaceful solution of the Kashmir problem. Worthy of especial note is the prompt proclamation of the cease-fire by both Governments.

At its meeting of 5 January at Lake Success, the Commission adopted unanimously the following resolution:

*(The text of the resolution is reproduced above)*

9. TRUCE TERMS TRANSMITTED TO THE GOVERNMENTS OF INDIA AND PAKISTAN BY THE UNCIP, 28 APRIL 1949 (S/AC.12/195)<sup>1</sup>

I. CEASE-FIRE LINE

A. The cease-fire line will be the line fixed by the Commission and, except as noted below, traced in yellow on the map annexed, and based upon the factual positions occupied on 1 January 1949 by the forces under the control of the Indian and Pakistan High Commands. Based also upon the same factual considerations, the line, between *Chakothi* and *Tithwal* and from *Chorwan* to the north of *Dras*, shall be demarcated as soon as possible by the Military Adviser of the Commission. The cease-fire line shall eliminate all no-man's lands and shall be demarcated on the ground by agreement between the respective local commanders, assisted by the Commission's Military Observers. The line shall, to the greatest extent possible, follow easily recognizable features on the ground.

B. The Commission's Military Adviser shall decide, without appeal, local adjustments of the cease-fire line in cases where no agreement is reached between the local commanders.

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Doc. S/1430/Add. 1, Annex 21, pp. 111-3.

C. The Commission will have observers stationed where it deems necessary throughout the State of Jammu and Kashmir.

D. Observers will advise the Commission and/or the Plebiscite Administrator regarding developments in the sparsely populated and mountainous region of the territory of Jammu and Kashmir in the north. Without prejudice to the provisions of point 8 of the resolution of 5 January 1949, should the Commission and/or the Plebiscite Administrator conclude upon advice from the observers, or upon reports from the Government of India, that it is necessary for the defence of the area, the Commission and/or the Plebiscite Administrator may request the Government of India to post garrisons at specified points.

## II. WITHDRAWAL OF TROOPS

A. The Government of Pakistan agrees:

1. To withdraw its troops from the territory of the State of Jammu and Kashmir in seven weeks as follows:

(a) During the first three weeks twenty infantry battalions, plus the corresponding proportion of artillery and supporting units.

(b) During the following fortnight the remainder of the Pakistan troops, with the exception of eight infantry battalions.

(c) By the end of the seventh week, all Pakistan troops, including their ammunition, stores and material, will have left the territory of the State.

2. That, having secured the withdrawal of the tribesmen from the territory of the State of Jammu and Kashmir, it shall secure the withdrawal of Pakistan nationals still in the territory of the State and not normally resident therein, who have entered the State for the purpose of fighting.

B. The Government of India agrees:

1. To withdraw the bulk of its forces from the State of Jammu and Kashmir in stages submitted by the Commission for the agreement of the Government of India. The withdrawal will begin as soon as the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals, not normally resident in Jammu and Kashmir territory who have entered the State for the purpose of fighting, have withdrawn, and that the Pakistan troops are being withdrawn from the State of Jammu and Kashmir.

2. That the schedule of the withdrawal of Indian forces will be made public by the Commission with the schedule of the withdrawal of Pakistan forces immediately after the acceptance of these terms by both the Governments.

C. The operations mentioned in the above paragraphs A and B will be carried out under the surveillance of the Commission through its Military Adviser.

## II. GENERAL PROVISIONS

A. The territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B. Immediately upon the acceptance of these terms, the Commission would enter into consultations with the Government of India regarding the disposal of the Indian and State Armed Forces, and with the local authorities regarding the disposal of the Armed Forces in the territory to be evacuated by Pakistan troops, with a view to initiating implementation of point 4 (a) and (b) of the Commission's resolution of 5 January 1949.

C. If, before expiration of the seven weeks contemplated in point II. A decisions are reached in the consultations for the initial implementation referred to in III. B above, the schedule of withdrawal of the Pakistan Army, as provided for in II. A above, may be extended to three months, in order to facilitate the implementation of decisions relating to point 4 (b) of the Commission's resolution of 5 January 1949.

D. All prisoners of war will be released within one month.

E. All land mines will be immediately lifted by the side which sowed them.

F. It will be made publicly known throughout the State of Jammu and Kashmir that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

G. These terms are without prejudice to the territorial integrity and the sovereignty of the State of Jammu and Kashmir.

H. These terms do not prejudice the functions and powers of the Plebiscite Administrator.

I. These terms will become effective and will be published by the Commission immediately upon their acceptance by both Governments.

10. LETTER OF THE SECRETARY-GENERAL, MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA, ADDRESSED TO THE CHAIRMAN OF THE UNCIP IN REPLY TO THE TRUCE TERMS OF 28 APRIL 1949, 18 MAY 1949 (S/AC. 12/207)<sup>1</sup>

2. *Disbanding and disarming of the so-called Azad Kashmir forces.* In my letter No. 253-APSG/49, dated 17 April, I explained that, since the disbanding and disarming of these forces had been repeatedly challenged, the Government of India would have preferred this matter to be dealt with in the truce agreement itself. They desired, however, to meet the Commission's views as far as possible. They had, therefore, expressed the wish that the assurance regarding the disbanding and disarming of these forces contained in the *aid-memoire* of the conversation of 22 December 1948 between the Prime Minister of India on the one hand and Ambassador Colban and Your Excellency on the other (S/1196, Annex 4), should be made clear beyond any doubt. This is still their position. But neither in the Commission's latest proposals nor in your covering letter is this assurance given, much less placed beyond all doubt. On the other hand, Your Excellency has stated categorically that the Commission cannot at this stage deal with the question of disbanding and disarming the Azad Kashmir forces.

\* \* \* \* \*

In paragraph III (C) of the latest proposals, reference is made to what the Commission propose to do if decisions are reached within the period of seven weeks. Nothing is said, however, as to what is to happen if no decisions are reached within this period; presumably the arrangements of the plebiscite will be proceeded with even if the 32 Azad Kashmir battalions remain intact after the withdrawal of the Indian and Pakistan troops, an eventuality which could not be reconciled with the agreed objective that the plebiscite should be free and impartial.

Both from the standpoint of the security of the State, which the Commission has agreed is the responsibility of the Government of India, and the freedom and impartiality of the plebiscite, which is an agreed objective, the Government of India are convinced that the disbanding and disarming of Azad Kashmir forces should not be left in a state of uncertainty or be, hereafter, the subject of

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Annex 48, pp. 173-5.

challenge and dispute as it has been on the part of those who speak for Pakistan. It is therefore, of the utmost importance.

(1) That the agreement of the Government of Pakistan should be obtained now to the disbanding and disarming of these 32 battalions. The Commission has already agreed to large-scale disbanding and disarming and has informed the Government of Pakistan that this is its objective. It should not therefore be difficult, if Pakistan has accepted this objective, to obtain its agreement.

(2) That the discussions regarding the procedure and phasing of the disbandment and disarming should commence immediately after the truce is signed. Decisions on a programme designed to achieve this object should be taken as soon as possible.

(3) That the phasing of the withdrawal of Indian troops not be divorced from, and should depend on, the progress made with the actual disbanding and disarming of the Azad Kashmir forces.

3. *Treatment of the sparsely populated and mountainous areas in the north.* The position of the Government of India with regard to the sparsely populated and mountainous regions in the north was explained to the Commission in the Prime Minister's letter to Mr. Korbelt on this subject dated 20 August 1948 (S/1100, paragraph 80). To quote the relevant sentence, the Government of India expressed their desire that after Pakistan troops... have withdrawn from the territory, the responsibility for the administration of the evacuated areas should revert to the Government of Jammu and Kashmir and that for defence to us". In paragraph 8 of my letter, dated 17 April, it was pointed out that although Pakistan forces, both regular and irregular, may be withdrawn from this area, a large number of men armed by Pakistan would remain and would constitute a threat and menace to the security of the valley of Kashmir and to the trade with Central Asia of the Jammu and Kashmir State. The persistence with which infiltration is being carried out in this region by forces under the control of Pakistan is convincing proof of the reality of this menace. (Reports of specific incidents have been furnished regularly to the Commission's Military Adviser and to the Military Observers but the Government of India are not aware that any action has been taken to check these violations of the "cease-fire"). That, under the Commission's proposals, Pakistan forces, both regular and irregular, would be withdrawn from this part of the

State cannot by itself eliminate the danger of the "locals" who have been armed by Pakistan menacing internal security among law-abiding citizens of the area and indulging in raids into the valley and in armed interference with the State's trade with Central Asia. Individual or even small groups of observers posted by the Commission would find it extremely difficult to detect and could not prevent such incursions. The expanse of the area will render this impossible. The Government of India, therefore, maintain that the principle that Indian troops should garrison important strategic points should be accepted. The points to be so occupied can be the subject of discussion with the Commission. The question of the administration of this area might be left over for the time being.

\* \* \* \* \*

11. LETTER OF THE MINISTER FOR KASHMIR AFFAIRS,  
GOVERNMENT OF PAKISTAN, ADDRESSED TO THE  
CHAIRMAN OF THE UNCIP, IN REPLY TO THE TRUCE  
TERMS OF 28 APRIL 1949, 30 MAY 1949 (S/AC.12/209)<sup>1</sup>

\* \* \* \* \*

*Northern area (paragraph I. D)*

5. The Pakistan Government understand:

- (i) That the territory referred to in paragraph I. D of the truce terms is the area of the State north of the cease-fire line, with the exception of Gilgit subdivision and Gilgit Agency;
- (ii) That the contingency in which the defence of this area might become necessary is hypothetical and highly remote;
- (iii) That such a contingency could arise only in the case of aggression by a foreign Power, or an incursion by tribesmen from the North-West Frontier of Pakistan, and that the provisions of this paragraph would not be invoked for the maintenance of law and order or for dealing with a situation of internal unrest;
- (iv) That any report from the Government of India on the subject would be verified independently by the Commission's own observers before the Commission and/or the Plebiscite Administrator arrived at the conclusion that the defence of the area is necessary;

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Annex 49, pp. 176-83.



- (v) That if the Commission and/or the Plebiscite Administrator conclude that the defence of the areas is necessary, it is open to them to take any action that they consider appropriate in the particular circumstances of the case, that a request to the Government of India for posting their troops at specified points is only one of the possible courses of action and that they are not precluded from seeking the advice of the Pakistan Government and the assistance of Pakistan forces should circumstances in their view, warrant such a course;
- (vi) That the Commission does not intend, in actual practice, to take any action under this paragraph without consultation with the Plebiscite Administrator; and
- (vii) That, even if the posting of Indian garrisons at specified points is decided upon, the administration of the area will not be handed over to the Government of India, or to the Maharaja's Government, and that civil or military officials of either of these Governments would in no circumstances be introduced into this area for the purpose of administration or control.

6. The views of the Pakistan Government with regard to this proposal have been stated at great length in their letters dated 23 and 26 April and 6 May 1949, and are summarized below:

- (a) The proposal to allow in certain contingencies the posting of Indian garrisons at specified points in this area is not in accord with clause B.2 of part II of the Commission's resolution of 13 August 1948, which permits the retention of Indian troops only within the lines in existence at the moment of the cease-fire.
- (b) The proposal also conflicts with the assurance given by the Commission of 31 August 1948 that neither the Government of India nor the Maharaja's Government will be permitted to send any military or civil officials to the evacuated territory. In its letter of 3 September 1948 to the Foreign Minister of Pakistan (S/1100, paragraph 90) the Commission explained that the term "evacuated territory" used in paragraph A. 3 of part II of the resolution of 13 August 1948 "refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the

Pakistan High Command". The area north of the cease-fire line has been as much under the effective control of the Pakistan High Command as the area west of the cease-fire line.

The assurance that no civil or military official of the Government of India or of the Maharaja's Government would be sent to the evacuated territory was conveyed to all the people in the "evacuated territory", whether north or west of the cease-fire line, and was an important factor in inducing the people of these territories to stop fighting.

- (c) The proposal appears to be unnecessary in view of the following considerations:

Even hypothetically, the threat envisaged might arise either from tribesmen or from a foreign Power. The first contingency should be ruled out in view of the assurance given by the Pakistan Government that they would deal effectively within their own borders with any possibility of tribal incursions.

As regards the second contingency, it has been explained to the Commission that on account of the very difficult terrain, and the fact that the mountain passes remain snow-bound for most of the year, neither of the two main trade routes leading into this area from Central Asia could be used for military operations of any magnitude.

Of these two trade routes, much the more important one (Kashgar-Hunza-Gilgit) passes through Gilgit Agency and Gilgit subdivision, which are to remain under the control of Pakistan. A threat to this route would therefore have to be dealt with in any case by Pakistan. The second and minor trade route (Yarkand-Leh-Kargil), which has to cross the Karakoram Pass (18,240 feet high), traverses territory which is already under Indian control. Any threat to this route could therefore be dealt with effectively by India without the necessity of posting Indian troops in the 'northern area'.

The local authorities responsible for the administration and security of this area should be capable of meeting any minor threat with the help of their local forces, which have successfully withstood the repeated assaults of the Indian Army. A major threat due to aggression by a foreign Power

would be a threat to the security of the entire Indo-Pakistan subcontinent and to the peace of the world, and would thus be a matter for the Security Council to consider and to take appropriate measures against. The Commission would agree that no authority other than the Security Council is competent to sanction measures to deal with such a situation.

- (d) In view of its stronger strategic position and better lines of communication, and the fact that the population of this area is wholly Muslim, Pakistan is more vitally interested in, and is in a much better position than India to safeguard the security of this area. The Muslim population of this area is so opposed to the imposition of Indian rule that the mention of a proposal to post Indian garrisons in certain contingencies is likely to create serious unrest among them. The actual posting of Indian garrisons in any part of this territory would have still more disastrous effects on the peace and tranquillity of the area and far from ensuring security against foreign attack, it would result in a war of resistance, thus creating conditions facilitating foreign intervention.

7. In view of the considerations summarized above, the Pakistan Government submit that the proposal contained in paragraph I.D of the truce terms is not in accord with the Commission's resolution of 13 August 1948, is unnecessary and, far from assuring peace and tranquillity in this area, is likely to create conditions of unrest and insecurity.

*Withdrawal of troops (Paragraphs II. A, B and C)*

\* \* \* \* \*

9. The Pakistan Government have carried out successfully the difficult and delicate operation of insuring the withdrawal of the tribesmen in advance of the truce agreement, although this obligation arises only after the signing of the truce agreement. No better proof could be afforded of the sincere desire of the Pakistan Government to take all steps possible to promote peace and tranquillity in the State and to pave the way, as rapidly as possible, for the holding of a free and impartial plebiscite. The second obligation mentioned in paragraph 8 (ii) (withdrawal of Pakistan nationals from the State) above is also in the process of implementation.

It is understood that the Commission's Military Adviser has called for reports from his observers with regard to the withdrawal of tribesmen and Pakistan nationals who had entered the State for the purpose of fighting, and that on the basis of this investigation the Commission will be in a position, after the signing of the truce agreement, to notify the Government of India of the discharge of these obligations by Pakistan. The Commission would then be able to fix a date for the beginning of the withdrawal of the Pakistan troops, and another for that of the bulk of the Indian forces from the State of Jammu and Kashmir.

10. The only important matter left to be dealt with in the truce agreement is the withdrawal of Pakistan troops and of the bulk of Indian troops in accordance with a synchronized programme. In its letter of 27 August 1948 (S/1100, Annex 27) the Commission stated that "synchronization of the withdrawal of the Armed Forces of the two Governments will be arranged between the respective High Commands and the Commission". This meant that the Commission would arrange with the Pakistan High Command the synchronization of the withdrawal of the Armed Forces of the two Governments, and also do the same thing with the Indian High Command. Such a procedure is the only practical way of insuring that the withdrawals of Indian and Pakistan forces proceed in corresponding stages, without advantage to either side at any time during the truce period and without temptation to either side to violate the truce, either by restarting hostilities or by halting or slowing down the withdrawal.

\* \* \* \* \*

12. The truce terms relating to the withdrawal of the Pakistan and Indian forces do not appear to the Pakistan Government to fulfil the undertaking given by the Commission that it would arrange with the Pakistan High Command a synchronization of the withdrawal of the two Armed Forces. In consequence, the Pakistan Government have no information as to the strength and composition of the bulk of the Indian forces to be withdrawn, nor of the time during which these forces will withdraw from the State. They have also no information regarding the stages of withdrawal of the

Indian forces corresponding to the stages of the withdrawal of the Pakistan forces, or of the position on the Indian side at the end of seven weeks, when Pakistan forces will have completely withdrawn from the State. They have also no information as to the strength, composition or location of the Indian forces allowed under paragraph B.2 of part II of the Commission's resolution of 13 August 1948 to assist the local authorities in the observance of law and order, and have thus been deprived of the opportunity to place their views before the Commission on the subject; *vide* the Commission's letter of 3 September 1948 to the Foreign Minister of Pakistan. The Pakistan Government have not even been told the reasons for which, in spite of repeated requests, they have been denied information on these vital points without which they cannot, in reason, be expected to take a decision. The only fact known to them, namely, that the time allowed for the withdrawal of the bulk of the Indian forces is longer than the time allowed for the withdrawal of the Pakistan Army, appears to them to nullify the provision for a synchronized withdrawal promised by the Commission and to create a disequilibrium of forces after the period of seven weeks allowed for the withdrawal of the Pakistan Army.

*Disposal of the Indian and State forces and of Azad Kashmir forces (Paragraphs III. B and C)*

13. The Pakistan Government understand that the discussions envisaged in paragraphs III. B and C are with a view to initiating implementation of points 4 (a) and (b) of the Commission's resolution of 5 January 1949, under which decisions regarding the final disposal of Indian and State forces on the one hand and of Azad Kashmir forces on the other are to be taken by the Commission and the Plebiscite Administrator. It is understood that it is the Commission's intention to associate the Plebiscite Administrator with these discussions from the outset even though he may not have been formally appointed to office by then. Further it is understood that the Plebiscite Administrator would reach the Indo-Pakistan subcontinent at a very early date, and that his formal appointment would be made as soon as possible.

\* \* \* \* \*

(Signed) M. A. GURMANI

12. AGREEMENT BETWEEN MILITARY REPRESENTATIVES OF INDIA AND PAKISTAN REGARDING THE ESTABLISHMENT OF A CEASE-FIRE LINE IN THE STATE OF JAMMU AND KASHMIR, 27 JULY 1949 (S/AC.12/TC.4)<sup>1</sup>

**I. Introduction**

A. The military representatives of India and Pakistan met together in Karachi from 18 July to 27 July 1949 under the auspices of the Truce Sub-Committee of the United Nations Commission for India and Pakistan.

B. The members of the Indian delegation were: Lieutenant General S. M. Shrinagesh, Major General K. S. Thimayya, Brigadier S. H. F. J. Manekshaw. As observers: Mr. H. M. Patel, Mr. V. Sahay.

C. The members of the Pakistan delegation were: Major General W. J. Cawthorn, Major General Nazir Ahmed, Brigadier M. Sher Khan. As observers: Mr. M. Ayub, Mr. A. A. Khan.

D. The members of the Truce Sub-Committee of the United Nations Commission for India and Pakistan were: Mr. Hernando Samper (Colombia), Chairman; Mr. William L. S. Williams (United States); Lieutenant General Maurice Delvoie, Military Adviser; Mr. Miguel A. Marin, Legal Adviser.

**II. Agreement**

A. *Considering:*

1. That the United Nations Commission for India and Pakistan, in its letter dated 2 July 1949, invited the Governments of India and Pakistan to send fully authorized military representatives to meet jointly in Karachi under the auspices of the Commission's Truce Sub-Committee to establish a cease-fire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments of India and Pakistan;

2. That the United Nations Commission for India and Pakistan in its letter stated that "the meetings will be for military purposes; political issues will not be considered", and that "they will be conducted without prejudice to negotiations concerning the truce agreement";

3. That in the same letter the United Nations Commission for India and Pakistan further stated that: "The cease-fire is a

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Annex 26, pp. 126-9.

complement of the suspension of hostilities, which falls within the provisions of part I of the resolution of 13 August 1948, and can be considered separately from the question relating to part II, of the same resolution”;

4. That the Governments of India and Pakistan, in their letters dated 7 July 1949 to the Chairman of the Commission, accepted the Commission’s invitation to the military conference in Karachi;

**B. *The delegations of India and Pakistan, duly authorized, have reached the following agreement:***

1. Under the provisions of part I of the resolution of 13 August 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on 1 January 1949, a cease-fire line is established.

2. The cease-fire line runs from *Manawar* in the south, north to *Keran* and from *Keran* east to the glacier area, as follows:

(a) The line from *Manawar* to the south bank of the *Jhelum* River at *Urusa* (inclusive to India) is the line now defined by factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows:

(i) In *Patrana* area: *Kohel* (inclusive to Pakistan) north along the *Khuwala Kas* Nullah up to Point 2276 (inclusive to India), thence to *Kirni* (inclusive to India).

(ii) *Khambha*, *Pir Satwan*, Point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual position at *Bagla Gala*, thence to the factual position at point 3300.

(iii) In the area south of *Uri* the positions of *Pir Kanthi* and *Ledi Gali* are inclusive to Pakistan.

(b) From the north bank of the *Jhelum* River the line runs from a point opposite the village of *Urusa* (NL 972109), thence north following the *Ballaseth Da Nar* Nullah (inclusive to Pakistan), up to NL 973140, thence north-east to *Chhota Qazinag* (Point 10657, inclusive to India), thence to NM 010180, thence to NM 037210, thence to Point 11825 (NM 025354, inclusive to Pakistan), thence to *Tutmari Gali* (to be shared by both sides, posts to be established 500 yards on either side of the *Gali*), thence to the north-west through the

first "R" of *Burji Nar* to north of *Gadori*, thence straight west to just north of Point 9870, thence along the black line north of *Bijidhar* to north of *Batarasi*, thence to just south of *Sudpura*, thence due north to the *Kathaqazinag* Nullah, thence along the Nullah to its junction with the *Grangnar* Nullah, thence along the latter Nullah of *Kajnwala Pathra* (inclusive to India), thence across the *Danna* ridge (following the factual positions) to *Richmar Gali* (inclusive to India), thence north to *Thanda Katha* Nullah, thence north to the *Kishanganga* River. The line then follows the *Kishanganga* River up to a point situated between *Jargi* and *Tarban*, thence (all inclusive to Pakistan), to *Bankoran* thence north-east to *Khori*, thence to the hill feature 8930 (in Square 9053), thence straight north to Point 10164 (in Square 9057), thence to Point 10323 (in Square 9161), thence north-east straight to *Guthur*, thence to *Bhutpathra*, thence to NL 980707, thence following the *Bugina* Nullah to the junction with the *Kishanganga* River at Point 4739. Thereafter the line follows the *Kishanganga* River to *Keran* and onwards to Point 4996 (NL 975818).

- (c) From point 4996 the line follows (all inclusive to Pakistan) the *Jamgar* Nullah eastward to Point 12124, to *Katware*, to Point 6678, then to the north-east to *Sarian* (Point 11279), to Point 11837, to Point 13090, to Point 12641, thence east again to Point 11142, thence to *Dhakki*, thence to Point 11415, thence to Point 10301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence south-east to Point 11812. Thence the line runs (all inclusive to India) to Point 13220, thence across the river to the east to Point 13449 (*Durmat*), thence to Point 14586 (*Anzbari*), thence to Point 13554, thence to Milestone 45 on the *Burzil* Nullah, thence to the east to *Ziankal* (Point 12909), thence to the south-east to Point 1114, thence to Point 12216, thence to Point 12867, thence to the east to Point 11264, thence to *Karo* (Point 14985), thence to Point 14014, thence to Point 12089, thence following the track to Point 12879. From there the line runs to Point 13647 (*Karobal Gali*, to be shared by both sides). The cease-fire line runs thence throughout *Retagah Chhish* (Point 15316), thence through Point 15889,



thence through Point 17392, thence through Point 16458, thence to *Marpo La* (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400, thence through Point 16760, thence to (inclusive to India) *Dalunang*.

- (d) From *Dalunang* eastwards the cease-fire line will follow the general line Point 15495, *Ishmam*, *Manus*, *Gangam*, *Gunderman*, Point 13620, *Junkar* (Point 17628), *Marmak*, *Natsara*, *Shangruti* (Point 17531), *Chorbat La* (Point 16700), *Chalunka* (on the *Shyok* River), *Khor*, thence north to the glaciers. This portion of the cease-fire line shall be demarcated in detail on the basis of the factual position as of 27 July 1949 by the local commanders, assisted by United Nations Military Observers.

C. The cease-fire line described above shall be drawn on a one-inch map (where available) and then be verified mutually on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to eliminate any no-man's land. In the event that the local commanders are unable to reach agreement, the matter shall be referred to the Commission's Military Adviser, whose decision shall be final. After this verification, the Military Adviser will issue to each High Command a map on which will be marked the definitive cease-fire line.

D. No troops shall be stationed or operate in the areas of the *Burzil* Nullah from south of *Minimarg* to the cease-fire line. This area is bounded on the west by the ridge leading north-east from *Dudgaikal* to Point 13071, to Point 9447, to point 13466, to Point 13463, and on the east by the ridge running from Point 12470, to Point 11608, to 13004, to Point 13976, to Point 13450. Pakistan may, however, post troops on the western (*sic*) of the above ridges to cover the approaches to *Kamri Bal* Pass.

E. In any dispositions that may be adopted in consequence of the present agreement troops will remain at least 500 yards from the cease-fire line except where the *Kishanganga* River constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the cease-fire line as determined in paragraphs A through E,

inclusive, subject to no wire or mines being used when new bunkers and defences are constructed. There shall be no increase of forces or strengthening of defences in area where no major adjustments are involved by the determination of the cease-fire line.

G. The action permitted by paragraph F above shall not be accompanied or accomplished by the introduction of additional military potential by either side into the State of Jammu and Kashmir.

H. Except as modified by paragraphs A to G, inclusive, above, the military agreements between the two High Commands relating to the cease-fire of 1 January 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station observers where it deems necessary.

J. The delegations shall refer this agreement to their respective Governments for ratification. The documents of ratification shall be deposited with the United Nations Commission for India and Pakistan not later than 31 July 1949.

K. A period of thirty days from the date of ratification shall be allowed to each side to vacate the areas at present occupied by them beyond the cease-fire line as now determined. Before the expiration of this thirty-day period there shall be no forward movement into areas to be taken over by either side pursuant to this agreement, except by mutual agreement between local commanders.

*In faith whereof the undersigned sign this document in three original copies.*

*Done in Karachi on 27 July 1949.*

*For the Government of India:*

*(Signed)* S. M. SHRINAGESH

*For the Government of Pakistan:*

*(Signed)* J. CAWTHORN  
*Major General*

*For the United Nations Commission for India and Pakistan:*

*(Signed)* HERNANDO SAMPER  
M. DELVOIE

13. MEMORANDUM PROPOSING ARBITRATION SUBMITTED BY THE UNCIP TO THE GOVERNMENTS OF INDIA AND PAKISTAN, 26 AUGUST 1949 (S/AC.12/251)<sup>1</sup>

*26 August 1949*

1. The United Nations Commission for India and Pakistan has given long and intensive study to the replies of the Governments of India and Pakistan of 18 and 30 May 1949, respectively, to the Commission's Truce Terms of 28 April, as well as to the letter of the Government of India of 17 June and the results of the consultations between representatives of the Commission and the Government of Pakistan in Karachi, 25 to 28 June 1949. As the two Governments are aware, the Commission has recognized that neither Government has found it possible to give to the truce terms the unreserved acceptances requested by the Commission.

2. The Commission subsequently decided to seek to bring about agreement on a cease-fire line through meetings of the military representatives of the two Governments. The Commission is highly gratified that these meetings, held in Karachi from 18 to 28 July 1949, resulted in the definition of an agreed cease-fire line, thus completing the implementation of part I of the resolution of 13 August 1948.

3. Hopeful that the success of the meetings of the military representatives held in Karachi presaged a new and more suitable opportunity for both Governments to agree on the problem relating to the implementation of part II of the Commission's resolution of 13 August 1948, the Commission invited the Governments of India and Pakistan to send representatives to meet together under the auspices of the Commission. In view of the letters of reply from both Governments, wherein they reaffirmed their opposed position with respect to the provisional agenda, the Commission felt constrained to withdraw its invitation, for the reasons expressed in its letter of 19 August 1949.

4. The implementation of part II of the Commission's resolution of 13 August 1948 remains unaccomplished. The Commission strongly feels that early and definitive action in this regard is desirable, and has no doubt that both Governments share this view. The Commission remains convinced of the sincere desire

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Doc. S/1430/Add. 1, Annex 35, pp. 141-2.

of both Governments to solve the Kashmir problem by peaceful means and of their firm intention to fulfil the commitments they have entered into in this regard.

5. The Commission has, therefore, in the light of existing circumstances, decided to ask both Governments whether they will agree to the course of action outlined below for the conclusion of the truce—

(i) The two Governments agree:

(a) That they will submit to arbitration the differences existing between them concerning all questions raised by them regarding the implementation of part II of the resolution of 13 August 1948, the arbitrator to decide these questions according to equity, and his decisions to be binding on both parties;

(b) That the arbitration will terminate once the truce terms are decided upon;

(c) That United States Fleet Admiral Chester W. Nimitz will be the arbitrator;

(d) That the procedure for the arbitration will be worked out subsequently;

(e) That since the procedure of arbitration will be limited to the conclusion of a truce the Commission will continue in the exercise of its functions. Upon an arbitral decision the Commission will undertake the tasks assigned to it under the truce and under the resolution of 5 January 1949.

(ii) With reference to paragraph (i) (d), above, the Commission considers that it would be inappropriate, in advance of approval by the parties of the proposed course of action and of the person of the arbitrator, to seek to define the exact procedure to be followed.

6. The Commission recommends this course of action as an effective means of overcoming the obstacles which have so far stood in the way of implementation of the truce agreement. If it is accepted by the two Governments the Commission is confident that the implementation of the truce agreement will be speedily begun and that the Commission and the two Governments be placed in a position to pursue their respective tasks leading to the final settlement of the problem, the continued existence of which is a source of grave concern not only to both Governments, but

also to the other Member States of the United Nations.

7. The Commission requests that, after your Government has given the matter its careful and deliberate consideration, it may be favoured with a written reply.

14. LETTER OF THE MINISTER FOR KASHMIR AFFAIRS, GOVERNMENT OF PAKISTAN, ADDRESSED TO THE CHAIRMAN OF THE UNCIP, AGREEING TO ARBITRATION, 7 SEPTEMBER 1949 (S/AC. 12/261)<sup>1</sup>

I have the honour to refer to the memorandum handed by you on behalf of the Commission to the Pakistan Foreign Minister on 29 August 1949, and to state that the Pakistan Government agree to the course of action proposed by the Commission in paragraph 5 of the memorandum for implementing part II of the Commission's resolution of 13 August 1948.

(Signed) M. A. GURMANI

15. CORRESPONDENCE BETWEEN THE SECRETARY-GENERAL, MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA, AND THE CHAIRMAN OF THE UNCIP, RESULTING IN THE REJECTION BY INDIA OF THE ARBITRATION PROPOSAL, SEPTEMBER 1949.

*Letter of the Secretary-General, Ministry of External Affairs, India, addressed to the Chairman of the UNCIP, 8 September 1949 (S/AC. 12/262)<sup>2</sup>*

1. As requested in the concluding paragraph of the memorandum that you gave me on 30 August on behalf of the United Nations Commission for India and Pakistan, I am communicating to you, in writing, the views of my Government on the suggestion for arbitration described in paragraph 5 of the memorandum.

2. . . . In the course of the conversation that I had with Your Excellency and Ambassador Colban on 30 August, I asked two questions:

- (i) Whether the Commission would state to the arbitrator the points submitted to arbitration;

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Doc. S/1430/Add. 1, Annex 37, p. 147.

<sup>2</sup> *Ibid.*, Annex 36, pp. 143-7.

- (ii) Whether the Commission would furnish to the arbitrator a clear account of the circumstances leading up to the present position and the Commission's own conclusions on points like the disbanding and disarming of the Azad Kashmir forces on which it had already reached a conclusion.

In answer to the first question, Your Excellency said that the Commission would prefer both parties to accept the wording of 5(i) (a) and to present to the arbitrator the specific points on which they seek his decision. It would then be for the arbitrator to decide whether the issue raised by each party were germane to the truce or not. About the second question, Your Excellency explained that the Commission was now approaching the problem from an entirely new angle and entirely afresh. Therefore, it did not wish to go into the past. Each party must state its own view, in their historical context, on the points that may be referred to arbitration.

3. The effect of the explanation given by Your Excellency in answer to my first question would be that the arbitrator would be free to determine the points on which he should arbitrate. So far as the Government of India are aware, this procedure is novel and without precedent, and could hardly be justified.

4. As regards the answer to the second question, the Government of India can only express their surprise and disappointment at the attitude of the Commission. Apart from either party setting out its own version of past events, it would have been just and proper if the Commission, which has dealt with the matter during all these months, gave an impartial and authoritative account of the facts which are within its knowledge and of the assurances given to us. The truce proposals, embodied in part II of the Commission's resolution of 13 August 1948, cannot be divorced either from the events and discussions that preceded the acceptance by the Government of India of that resolution or the events and negotiations that have followed since....

\* \* \* \* \*

6. In the Government of India's view, the attitude of the Government of Pakistan towards the large-scale disbanding and disarming of the Azad Kashmir forces is a fatal obstacle to the bringing about of the peaceful conditions required for a

plebiscite. According to our understanding, Pakistan's contention is that, since no reference is made to such disbanding and disarming in part II of the resolution of 13 August this matter cannot even be discussed in considering the implementation of part II of the resolution of 13 August. But the Government of Pakistan forget that before they agreed to accept that resolution, this matter was discussed between us and the Commission and we were given a specific assurance on behalf of the Commission that large-scale disbanding and disarming of Azad forces would take place. . . . For the purpose of ensuring the security of the State, the Government of India have, in all their discussions with the Commission about the truce, insisted upon the interdependence of the phasing of the withdrawal of their forces from the State under paragraph B. 1 of part II of the resolution of 13 August and the adoption of measures to implement the Commission's intention "that there should be large-scale disarming of these" (the Azad forces) (S/1196, Annex 4). Such disbanding and disarming is also essential to the holding of a free and impartial plebiscite for reasons which were explained to Mr. Lozano by the Prime Minister in the course of their conversations held on the 20 and 22 December 1948. Mr. Lozano recognized the force of the Prime Minister's argument on this point and disclosed to us that the intention of the Commission was that there should be a large-scale disbanding and disarming of the Azad Kashmir forces. To allow an assurance of this kind to be reopened even to the extent of placing this disbanding and disarming on the same level with the geographical disposition of the Indian and State forces left in the State, will be to retire from a position reached between us and the Commission. If the arbitrator is free to decide that there should be no disbanding and disarming of these forces, there could be no fair and impartial plebiscite. If, while accepting the need for such disbanding and disarming, the arbitrator is free to postpone consideration of the matter until after the bulk of Indian forces in the State of Jammu and Kashmir has been withdrawn, the security of the State will be in great jeopardy during the period that intervenes between the withdrawal of the bulk of the Indian forces and the adoption of measures for the large-scale disbanding and disarming of the Azad Kashmir forces. As has been frequently explained to the

Commission, the Government of India cannot possibly take this risk, which would be incompatible with their paramount responsibility to protect the portion of the State under their control against a repetition of the horrors of the invasion of the State in October 1947.

\* \* \* \* \*

7. The Government of India are convinced, therefore, that this outstanding issue of the large-scale disbanding and disarming of the Azad Kashmir forces is not a matter for arbitration but for affirmative and immediate decision. Once ways and means for the large-scale disbanding and disarming of the Azad forces have been agreed upon, the Government of India anticipate no difficulty in reaching agreement with the Commission as provided for in paragraph B. 1 of part II of the resolution of 13 August 1948, about the phasing of the withdrawal of their forces from the State. Nor would they raise any objection to the Pakistan Government being informed of the programme of the withdrawal of Indian forces, once the question of the disbanding and disarming of the Azad forces has been disposed of and Pakistan has begun to withdraw its forces.

8. To sum up, my Government cannot reasonably be expected to accept a suggestion for arbitration which leaves it to the arbitrator to determine the points on which he should arbitrate and which does not provide for the submission to him, by the Commission, of its own appreciation of the events leading up to the present situation or of the observance by him of the assurances which it has given. The Government of India's main objection, however, to the present suggestion for arbitration is that, as explained in paragraphs 6 and 7 of this letter, the principal issue is one which cannot be solved by arbitration. It follows that they cannot accept the suggestion incorporated in 5 (i) (a) of the memorandum that you left with me on 30 August. Since that suggestion is not acceptable, it is unnecessary to express any views on the other suggestions in this paragraph, which are subsidiary.

\* \* \* \* \*

(Signed) G. S. BAJPAI  
Secretary-General



*Letter of the Chairman of the UNCIP addressed to the Secretary-General, Ministry of External Affairs, India, 10 September 1949 (S/AC. 12/263)*<sup>1</sup>

I have the honour to acknowledge the receipt of your letter dated 8 September 1949, in which Your Excellency communicates to the Commission the views of your Government on the suggestion for arbitration as contained in the Commission's memorandum delivered on 30 August 1949.

\* \* \* \* \*

3. Since the Commission finds that your Government's interpretation, as stated in the observations set forth in Your Excellency's Letter, does not exactly reflect the intention of the Commission, it is reluctant to consider that reply as a final one and therefore begs to convey the following comments which, the Commission trusts, will provide a more accurate understanding of its views.

4. As regards the first question, Your Excellency will note that sub-paragraphs (i) (d) and (ii) of paragraph 5 refer to procedure and indicate that this is a matter which should be decided upon subsequently. The Commission is of the opinion that it would be preferable first to have the Governments' acceptance of the course of action as presented, and then to consult with them regarding the several methods which might be agreed upon for the further procedure. The procedure inherent in Your Excellency's question is one of these and is, consequently, not precluded.

5. As regards the second question, the Commission wishes to assure Your Excellency that it will of course be at the disposal of the arbitrator and present him with a full account of the facts which are within its knowledge.

6. In suggesting arbitration as a means of reaching prompt and effective implementation of the truce, the Commission has never intended that the commitments entered into for a peaceful solution of the dispute should be disregarded. The objective of a free and impartial plebiscite and the principles relating to the conditions which must be created in order that it be truly free and impartial, remain unquestioned.

<sup>1</sup> *Ibid.*, Annex 38, pp. 148-9.

7. In this connection Your Excellency has referred to the disarming and disbanding of the Azad Kashmir forces. The Commission wishes to point out that both Governments have agreed to a large-scale disbanding and disarming of these forces as one of the conditions precedent to the holding of the plebiscite. The difference which has arisen between the two Governments with respect to decisions on this matter has not been one of substance but of scope, method and timing. Arbitration would apply to this aspect only.

\* \* \* \* \*

(Signed) R. B. MACATEE  
Chairman

*Letter of the Secretary-General, Ministry of External Affairs, India, addressed to the Chairman of the UNCIP, 15 September 1949 (S/AC. 12/265)<sup>1</sup>*

1. I have the honour to reply to Your Excellency's letter, dated 10 September 1949, which you were good enough to leave with me on the 12th instant.

\* \* \* \* \*

3. The Government of India have given the fullest consideration to the Commission's memorandum in the light of Your Excellency's letter. I wish to point out, in the first place, that our original reply to the proposals contained in the Commission's memorandum of 30 August 1949, was based not on any minor considerations but on the fundamental condition that the creation of public confidence and of a peaceful atmosphere is a necessary preliminary to preparation for a plebiscite. This is a condition which both my Government and the Commission have accepted and it cannot, therefore, be left to the decision of an arbitrator.

I shall deal now with paragraph 7 of Your Excellency's letter. As explained in my letter of 8 September, one of the most important issues, namely that of the large-scale disbanding and disarming of the Azad Kashmir forces, is one which cannot be settled by arbitration....

Paragraph 7 of Your Excellency's letter of 10 September states that: "The Commission wishes to point out that both Governments have agreed to a large-scale disbanding and disarming

<sup>1</sup> *Ibid.*, Annex 39, pp. 149-51.

of these forces as one of the conditions precedent to the holding of the plebiscite. The difference which has arisen between the two Governments with respect to decisions on this matter has not been one of substance but of scope, method and timing. Arbitration would apply to this aspect only." In answer to this, I wish to repeat the view expressed by the Government of India in paragraph 6 of my letter of 8 September, . . . The Government of India, therefore, maintain that the large-scale disbanding and disarming of the Azad Kashmir forces on which, apart from other considerations, depends the phasing of the withdrawal of Indian forces under B. 1 of part II of the resolution of 13 August 1948, is no more a matter for arbitration than the complete withdrawal of the Pakistan forces. Any lack of certainty on this issue would open the door to the aggressor to benefit by his aggression.

4. Paragraph 4 of Your Excellency's letter refers to subparagraphs (i) (d) and (ii) of paragraph 5 of the Commission's memorandum, and Your Excellency was good enough to explain that the question as to what the points for arbitration should be would be dealt with, as a matter of procedure, in consultation with the two Governments. Explaining the Commission's intentions in this regard further, Your Excellency said that if, as a result of these consultations, the two Governments could not reach agreement on the points to be referred for arbitration, arbitration would be regarded as having failed. In the Government of India's view, the process of consultation with the two Governments to determine the points of reference to arbitration should precede and not follow acceptance of the proposal for arbitration. Since whether or no arbitration takes place will depend upon agreement between the two Governments upon the points to be referred to arbitration, this would be the more logical and appropriate course. It is also in conformity with the accepted procedure in respect of arbitration.

5. The Government of India do not feel called upon at this stage to comment upon the choice of an arbitrator. The stage for that will be after the points for arbitration have been precisely defined and accepted by the Governments of India and Pakistan.

(Signed) G. S. BAJPAI

## VI. THE McNAUGHTON PROPOSAL, 1949-50

### 1. PROPOSALS MADE BY THE PRESIDENT OF THE SECURITY COUNCIL, GENERAL A.G.L. McNAUGHTON, 22 DECEMBER 1949<sup>1</sup>

1. The principal considerations underlying the following proposals of the President of the Security Council are:

- (a) To determine the future of Jammu and Kashmir by the democratic method of a free and impartial plebiscite, to take place as early as possible;
- (b) Thus to settle this issue between the Governments of India and Pakistan in accordance with the freely expressed will of the inhabitants, as is desired by both Governments;
- (c) To preserve the substantial measure of agreement on fundamental principles which has already been reached between the two Governments under the auspices of the United Nations;
- (d) To avoid unprofitable discussion of disputed issues of the past, and to look forward into the future towards the good-neighbourly and constructive cooperation of the two great nations.

#### *Demilitarization preparatory to the plebiscite*

2. There should be an agreed programme of progressive demilitarization, the basic principle of which should be the reduction of Armed Forces on either side of the cease-fire line by withdrawal, disbandment and disarmament in such stages

<sup>1</sup> S.C.O.R., 5th Yr., Supple. for January-May 1950, pp. 14-6.

as not to cause fear at any point of time to the people on either side of the cease-fire line. The aim should be to reduce the armed personnel in the State of Jammu and Kashmir on each side of the cease-fire line to the minimum compatible with the maintenance of security and of local law and order, and to a level sufficiently low and with the forces so disposed that they will not constitute a restriction on the free expression of opinion for the purposes of the plebiscite.

- (a) The programme of demilitarization should include the withdrawal from the State of Jammu and Kashmir of the regular forces of Pakistan; and the withdrawal of the regular forces of India not required for purposes of security or for the maintenance of local law and order on the Indian side of the cease-fire line; also the reduction, by disbanding and disarming of local forces, including on the one side the Armed Forces and militia of the State of Kashmir and on the other, the Azad forces.
- (b) The "northern area" should also be included in the above programme of demilitarization, and its administration should, subject to United Nations supervision, be continued by the existing local authorities.

*Suggested basis of agreement*

3. The Governments of India and Pakistan should reach agreement not later than 31 January 1950 in New York on the following points:

- (a) The Government of Pakistan should give unconditional assurance to the Government of India that it will deal effectively within its own borders with any possibility of tribal incursion into Jammu and Kashmir to the end that, under no circumstances, will tribesmen be able unlawfully to enter the State of Jammu and Kashmir from or through the territory of Pakistan. The Government of Pakistan should undertake to keep the senior United Nations Military Observer informed and to satisfy him that the arrangements to this end are and continue to be adequate.
- (b) The Governments of India and Pakistan should confirm the continued and unconditional inviolability of the cease-fire line.

- (c) Agreement should be reached on the basic principles of demilitarization outlined in paragraph 2 above.
- (d) Agreement should be reached on the minimum forces required for the maintenance of security and of local law and order, and on their general disposition.
- (e) Agreement should be reached on a date by which the reduction of forces, to the level envisaged in paragraph 2 above, is to be accomplished.
- (f) Agreement should be reached on the progressive steps to be taken in reducing and redistributing the forces to the level envisaged in paragraph 2 above.

4. In respect to the foregoing matters, the Governments of India and Pakistan should further agree that a United Nations Representative, to be appointed by the Secretary-General of the United Nations in agreement with the two Governments, should supervise the execution of the progressive steps in reduction and redistribution of Armed Forces and that it should be the responsibility of this United Nations Representative to give assurance to the people on both sides of the cease-fire line that they have no cause for fear at any stage throughout the process. This United Nations Representative should have the duty and authority:

- (a) Of interpreting the agreements reached between the parties pursuant to paragraph 3, sub-paragraphs (c), (d), (e) and (f) above,
- (b) Of determining, in consultation with the Governments of India and Pakistan respectively, the implementation of the plans for the reduction and redistribution of Armed Forces referred to in sub-paragraph 3 (f) above.

5. When the agreed programme of demilitarization preparatory to the plebiscite has been accomplished to the satisfaction of the United Nations Representative, the Plebiscite Administrator should proceed forthwith to exercise the functions assigned to him under the terms of the resolution of the United Nations Commission for India and Pakistan of 5 January 1949, which, together with the Commission's resolution of 13 August 1948, was accepted by the Governments of India and Pakistan and which are now reaffirmed by these Governments except in so far as the provisions therein contained are modified by the relevant provisions of this document. The functions and powers

of the Plebiscite Administrator remain as set forth in the Commission's resolution of 5 January 1949.

6. The United Nations Representative should be authorized to make any suggestions to the Governments of India and Pakistan which, in his opinion, are likely to contribute to the expeditious and enduring solution of the Kashmir question, and to place his good offices at their disposal.

(Prepared in identic copies to be delivered to Sir Girja Bajpai for the Government of India and to Sir Mohammad Zafrulla Khan for the Government of Pakistan, respectively.)

(Signed) A. G. L. MCNAUGHTON  
*President of the Security Council*

2. CORRESPONDENCE BETWEEN THE REPRESENTATIVES OF  
INDIA AND PAKISTAN AND GENERAL MCNAUGHTON,  
DECEMBER 1949-JANUARY 1950

*Letter of the Representative of Pakistan addressed to the President of the Security Council, 28 December 1949 (S/1453, Para 5)<sup>1</sup>*

I have the honour to refer to the proposals which you handed over to me on 22 December 1949, concerning settlement of the question of Jammu and Kashmir and to say that the Government of Pakistan has authorised me to communicate their acceptance of these proposals subject to the amendments set out in Annex I. As you will be pleased to observe, these amendments do not seek to alter your proposals and were suggested to bring out more clearly the objective you have in view. They are confined to such of the amendments originally proposed by us as you were agreed might well be accepted as clarifications of intent. A memorandum explaining the amendments is enclosed.

(Signed) MOHAMMAD ZAFRULLA KHAN  
*Minister for Foreign Affairs and  
Commonwealth Relations,  
Government of Pakistan*

<sup>1</sup> S.C.O.R., 5th Yr., Supple. for January-May 1950, pp. 4-6.

**Annex I**

*Amendments proposed by Pakistan to the proposals of 22 December 1949 of the President of the Security Council*

**(1) Sub-paragraph 1(a)**

For the words "the future of Jammu and Kashmir" substitute the following: "the question of the accession of the State of Jammu and Kashmir to India or Pakistan".

**(2) Sub-paragraph 2(a)**

At the end of sub-paragraph 2 (a) add the following:

"The final disposal of all forces remaining in the State will be determined by the Plebiscite Administrator under the resolution of 5 January 1949 of the United Nations Commission for India and Pakistan (UNCIP)".

**(3) Sub-paragraph 3(a)**

Omit the words "to the Government of India" in the first sentence of sub-paragraph 3(a).

**(4) Paragraph 4**

Add the following as sub-clause 4(c): "of obtaining an assurance from the appropriate authorities on either side of the cease-fire line and of making it publicly known throughout the State of Jammu and Kashmir that peace, law and order will be safeguarded and that all human and political rights will be guaranteed".

**(5) Paragraph 5**

Put a full stop after the words "India and Pakistan", and substitute the immediately following words "and which" by the words "these resolutions".

*Letter of the Representative of India addressed to the President of the Security Council, 29 December 1949 (S/1453, Para 6)<sup>1</sup>*

As suggested by you, we asked the Government of India whether they would wish us to suggest amendments to your proposals in order to meet the objections which I submitted on their behalf. My Government has authorised me to propose such amendments and I am enclosing these for consideration.

(Signed) B. N. RAU

<sup>1</sup> *Ibid.*, pp. 6-7.



**Annex**

*Amendments proposed by India to the proposals of 22 December 1949 of the President of the Security Council*

*Proposed additions are italicized and proposed omissions are bracketed*

(1) For sub-paragraph 2 (a) substitute:

“(a) The programme of demilitarization should include the withdrawal from the State of Jammu and Kashmir of the regular *and irregular* forces of Pakistan; *the disbanding and disarming of the Azad Kashmir forces*; and the withdrawal of the regular forces of India not required for purposes of security or for the maintenance of local law and order on the Indian side of the cease-fire line.”

(Also the reduction, by disbanding and disarming, of local forces including on the one side the Armed Forces and militia of the State of Kashmir, and on the other, the Azad forces.)

(2) For sub-paragraph 2(b) substitute:

“(b) After the withdrawal of Pakistan forces referred to in sub-paragraph (a)

“(i) The responsibility for the defence of the “northern areas” shall vest in the Government of India; and

“(ii) The responsibility for the administration of the “northern areas” shall vest in the Government of Jammu and Kashmir which will guarantee that there shall be no victimization of the inhabitants of the area.”

The “northern area” should also be included in the above programme of demilitarization and its administration should, subject to United Nations supervision, be continued by the existing local authorities.)

(3) In sub-paragraph 3 (a) for “tribal incursions” substitute “incursions by *tribesmen or Pakistan nationals*” and for “tribesmen” substitute “*tribesmen or Pakistan nationals*”.

(4) In paragraph 4 in line 8 for “this United Nations Representative” substitute “*the* United Nations Representative” and in line 11 for “This United Nations Representative” substitute “*In addition to the functions assigned to him in paragraph 3 and 6, the* United Nations Representative”.

(5) In sub-paragraph 4 (b) for “respectively” substitute “*as the case may be*” and at the end of the sub-paragraph add “*and*”

*of the guarantee referred to in sub-paragraph 2(b)*".

(6) In paragraph 6 for the words "to make any suggestions to the Governments of India and of Pakistan" substitute "to make to the Governments of India and of Pakistan *and to the Security Council* any suggestions"; and at the end of the paragraph of "their disposal" substitute "the disposal of the two Governments *for the purpose*".

(7) These are the main amendments; there may have to be minor or consequential amendments, which we think it unnecessary to detail at this stage.

*Letter of the Representative of Pakistan addressed to the President of the Security Council, 31 December 1949 (S/1453, Para 9)*<sup>1</sup>

The Prime Minister has inquired whether he would be right in presuming that the intent of paragraph 6 of your proposals of 22 December is that the "solution of the Kashmir question" mentioned in that paragraph would be in accordance with the UNCIP resolutions of 13 August 1948 and 5 January 1949, which under paragraph 5 of the proposals are to be reaffirmed except in so far as their provisions are modified by the proposals. To obviate any doubt on the point, I propose that the following clarifying words be added to paragraph 6 after the words "solution of the Kashmir question", namely: "in accord with the UNCIP resolutions of 13 August 1948 and 5 January 1949".

*Letter of the Principal Adviser to the Permanent Representative of Canada addressed to the Representative of Pakistan, 4 January 1949 (S/1453, Para 10)*<sup>2</sup>

General McNaughton has been requested by the representative of India to forward to you comments received from the Indian Government on the amendments to his proposals of 22 December 1949, which you gave to him on behalf of the Government of Pakistan under cover of your letter of 28 December 1949.

These comments are as follows:

(1) *Sub-paragraph 1 (a)*

No comment was made. India reserved its position.

(2) *Sub-paragraph 2(a)*

According to India's understanding, the basis of General

<sup>1</sup> *Ibid.*, p. 10.

<sup>2</sup> *Ibid.*, pp.10-1.

McNaughton's proposals is demilitarization, with the agreement of the two Governments, in one comprehensive instalment. The amendment proposed by Pakistan seems to envisage demilitarization in two instalments. The Government of India sees no necessity for this and, therefore, is not disposed to accept the amendment proposed by Pakistan.

(3) *Paragraph 3*

No comment was made. India reserved its position.

(4) *Paragraph 4*

This amendment was not accepted by India on the grounds that it would, in effect, give the Azad authorities (on the one side of the cease-fire line) the same status as the lawful government of the State of Jammu and Kashmir (on the other side of the cease-fire line).

(5) *Paragraph 5*

India has no objection to this amendment.

(6) *Paragraph 6*

No comment was made. India reserved its position.

(7) *Paragraph 6* (Amendment forwarded by Pakistan in the letter of 31 December 1949).

The purpose of paragraph 6 of the proposals presented by General McNaughton would seem to be to broaden the terms of reference of the United Nations Representative so as to enable him to make whatever suggestions he considers to be likely to contribute to the expeditious and enduring solution of the Kashmir question. The amendment proposed by the Government of Pakistan would have the effect of limiting the Representative's functions to helping in the implementation of such agreements as may be reached between the two Governments on the programme of demilitarization. In other words, this would make paragraph 6 of the proposals superfluous. For this reason the Government of India finds itself unable to accept the amendment proposed by the Government of Pakistan.

(Signed) ARNOLD C. SMITH

*Principal Adviser to the Permanent  
Representative of Canada to the  
United Nations*

*Letter of the Representative of Pakistan addressed to the Permanent Representative of Canada, 13 January 1950 (S/1453, Para 11)*<sup>1</sup>

Will you kindly refer to Sir B. N. Rau's letter, dated 29 December 1949, enclosing a copy of the Government of India's amendments to your proposals of 22 December.

Our views were explained to you at our meeting on 30 December 1949, but as for the purposes of your report to the Security Council you may wish to have them in writing, I set them out below in brief.

It appears from Sir B. N. Rau's letter that the Government of India did not accept your proposals, but at your suggestion formulated its objections in the form of amendments. This is confirmed by a perusal of the so-called amendments which amount to a clear rejection of your proposals and seek to substitute in their place a scheme wholly incompatible with them. In these circumstances the Pakistan delegation does not feel that any useful purpose would be served by its attempting an analysis of the Indian proposals and entering upon a refutation thereof.

(Signed) MOHAMMAD ZAFRULLA KHAN  
*Minister for Foreign Affairs and  
Commonwealth Relations,  
Government of Pakistan*

<sup>1</sup> *Ibid.*, p. 12.

## VII. THE DIXON REPORT, 1950-51

### 1. RESOLUTION ADOPTED BY THE SECURITY COUNCIL, 14 MARCH 1950 (S/1469)<sup>1</sup>

#### *The Security Council*

*Having received and noted* the reports of the United Nations Commission for India and Pakistan, established by the resolutions of 20 January and 21 April 1948

*Having also received and noted* the report of General A. G. L. McNaughton on the outcome of his discussion with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949

*Commending* the Governments of India and Pakistan for their statesmanlike action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite and commending the parties in particular for their action in partially implementing these resolutions by

- (1) The cessation of hostilities effected 1 January 1949;
- (2) The establishment of a cease-fire line on 27 July 1949, and

<sup>1</sup> G.A.O.R., 5th Session, Supplement No. 2 (A/1361), 1950, pp. 13-4.

*Submitted by:* Cuba, Norway, UK, USA.

*Votes for:* China, Cuba, Ecuador, Egypt, France, Norway, UK, USA.  
*Abstentions:* India, Yugoslavia. *Absent:* USSR. (Ed.)

(3) The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator,

*Considering* that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,

1. *Calls upon* the Governments of India and Pakistan to make immediate arrangements without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's proposal or of such modifications of those principles as may be mutually agreed;

2. *Decides* to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate:

- (a) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization,
- (b) To place himself at the disposal of the Governments of India and Pakistan and to place before these Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir,
- (c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949,
- (d) To arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties,

(e) To report to the Security Council as he may consider necessary submitting his conclusions and any recommendations which he may desire to make;

3. *Requests* the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed, and *calls upon* them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiation;

4. *Extends* its best thanks to the members of the United Nations Commission for India and Pakistan and to General A. G. L. McNaughton for their arduous and fruitful labours;

5. *Agrees* that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

2. REPORT SUBMITTED BY THE UNITED NATIONS REPRESENTATIVE FOR INDIA AND PAKISTAN, SIR OWEN DIXON, TO THE SECURITY COUNCIL, 15 SEPTEMBER 1950 (S/1791 Incorporating S/1791/Add.1)<sup>1</sup>

1. I have the honour to submit to the Security Council the following report of my attempt to carry out the duties committed to me by the resolution of the Security Council of 14 March 1950 (S/1469).

2. By that resolution the Security Council called upon the Governments of India and Pakistan to make immediate arrangements to prepare and execute within a period of five months from that date a programme of demilitarization on the basis of certain principles or of some agreed modification of those principles. The Security Council by the same resolution decided to appoint a United Nations Representative for certain purposes, which included assisting in the preparation of the programme of demilitarization, placing before the Governments or the Security Council any suggestions which in his opinion would be likely to contribute to the expeditious and enduring solution of the dispute

<sup>1</sup> S.C.O.R., 5th Yr., Supple. for September-December 1950, pp. 24-52.

between the two Governments about the State of Jammu and Kashmir, exercising the powers that belonged to the United Nations Commission for India and Pakistan and reporting to the Security Council.

3. The choice of the Security Council fell upon me and on 13 April I received news in Sydney of my appointment as United Nations Representative. I at once took steps to discharge myself of my then current responsibilities in Australia and on 26 April I left Sydney for Lake Success. I left New York on 21 May 1950 for New Delhi *via* London, having spent the interval from my arrival on 28 April in obtaining as much information as I could about the nature of the problem with which I was to deal, in making necessary administrative arrangements and in dealing with the appointment of a staff.

4. I went first to New Delhi rather than to Karachi, because the Prime Minister of India was about to leave for Indonesia and wished to see me before his departure. The Prime Minister of Pakistan was at that time in the United States. I arrived in New Delhi on 27 May 1950. By that time over ten weeks of the five months mentioned in the paragraph 1 of the Security Council's resolution had elapsed, but so far as I am aware no steps in pursuance of the paragraph had been taken by the two Governments. I spent some days learning from the Prime Minister of India and from members and officers of his administration the nature of India's contentions and its standpoint generally concerning the Kashmir dispute.

5. On 1 June I went to Karachi and there I obtained from Sir Mohammad Zafrulla Khan and members and officers of the Pakistan Government the corresponding kind of information about Pakistan's position.

6. I left Karachi for Srinagar in the Kashmir valley on 7 June. I remained in Jammu and Kashmir with my base at Srinagar from that date until 12 July. My purpose in going to Kashmir was to obtain a knowledge of the country, the people, the topographical features, the cease-fire line, the general disposition of the Armed Forces on either side of the cease-fire line and the other conditions and circumstances existing in the State which would or might assist me in understanding the dispute and the possible means of resolving it. I moved about a good



deal and amongst other places, I visited Bandipura, Sonamarg and Baltal, Poonch and the adjacent area, Rawalakot, the road from Rawalpindi through to Srinagar along the Jhelum valley, which I traversed several times, and places and posts along that route, Skardu and Gilgit, Jammu and adjacent posts and Leh.

7. While I was in Srinagar I had more than one interview with Sheikh Abdullah, the Prime Minister of the State.

8. After I had completed my journeys, inspections and inquiries I remained at Srinagar and occupied myself in the consideration and preparation of plans. I would not have remained in Srinagar so long had it not been for the continued absence from the subcontinent of both Prime Ministers. I had formed the opinion that my best course was to deal with the Prime Ministers and if possible bring them together at a meeting with me at which a sustained effort might be made to effect a settlement.

9. The situation as I found it presented strange features. The parties had agreed that the fate of the State as a whole should be settled by a general plebiscite, but over a considerable period of time they had failed to agree on any of the preliminary measures which, it was clearly necessary to take before it was possible to set up an organization to take a plebiscite. From 20 October 1947 to 1 January 1949 the State of Jammu and Kashmir had been the scene of continual fighting and some very serious and difficult military operations had been conducted there. But the fighting had been confined to the State. On 1 January 1949 there was a cease-fire ordered upon the respective fronts and in July India and Pakistan agreed upon the position on the ground of the line which was to separate the territories they had respectively. On the Indian side of this cease-fire line the forces occupying the territory consisted of troops of the regular Indian Army, State troops and State militia. On the Pakistan side the forces were composed of troops of the regular Pakistan Army, Azad Kashmir forces and Northern Scouts. The cease-fire line itself was held in strength and thus two considerable armies stood opposed to one another.

10. The United Nations had established a corps of officers provided by various countries to act as observers and assist in maintaining the cease-fire along the line and to secure compliance by the parties with the terms of the armistice. Incidents

in which the troops on one side fired on troops on the other or upon a civilian or civilians occurred frequently at some point or another on the line, but the incidents nearly all proved of small importance relatively and none threatened a general outbreak of hostilities.

11. The territory on the Pakistan side of the cease-fire line seemed to be administered through an Azad Kashmir "Government" on the west but in the north through political agents directly responsible to the Pakistan Government.

12. On the Indian side of the cease-fire line the administration of the State was in the hands of Sheikh Abdullah and his colleagues, subject however to the federal powers of India over such matters as defence and external affairs, obtained under the Instrument of Accession to India. (See paragraph 370 of the Constitution of India). These powers, however, were extensive enough for the purpose of any matter which could arise in relation to the Kashmir dispute or its settlement.

13. It was obvious to me that in my attempt to settle the dispute I must be governed by the course that had been taken by the Security Council and the United Nations Commission for India and Pakistan and agreed upon by the parties. It might be true that the chances of such a course proving successful were much reduced by the failure of the parties over so long a period of time, notwithstanding the assistance of the Commission, to agree upon any practical measures in pursuance of that course for the solution of the problem. But the terms of the agreed resolution of 5 January 1949 were specific in appointing a free and impartial plebiscite as the means by which the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided. What was wanting was agreement upon the matters, including demilitarization, which were preliminary to even the commencement of the necessary arrangements for the taking of a poll of the inhabitants.

14. Primarily my duty, as I conceived it, was to attempt to bring about an agreement upon measures by the execution of which it would be made possible for the Plebiscite Administrator to begin his work of organizing an over-all plebiscite. Only if and when I was satisfied that no such agreement could be brought about and that all real chance of it had ended, ought I to turn to

some form of settlement other than a plebiscite of the whole State. At the earliest stage possible I informed each of the parties that this was the position I adopted.

15. In examining the history of past attempts to effect a settlement of the dispute and in listening to India's explanation of its case and of the stand it took, I formed the opinion that if I were to succeed in bringing about an agreement upon the matters preliminary to an over-all plebiscite it would be necessary to meet certain objections which it would make. There was first the allegation, so often repeated by India, that Pakistan was an aggressor who had no *locus standi* and whose troops had no title to be within the State. There was the position taken by India that during the period of preparation for and the taking of the plebiscite the territory to the west of the cease-fire line should not be under the immediate governmental authority and direction of Pakistan or be administered by the Azad Kashmir "Government". There was the claim made by India that there must be no impairment of or prejudice to the recognition of the sovereignty of the State of Jammu and Kashmir over the northern areas, *i.e.*, the areas to the north of the cease-fire line when it turns to run east. There was the assertion that if there was a very great reduction of troops on India's side of the cease-fire line, there would be danger of further incursions from the other side of the line. These were objections the application and consequences of which might be developed in detail, but it is enough for me to state briefly their nature.

16. In preparing my plans to lay before the Prime Minister I endeavoured to meet these various positions. But I was very much alive both to the necessity and the difficulty of securing the freedom and fairness of the plebiscite. The plans I had in mind for the Pakistan side of the cease-fire line would, I thought, remove any difficulty there. But I felt much concern about the Indian side of the cease-fire line. If bodies of troops belonging to one side remained in populous areas, if all the powers of Sheikh Abdullah's Administration, which had the deepest possible interest in the result of the poll, remained exercisable, if the State militia went about under arms and the State police were left to exert whatever influence arises from their position in such a community, it appeared to me that there were the gravest dangers to

a free expression of the will of the inhabitants, and almost a certainty that if the result was adverse to Pakistan it would challenge the plebiscite as neither free nor fair. I therefore worked up more than one plan or set of plans to deal with this situation. In doing so I saw that this was a question in which the Security Council itself was directly interested. For the plebiscite was to be conducted under its authority and it would not be right for me as the United Nations Representative to put forward or consent to conditions of settlement which would expose a plebiscite taken by the United Nations to reasonable suspicion, on the ground that because of intimidation or the apprehensions of the voters or for other reasons, it was not free and fair.

17. The Prime Minister of India returned to New Delhi on 24 June 1950 and the Prime Minister of Pakistan returned to Karachi on 13 July 1950. They both agreed to meet me in New Delhi on Thursday, 20 July for the purpose of attempting together to settle the Kashmir question.

18. The meeting began at 4 o'clock in the afternoon of the day arranged and continued from day to day until Monday, 24 July, when by common consent it was brought to an end. At the opening of the meeting I informed the two Prime Ministers that as far as I was concerned they could talk with the utmost freedom because, subject to one qualification, what they said need not be disclosed. That qualification was that, if my mission failed, I must report to the Security Council the nature of the proposals made and rejected, and if, on the other hand, agreement was reached, the agreement would of course be reported. I stated at the outset that I proposed to pursue the question of the measures necessary to make it possible to hold a plebiscite to determine the destination of the State of Jammu and Kashmir as a whole, the first measure being of course the demilitarization of the area.

19. I found that neither country had any affirmative plans or proposals which its Prime Minister wished to put forward. I therefore proceeded to describe the course which I would propose to them.

20. The first matter which I raised was the necessity, in the event of agreement, of insuring that each party felt full confidence that whatever steps a settlement might make incumbent

on the other party would, in fact, be taken, more particularly in the withdrawal of troops and the reduction of military strength, and I suggested that, independently of other reasons for confidence which I emphasized, this could be secured by avoiding indefinite undertakings and by stipulating that no cause for refusal or failure to do what the party undertook to do should suffice unless an appropriate authority of the United Nations so certified. To this there appeared to be no specific objection.

21. Upon a number of occasions in the course of the period beginning with the reference on 1 January 1948 of the Kashmir dispute to the Security Council, India had advanced not only the contention to which I have already referred that Pakistan was an aggressor, but the further contention that this should be declared. The Prime Minister of India, at an early stage of the meeting made the same contention and he referred to it repeatedly during the conference. I took up the positions, first that the Security Council had not made such a declaration; secondly that I had neither been commissioned to make nor had I made any judicial investigation of the issue; but thirdly that, without going into the causes or reasons why it happened, which presumably formed part of the history of the subcontinent, I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed, on I believe 20 October 1947, by hostile elements, it was contrary to international law, and that when, in May 1948, as I believe, units of the regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law.

22. I therefore proposed that the first step in demilitarization should consist in the withdrawal of the Pakistan regular forces commencing on a named day. After a significant number of days from the named day, then other operations on each side of the cease-fire line should take place and as far as practicable, concurrently. What number of days should be fixed as significant was a matter of detail for them to settle.

23. The Prime Minister of Pakistan expressed strongly his dissent from the third of the three positions I took up, that is to say the third of the positions stated above. But he expressed his readiness to accept, in compliance with my request, the proposition that as a first step in demilitarization the withdrawal of

the regular forces of the Pakistan Army should begin on a specified day and that a significant number of days should elapse before the commencement of any operation involving forces on the Indian side of the cease-fire line.

24. The purpose of this report in dealing with the meeting is to state that proposals were made and the extent to which they were rejected. For that purpose it is not necessary to adhere to the order followed in the discussion, an order governed by the desirability of giving the Prime Ministers a general understanding of the basis of my proposals and also of pursuing them and any alternative suggestions in detail. I shall therefore state at once in outline what were the rest of my proposals for demilitarization of the area.

25. After fixing a day and hour for the withdrawal of the forces of the Pakistan regular Army from the area west or west and north of the cease-fire line, the parties would, according to my proposal, fix so many days, from the commencement of such withdrawal, for India to begin the removal of the Armed Forces in the area east and south of the cease-fire line. I asked for:

- (a) The withdrawal of the forces of the Indian regular Army;
- (b) The withdrawal or disarming and disbandment of the Jammu and Kashmir State forces;
- (c) The disarming and disbandment of the Jammu and Kashmir State militia.

26. I made no stipulation as to the sequence of these three operations relatively to one another.

27. On the other side of the cease-fire line my proposal was that Pakistan would commence to disarm and disband:

- (a) The Azad Kashmir forces and
- (b) the Northern Scouts.

28. I proposed that the day and hour for Pakistan's commencing to do so should be fixed by reference to the withdrawal of the Pakistan regular Army. I suggested that the foregoing operation on each side should be divided into phases and that plans should be prepared for the carrying out of each phase by the respective Chiefs of Staff, and that my Military Adviser should consider each plan and should be entitled to recommend alterations.

29. I also suggested that the Pakistan plans should be settled

first and that then my Military Adviser should furnish them to the Indian Chief of Staff so that such plans would be before them when settling their own plans.

30. Turning to the forces that either party might need on their respective sides of the present cease-fire line after demilitarization and pending the plebiscite, I said that this should be determined according to purpose. The presence of Armed Forces during the period preceding the taking of the vote and while it was being taken tended against the independence of voting and the fairness of the poll, and the number of the troops should therefore be as small as possible. I suggested that if the purpose was defined for which Armed Forces were needed it would then become a matter for the Chiefs of Staff in consultation with my Military Adviser to agree on the forces to be used and their disposition.

31. I said that as far as I could see there could be no need for troops unless for one or other of certain possible purposes which I stated. On the Pakistan side I mentioned the purposes:

- (a) Of ensuring the fulfilment of the obligation of Pakistan not to permit tribesmen, marauders or other raiders to enter the Kashmir valley from its side of the cease-fire line;
- (b) Of disarming and disbanding the Azad forces, a temporary purpose involving perhaps chiefly the Ordnance Corps;
- (c) Of quietening the fears which might possibly arise among Muslims, if they were left entirely without any ostensible protection, and perhaps of aiding the civil power in maintaining order.

On the Indian side the purpose of troops would be:

- (a) To be available in aid of the civil power in maintaining order where the population was mixed in the south or south-west of the State;
- (b) To guard the northern approaches to the valley against possible incursions through or by way of the Jhelum valley, Keran and Tithwal and thence by Handwara, the Tragbal Pass from Gurais to Bandipura and the Zoji-la Pass and thence to Baltal and Sonamarg.

32. The Prime Minister of India rejected this plan on grounds of which it is impossible in this report to give an exhaustive statement. But he made these points and they are enough for the purpose of this report without going into arguments of a more

abstract description. I state the points in a summary form:

- (a) The possibility of Pakistan making an attack notwithstanding the withdrawal of its forces and notwithstanding any assurance it might give must be taken into account amongst other dangers for which India might need forces on its side of the cease-fire line pending the plebiscite.
- (b) The need for protecting the area against the incursions of marauders or more serious dangers could not be limited to specific approaches such as I had mentioned.
- (c) The militia, which were organized and paid by the State, though under the command of Indian officers, performed duties of police and in any case could not be disarmed and disbanded without prejudicing the organization of the State. It was a thing India would not ask the State to do.
- (d) The reason why India was being asked to limit the forces it would use in discharging its responsibilities in the defence of the State as part of India was because there had been an invasion of the State and because Pakistan and Azad forces remained within its boundaries, and that was a thing India could not countenance for a moment.

33. These matters were elaborately discussed.

34. To the first point the Prime Minister of Pakistan replied that Pakistan would commit no such breach of faith, that in any case it would be folly for it to do so and even greater folly to commit its forces to an attack in Kashmir, and that to retain forces in order to protect the area against such a possible attack meant there was to be no demilitarization. With reference to the third point, I said that it was immaterial to me how the militia were dealt with or disposed of so long as they did not form a body of armed men in excess of the forces which were allowed to remain on the Indian side of the cease-fire line because they were agreed to be necessary for the military purposes in contemplation. There were other ways of seeing that they were not present as a body of armed men in the area while the vote was about to be taken. But it was inconsistent with the fairness or freedom of the plebiscite to have any such exhibition of force as would be involved in the presence of the militia, more especially as the State Government was so vitally interested in the result of the plebiscite. As to the fourth point I said that the reason for my asking for a



restriction of the Armed Forces in the area was in order to ensure the freedom and fairness of voting at a plebiscite to be conducted by the Plebiscite Administrator for the United Nations, and it was not because of the events to which he referred.

35. The Prime Minister of India had spoken of the kind of forces that should be used on the Pakistan side of the cease-fire line and had said that their purpose must be civil and they must have a civil character.

36. The Prime Minister of Pakistan did not deal with this question.

37. The attempt to obtain demilitarization appeared to break down because of the foregoing objections. No alternatives were suggested and no solution of the difficulties was put forward by either party.

38. The resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949 were based on the assumption that the boundary formed by the cease-fire line would continue until the plebiscite was held notwithstanding demilitarization. Neither Prime Minister sought to depart from this assumption. But India's attitude had been that no authority other than that of the State should be recognized in the area on the other side of the cease-fire line and paragraph 3 of section A of part II of the resolution of 13 August 1948 provided that, pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

39. To meet India's position, which was emphatically maintained, and to resolve the difficulties to which the uncertainty of the meaning of the words "local authorities" and "surveillance" had given rise, I put forward a proposal for the area west of the cease-fire line. According to the proposal the administration of the services of government would proceed according to the law and custom of the State as existing before the troubles arose. It would be carried on by the persons now holding or assuming to hold the offices of district magistrate or subordinate offices. To insure that they carried out their duties and exercised their powers fairly and impartially and without interference with or prejudice to the holding of the plebiscite or what the Plebiscite Administrator directed, an officer of the United Nations would

be attached to every district magistrate. His powers would be of supervision and he would report to the United Nations Representative, or his delegate, who would take what steps he considered desirable.

40. I proposed that it should be expressly provided that neither that provision nor any other provision in the agreement should be taken to import any recognition of the existence of any source of legal authority in such territory other than one depending upon and derived from the law of the State or to imply any derogation from the prejudice to the sovereignty of the State. I pointed out that my purpose was to provide for the practical exigencies which an interim period created and at the same time to give effect to the principle for which India sought recognition.

41. To this plan, however, the Prime Minister of India objected, chiefly, as I understood it, on the ground that it recognized existing district magistrates and subordinate officers and that, in the period since the troubles arose, men had been appointed to replace the former officers, and that they or some of them were or might be repugnant to India. No alteration of the plan however was suggested and no alternative was put forward.

42. For the northern areas, that is the territory north of the cease-fire line and east of the district of Muzaffarabad and of the Gilgit subdivision and of the political districts of Gilgit Agency, I put forward a separate proposal. I did so because special difficulties appeared to be raised by the objections of India that, during the interim period from demilitarization to the plebiscite, the authority of Pakistan should not continue and should not be recognized. My proposal there was to appoint political agents representing the United Nations and to vest authority in them. The plan provided that instead of the existing assistant political agents there should be a political agent or agents appointed by or under the authority of the Security Council of the United Nations, after consultation with India and Pakistan. The plan went on to make the power of these officers depend upon the law and custom of the State as at 1 August 1947 and to place upon them the responsibility of causing the powers vested in them to be so exercised that there would be no interference with or prejudice to either the holding of the plebiscite or the directions of the Plebiscite Administrator, and so that the administration

should be fair and impartial. But, save as aforesaid, such an officer might administer the government through existing channels of authority and through the officers holding office, and he might act through the present assistant political agent.

43. To this solution of the difficulty raised about the northern areas the Prime Minister of India objected on the grounds:

- (a) That existing officers appointed by Pakistan were of a character which India could not countenance;
- (b) That any consultation with Pakistan recognized its title to be in the northern areas;
- (c) That the political agents representing the United Nations would be necessarily guided by existing administrative officers and would be unable effectively to insure fairness etc.;
- (d) That in any event India must place garrisons or military posts in certain places on the northern side of the cease-fire line.

44. It was clear to me that Pakistan could not be expected to agree to the fourth objection. As to the other objections India did not put forward any suggestion for the amendment of the plan or for any alternative solution.

45. On the Indian side of the cease-fire line it appeared to me that some provision was necessary to ensure that arbitrary powers which at present exist were not exercised so as to interfere with the freedom of the plebiscite and that police powers were not so used. As I have already said the Government of the State would be vitally interested in the result of the plebiscite. Paragraph 7 of the resolution of 5 January 1949 contains general provisions directed to considerations of this kind. I therefore put forward a proposal that, in order to give more specific effect to the undertakings given in paragraph 7 of the Commission's agreed resolution of 5 January concerning the free expression of political opinion and the release of political prisoners, the agreement should state that, immediately upon a date or period being formally named by the Plebiscite Administrator, certain provisions should apply until the final result of the vote had been declared by him. These provisions were that:

- (a) A United Nations officer would be posted with or attached to each district magistrate.

- (b) He should be entitled to see the administrative records and proceedings of the district magistrates and all officers subordinate to the magistrate.
- (c) The duties of the United Nations officer would include observation, inspection, remonstrance and report.
- (d) Without the prior consent in writing of the United Nations officer, no warrant or order for the arrest of any person should be granted or made under emergency powers, or any powers of detention or imprisonment reposed in any officer of the executive government or administration, and all prisoners held under the authority of any like warrant or order when such date or period was formally named by the Plebiscite Administrator should be set free within seven days, except prisoners to whose further detention the United Nations officer consented in writing. The proposal expressly excluded from the operation of the clause a warrant for the apprehension of a person on a criminal charge for the purpose of bringing him before a magistrate so that the charge may be dealt with, a warrant or order committing for trial or committing or remanding to jail pending an adjournment of the hearing of a charge, a conviction upon a criminal charge, and any order made in the exercise of judicial power.

46. To this plan the Prime Minister of India objected on the grounds that it involved an interference with the integrity of the functions of the State and an impairment of the powers of arrest, which might prove dangerous in the case of subversive elements and of persons seeking to take advantage of the situation to stir up communal strife and violence.

47. Again no modifications or alternatives were put forward or suggested. All these matters were fully discussed.

48. It will be seen that the plans described up to this point for dealing with the questions concerning the demilitarization of the State and other preparations for the taking of the plebiscite dealt with these matters on the assumption that during the period of the plebiscite the State would be divided by the cease-fire line as a political boundary. It is evident that if the State could have been placed under one administration so that the political boundary would cease to exist a great many of the difficulties to

which the foregoing plans were directed would disappear. Therefore by way of an alternative I put forward plans for bringing into existence for the plebiscite period a single government for the whole State. The plans were of three descriptions and I asked the Prime Ministers whether it was possible to put one or the other of them into effect.

49. The first possibility about which I inquired was that of bringing into existence a coalition government, that is either a coalition brought about by a meeting of Sheikh Abdullah and Mr. Ghulam Abbas, Supreme Head of the Azad Kashmir movement, or by placing certain portfolios at the disposal of the respective parties.

50. The second plan was for the formation of an administration for the entire State composed of trusted persons outside politics holding high judicial or administrative office and commanding general confidence. The body would be charged with the administration of the government of the State for a fixed period before the poll, perhaps six months before it. The Chairman would be appointed by the United Nations, and of the other members half would represent Hindus and half Muslims. The existing Ministers would continue to hold office but they would be relieved of their responsibilities during the period.

51. The third plan differed from the second only in the constitution of the administrative body. It was to be constituted altogether of United Nations representatives. None of these suggestions commended themselves to the Prime Minister of India.

52. In the course of the conference I mentioned very briefly one or two other possible ways of reaching a plebiscite. In the end I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character, as would in my opinion permit of the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled.

53. Having come to this conclusion I thought that I must either abandon all attempt to settle the dispute or turn from the plebiscite by which the destination of the whole State would be decided to some different solution. I ascertained from the Prime

Ministers that they considered that, with such a plebiscite in view, there was no longer any hope of agreement upon demilitarization or upon the conditions which would follow demilitarization or upon any modified form of demilitarization or upon any course that would advance the position towards a settlement.

54. Having done so, I asked the Prime Minister of India, the Prime Minister of Pakistan being present, what was the attitude of India:

- (a) To a plan for taking the plebiscite by sections or areas and the allocation of each section or area according to the result of the vote therein; or
- (b) To a plan by which it was conceded that some areas were certain to vote for accession to Pakistan and some for accession to India and by which, without taking a vote therein, they should be allotted accordingly and the plebiscite should be confined only to the uncertain area, which I said appeared to be the valley of Kashmir and perhaps some adjacent country.

55. I pointed out that in both cases it would be necessary to provide against the possibility of a break in the continuity of the territory which would go to the one party or to the other. I also pointed out that the second alternative might be worked out according to the 1941 census alone or upon wider considerations as well as the information it contains. Further I said that it would be necessary to agree that if the result was to put the upper waters of the Chenab River into the control of India, it would not divert them by artificial works so that Pakistan would receive a sensibly reduced volume of water.

56. The Prime Minister of Pakistan protested against the course proposed on the ground that it meant a breach on India's part of the agreement that the destination of the State of Jammu and Kashmir as a whole should be decided by a single plebiscite taken over the entire State. But at my request the Prime Minister of India said that he would inform me of the views of India upon such a method of settling the Kashmir problem.

57. The Prime Ministers thereupon agreed to the adjournment of the conference.

58. In taking the course I have described I acted under the resolution of the Security Council dated 14 March 1950 by which

I was required to place before the two Governments any suggestion which in my opinion was likely to lead to the solution of the dispute. Notwithstanding the attitude of the Prime Minister of Pakistan I considered that unless it was by a partition of the State either outright, or combined with a partial plebiscite limited to an area which included the valley of Kashmir, no agreed settlement of the Kashmir dispute could be brought about. From that time therefore I devoted myself to an attempt to negotiate a settlement in some such manner.

59. I spent some time in New Delhi for the purpose of obtaining from India as definite an understanding as might be of its position with respect to the suggested lines of settlement. After consideration the Indian authorities informed me that the Government of India would be prepared to discuss a settlement of the Kashmir dispute on the basis of certain principles. The principles were, first, that the area of the State of Jammu and Kashmir where there is no apparent doubt as to the wishes of the people in those areas, should go to India or Pakistan without a plebiscite; secondly, that the plebiscite should be limited to those areas where there is doubt as to the result of the voting; and thirdly, that the demarcation should have due regard to geographical features and to the requirements of an international boundary. I was informed that in applying these principles the Government had been led to some conclusions which are described as tentative.

60. In the first place there should be a plebiscite in the valley of Kashmir. The area should, however, include part of the Muzaffarabad district to bring in what India regarded as the natural geographical feature provided by the river Kishanganga and its watershed on the north.

61. In the second place India considered that the following areas should go to it:

- (a) The province of Jammu so far as it lies east of the cease-fire line subject to minor corrections; one correction was to reduce the bulge in the cease-fire line near Gulmarg;
- (b) In the district of Ladakh, the tehsil of Ladakh and the tehsil of Kargil, except approximately the area above the Suru River, which should go to India or Pakistan according to the result of the plebiscite of the valley.

62. In the third place India was willing that the following areas should go to Pakistan, *viz.*, Gilgit, Gilgit Agency, Gilgit Wazarat, political districts and tribal territory and Baltistan, and so much of the Jammu province as lies to the west of the cease-fire line as corrected.

63. India contemplated a boundary commission to apply on the ground the division which might be decided upon.

64. It also appeared that India was prepared to include in any such settlement a term that it would not by any artificial works in the State divert the waters of the Chenab River or reduce the flow substantially of the waters of the river, except that it might construct canals for irrigation confined within the State. Without reducing the waters of the stream, it might establish hydro-electric works for the production of electrical energy.

65. I was told that the Prime Minister of India would be prepared to attend another conference with the Prime Minister of Pakistan and me, so that the possibility of a settlement on such principles might be discussed.

66. The territorial demands which the foregoing information disclosed appeared to me to go much beyond what, according to my conception of the situation, was reasonable, and I so stated to the Indian authorities.

67. Thus armed with a knowledge of the position taken up by India, I went to Karachi.

68. I told the Prime Minister of Pakistan of what I had learned from India as to the position it took, but I added an expression of my own opinion that the territorial claims it involved went too far and did not represent the division of the State to which in the end India might be expected to agree. But the Government of Pakistan declined to attend a conference on the footing I proposed in order to discuss, in the light of the position taken by India, the possibility of settling the dispute.

69. The primary reason of the Government of Pakistan for refusing to do so lay in its unwillingness to depart at all from the claim that the fate of the entire State of Jammu and Kashmir should be decided by an over-all plebiscite and that India ought to have agreed and ought still to agree on measures for holding such a plebiscite, and in its fear lest, by attending a conference to discuss an alternative plan, it might be considered to abandon that claim.



70. But as a second ground it was said that India's position was too indefinite, and if it wished to embark upon discussions of the possibility of settlement according to the suggested principles, it should itself make definite proposals.

71. I urged upon the Government of Pakistan the view that, by coming to a conference to discuss an alternative possible settlement, it could not be held to abandon its main contention, and that the purpose of a conference was by discussion to define what things the parties were respectively prepared to concede and upon what things they took a fixed position. It was enough that the basis of the settlement to be discussed was a limited plebiscite and partition of the rest of the State, the Kashmir valley being included in the plebiscite area. I did not see why it should not be possible for the parties to argue out the boundaries of the plebiscite area, the division of the remaining territory and the conditions for securing the independence of the voting until either they saw that they could not agree or else found some basis of agreement. Even on the assumption that the conference failed, Pakistan would come away from it better informed and, so far as I could see, without having suffered any real prejudice. But of the soundness of this view I was unable to persuade its Government. Pakistan maintained its refusal to attend a conference of the kind I proposed.

72. In the course of the discussion, however, I ascertained that if the basis of the suggested settlement had been simple partition, a solution having the advantages of being immediate in its operation and self-executing, Pakistan would consider the matter, provided that it took the Kashmir valley. I had little doubt however that India would not concede the valley of Kashmir in an over-all partition.

73. I returned to New Delhi and informed the Prime Minister of India of the position taken by Pakistan. As I had expected, he declined to consider at all an over-all partition in which the valley of Kashmir went to Pakistan.

74. The stand adopted by the Prime Minister of Pakistan had led me to the conclusion that there no longer existed any possibility of my bringing the parties to any composition of the dispute over the State of Jammu and Kashmir. In this view I found that both Prime Ministers concurred. But at the end of

some discussion with the Prime Minister of India of the consequences which followed, I put forward, as a last possibility of saving the situation, a suggestion that I myself should prepare a plan complete except for details.

75. The plan would be one for holding a partial plebiscite in a limited area including or consisting of the valley of Kashmir, and for partitioning the remainder of the State. I would then call a conference and lay the plan before them for acceptance or rejection, or if independently of me the parties wished to modify it by agreement, for modification accordingly.

76. I told the Prime Minister of India that I thought that Pakistan might take the view that it could have no cause for fear that, by complying with my invitation to take part in such a proceeding, it would be considered as departing from its stand on the over-all plebiscite and as waiving its primary claim. The course I suggested, I added, also removed the objection of want of definiteness in the terms of the partition and partial plebiscite which would be tabled for consideration at the conference.

77. After a little discussion of the chances of such a course proving successful and of the disadvantages which it would have if it proved unsuccessful, the Prime Minister of India took time to consider the matter. Later in the day he informed me that it had been decided to fall in with the suggestion, provided that Pakistan told me that the fact that my plan was based on partial plebiscite and partition would not in itself necessarily prove fatal to its consideration by Pakistan. For India would not agree to a meeting which could not but prove futile.

78. I returned to Karachi and placed before the Government of Pakistan the proposal that, as a last resort, I should prepare a plan of the kind stated and lay it before a meeting which I would convene, and I told them of the condition imposed by India. At first the Government of Pakistan was unwilling to agree in the course proposed. But after much discussion of the matter I gave to the Prime Minister of Pakistan a statement that I completely understood his Government's position in standing on the over-all plebiscite and I gave him an assurance that neither I nor any other authority of the United Nations would regard him or his Government as in the least degree derogating from or prejudicing that position if he complied with the request I made

to him to examine and take into consideration the plan which I was ready to prepare and submit, although it was of an alternative character. My statement included an expression of the view that if Pakistan refused on the ground stated to join in the consideration of the intended plan it would be wanting in the fulfilment of the duty which rests upon both countries to give willing consideration to any plan put forward as containing a possibility of reconciling the conflict between the two countries and thus avoiding the dangers to which the continuance of the conflict exposes both of them.

79. On the faith of the assurances my statement contained, the Government of Pakistan agreed to comply with my request to attend a conference to consider my intended plan, notwithstanding that it was based on an alternative to an over-all plebiscite. But Pakistan in its turn imposed a condition. The condition arose out of its insistence upon the view that India would not agree upon specific practical measures which would insure the freedom and fairness of the plebiscite.

80. In fact I had decided that I would use for the limited plebiscite area one of the measures which I had proposed for the whole State on the footing that the cease-fire line might thus be terminated. I intended to provide that an administrative body consisting of United Nations officers should be set up in the limited plebiscite area. The Plebiscite Administrator would be at the head of the body. The body would carry on the functions of government in the area until the poll was declared. It would not be the body's function to form new policies but to carry on the administration of government in the area. I intended that the administrative body of United Nations officers should have power, if they thought fit to do so, to exclude troops of every description. If on the other hand they decided that for any purpose troops were necessary they could request the parties to provide them. Insofar as they allowed the views of the two sides to be laid before the people of the limited area, they would have power to secure equality to India and Pakistan in any such right as well as in other respects.

81. I informed the Pakistan Government that I intended to include a provision of this nature. It expressed doubt as to India's agreeing to it and said that it was not prepared to attend a con-

ference which must break down at the threshold if India refused to accept it. I then offered to consult India in advance upon the matter provided that, subject to India's answer, Pakistan agreed to the course I proposed, namely that it would come to a conference to consider a plan to be prepared by me and would do so on the footing that the presence in the intended plan of a provision for a limited plebiscite would not prove an insuperable objection.

82. To this Pakistan agreed.

83. I then informed the Prime Minister of India by telegram of the assurances I had given Pakistan and of the kind of provision that my plan would contain for the purpose of securing the fairness of the plebiscite and its freedom from any suspicion of intimidation. I asked him to inform me if he was of the opinion that the inclusion in my plan of such a provision in order to secure the freedom and fairness of the plebiscite made it impossible for him to accept the plan as a whole. Otherwise I requested him to name a date for the meeting.

84. The Prime Minister of India answered by telegram expressing an emphatic refusal to agree to any such provision. The telegram said at the end that if I came to New Delhi the Prime Minister would be glad to explain India's position fully to me to avoid any possibility of any misunderstanding.

85. Accordingly I went to New Delhi.

86. I shall enumerate the objections briefly as I collected them from the telegram and from my discussion with the Prime Minister at Delhi:

(a) Pakistan is an aggressor and it would be to surrender to aggression to allow it to take any part in the plebiscite. For the same reason and because of the danger involved, Pakistan's troops could never be allowed to enter the plebiscite area and therefore it was impossible to countenance the proposal to enable the administrative body to request the parties to provide troops if it thinks them necessary.

(b) The provision would mean that the Government of the State would be superseded and went far beyond what is necessary for the purpose in view.

(c) Only those people belonging to the State of Jammu and

Kashmir should be allowed any part in the "campaign" over the plebiscite. There can be no equality of any right between India and Pakistan in this or other relevant respects.

(d) The security of the State would be endangered.

87. These arguments appeared to me to overlook the real nature of a proposal for partition and impartial plebiscite or else to make it completely impossible. The question whether Pakistan had or had not been an aggressor had, to my mind, nothing to do with the results of a partition and the fairness and freedom of a partial plebiscite. To agree that Pakistan should take under a partition part of the State must be to agree that, independently of any such question, it took not merely an interest in but sovereignty of the territory. Again, as I saw the matter, to agree that the territory not immediately divided between India and Pakistan should pass to one or the other according to the vote of the inhabitants at a plebiscite conducted by the United Nations must be to agree to a text involving an equal interest in both countries in the result. Further it is to agree to the ascertainment of the will of the people by an independent authority because that authority will see that the plebiscite is freely and fairly conducted.

88. I had formed the opinion that it was not easy to exclude the danger that the inhabitants of the valley of Kashmir would vote under fear or apprehension of consequences and other improper influences. They are not high spirited people of an independent or resolute temper. For the most part they are illiterate. There were large numbers of regular soldiers of the Indian Army as well as of the State militia and police, and more often than not they were under arms. The State Government was exercising wide powers of arbitrary arrest. These are not matters that the Kashmiris inhabiting the valley could be expected to disregard in choosing between voting as the Government of Kashmir asked them and voting for accession to Pakistan.

89. It appeared to me that the danger to the freedom and fairness of the plebiscite could not be removed unless, in the administrative hierarchy of the State so far as it controlled the plebiscite area, United Nations officers were interposed temporarily. The authority of the Ministry over the rest of the State would not be affected. The ordinary working of the machinery of

government in the plebiscite area would go on without change, but for the limited area, the United Nations administrators would for the time being be responsible for the working of the machinery in order to see that it was not used to influence the voters, as otherwise it well might be in countless ways.

90. The presence of numbers of troops, armed militia and police in the valley did not appear to me to be favourable to a free expression of the people's will, and I considered that the administrative body might be safely given powers to decide what was necessary to insure the maintenance of order and to protect the area from external danger if it found that any existed. I did not suppose that it would invoke Pakistan troops without good cause, but I saw no reason why both countries should not be under an obligation to provide troops if requested. I saw no reason to change the opinion I had formed or to depart from the provision I had intended to include. I could not expose a plebiscite conducted under the authority of the United Nations to the dangers which I believed certainly to exist. Indeed I came to the conclusion that it would be impossible to give effect to the doctrines formulated by India in objection to my plan and at the same time frame a plan for partition and a limited plebiscite which I could ask Pakistan to accept.

91. The Prime Minister of India concurred in the view that no hope existed of an agreement for a plebiscite by which the fate of the valley could be decided. No other acceptable expedient for disposing of the valley could be suggested.

92. The Prime Minister of India agreed therefore that there was nothing further that I could now do in the subcontinent.

93. I returned to Karachi, where the Prime Minister of Pakistan took the same view.

94. I left Karachi on 23 August 1950.

95. It will be seen that the two main lines have been pursued in the attempts which have been made to settle the dispute between the two countries about the State of Jammu and Kashmir. The attempt to find a solution by taking a plebiscite over the whole State and so decide by a majority to which country the entire State shall go has its origin in the first proceedings before the Security Council. It should be recalled that by the resolution of 21 April 1948 the desire of both India and Pakistan that the

question of the accession of the State to one or other of them should be decided by a free and impartial plebiscite was noted with satisfaction. In the agreed resolution of the United Nations Commission for India and Pakistan of 5 January 1949 there is a recital of the acceptance by the Governments of both countries of the principle that the question of the accession of the State to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite.

96. From the date of this resolution until the present there have been continual efforts to bring about conditions in which the preparations for taking a poll might go forward. No one has supposed that they could even begin while much of the respective territories on either side of the cease-fire line was occupied by opposed Armies and their base units. There are in addition many other obstacles to the holding of a free and fair plebiscite which must be removed before the State would be ready for the organization and machinery which the taking of a poll would make necessary. Unfortunately all this has been made to depend upon the agreement of the parties. It is enough to refer to paragraphs 2, 6 (a) and 10 of the resolution of 5 January 1949 and to the provisions of the resolution of 13 August 1948 upon which these paragraphs hang.

97. There is, I believe, on the side of India a conception of what ought to be done to ascertain the real will of the people which is not that tacitly assumed by me. Doubtless it is a conception which Pakistan does not share. The resolution of 5 January 1949 contains some rather general provisions in relation to the holding of the plebiscite and the antecedent steps, and about those more general provisions the parties were able to agree. But to apply propositions of this kind a programme of practical acts and physical events must be agreed upon. Without this it is impossible for the Plebiscite Administrator to begin the extensive and difficult work of organizing the taking of a poll. It is the practical measures which have proved the obstacle, not the more general propositions.

98. Pakistan has complained of India's failure to agree on the practical measures which must precede the preparations for the actual taking of a poll, and has maintained that this failure is the result of a deliberate policy. But the fact remains that under

the resolutions the agreement of India to the course to be pursued in these matters is a condition precedent to carrying out a plebiscite of the State, and there is no such agreement. Moreover, the United Nations Commission failed in its efforts to secure an agreement upon them; I failed in mine; neither party put forward any other proposals and both appeared to concur in the view that the possibility of agreement has been exhausted.

99. The contention of Pakistan that it was incumbent on India to agree did not advance the matter practically. It was in these circumstances that I decided to turn away from a plebiscite of the whole State, an "over-all" plebiscite, as a method of solving the problem of Kashmir. Partition of the whole State between the two countries is of course an obvious alternative. But unfortunately the valley of Kashmir cannot itself be partitioned and it is an area claimed by each side. Pakistan claims it not only because it is predominantly Muslim but also because the Jhelum River flows from it and Pakistan will not readily give up its claim. India is just as insistent upon its claim and has the advantage of possession. Some method of allocating the Kashmir valley to one party or the other is therefore essential to any plan of partition.

100. I am inclined to the view that no method of allocating the valley to one or other of the contending parties is available except a poll of the inhabitants. By the inhabitants I mean those of them who fulfil whatever may be fixed as the test of eligibility to vote. The difficulty of using the expedient of a plebiscite appears to lie entirely in the conflict between, on the one hand, the necessity of insuring that the plebiscite is held in conditions which make it an effective means of ascertaining the real will of the people independently formed and freely expressed, and, on the other hand, certain conceptions or preconceptions of the Indian Government. These are based in part on what India conceives to be the origin and course of the fighting in 1947 and 1948 and in part on its unwillingness to have any interference with or restriction of the powers of government in the State whether in reference to the use of Armed Forces or in reference to the civil administration. In addition, it may be, as I have suggested, that a different conception exists of the process of ascertaining the will of the people. Although I myself found no reconciliation of this conflict possible, it may be that with India's help some resolution of the



conflict may be discovered. India may come to realize that the necessity of practical measures which will really secure the freedom and fairness of a plebiscite must be paramount over these conceptions. At all events, I have formed the opinion that if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan it now lies in partition and in some means of allocating the valley rather than in an over-all plebiscite. The reasons for this may be shortly stated.

101. The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power of one Maharaja. That is the unity it possesses. If as a result of an over-all plebiscite the State as an entirety passed to India, there would be large movements of Muslims and another refugee problem would arise for Pakistan, which would be expected to receive them in very great numbers. If the result favoured Pakistan, a refugee problem, although not of such dimensions, would arise for India, because of the movement of Hindus and Sikhs. Almost all this would be avoided by partition. Great areas of the State are unequivocally Muslim. Other areas are predominantly Hindu. There is a further area which is Buddhist. No one doubts the sentiment of the great majority of the inhabitants of these areas. The interest of the people, the justice as well as the permanence of the settlement, and the imperative necessity of avoiding another refugee problem all point to the wisdom of adopting partition as the principle of settlement and of abandoning that of an over-all plebiscite. But in addition the economic and geographic considerations point in the same direction. The difficulty in partitioning the State is to form a sound judgment where the line should be drawn.

102. While what I have said deals broadly with the State as a whole, it is by no means easy to fix the limits on each side. That is because it is necessary that the territory allocated to each side should be continuous in itself and should be contiguous with that country, because there are pockets of people whose faith and affiliations are different from those of people by whom they are cut off, because the changes in the distribution of population as the result of the troubles cannot be completely ignored, and because geographical features remain important in fixing what may prove an international frontier.

103. I shall not deal with the matter with more particularity, and I say so much only in case the Security Council should be of opinion that it should take further steps to effect a settlement between the parties. But for myself I doubt whether it may not be better to leave the parties to themselves in negotiating terms for the settlement of the problem how to dispose of Jammu and Kashmir between them. So far the attitude of the parties has been to throw the whole responsibility upon the Security Council or its Representatives of settling the dispute, notwithstanding that, except by agreement between them, there was no means of settling it.

104. When actual fighting was going on between them it was natural, if not necessary, that the Security Council and the Commission as its delegate should intervene between them and propose terms to stop the hostilities. But when this was done to the extent of stopping open hostilities and the question came to be how to settle the rival claims to Kashmir, the initiative was still left with the Security Council and the Commission. The whole question has now been thoroughly discussed by the parties with the Security Council, the Commission and myself, and the possible methods of settlement have been exhaustively investigated. It is perhaps best that the initiative should now pass back to the parties. At all events I am not myself prepared to recommend any further course of action on the part of the Security Council for the purpose of assisting the parties to settle between them how the State of Jammu and Kashmir is to be disposed of.

105. The continued maintenance of two Armies facing one another across a cease-fire line is another matter. A danger to peace must exist while this state of things continues. Except for mutual distrust and fear, one of another, there is no reason why the two countries should go on maintaining Armies separated only by the cease-fire line. It is a boundary which might be kept by check posts and the like in the same way as any frontier between countries at peace. It is hard to believe that the Indian and Pakistan Chiefs of Staff would have any difficulty in arranging for a concurrent reduction of forces or in effecting the necessary change in the manner in which the cease-fire line is held, if they were instructed by their respective Governments to meet for the purpose.

106. Before leaving the subcontinent I addressed to the Prime Ministers severally a request that this should be done. It is a matter in which the Security Council is directly concerned because it involves a proximate danger to peace.

107. I recommend that the Security Council should press the parties to reduce the military strength holding the cease-fire line to the normal protection of a peace-time frontier.

108. In the meantime it is my recommendation that the party of United Nations Military Observers be retained on the cease-fire line. They cannot continue there indefinitely, but after a time the question of their withdrawal might be settled in consultation with the two Governments.

(Signed) OWEN DIXON

*United Nations Representative for  
India and Pakistan*

3. STATEMENT OF THE PERMANENT REPRESENTATIVE OF INDIA,  
SIR BENEGAL RAU, IN THE SECURITY COUNCIL, 1 MARCH 1951<sup>1</sup>

\* \* \* \* \*

I should like at this stage to try to remove some of the misconceptions and prejudices that appear to have gathered round this subject. The Kashmir question is not a Hindu-Muslim question as so often represented or misrepresented. It is said, "India is a Hindu State; Pakistan is a Muslim State; Kashmir is predominantly Muslim and therefore belongs to Pakistan; India is trying to retain it by force." That is how the argument is presented to those who are far away from the facts. Let me repeat some of those facts. Even after the separation of Pakistan, India still has a Muslim population of some 40 million—the third largest of any State in the world. I believe Indonesia comes first with something like 70 million Muslims; Pakistan next, with about 66 million, well over half in East Pakistan, which is about 1,000 miles from Kashmir; and India comes third, with about 40 million. I have taken those figures from *The Population of India and Pakistan* by Kingsley Davis, a Princeton University publication of 1951. Apart from mere numbers, it is important to remember that India is a secular State, with a "Bill of Rights"

<sup>1</sup> S.C.O.R., 6th Y., 533rd. Mtg., 1 March 1951, pp. 3-10.

providing for equality before the law, freedom from discrimination, freedom of religion and various other rights enforceable by direct recourse to the Supreme Court. Every reasonable safeguard which could be devised for the protection of racial or religious minorities has been embodied in the Indian Constitution now in force . . . .

\* \* \* \* \*

Reference has been made in the course of Sir Owen Dixon's report and in some of the speeches in this Council to India's rejection of this or that proposal, and an impression might have been created that India has been intransigent. On analysis, this so-called intransigence will be found to be no more than an insistence on pledges already given to India, particularly on questions relating to the security of Kashmir. The United Nations Commission for India and Pakistan's resolutions of August 1948 and January 1949 (S/1100, S/1196), agreed to by all parties, contain adequate provision for a free and impartial plebiscite under United Nations auspices, and the Government of India cannot make any further concessions. The Government of India merely reflects Indian public opinion. And on this question of Kashmir, Indian public opinion cannot forget the fundamental facts, namely, that India voluntarily offered a plebiscite under United Nations auspices; that in spite of this, Pakistan chose to invade the State and occupy nearly half of it by force in violation of international law, as Sir Owen Dixon himself has found; that to allow this occupation or its fruits to continue is wrong enough; and that to grant Pakistan any further concessions would be to aggravate the wrong and therefore would be completely unjustifiable.

\* \* \* \* \*

The Kashmir case has now been before the Security Council for more than three years. No solution has yet been found, because the root-cause of the trouble, namely, the unlawful occupation of nearly half the State and the creation of subversive forces and authorities therein by Pakistan, has been allowed to continue. When I speak of Pakistan's unlawful occupation, I am expressing not only the view of my Government, but also the view which the United Nations Representative, Sir Owen Dixon, was prepared to adopt. Let me quote his own words :

“Without going into the causes or reasons why it happened, which presumably formed part of the history of the sub-continent, I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed on, I believe, 20 October 1947, by hostile elements, it was contrary to international law, and that when in May 1948, as I believe, units of the regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law.” (S/1791, Para 21)

So long as the root-cause of the trouble continues, there can be no solution to the problem. Meanwhile, the government of this State has to be carried on in accordance with law, if there is to be no anarchy or chaos.

The present legal position is that Kashmir—by which I mean the State of Jammu and Kashmir—is a unit of the Indian Federation, subject to federal jurisdiction in respect of the broad categories of defence, external affairs and communications, but completely autonomous in almost all other matters. In the autonomous sphere, the State is entitled to frame its own Constitution and for this purpose, to convene a Constituent Assembly of its own people. The main purpose of the Constituent Assembly would be to provide a proper elected legislature for the State to which the executive could be made responsible as in the British parliamentary system of government. So far as the Government of India is concerned, the Constituent Assembly is not intended to prejudice the issues before the Security Council, or to come in its way.

\* \* \* \* \*

Let me now turn to Sir Owen Dixon’s recommendations in the final paragraphs of his report:

“The whole question has now been thoroughly discussed by the parties with the Security Council, the Commission and myself, and the possible methods of settlement have been exhaustively investigated. It is perhaps best that the initiative should now pass back to the parties. At all events I am not myself prepared to recommend any further course of action on the part of the Security Council for the purpose of assisting the parties to settle between them how the State of Jammu and Kashmir is to be disposed of... I

recommend that the Security Council should press the parties to reduce the military strength holding the cease-fire line to the normal protection of a peace-time frontier." (S/1791, Paras 104 and 107)

In connection with the last recommendation, I may mention that India has already reduced its forces by 20 to 25 per cent, without waiting for any corresponding reduction by Pakistan. May I point out that under the resolutions of the United Nations Commission for India and Pakistan adopted in August 1948 and January 1949, which both parties accepted, it was for Pakistan to begin to withdraw its Army first and only thereafter it was for India to begin to reduce its own forces. Nevertheless, as I have said, India has begun the process without waiting for Pakistan, and India is prepared to continue the process if Pakistan, on its part, will withdraw its Army from the State.

When, as I have tried to show, the State is gradually settling down to some kind of ordered life, the Security Council might do worse than to follow Sir Owen Dixon's advice and let the initiative now pass back to the parties. Within the last few days, the Governments of India and Pakistan have signed a trade agreement in spite of great difficulties; left to themselves, they may be expected in due course to come to agreement in other matters also....

\* \* \* \* \*

Under the resolution of August 1948, Pakistan was to withdraw its troops completely from the State and India was to withdraw the bulk of its forces—not all its forces, but the bulk of its forces—a small portion being left in the State to ensure its security. To remove any suspicion that even this small portion might interfere with the freedom of the plebiscite, the following provision was made in the resolution of January 1949: "... the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State Armed Forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite."

India was and is prepared to take, in consultation with the Plebiscite Administrator, all measures that may be necessary to prevent the presence of any such forces from interfering with the freedom of the plebiscite. This could be done in a number of

ways—for example, stationing the forces in localities outside centres of civilian population and confining them to barracks during the plebiscite.

Thus, these two resolutions made provision not merely for the withdrawal or reduction of Armed Forces but also for the freedom of the plebiscite consistently with the requirements of security. Members of the Council will please remember that these resolutions were agreed to by all the parties. Nevertheless Sir Owen Dixon was somehow led to make proposals for demilitarization which seriously departed from the above agreed scheme. At one point, he asked for the withdrawal of the forces of the regular Indian Army, although the above resolution never contemplated its complete withdrawal. At another point, he suggested various purposes for which Pakistan troops might be retained in the State, although the above resolutions clearly provided for their complete withdrawal. One of these purposes was said to be to ensure the fulfilment of the obligation of Pakistan not to permit tribesmen or other raiders to enter the Kashmir valley. Considering that the Pakistan Army moved into the State in order to give “more direct assistance” to the tribesmen, members of the Council can easily imagine how the alleged purpose was likely to be fulfilled.

I may perhaps point out at this stage that the obligation of Pakistan under the resolution of August 1948 was to secure the withdrawal of tribesmen from the entire State, and not merely to prevent their entry into the Kashmir valley. The draft resolution before the Security Council instructs the new United Nations Representative to effect demilitarization on the basis of Sir Owen Dixon’s proposals with such modifications as the new Representative may deem advisable. As I have already pointed out, these proposals go back on the agreed resolutions of August 1948 and January 1949—the changes being all in favour of the Pakistan Army which had entered the State in contravention of international law and against the Indian Army which had lawfully entered the State to repel the invasion. My Government is wholly unable to accept these proposals as a basis, nor can it agree to vest a new Representative with the power of decision in so vital a matter.

4. STATEMENT OF THE REPRESENTATIVE OF PAKISTAN,  
SIR MOHAMMAD ZAFRULLA KHAN, IN THE SECURITY  
COUNCIL, 6 MARCH 1951<sup>1</sup>

\* \* \* \* \*

Another favourite device to which the Government of India often has recourse is to accuse Pakistan of aggression. I have to a large extent already dealt with this contention. The Pakistan Army moved in defence of Pakistan's own vital interest to hold certain defensive positions, this movement having taken place in May 1948. As a matter of fact my learned and distinguished friend even supplied the date in his speech: 8 May 1948. This was known to the Government of India. I shall not again revert to the question of whether or not it constituted aggression. It was the plain duty of the Government of Pakistan. It was more: It was carrying out the objective of the Security Council resolution of 17 January 1948 (S/651). But apart from that, this was known to the Government of India, it had been argued before the Security Council and the United Nations Commission, and this fact had been taken into account in formulating the two resolutions of 13 August and 5 January. Whatever had happened, whether it was aggression or not, was clearly within the knowledge of both sides. It was within the knowledge of the Security Council before the resolutions were accepted, and it was within the knowledge of the Commission. In the situation as it was then, that is to say in December 1948, India accepted the resolutions of 13 August 1948 and 5 January 1949. A slight confusion might arise from the fact that it is said the resolution of 5 January 1949 was accepted in December 1948. The actual formulation of the proposals by the Commission and its acceptance by the two governments was in December. The date of the incorporation of these proposals in a formal resolution is 5 January 1949. No new fact had entered into the situation. It was with full knowledge of the situation that the Government of India accepted the international agreement. Nevertheless, the Government of India has continually put this forward as an excuse for not fulfilling its obligations under the agreement. India says that the tribal incursions took place in October 1947 and continued for some weeks. India says that the Pakistan movement of forces into Azad Kashmir areas took

<sup>1</sup> S.C.O.R., 6th Yr., 534th Mtg., 6 March 1951, pp. 20-7.



place on 8 May 1948. India says that it will not carry out its obligations under the resolution of 5 January 1949, which it accepted in December 1948, because an aggression had been committed in May 1948. India accepted all these obligations after what it chose to call aggression had taken place. Can that be made an excuse today for not carrying out its obligations?

After India refused to accept General McNaughton's proposals (S/1453), the Security Council appointed Sir Owen Dixon as United Nations Representative (471st meeting) to try to bring about an agreement with regard to demilitarization on the basis of General McNaughton's proposals. Sir Owen Dixon arranged a meeting of the two Prime Ministers with himself in Delhi in July 1950. The Prime Minister of India, at an early stage of the meeting, again advanced the contention that Pakistan was an aggressor and should be declared such. Finding that no progress was possible unless he could do something to put this red herring out of the way, Sir Owen Dixon made certain observations, as will presently be seen from the language applied by him, as it were, for argument's sake. I shall draw the attention of the Security Council to the statement of Sir Owen Dixon in this connection, as it continues to be contended throughout that he branded Pakistan an aggressor in this controversy. In paragraphs 21-23 of his report, Sir Owen Dixon said:

“Upon a number of occasions in the course of the period beginning with the reference on 1 January 1948 of the Kashmir dispute to the Security Council, India had advanced not only the contention to which I have already referred that Pakistan was an aggressor, but the further contention that this should be declared. The Prime Minister of India, at an early stage of the meeting, made the same contention and he referred to it repeatedly during the conference. I took up the positions, first, that the Security Council had not made such a declaration; secondly, that I had neither been commissioned to make nor had I made any judicial investigation of the issue: but, thirdly, that without going into the causes or reasons why it happened, which presumably formed part of the history of the subcontinent, I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed, on I believe 20 October

1947, by hostile elements, it was contrary to international law, and that when, in May 1948, as I believe, units of the regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law.

“I therefore proposed that the first step in demilitarization should consist in the withdrawal of the Pakistan regular forces commencing on a named day. After a significant number of days from the named day, then other operations on each side of the cease-fire line should take place and as far as practicable, concurrently. What number of days should be fixed as significant was a matter of detail for them to settle.

“The Prime Minister of Pakistan expressed strongly his dissent from the third of the three positions I took up, that is to say the third of the positions stated above. But he expressed his readiness to accept, in compliance with my request, the proposition that as a first step in demilitarization the withdrawal of the regular forces of the Pakistan Army should begin on a specified day and that a significant number of days should elapse before the commencement of any operation involving forces on the Indian side of the cease-fire line.”

The whole matter is perfectly clear. Sir Owen Dixon found that this matter of aggression was being brought up time and again before the Security Council and before other authorities, and was now being insisted upon being raised before him. He said that the Council had not decided on this. Obviously he meant that he had no authority to decide here either. He said: “I have not been commissioned to carry out a judicial investigation of this matter.” In fact, he said: “I have not carried out any such investigation, but for purposes of getting on to demilitarization, I am prepared to make this assumption; and on the basis of that assumption I proposed that the Pakistan Army should start moving first, and that after a significant number of days had passed after the first movement had started, then later on the demilitarization should be synchronized.” There is no finding here of aggression. It was a position which Sir Owen Dixon was prepared to adopt in order to proceed with demilitarization.

The Prime Minister of Pakistan took serious objection to this third position that he should make any such assumption, but he said: "For the purpose of facilitating the demilitarization, we are prepared to accept what you propose."

I have quoted this extract to show the Security Council how unfounded is the deduction which my learned and distinguished friend has tried to draw from these observations of Sir Owen Dixon. Still another excuse which India constantly put forward for its failure to carry out its obligation, is its professed fear for the security of the State. Its apprehensions are alleged to arise from fear of an attack by Pakistan or by tribesmen. Pakistan has repeatedly given assurances. It has expressed its readiness—I believe at least before General McNaughton—to give a guarantee that Pakistan would be prepared to take necessary and adequate action, even military action, if needed, to stop any incursion of tribesmen into the State. But India says: "What about an attack by Pakistan forces?"

In the first place, a guarantee and an assurance of that kind to the United Nations should be enough, in the second place, look at the problem. Pakistan is eager to obtain a settlement of this question through a fair and impartial plebiscite. Would it be the first to destroy every chance of that settlement being arrived at by mounting an invasion of the State after the cease-fire had taken place and the truce had been settled? Would it not completely put itself out of consideration for ever in this dispute if it took action of that kind? Would any reasonable government lend itself to an action or a policy of that kind? Nevertheless, India continues to express apprehensions on that score.

\* \* \* \* \*

This is the manner in which Sir Owen Dixon sums up the situation (S/1791, Para 52):

"In the end I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character, as would in my opinion, permit the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled."

Why does India go on insisting on these things which make demilitarization and, therefore, the holding of the plebiscite impossible? For the obvious reason that India's hold over Kashmir is only through its military forces. India does not want to let go and India knows that if a fair and impartial plebiscite were held, the plebiscite would go heavily against India. Therefore, it is determined to keep its forces in the State and to prevent a free vote. That is the situation. It has been repeatedly tried. People started with the hope that India's apprehensions with regard to various matters may have been genuine. They thought they were flimsy, but that, supposing they were genuine so far as the Indians are concerned, they should be met. Every possible effort has been made to meet those apprehensions, but India would have none of it. Why? Because India does not desire to go through with the plebiscite.

\* \* \* \* \*

Sir Benegal Rau has invited the testimony of tourists to conditions in the beautiful Kashmir valley. I might perhaps be permitted to quote the opinion of one who went to the valley of Kashmir not as a tourist but as a United Nations Representative. I quote from Sir Owen Dixon's report (S/1791, Para 88):

“I had formed the opinion that it was not easy to exclude the danger that the inhabitants of the valley of Kashmir would vote under fear or apprehension of consequences and other improper influences. They are not high-spirited people of an independent or resolute temper. For the most part they are illiterate. There were large numbers of regular soldiers of the Indian Army as well as of the State militia and police, and more often than not they were under arms. The State Government was exercising wide powers of arbitrary arrest. These are not matters that the Kashmiris inhabiting the valley could be expected to disregard in choosing between voting as the Government of Kashmir asked them and voting for accession to Pakistan.”

Lest there be any misunderstanding with regard to the character and qualities of the people inhabiting the different parts of the State of Jammu and Kashmir, I might explain that this refers to the valley, as Sir Owen Dixon has made clear, and not to

Poonch, where the liberation movement started and the greater part of which is under the administration of the Azad Kashmir Government.

\* \* \* \* \*

Another topic which has lately become a favourite with the Government of India and its representatives is that the Kashmir question should not be represented as a Hindu-Muslim question; and it challenges the argument that, since Kashmir is predominantly Muslim, it should rightfully accede to Pakistan.

I think that first I might clear the ground. It is well known that, although every factor on the basis of which the question of accession should be determined—population, cultural and religious bonds, the flow of trade, the economic situation, communications, the geographical position, strategic considerations—points insistently in the direction of the accession of Kashmir to Pakistan, nevertheless we have not asked for the accession of Kashmir to Pakistan on those grounds. We have agreed, and we have been insistent, that the question should be settled through the freely expressed wishes of the people of the State. But that these matters do come into the picture is admitted by everybody who is concerned with the conditions. It was the basic fact underlying the partition of India itself, and, whenever a question has arisen with regard to the accession of a State with a majority of non-Muslim population, India itself has always stressed that fact. India takes objection to it and demurs against it only when the same principle is sought to be applied to Kashmir.

\* \* \* \* \*

5. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
30 MARCH 1951 (S/2017/Rev 1)<sup>1</sup>

*The Security Council,*

*Having received and noted* the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan (S/1791, S/1791/Add. 1), on his mission initiated by the Security Council resolution of 14 March 1950 (S/1461).

<sup>1</sup> S.C.O.R., 6th Yr., Supple. for January-March 1951, pp. 25-7.

*Submitted by:* UK, USA.

*Votes for:* Brazil, China, Ecuador, France, Netherlands, Turkey, UK, USA.

*Abstentions:* India, USSR, Yugoslavia. (Ed.)

*Observing* that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, and have reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

*Observing* that on 27 October 1950 the General Council of the "All Jammu and Kashmir National Conference" adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the "future shape and affiliations of the State of Jammu and Kashmir"; observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir,

*Reminding* the Governments and authorities concerned of the principle embodied in the Security Council resolutions of 21 April 1948 (S/726), 3 June 1948 (S/819) and 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

*Affirming* that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference", and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle,

*Declaring* its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security,

*Observing* from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were:

- (a) The procedure for and the extent of demilitarization of the State preparatory to the holding of a plebiscite, and
- (b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite,

1. *Accepts*, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

2. *Decides* to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

3. *Instructs* the United Nations Representative to proceed to the subcontinent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

4. *Calls upon* the parties to cooperate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;

5. *Instructs* the United Nations Representative to report to the Security Council within three months from the date of his arrival on the subcontinent; if, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;

6. *Calls upon* the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above, such arbitration to be carried out by an arbitrator, or a panel of arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties;

7. *Decides* that the Military Observer Group shall continue to supervise the cease-fire in the State;

8. *Requests* the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

9. *Requests* the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution.



## VIII. THE KASHMIR CONSTITUENT ASSEMBLY

### 1. STATEMENT OF THE PERMANENT REPRESENTATIVE OF INDIA, SIR BENEGAL RAU, IN THE SECURITY COUNCIL, 9 MARCH 1951<sup>1</sup>

\* \* \* \* \*

I shall now turn to a matter which appears to have caused some concern to certain members of the Council, namely, the proposal to convene a Constituent Assembly for Kashmir. As I have already said, Kashmir is at present a unit of the Indian Federation and has to be governed accordingly. When we were drafting a Constitution for India, we had to consider what provision should be made for the Constitutions of the various units of the Indian Federation. It was decided that the framing of these Constitutions should be entrusted to a Constituent Assembly for the unit concerned. Accordingly, several units convoked Constituent Assemblies for the purpose, for example, Saurashtra, Travancore-Cochin and Mysore. Others lagged behind for one reason or another. Kashmir is one of the units, where a Constituent Assembly has not yet been convoked, so that the Constitution of the State is still to be made. Members will please note that the machinery of a Constituent Assembly was not devised only for Kashmir, but for other similar units of the Indian Federation as well. Indeed, it is the recognized machinery for the framing of the constitution in most parts of the world. Accordingly, provision was made in the Indian Constitution for a Constituent Assembly for settling the details of the Kashmir Constitu-

<sup>1</sup> S.C.O.R., 6th Yr., 536th Mtg., 9 March 1951, p. 8.

tion. Will that Assembly decide the question of accession? My Government's view is that, while the Constituent Assembly may, if it so desires, express an opinion on this question, it can take no decision on it.

\* \* \* \* \*

2. STATEMENT OF THE REPRESENTATIVE OF THE UNITED KINGDOM, SIR GLADWYN JEBB, IN THE SECURITY COUNCIL, 21 MARCH 1951<sup>1</sup>

\* \* \* \* \*

There remains the question of the Kashmir Constituent Assembly. It will be seen that the paragraphs in the preamble which deal with this particular point have been retained in the amended draft resolution. I wish I could say to the Council that we feel satisfied from what the representative of India has said that the Government of Pakistan has no cause for disquiet in respect of the proposed Constituent Assembly. Indeed, if it had not been for a series of disturbing pronouncements by Sheikh Abdullah and by Ministers of the Government of India and of the Kashmir State Government, the Council would have probably felt that what the representative of India has told the Council was a sufficient guarantee that nothing would be done by the Constituent Assembly which would in any way prejudice the settlement of the future accession of Kashmir in the manner to which the two Governments and this Council are committed.

But when the Council is confronted with a statement by the Prime Minister of the Kashmir State Government that "without caring for the opposition of Pakistan, Britain and America, the proposed Constituent Assembly for the State will be set up on the due date to decide all big issues, including accession", the view of the Government of India, as stated by its representative, that "while the Constituent Assembly may, if it so desires, express an opinion on this question, it can take no decision on it", does not hold out any real promise that the Government of India will take all steps possible to prevent the Kashmir State Government from action which must inevitably prejudice the work of the United Nations in settling this dispute. I therefore

<sup>1</sup> S.C.O.R., 6th Yr., 537th Mtg., 21 March 1951, pp. 6-8.

wish to make a further earnest appeal to the representative of India to make it clear beyond all doubt that his Government will do everything in its power to prevent action which will damage the work of the Council, of which he himself is so distinguished a member.

Finally, I wish to deal with one general point which arises out of the statement of the representative of India, and that is the assumption which I detected behind a number of his remarks that the accession of Kashmir has already been settled and that all that remains is for the people of Kashmir to confirm that the State shall remain a part of the Indian Union. I have already referred to the letter to the Maharaja of Kashmir from the Governor-General of India, dated 27 October 1947, in which he said, "the question of accession should be decided in accordance with the wishes of the people of the State". I do not think I need draw the attention of members of the Council to the various resolutions which both the Council and the United Nations Commission for India and Pakistan have from time to time adopted in which the decision that the accession of the State should be decided through the democratic method of a free and impartial plebiscite has been constantly reaffirmed. The assumption made by the representative of India that the accession has been settled and that no more remains except to give the inhabitants of the State an opportunity to decide whether they should remain in India or not, in the view of my Government cuts right across the very principles on which the Council and, we have always understood, the two parties also have been striving to effect a settlement. Of course members of the Council will all share my desire not to read anything into the statement of the representative of India which was not intended, and I am sure we shall all be most reluctant to interpret his statement in a sense which would suggest that the Government of India is in any way abandoning the pledges which it has always so categorically affirmed.

But the combination of the proposal for establishing a Constituent Assembly with the suggestion that all that is now required is to give the people of Kashmir an opportunity to decide whether they should remain in India or not, will inevitably raise apprehensions in the minds of members of the Council that the

Government of India does contemplate a method of ascertaining the wishes of the people on this question of accession which would be wholly inconsistent with the principles to which it, the Government of Pakistan and the Council have all along subscribed. I should therefore like in conclusion to appeal to the representative of India to set at rest any doubts which members of the Council may have on this point, by reaffirming quite explicitly and categorically that the Government of India does intend to adhere to its undertaking to settle the future accession of the State of Jammu and Kashmir by a free and impartial plebiscite conducted under the auspices of the United Nations. A statement to this effect would, I am sure, be most welcome to the Council; if it could be combined with a more encouraging response to the efforts which the Council has been making for so long to resolve the disagreements between the two Governments, then we should all, I am certain, be greatly heartened.

\* \* \* \* \*

3. STATEMENT OF THE PERMANENT REPRESENTATIVE OF INDIA, SIR BENEGAL RAU, IN THE SECURITY COUNCIL, 29 MARCH 1951<sup>1</sup>

\* \* \* \* \*

This brings me to the subject of the Constituent Assembly, which apparently continues to disturb some of the members of the Council. I have already explained my Government's views on this subject (536th meeting). Even in a Federation every State has a right to make its own Constitution in its own proper sphere and to set up a special body for that purpose. For example, every State Constitution now in force in the United States of America was framed in this way. India cannot, therefore, prevent Kashmir, which is at present a unit of the Indian Federation, from exercising a similar right, which, indeed, is expressly recognized in the Constitution of India. Some members of the Council appear to fear that in the process the Kashmir Constituent Assembly might express its opinion on the question of accession. The Constituent Assembly cannot be physically prevented from expressing its opinion on this question if it so chooses.

<sup>1</sup> S.C.O.R., 6th Yr., 538th Mtg., 29 March 1951, p. 3.

But this opinion will not bind my Government or prejudice the position of the Council. I have already said this as the representative of the Government of India in this Council and I can do no more than to express my regret that, in spite of the statements, which I have made on behalf of my Government, the references to the Constituent Assembly in the preamble to the joint draft resolution should have been retained in the revised draft.

\* \* \* \* \*

4. LETTER OF THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN, SIR MOHAMMAD ZAFRULLA KHAN, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, 4 MAY 1951 (S/2119)<sup>1</sup>

1. I have the honour to draw your attention and the attention of the Security Council to a report which has appeared in the Press in India and Pakistan that the Yuvaraja of Jammu and Kashmir issued a proclamation on 30 April 1951 for convoking a Constituent Assembly in the State. The proclamation contains details of the procedure for convening the Assembly and asks that the proposed action "can no longer be delayed without detriment to the future well-being of the State".

2. In this connection I would invite the attention of the Security Council to my letter dated 14 December 1950 (S/1942), addressed to its President, and the resolution concerning the India-Pakistan question adopted by the Security Council on 30 March 1951 (S/2017/Rev. 1). The preamble of the said resolution clearly enunciates the views of the Security Council with regard to the convoking of a Constituent Assembly in the State of Jammu and Kashmir. Paragraph 8 of the resolution calls upon the Governments of India and Pakistan to refrain from any action likely to prejudice a just and peaceful settlement of the problem.

3. The Security Council will appreciate that this move by the Government of India and the Yuvaraja's Government seeks to nullify the specific provisions of the resolution of 30 March 1951, and is a challenge to the authority of the Security Council. It also runs counter to the declared objective of the Security Council in Kashmir which has been repeatedly affirmed by the Security Council and is embodied in the Agreement contained in

<sup>1</sup> S.C.O.R., 6th Yr., Supple. for April-June 1951, pp. 98-9.

the resolution of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, that the accession of the State of Jammu and Kashmir to India or to Pakistan shall be determined by a free and impartial plebiscite to be held under United Nations auspices.

4. The Government of Pakistan requests that this development may be brought to the notice of the Security Council for urgent consideration and that the Council may be pleased to take adequate measures to stop the Government of India, and the authorities concerned in the State of Jammu and Kashmir, from pursuing a course of action which, besides prejudicing further negotiations for the implementation of the international agreement, is bound to create an explosive situation charged with grave possibilities effecting the maintenance of international peace.

(*Signed*) MOHAMMAD ZAFRULLA KHAN  
*Minister of Foreign Affairs,*  
*and Commonwealth Relations of Pakistan*

5. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
24 JANUARY 1957 (S/3779)<sup>1</sup>

*The Security Council,*

*Having heard* statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

*Reminding* the Government and authorities concerned of the principle embodied in its resolutions of 21 April 1948 (S/726), 3 June 1948, 14 March 1950 (S/1469) and 30 March 1951 (S/2017/Rev. 1), and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 (S/1100, Para 75) and 5 January 1949 (S/1196, Para 15), that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the peoples expressed through the democratic

<sup>1</sup> S.C.O.R., 12th Yr., Supple. for January-March 1957, p. 4.

*Submitted by:* Australia, Colombia, Cuba, UK, USA.

*Votes for:* Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, UK, USA.

*Abstention:* USSR. (Ed.)

method of a free and impartial plebiscite conducted under the auspices of the United Nations,

1. *Reaffirms* the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;

2. *Decides* to continue its consideration of the dispute.

## IX. THE GRAHAM REPORTS, 1951-53

### 1. LETTER FROM THE UNITED NATIONS REPRESENTATIVE FOR INDIA AND PAKISTAN, MR. F. P. GRAHAM, ADDRESSED TO THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AND THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, 7 SEPTEMBER 1951<sup>1</sup>

As United Nations Representative for India and Pakistan appointed by the Security Council under the terms of its resolution of 30 March 1951, I have been trying during the past two months to ascertain the points of view of your Government and the Government of.....in carrying out the demilitarization of the State of Jammu and Kashmir on the basis of the UNCIP resolutions of 13 August 1948 and 5 January 1949.

Both Governments have sent me communications which have been of great value for my understanding of their approach to the problems which have arisen in the implementation of the already agreed resolutions of 13 August 1948 and 5 January 1949.

After most careful thought I have come to the conclusion that a compromise could be framed in such a way as to enable the Governments of India and Pakistan to implement their commitments under the above-mentioned UNCIP resolutions and to create an atmosphere of goodwill and understanding between the two countries for the settlement of the question.

In view of the above, and to facilitate an opportunity to both Governments to draw up a plan of demilitarization, I have the honour to request your Government and the Government of..... to consider the following proposals for an agreement:

<sup>1</sup> S.C.O.R., 6th Yr., Special Supple. No. 2. Doc, S/2375, Annex 2, pp. 26-8.



*The Governments of India and Pakistan*

1. *Reaffirm* their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of Jammu and Kashmir;

2. *Agree* that each Government, on its part, will instruct its official spokesmen and will urge all its citizens, organizations, publications and radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir;

3. *Reaffirm* their will to observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949;

4. *Reaffirm* their acceptance of the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations;

5. *Agree* that, subject to the provisions of paragraph 11 below, the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 3 August 1948 and 5 January 1949 shall be effected in a single, continuous process;

6. *Agree* that this process of demilitarization shall be completed during a period of ninety days, unless another period is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 below;

7. *Agree* that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

(a) *On the Pakistan side of the cease-fire line:*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State; and
- (iii) Large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

(b) *On the Indian side of the cease-fire line:*

- (i) The bulk of the Indian forces in the State will have been withdrawn;

- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out,

so that at the end of the period referred to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line a force of.....civil Armed Forces, and on the Indian side of the cease-fire line a force of.....; (It is requested that the blank spaces be filled in by your Government.)

8. *Agree* that the demilitarization shall be carried out in such a way as to involve no threat to the Cease-Fire Agreement either during or after the period referred to in paragraph 6 above;

9. *Agree* that representatives of the Indian and Pakistan Government, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above;

10. *Agree* that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above;

11. *Agree* that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution;

12. *Agree* that any differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, to the United Nations Representative, whose decision shall be final.

I should be grateful if you would give me:

- (a) Your comments on each separate paragraph, and your suggestions, and
- (b) Your detailed plans for carrying out the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions of 13 August 1948 and 5 January 1949.

Considering the time that has elapsed since my arrival on the subcontinent, and taking into account my terms of reference, I sincerely hope that your Government will understand that I am anxious to receive your written reply as soon as possible.

(Signed) FRANK P. GRAHAM  
*United Nations Representative for  
India and Pakistan*

2. LETTER FROM THE PRIME MINISTER OF INDIA,  
MR. JAWAHARLAL NEHRU, ADDRESSED TO THE UNITED  
NATIONS REPRESENTATIVE FOR INDIA AND PAKISTAN,  
11 SEPTEMBER 1951<sup>1</sup>

1. I have the honour to reply to your letter of 7 September 1951, which you handed to me personally that day.

2. As you are aware, we were glad to meet you and your associates as we are eager to find a way to a peaceful settlement of the Kashmir question. We made it clear to you, however, at the very outset of our discussions, which were informal, that, for the reasons explained by our Permanent Representative to the Security Council, Sir Benegal N. Rau, we have found ourselves unable to accept the Council's resolution dated 30 March 1951, and that our discussions were without prejudice to this stand of the Government of India. The views that my Government are submitting now on your proposals are similarly without prejudice to that stand.

3. We are in complete agreement with paragraph 1 of your proposals; it represents a policy that we ourselves have been urging upon the Government of Pakistan for a long time. We would also add that India has not committed aggression against Pakistan or made war on that country and has no intention of doing so.

4. As regards paragraph 4, the Government of India not only reaffirms its acceptance of the principle that the question of the continuing accession of the State of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations, but is anxious that the conditions necessary for such a plebiscite

<sup>1</sup> S.C.O.R., 6th Yr., Special Supple No. 2, Doc. S/2375, Annex 3, pp. 28-31.

should be created as quickly as possible. It is with this object, and this object alone, in view that it has examined your proposals.

5. It is clear to the Government of India that the security of the State of Jammu and Kashmir from invasion or large-scale infiltration of hostile elements will not be effectively ensured until the spirit and temper of war that now prevail on the other side of the cease-fire line and in Pakistan have been demonstrably replaced by a firm will to settle the Kashmir question peacefully. Nor will it be possible to make any headway with arrangements for holding a plebiscite until this condition is satisfied. The Government of India greatly doubts whether this will be practicable within the period of ninety days mentioned in paragraph 6 of the proposals or such other period as may be agreed upon in terms of paragraph 6 and paragraph 9. The Government of India is willing to carry out the withdrawal of the bulk of the Indian forces in the State by the end of this period, provided the operations described in sub-paragraphs 7 (a) (i), (ii) and (iii) of the proposals are progressively completed by the end of that period.

6. In the opinion of the Government of India, sub-paragraph 7 (b) (ii) should be omitted. It feels that the further withdrawals or reductions referred to in this part of the proposals cannot be related to the period to be fixed in terms of paragraphs 6 and 9; these can be realized only progressively thereafter as the fear of incursions into the State or renewal of aggression diminishes, and completed when the fear completely disappears. Both the period during which these further withdrawals or reductions are to be made, and their phasing and quantum cannot be determined realistically at present. I would point out that the withdrawal of its forces which the Government of India is prepared to make under sub-paragraph 7 (b) (i) of the proposals, and which is specified in paragraph 8 of this letter, will be considerable in excess of "the bulk of the Indian forces". It would leave in the State the very minimum force necessary to prevent infiltration. Any further reduction could only take place at some risk. The Government of India will be glad, however, to consider this problem with the United Nations Representative from time to time and to give effect to the measures that may be agreed upon

between them to make further withdrawals or reduction. It wishes me to give you the assurance that it is its policy to reduce its forces in the State to the minimum necessary to safeguard its security; the greater the measure of security that the State enjoys from threats of incursion or aggression, the smaller will be this minimum.

7. As regards the civil Armed Forces to be maintained on the Pakistan side of the cease-fire line at the end of the period agreed upon in terms of paragraph 6 and paragraph 9, the Government of India would agree to a force of 4,000 organized, equipped and composed as recommended to UNCIP in item C of the memorandum transmitted to Mr. Lozano under cover of letter No. 248-PASG/49 dated 13 April 1949, by their Secretary-General in the Ministry of External Affairs.

8. In pursuance of what has been stated in paragraph 6 of this letter, the Government of India will retain on its side of the cease-fire line in Jammu and Kashmir, one line of communication area headquarters and one infantry division (normal) but of four brigades of four battalions each, at the end of the period agreed upon in terms of paragraphs 6 and 9 of the proposals, provided that the operations described in sub-paragraph 7(a) (i), (ii) and (iii) of the proposals have been completed by the end of that period. Thus much more than the "bulk of Indian forces in the State" will have been withdrawn, and I wish to emphasize that the forces left behind will be wholly inadequate to resist any large-scale aggression. Effective measures to prevent such aggression will, it is presumed, be taken by Pakistan.

9. About paragraph 10 of the proposals, the Government of India agrees that the Plebiscite Administrator should be appointed as soon as conditions in the State, on both sides of the cease-fire line, permit of a start being made with the arrangements of carrying out the plebiscite. To appoint the Plebiscite Administrator before he can function effectively would be premature. The Government of India would therefore prefer such a proposal to be omitted from the present document; it would be more appropriately included in proposals that deal specifically and in detail with the holding of the plebiscite and connected matters.

10. The Government of India has no other comments or suggestions to make on the proposals.

(Signed) JAWAHARLAL NEHRU

*Prime Minister*

*and Minister of External Affairs of India*

3. LETTER FROM THE PRIME MINISTER OF PAKISTAN, MR. LIAQUAT ALI KHAN, ADDRESSED TO THE UNITED NATIONS REPRESENTATIVE FOR INDIA AND PAKISTAN, 12 SEPTEMBER 1951<sup>1</sup>

1. I have the honour to refer to your letter dated 7 September 1951, asking for the comments and suggestions of the Pakistan Government with regard to proposals for carrying out the demilitarization of the State of Jammu and Kashmir under the two agreed UNCIP resolutions of 13 August 1948 and 5 January 1949.

2. The UNCIP resolutions envisage demilitarization in two stages. The first stage provides for withdrawal of tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting, the Pakistan troops and the bulk of the Indian forces (*vide* part II of the resolution of 13 August 1948). At the end of this stage the forces remaining in the State on the two sides of the cease-fire line will be (1) the Azad Kashmir forces and (2) the remainder of the Indian forces after the withdrawal of the bulk, and the State Armed Forces, *i.e.*, the State Army and State militia. After the first stage of demilitarization has been completed, the Plebiscite Administrator will be formally appointed to office, and together with the United Nations Representative, will determine the final disposal of the forces remaining in the State, namely, the Azad Kashmir forces, on the one hand, and the remainder of the Indian forces and the State Armed Forces, on the other, *vide* paragraph 4 of the UNCIP resolution of 5 January 1949.

3. The proposals set out in your letter provide that the demilitarization of the State contemplated in the UNCIP resolutions, instead of being effected in two stages, should be carried out in a single continuous process, and that the Plebiscite Administrator should be formally appointed to office not later

<sup>1</sup> S.C.O.R., 6th Yr., Special Supple. No. 2, Doc. S/2375, Annex 4, pp. 31-3.

than the final day of the demilitarization period. The completion of the programme of demilitarization referred to above will, however, be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of such forces as may remain at the end of this programme.

4. Since the demilitarization contemplated in the UNCIP resolutions would be equally achieved by the proposals in your letter, the Government of Pakistan is in general agreement with them.

5. The comments and suggestions of the Pakistan Government in respect of each paragraph of the above mentioned proposals are given below:

*Paragraph 1*—Agreed.

*Paragraph 2*—Agreed.

*Paragraph 3*—Agreed.

*Paragraph 4*—Agreed.

*Paragraph 5*—Agreed.

*Paragraph 6*—Agreed.

*Paragraph 7*—Agreed subject to the following comments:

- (i) It is presumed that the term “further withdrawals or reductions” mentioned in sub-paragraph 7 (b) (ii) refers to the “large-scale reduction and disarmament” envisaged by the UNCIP under paragraph 4 of the resolution of 5 January 1949, [*vide aide-memoires* given by Mr. A. Lozano to the Minister for Foreign Affairs of Pakistan on 25 December 1948 (S/1196, Annex 5).]
- (ii) After the large-scale reduction and disbandment of forces on both sides of the cease-fire line contemplated by UNCIP under paragraph 4 of the resolution of 5 January 1949 has taken place, there will necessarily be left some Azad Kashmir forces on one side and some Armed Forces on the other. If it is intended that these forces should be of the status of civil Armed Forces, the same considerations will apply on both sides of the cease-fire line.
- (iii) Having regard to the objects stated in paragraph 8 of the proposals and the paramount importance of ensuring the freedom of the plebiscite, the forces left in the State at the

end of the demilitarization period should be as small as possible. The Pakistan Government considers that a force of not more than four infantry battalions (with the necessary administrative units) should remain on each side of the cease-fire line at the end of the demilitarization programme envisaged in paragraph 7. These figures are based on a careful consideration of all relevant factors such as area, terrain, size and distribution of population on the two sides of the cease-fire line.

The Pakistan Government is, however, of the view that so long as the forces on each side of the cease-fire line are of the order indicated above, some slight difference in the strength of description of the two forces should not stand in the way of an agreement being reached.

*Paragraph 8—Agreed.*

*Paragraph 9—Agreed.*

*Paragraph 10—Agreed.* The Pakistan Government wishes to emphasize the importance of appointing the Plebiscite Administrator formally to office as early as possible. The UNCIP resolutions contemplate his appointment in the middle of the programme of demilitarization. It is hoped that he would be appointed to office as much in advance of the final day of demilitarization as possible.

*Paragraph 11—Agreed.*

*Paragraph 12—Agreed.*

6. It will be recalled in their informal talks with you, Pakistan representatives urged that a provision should be made in the agreement that any differences regarding the interpretation of the agreement should be referred to the United Nations Representative whose decision should be final. The experience of the last two-and-one-half years underlines the necessity for such a provision. Without it, there would be no means of resolving deadlocks that might arise. The Pakistan Government is of the view that any future agreement should contain a clause to this effect.

7. The foregoing observations give the comments and the suggestions of the Pakistan Government on the proposals contained in your letter. As regards the detailed plans of the Pakistan Government for carrying out the demilitarization of the State of



Jammu and Kashmir under the UNCIP resolution of 13 August 1948 and 5 January 1949, reference is invited to the memorandum which was given to you on 22 July 1951. The memorandum is reproduced as an appendix to this letter. It is necessary to point out that the memorandum was drawn up on the basis of two distinct stages of demilitarization as envisaged in the UNCIP resolutions. The Pakistan Government is equally ready to carry out the programme of demilitarization in a single continuous process. A detailed programme of demilitarization can only be drawn up after an agreement is reached as to the quantum of forces which will remain at the end of the demilitarization period. Paragraph 8 of the proposals in your letter lays down the appropriate procedure for drawing up such a detailed programme.

8. The Pakistan Government has always been willing and anxious to carry out in full the obligations undertaken by it under the agreed UNCIP resolutions. I trust that your informal discussions with Pakistan representatives and the terms of this reply will have convinced you of Pakistan's earnest desire to cooperate in the fullest degree in the vital task entrusted to you by the Security Council.

9. The principles of the United Nations Charter and the maintenance of international peace alike demand that conditions be created in the State of Jammu and Kashmir as speedily as possible for the holding of a free and impartial plebiscite under United Nations auspices so that the people of the State can freely exercise their right of self-determination and decide the question of the accession of the State to India or to Pakistan.

(Signed) LIAQUAT ALI KHAN  
*Prime Minister of Pakistan*

4. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
10 NOVEMBER 1951 (S/ 2392)<sup>1</sup>

*The Security Council*

*Having received and noted* the report (S/2375) of Mr. Frank

<sup>1</sup> S.C.O.R., 7th Yr., Special Supple. No. 1, Doc. S/2448, Annex 1, pp. 11-2.

*Submitted by:* UK, USA.

*Votes for:* Brazil, China, Ecuador, France, Netherlands, Turkey, UK, USA, Yugoslavia.

*Abstentions:* India, USSR. (Ed.)

Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 30 March 1951, and having heard Mr. Graham's address to the Council on 18 October 1951 (564th meeting),

*Noting* with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,

1. *Notes* with gratification the declared agreement of the two parties to those parts of Mr. Graham's proposals which reaffirm their determination to work for a peaceful settlement, their will to observe the Cease-Fire Agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations;

2. *Instructs* the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir ;

3. *Calls upon* the parties to cooperate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference between them ;

4. *Instructs* the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect.

5. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
23 DECEMBER 1952 (S/2883)<sup>1</sup>

*The Security Council,*

*Recalling* its resolution of 30 March 1951, 30 April 1951, and 10 November 1951,

*Further recalling* the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948

<sup>1</sup> S.C.O.R., 7th Yr., Supple. for October-December 1952, p. 66.

*Submitted by:* UK, USA.

*Votes for:* Brazil, Chile, China, France, Greece, Netherlands, Turkey, UK, USA.

*Abstention:* USSR.

*Present and not voting:* Pakistan. (Ed.)

and 5 January 1949 which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

*Having received* the third report dated 22 April 1952 and the fourth report dated 16 September 1952 of the United Nations Representative for India and Pakistan;

*Endorses* the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

*Notes* with gratification that the United Nations Representative has reported that the Government of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;

*Notes* that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

*Urges* the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 Armed Forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 Armed Forces remaining on the Indian side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952 (S/2783, Annex 3) such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (S/2783, Annex 8);

*Records* its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

*Requests* the Governments of India and Pakistan to report to

the Security Council not later than thirty days from the date of the adoption of this resolution; and further

*Requests* the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress.

6. REVISED DRAFT PROPOSALS FOR AN AGREEMENT ON DEMILITARIZATION PRESENTED BY THE UNITED NATIONS REPRESENTATIVE, MR. F.P. GRAHAM, TO THE GOVERNMENTS OF INDIA AND PAKISTAN, DECEMBER 1951-FEBRUARY 1953

*Draft proposals of 19 December 1951<sup>1</sup>*

*The Governments of India and Pakistan*

\* \* \* \* \*

6. *Agree* that this process of demilitarization shall be completed on 15 July 1952, unless another date is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9.

7. *Agree* that the demilitarization shall be carried out in such a way that on the date referred to in paragraph 6 above the situation will be:

(a) *On the Pakistan side of the cease-fire line:*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State; and
- (iii) Large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

(b) *On the Indian side of the cease-fire line:*

- (i) The bulk of the Indian forces in the State will have withdrawn;
- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in sub-paragraph (b)(i) above will have been carried out,

so that on the date referred to in paragraph 6 above there will remain on each side of the cease-fire line the lowest possible

<sup>1</sup> S.C.O.R., 7th Yr., Special Supple. No. 1, Doc. S/2448, Para 32, pp. 10-1. The text of paragraphs 1 to 5 and 8 to 12, inclusive, is the same as that set forth in Mr. Graham's letter of 7 September 1951. (Ed.)

number of Armed Forces based in proportion on the number of Armed Forces existing on each side of the cease-fire line on 1 January 1949.

\* \* \* \* \*

*Draft Proposals of 16 July 1952<sup>1</sup>*

*The Governments of India and Pakistan*

\* \* \* \* \*

6. *Agree* that this process of demilitarization shall be completed during a period of ninety days, starting from the date of the entrance into effect of this agreement, unless another period is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 below;

7. *Agree* that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

*(a) On the Pakistan side of the cease-fire line:*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State;
- (iii) Large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place; so that at the end of the period of demilitarization there shall be an Armed Force of . . . . (The United Nations Representative suggests, as a basis for discussion, figures ranging from 3,000 to 6,000).
- (iv) The remaining Azad Kashmir forces will have been separated from the administrative and operational control of the Pakistan High Command and will be officered by neutral and local officers under surveillance of the United Nations.

*(b) On the Indian side of the cease-fire line:*

- (i) The bulk of the Indian forces in the State will have been withdrawn;

<sup>1</sup> S.C.O.R., 7th Yr., Special Supple. No. 2, Doc. S/2783 and Corr. 1, Annex 3, pp. 36-8.

The text of paragraphs 1 to 5, inclusive, and 8, 10 and 12 is the same as that set forth in Mr. Graham's letter of 7 September 1951. (Ed.)

- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out; so that at the end of the period of demilitarization there shall be an Indian Army force of . . . . (The United Nations Representative suggests, as a basis for discussion, figures ranging from 12,000 to 18,000).

\* \* \* \* \*

9. *Agree* that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above. The first meeting shall take place within eight days after the entrance into effect of this agreement.

\* \* \* \* \*

11. *Agree* that

- (a) The determination of the final disposal of the remainder of the Indian and State Armed Forces left at the end of the period of demilitarization after the provisions of paragraph 7 have been fulfilled, and when the United Nations Representative is satisfied that peaceful conditions have been restored in the State, will be made by the United Nations Representative and the Plebiscite Administrator in consultation with the Government of India, with due regard to the security of the State and the freedom of the plebiscite.
- (b) The determination of the final disposal of the remainder of the Azad Kashmir forces left after provisions of paragraph 7 have been fulfilled will be made by the United Nations Representative and the Plebiscite Administrator in consultation with the local authorities.

\* \* \* \* \*

*Additional clause*

This Truce Agreement shall enter into effect upon its signature by representatives of the two Governments.

*Draft Proposals of 2 September 1952<sup>1</sup>**The Governments of India and Pakistan*

\* \* \* \* \*

7. *Agree* that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

*(a) On the Pakistan side of the cease-fire line:*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State;
- (iii) Large-scale disbanding and disarmament of the Azad Kashmir forces will have taken place; so that at the end of the period of demilitarization there shall be an Armed Force of 6,000;

*(b) On the Indian side of the cease-fire line:*

- (i) The bulk of the Indian forces in the State will have been withdrawn;
- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out; so that at the end of the period of demilitarization there shall be an Indian Army force of 18,000 including State Armed Forces.

\* \* \* \* \*

9. *Agree* that, pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the United Nations. The local authorities shall undertake the fulfilment of such duties as are necessary for the observance within that territory of the provisions of the Karachi Agreement of 27 July 1949;

\* \* \* \* \*

<sup>1</sup> *Ibid.*, Annex 7, pp. 46-7.

The text of paragraphs 1 to 5, inclusive, and 8, 10 and 12 is the same as that set forth in Mr. Graham's letter of 7 September 1951. The text of paragraph 6 is the same as that set forth in the draft of 16 July 1952. (Ed.)

11. *Agree* that the completion of the programme of demilitarization referred to in the provisional clause below will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in sub-paragraphs 4(a) and (b) of the 5 January 1949 resolution;

\* \* \* \* \*

*Provisional Clause*

This agreement shall enter into effect when the Governments of India and Pakistan have approved a programme of demilitarization in conformity with paragraphs 5, 6, 7 and 8 above, the draft of such programme to be drawn up in meetings between the representatives of the Governments of India and of Pakistan assisted by their military advisers under the auspices of the United Nations. The first meeting shall take place within two weeks after the signature of the above agreement.

*Draft Proposals of 4 September 1952<sup>1</sup>*

*The Governments of India and Pakistan*

\* \* \* \* \*

7. *Agree* that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

(a) *On the Pakistan side of the cease-fire line:*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State;
- (iii) Large-scale disbanding and disarmament of the Azad Kashmir forces will have taken place; so that at the end of the period of demilitarization there shall be the minimum number of forces that are required for the maintenance of law and order and of the Cease-Fire Agreement, with due regard to the freedom of the plebiscite;

<sup>1</sup> *Ibid.*, Annex 8, pp. 47-8.

The text of paragraphs 1 to 6, inclusive, and 8, 10, 12 and the Provisional Clause is the same as that set forth in the draft of 2 September 1952. (Ed.)



*(b) On the Indian side of the cease-fire line:*

- (i) The bulk of the Indian forces in the State will have been withdrawn;
- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out; so that at the end of the period of demilitarization there shall be the minimum number of Indian forces and State Armed Forces that are required for the maintenance of law and order and of the Cease-Fire Agreement, with due regard to the security of the State and the freedom of the plebiscite.

\* \* \* \* \*

9. *Agree* that, pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the United Nations.

\* \* \* \* \*

11. *Agree* that arrangements for the plebiscite shall be completed after the United Nations Representative declares that he is satisfied that peaceful conditions have been restored in the State;

\* \* \* \* \*

*Draft Proposals of 14 February 1953<sup>1</sup>*

*The Governments of India and of Pakistan*

\* \* \* \* \*

5. *Agree* that the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949, as set forth in paragraph 7 below, shall be effected in a single continuous process;

6. *Agree* that this process of demilitarization shall be completed during a period of ninety days, starting from the date of the

<sup>1</sup> S.C.O.R., 8th Yr., Special Supple. No. 1, Doc. S/2967, Annex II, pp. 18-9.

The text of paragraphs 1 to 4, inclusive, 8, 10 to 12, inclusive, and the Provisional Clause is the same as that set forth in the draft of 2 September 1952. (Ed.)

entrance into effect of this agreement, unless another period is decided upon by the Governments of India and Pakistan;

7. *Agree* that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

A. *On the Pakistan side of the cease-fire line:*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State;
- (iii) Large-scale disbanding and disarming of the Azad Kashmir forces will have taken place; so that at the end of the period of demilitarization there shall remain an Armed Force of 6,000. This force will have been separated from the administrative and operational command of the Pakistan High Command in accordance with paragraph 9. It will have no armour or artillery.

B. *On the Indian side of the cease-fire line:*

- (i) The bulk of the Indian forces in the State will have been withdrawn.
- (ii) Further withdrawals or reduction, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in B(i) above will have been carried out; so that at the end of the period of demilitarization there shall be an Indian Army force of 21,000 including State Armed Forces. This force will be without armour or artillery.

\* \* \* \* \*

9. *Agree* that pending a final solution the territory evacuated by Pakistan troops will be administered by the local authorities under the surveillance of the United Nations. Effect shall be given to this by the time the process of demilitarization referred to in paragraph 6 has been completed on both sides of the cease-fire line;

\* \* \* \* \*

7. CORRESPONDENCE BETWEEN THE GOVERNMENTS OF INDIA AND PAKISTAN AND THE UNITED NATIONS REPRESENTATIVE, MR. F.P. GRAHAM, FEBRUARY 1953

*Memorandum of the Representative of India addressed to the United Nations Representative, 17 February 1953<sup>1</sup>*

\* \* \* \* \*

2. . . . The Government of India are unable to agree to the retention of any military force in the so-called Azad Kashmir territory. Not only would this be contrary to the assurance given by UNCIP to India that the resolution of 13 August should not be interpreted, or applied in practice, so as to bring into question the sovereignty of the Jammu and Kashmir Government over the portion of their territory evacuated by Pakistan troops, or to enable this territory to be consolidated in any way during the period of truce to the disadvantage of the State, but the presence of such a force which, by reason of its association with the Pakistan Army, constitutes a link with that Army, would be a threat to the security of the State. In the opinion of the Government of India, the function of preventing violations of the cease-fire line from the Azad Kashmir side can be effectively performed by a civil Armed Force to the formation of which they have already agreed. However, in order to meet the United Nations Representative's point regarding the necessity of an adequate force to prevent infringement of the cease-fire line from the Azad Kashmir side, the Government of India are willing to agree to some increase in the numbers of the proposed civil Armed Force and also to the equipment of the armed section of this force with such weapons as may be considered suitable to ensure the satisfactory discharge of this function.

3. As regards paragraph 9 of the proposals, the Government of India consider that the question of local authorities has to be dealt with in the light of the assurances given to the Government of India by the United Nations Commission for India and Pakistan. For this purpose it is essential that local authorities should not be so evolved, nor so function in practice, as to bring into question the sovereignty of the Jammu and Kashmir Government over the evacuated territory or to let it be consolidated

<sup>1</sup> S.C.O.R., 8th Yr., Special Supple. No. 1, Doc. S/2967, Annex IV, pp. 19-21.

in any way to the disadvantage of the State. In the opinion of the Government of India this makes it necessary: (i) that the so-called Azad Kashmir Government shall not be allowed to function in this area either collectively or individually through their Ministers; (ii) that all officials appointed by the Pakistan Government shall cease to function; (iii) that no connection shall be maintained between the local authorities and the Pakistan Government; and (iv) that the administration shall be conducted under the surveillance of the United Nations Representative by local officials who can be relied upon to discharge their duties effectively and impartially with strict regard to the needs and conditions of a fair and impartial plebiscite. The Government of India also consider that the United Nations surveillance will have to be sufficiently wide and effective to ensure maintenance of peace and order in this area, and of a reasonable degree of administrative efficiency. The Government of India also contend that having regard to the definition of the term "evacuated territory" given by the Commission, the entire area on the Pakistan side of the cease-fire line, and not merely the Azad Kashmir territory, should be administered by local authorities under the surveillance of the United Nations Representative.

\* \* \* \* \*

#### *Truce Agreement*

As regards the implementation of B.1 and 2 of part II of the resolution of 13 August 1948, India's position is that the Azad Kashmir forces cannot be differentiated from the Pakistan Army of which they are, for all practical purposes, an integral part, and that their numbers, equipment and efficiency constitute a threat to the security of the State. The implementation, therefore, by Pakistan of A. 1 and 2 of part II of the resolution will not materially diminish this threat which is aggravated by the ease with which, owing to the proximity of Pakistan's military cantonments, these forces could be quickly reinforced by the Pakistan Army. So long as agreement regarding the complete disbanding and disarming of the Azad Kashmir forces is not reached, a truce agreement cannot create "the conditions for a final settlement of the situation in the State of Jammu and Kashmir". India is, therefore, unable to accept any reduction of its present forces

except as part of an over-all arrangement which includes not only the withdrawal of Pakistan troops, tribesmen and Pakistan nationals not normally resident in the State who have entered for the purpose of fighting but also agreement on the measures to be adopted for the complete disbanding and disarming of the Azad Kashmir forces.

*Memorandum of the Foreign Minister of Pakistan addressed to the United Nations Representative, 17 February 1953<sup>1</sup>*

\* \* \* \* \*

6. In the meetings that were held by the United Nations Representative to discuss his twelve proposals the Pakistan delegation made it clear that it could not countenance the discussion of any troop figures for the two sides of the cease-fire line beyond the range of figures proposed in the Security Council's resolution of 23 December 1952. This insistence on adherence to the formula contained in the Security Council resolution was due to the affirmation of the Security Council that the range of figures set out in the resolution of 23 December 1952 had been determined after careful consideration of the military needs on both sides of the cease-fire line.

7. The Pakistan delegation explained that as a general principle it would ask for the retention of a comparable number of Azad Kashmir forces on the Azad Kashmir side of the cease-fire line if India insisted upon the retention of a substantial force (within the numbers permitted by the Security Council in its resolution of 23 December 1952) on its side of the cease-fire line, but that if India agreed to reduce the forces on its side to a sufficiently low figure Pakistan could agree to greater disparity between the two forces.

8. The United Nations Representative presented a revised version of his twelve proposals on 14 February 1953. In discussing these proposals with the Pakistan delegation on 16 February 1953, the United Nations Representative explained that by the term "Armed Forces" in sub-paragraph (iii) of paragraph 7A of the proposals was meant the Azad Kashmir forces, it being understood that at the end of the period of demilitarization administrative and operational control over these forces would pass over from GHQ (Pakistan) to the local authorities.

<sup>1</sup> *Ibid.*, pp. 21-3.

9. The comments of the Pakistan delegation on these proposals as explained by the United Nations Representative are as follows:

- (i) Paragraph 7 of the proposals contravenes the Security Council's resolution of 23 December 1952.
- (ii) In the debate that preceded the adoption by the Security Council of its resolution of 23 December 1952 the members of the Council were at pains to affirm and explain that the bracket of figures of troops proposed in the United Kingdom-United States draft resolution on Kashmir had been arrived at after taking into account the military needs of both the Indian occupied areas of the State and Azad Kashmir. No reasons have been advanced by the United Nations Representative to justify any change. The figure of troops for the Indian side of the cease-fire line has been arbitrarily raised, without any justification, to 21,000. The Pakistan delegation is convinced that, if 21,000 Indian and State Armed Forces are allowed, to remain on the Indian side of the cease-fire line as against only 6,000 Azad Kashmir forces, the security of the Azad Kashmir area would be put in serious jeopardy.
- (iii) The figures now suggested by the United Nations Representative would destroy the safeguard contained in paragraph 8 of the twelve proposals (and already accepted by both sides) that "the demilitarization shall be carried out in such a way as to involve no threat to the Cease-Fire Agreement either during or after the period" of demilitarization.
- (iv) The figures now proposed have avowedly no other object than to meet India's wishes with regard to the number of forces to be retained on its side of the cease-fire line. This fails to take into account the corresponding needs of security on the Azad Kashmir side of the cease-fire line. This process of continuously yielding ground in face of Indian intransigence amounts in effect to an endorsement and abetment of the Indian attitude. It is a clear indication to India that its sustained attitude of intransigence would ultimately procure the formulation of a truce agreement on its own terms.

## X. NEGOTIATIONS BETWEEN INDIA AND PAKISTAN, 1951-54

### 1. NOTE ON THE COMMONWEALTH PRIME MINISTERS' MEETING ON THE KASHMIR PROBLEM RECORDED BY THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, 16 JANUARY 1951<sup>1</sup>

This evening I attended an informal conference about the Kashmir question. This was originally fixed to be held at 10 Downing Street, but, owing to Mr. Menzies' illness, it was decided to hold it in Mr. Menzies' room at the Savoy. We met at 8.30 p.m. The Prime Ministers of the United Kingdom, Canada, Australia, New Zealand, Ceylon and Pakistan were present. We discussed the matter for about an hour.

Mr. Menzies and Mr. Attlee made some preliminary remarks about the extreme desirability of the Kashmir issue being settled, more especially because of the world situation. They referred to a plebiscite having been agreed to and only the conditions relating thereto being subject to dispute. Mr. Menzies expressed his opinion that probably a limited plebiscite would be more desirable. He added that, as there were legitimate apprehensions in the mind of India in regard to the security of the State, it should be easily possible for a brigade or so of Commonwealth troops to be placed there for security reasons till the plebiscite ended. Australia would be glad to provide such troops as it was thought it would be a service rendered to the cause of world peace. Some reference was also made to the heavy expenditure on the defence of India and Pakistan.

<sup>1</sup> S.C.O.R., 12th Yr., 764th Mtg., 24 January 1957, pp. 9-13.

Mr. Attlee then turned to me, I said I was at least equally desirous of a settlement of the Kashmir question. This was to the advantage of both India and Pakistan, and we had made many attempts but thus far without success. They show obviously that it was not quite so simple as it appeared on the surface, or otherwise it would have been settled long ago. No doubt it will be settled sooner or later. I gave a very brief account of some of the difficulties and points that had arisen, and added that two aspects were prominently before me. One was that no steps should be taken which might lead to an upsetting of the somewhat unstable equilibrium that had been gradually established between India and Pakistan during these past few years.

There was a grave danger that if a wrong step was taken it would rouse passions all over India and Pakistan and raise new issues of vital importance. That would be a tragedy.

The second point was that I could not deal with any proposal without reference to my colleagues in Delhi and Kashmir. So far as the Government of India was concerned, we had gone there on the invitation of not only the legally constituted Government but also the largest popular party. Our responsibility was confined to defence, foreign affairs and communications. For the rest, the State Government was responsible, and we could not interfere with its discretion though we could advise them. It was neither possible nor advisable for us to come to a decision without the concurrence of the State Government. Then the Prime Minister of Pakistan said that the State Government was just made up of puppets appointed by me, and I could remove them or change them at any time. I took exception to this and told them something about the background of Kashmir and the National Conference and Sheikh Abdullah.

I had given a very brief *resume* of the events in Kashmir in the last few years, finishing up with Dixon and the proposals. I pointed out that Dixon had concluded that an over-all plebiscite was not feasible and had therefore explored the possibility of a partial plebiscite. To the general principle of this I had agreed, subject, of course, to the other matters connected with it being considered and decided upon.

I made it clear that there was no point in discussing these matters until the principle was accepted by Pakistan.



Mr. Liaquat Ali Khan indignantly repudiated this. The Prime Minister of Pakistan thereupon said there was no question of an over-all plebiscite not being feasible. There might be some difficulties, but obviously it could be done. I agreed that it could be done, though it might take time.

The question of feasibility did not refer to the practical difficulty of having an electoral roll, but, according to Dixon, to various other factors. Mr. Menzies stated that he had not been able to understand why the Government of the State should be pushed aside or suspended because of the plebiscite. It could very well continue, although matters connected with the plebiscite might be handed over to the Plebiscite Administrator. Attlee agreed with this.

I told them, also, that there was a basic difference between our approach and Pakistan's to the two-nation theory, and the insistence on religious differences coming into politics. While we had reluctantly accepted certain facts, we never accepted Pakistan's theory, and we were not prepared to apply it to Kashmir in any event. That would be bad for Kashmir, but would be worse still for India and for Pakistan. It would go counter to the principles that governed us and might produce upheavals both in India and in Pakistan. We had only recently witnessed an upheaval of this kind in Bengal, which had with difficulty been controlled by the Agreement between the two Prime Ministers.

Mr. Attlee pointed out rather warmly that past history did not quite fit in with what I had said. The division of India had largely been based on a religious basis. He did not like this religious basis at all, and he had tried to avoid it, but facts were too strong. Further, he said that ethnic and linguistic divisions were equally dangerous, and we in India would have to face this difficulty in various parts of the country. I said that we were not enamoured of ethnic and linguistic divisions, but, in the circumstances, we certainly thought that any religious approach to a political problem was dangerous and explosive. We had never accepted that principle, and we did not propose to do so in the future. Right from the beginning of the Kashmir trouble, we had laid

stress on this fact and had informed the United Nations Commission repeatedly that this appeal to religion must be avoided. In spite of this, the Pakistan Press was full of religious appeals and calls for "jehad".

If this kind of thing was going to take place before and during the plebiscite period, then there would be no plebiscite, but civil upheaval, not only in Kashmir but all over India and Pakistan.

Mr. Menzies then said that he quite agreed that religion should be kept out of the picture, and he had been much disturbed when he saw the Pakistan Press in Karachi which was writing most irresponsibly on this subject....

The Prime Minister of Ceylon was silent throughout. Mr. Attlee then referred to river waters in connection with Kashmir and mentioned the international committee set up by Canada and the United States. I mentioned that Mr. Saint-Laurent had drawn our attention to this last year, and I had stated subsequently that I would be perfectly agreeable to having subsequent consideration of the water problem as between India and Pakistan.

The Prime Minister of Pakistan at one stage referred to ethnic divisions of Kashmir and said that, if necessary, a plebiscite could be held separately in these areas. At no time, however, did he accept the idea of a partial plebiscite. He insisted on an over-all plebiscite for the State, though this might be taken separately in different areas—presumably to allow these areas to decide for themselves.

As Mr. Menzies was not feeling too well and had a temperature, the conversations ended rather suddenly at about 10 p.m. Mr. Menzies concluded by saying that we might perhaps think over the various suggestions made in the course of the conversations. These were, according to him, that, firstly, the State Government should not be touched, and should continue except in regard to functions relating to the plebiscite; secondly, the Commonwealth might provide a security force; and thirdly, the plebiscite might be held in different areas.

In the course of the conversations, no reference was made either by Mr. Liaquat Ali Khan or by me to the proposal about a Commonwealth force being sent. There was no mention of these talks being resumed.

## 2. JOINT PRESS NOTE ISSUED AT THE CONCLUSION OF THE INDO-PAKISTAN PRIME MINISTERS' CONFERENCE AT KARACHI, 28 JULY 1953<sup>1</sup>

The Prime Ministers of Pakistan and India held several meetings on 25, 26 and 27 July and discussed at some length various problems affecting Pakistan and India. These talks were frank and cordial and both Prime Ministers were actuated by the desire to solve the problems outstanding between the two countries and to promote their cooperation in matters of common interest. Among the subjects discussed were Kashmir, canal waters, evacuee and trust properties and shrines, problems as between East Pakistan, West Bengal and Assam, and Pakistani enclaves in Cooch Bihar and Cooch Bihar enclaves in East Pakistan.

\* \* \* \* \*

The major part of the Prime Ministers' meetings was devoted to a discussion of the Kashmir dispute which was examined in all its various aspects.

These talks were necessarily of a preliminary character. They have helped in a clearer understanding of each other's point of view, of the issues involved and of the difficulties that stand in the way of a settlement. They have prepared the ground for further talks which the Prime Ministers expect to resume at New Delhi in the near future.

The two Prime Ministers are agreed that the independence and integrity of the two countries must be fully respected; each country having full freedom to follow the policy of its choice in domestic as well as in international affairs. At the same time, the Prime Ministers are convinced that the interests of both countries demand the largest possible measure of cooperation between them, and that, therefore, every effort should be made not only to resolve existing Indo-Pakistan disputes but also to promote goodwill and friendship in both countries and to the promotion of the welfare of the common man which is their primary concern.

It is hoped that the Prime Minister of Pakistan will visit New Delhi in the near future to continue these talks.

<sup>1</sup> *Negotiations between the Prime Ministers of Pakistan and India*, p. 102.

3. JOINT PRESS COMMUNIQUE ISSUED AT THE CONCLUSION OF THE INDO-PAKISTAN PRIME MINISTERS' CONFERENCE AT NEW DELHI, 20 AUGUST 1953<sup>1</sup>

The Prime Ministers of Pakistan and India held several meetings on 17, 18, 19 and 20 August in New Delhi. These talks were in continuation of the talks they had held in Karachi three weeks earlier. Kashmir and other problems outstanding between the two countries were discussed fully and frankly. Both the Prime Ministers were actuated by a firm resolve to settle these problems as early as possible, peacefully and cooperatively, to the mutual advantage of both countries.

2. The Kashmir dispute was specially discussed at some length. It was their firm opinion that this should be settled in accordance with the wishes of the people of that State with a view to promoting their well-being and causing the least disturbance to the life of the people of the State. The most feasible method of ascertaining the wishes of the people was by a fair and impartial plebiscite. Such a plebiscite had been proposed and agreed to some years ago. Progress, however, could not be made because of lack of agreement in regard to certain preliminary issues. The Prime Ministers agreed that these preliminary issues should be considered by them directly in order to arrive at agreements in regard to this. These agreements would have to be given effect to and the next step would be the appointment of a Plebiscite Administrator.

3. In order to fix some kind of a provisional time-table, it was decided that the Plebiscite Administrator should be appointed by the end of April 1954. Previous to that date the preliminary issues referred to above should be decided and action in implementation thereof should be taken. With this purpose in view committees of military and other experts should be appointed to advise the Prime Ministers. On the Plebiscite Administrator's formal appointment and induction into office by the Jammu and Kashmir Government he will examine the situation and report on it. He will then make such proposals as he thinks proper for preparations to be made for the holding of a fair and impartial plebiscite in the entire State and take such other steps as may be considered necessary therefor.

<sup>1</sup> *Negotiations between the Prime Ministers of Pakistan and India*, pp. 103-4.

4. The Prime Ministers considered the evacuee property issue and were glad to find that as a result of discussions between the representatives of the two Governments at Karachi considerable progress had been made. Certain data were now being selected to enable final decisions to be taken. It was hoped that a meeting of the representatives of the two Governments would be held within a month for a further consideration of these problems.

5. At their meeting in Karachi the Prime Ministers had agreed that the Cooch-Bihar enclaves in East Bengal should be exchanged with East Bengal enclaves in Cooch-Bihar. It was accordingly decided that a conference should be held in Calcutta as soon as possible to work out the necessary details. The conference should also consider travel and trade facilities and other issues specially relating to East Pakistan, West Bengal and Assam. This conference should be attended by the representatives of East Pakistan, West Bengal and Assam and the two Central Governments.

6. The Prime Ministers are happy to record this large measure of agreement on vital matters affecting their two countries and they trust and believe that further success will attend their efforts so that all the problems which have unfortunately come in the way of good relations between the two countries should be solved satisfactorily. Progress can only be made in this direction if there is an atmosphere of peace and cooperation between the two countries. This has, therefore, to be actively encouraged. The Prime Ministers deprecate any propaganda or attack on one country by the other in the Press, by radio or by speeches or by statements made by responsible men and women of either country. They trust, therefore, that all organs and responsible leaders of public opinion will direct themselves to this great task of promoting goodwill between the two countries and thus help in solving all problems and disputes that might exist between them. The Prime Ministers attached the greatest importance to this friendly approach and to the avoidance of words and actions which promote discord between the two countries.

7. The Prime Ministers intend to keep in close touch with each other so as to expedite progress in the directions indicated above.

4. CORRESPONDENCE BETWEEN THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AND THE PRIME MINISTER OF PAKISTAN, MR. MOHAMMED ALI, REGARDING A REGIONAL PLEBISCITE IN KASHMIR AND THE APPOINTMENT OF THE PLEBISCITE ADMINISTRATOR, AUGUST-DECEMBER 1953

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 27 August 1953<sup>1</sup>*

My dear Pandit Nehru,

During our recent discussions in New Delhi you put forward the following proposals:—

- (i) Instead of the agreed solution of a free and impartial plebiscite to determine whether the entire State of Jammu and Kashmir is to accede to India or Pakistan we should now agree upon a regional plebiscite.
- (ii) In place of Admiral Chester W. Nimitz who was nominated as Plebiscite Administrator in March 1949 with the agreement of the Governments of India and Pakistan, we should now select a Plebiscite Administrator from one of the smaller States.

I undertook to give you the reactions of my Government after consultation with my colleagues.

2. The idea of a regional plebiscite without a definition of regions is not concrete enough for the expression of a definite view for or against it. I hope, therefore, that you will soon send me your idea of the basis on which the State is to be divided into regions for the purpose of the plebiscite and what the boundaries of each region will be. Another point on which it is necessary to be clear at this stage relates to refugees. I take it that citizens of the State who have been displaced from their homes will be entitled to have their votes recorded for the region of their origin and that outsiders who may be residing in the State will not be entitled to vote at all.

3. For the present I shall confine myself to some observations of a general character which are however of great importance in considering the proposal for a regional plebiscite.

4. As I understand this proposal, it betokens a fundamentally new approach to the problem of Kashmir. The present interna-

<sup>1</sup> *Negotiations between the Prime Ministers of Pakistan and India*, pp. 27-8.

tional agreement on Kashmir which is based on an over-all plebiscite was worked out with the assistance of the United Nations four years ago but in spite of repeated efforts it is as far from implementation as ever. It was a compromise hammered out of conflicting claims in an atmosphere of suspicion, mistrust and mutual recrimination. Some of its provisions would militate against the unfettered expression of the will of the people of Jammu and Kashmir. Happily that atmosphere no longer exists and we are now agreed that the wishes of the people of the State should be the overriding consideration in the settlement of the Kashmir question. It is essential, therefore, to approach the problem with a fresh outlook born of present feelings of trust, cordiality and friendliness between India and Pakistan. The people of the State in its various parts should also share in this trust and friendliness. Above all, they must be made to realise that their vote is absolutely free and uninfluenced by any fear or pressure.

5. The most potent sources of fear and pressure both visible and invisible are partisan administrations and the presence of the troops of one country to the exclusion of the other. The conditions for a truly free and impartial plebiscite are:—

- (i) Supervision over the administration during the plebiscite period should be in the hands of an impartial authority or a joint Indo-Pakistan commission.
- (ii) Exclusion of troops of either country from the plebiscite area or the presence of a joint force.
- (iii) The Plebiscite Administrator should have all the powers he considers necessary for organising and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite including the power to secure compliance with any instructions he might give to the civil and military authorities in the State in carrying out his functions.

6. The freedom and impartiality of the plebiscite assumes special importance in the case of a regional plebiscite. Certain factors which in an over-all plebiscite would not perhaps materially affect the result might be of decisive moment in the plebiscite of a region. In a regional plebiscite it would be necessary to take much more stringent precautions to ensure the freedom of vote. Furthermore, a regional plebiscite necessarily

implies the break-up of the State. In such a scheme, questions of legal and constitutional rights of a single authority in the State would be wholly out of place. If this idea of a regional plebiscite is to be pursued, modifications of the nature indicated above would be necessary in the existing agreement which is based on an over-all plebiscite.

7. As regards the Plebiscite Administrator, Admiral Nimitz was nominated by the Secretary-General of the United Nations in March 1949 with the agreement of the Governments of India and Pakistan. He possesses in an eminent degree the qualifications required of a Plebiscite Administrator that he should be "a personality of high international standing and commanding general confidence". His impartiality is beyond question and in his capacity as Plebiscite Administrator he will be acting on behalf of the United Nations and not on behalf of any particular country. Nor will his replacement be an easy matter since persons of high international standing and commanding general confidence are not readily available, and even if available may not perhaps be willing to risk the treatment that would have been meted out to Admiral Nimitz if we were now to drop him. You know the high regard in which I hold your views but I venture to suggest that we both give this matter further thought.

8. I trust that the views I have set out above will receive your earnest consideration. I am most anxious, as I am sure you are, to ensure that the Kashmir dispute is settled at an early date in a just and fair manner, and these views are offered solely with a view to help achieve that common objective. On receiving a reply from you, it may be necessary for us to meet soon to carry our discussion of these issues forward to a happy and satisfactory conclusion.

Yours sincerely,

(Signed) MOHAMMED ALI

*Letter of the Prime Minister of India addressed to the Prime Minister of Pakistan, 3 September 1953<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

You refer in your letter to the past atmosphere of suspicion,

<sup>1</sup> *Ibid.*, pp. 32-7.



mistrust and mutual recrimination, and add that "happily that atmosphere no longer exists". "It is essential," you say, "to approach the problem with a fresh outlook born of present feelings of trust, cordiality and friendship between India and Pakistan." That was my hope, but, I would ask you, is this atmosphere and are those feelings of trust, cordiality, friendliness evident in the Press or in the public statements of Pakistan today? How then are we to get over this basic and initial difficulty?

A tremendous deal of fuss has been made about Admiral Nimitz being made the Plebiscite Administrator. I have already written to you about this matter. I thought you agreed completely with me at the time. Since Admiral Nimitz was appointed, with our consent, four-and-a-half years have passed, and, quite apart from Kashmir, the world situation has developed greatly. A war has been fought with disastrous consequences in Korea. There is, fortunately, an armistice in Korea now, but, only recently, we saw an unedifying sight in the Political Committee of the United Nations. We saw conflicts between the great Powers, even among those who were closely allied to one another. Those conflicts were a reflection of deeper and vaster conflicts which imperil the peace of the world and trouble mankind.

We in India have taken up a clear and definite attitude in regard to world affairs. We have consistently refused to entangle ourselves in these conflicts or to align our country with one power block or another. For any great nation, however much we might respect it, to be brought into the Kashmir picture, would be to make Kashmir a part of this world conflict arousing rivalries between great Powers. That would lead to further entanglement and difficulty. That might well confuse the issues still further. If Kashmir becomes also an arena of conflict between the great Powers, then not only India and Pakistan, but also the people of Kashmir play a secondary part.

It was for this major reason, and not from any ill-will for the United States or for Admiral Nimitz, that we suggested the salutary rule that the Plebiscite Administrator should be chosen from some small and more or less neutral country of Asia or Europe. There are many such countries and there should be no difficulty in finding an eminent and impartial person from among them. I feel sure that, in these circumstances, the Government of

the United States, as well as Admiral Nimitz himself, would have appreciated our viewpoint. Indeed, I thought that the appointment of Admiral Nimitz was practically terminated long ago and the matter had anyhow to be approached afresh in the new circumstances of today. This could have been done quite easily without affront to anyone; but the surprising agitation in Pakistan over this issue has made it a major one and needlessly created difficulties. For us, it is not merely a question of Kashmir, but of our major world policy to which we have adhered to the best of our ability, during these troubled years. For us to agree now to what you have suggested in your letter is, to some extent, to deviate from that world policy of non-alignment. You and your colleagues will, I hope, appreciate my argument and realise that it is impossible for us to take any step which endangers that larger policy, apart from bringing about other consequences which we consider undesirable.

As I write this letter, I am informed that Admiral Nimitz has formally submitted his resignation to the Secretary-General of the UN. The question of his continuing does not, therefore, arise. But I have, nevertheless, dealt with this matter fully so as to explain our position to you.

In your letter of 27 August, you state that I put forward two proposals, one dealing with regional plebiscite and the other with the nomination of a Plebiscite Administrator. I have dealt with the second point above. As for the other, I did not put forward any proposal that "we should now agree upon a regional plebiscite". What I said in this connection was different.

I laid great stress on our finding a solution which would cause the least disturbance to the life of the people of the State. We have mentioned this in our joint statement. In discussing this matter with you informally, I pointed out that we must avoid anything that results in unfortunate migrations from, or other disturbances within, the State. Indeed, you will remember, that it was at my insistence that the word 'entire' was added before 'State' at the end of paragraph 3 of our statement, where it is said that there should be "a fair and impartial plebiscite in the entire State". What I suggested was that as a result of the plebiscite over the entire State, we would be in a position to consider the matter, so that the final decision should cause the least disturb-

ances and should take into consideration geographical, economic and other important factors. Indeed, any attempt at defining regions rather prejudices the result of the voting. In any event, all these are matters to be considered at a much later stage.

\* \* \* \* \*

Your point (1) paragraph 5 refers to the administration of the State and suggests that this should be in the hands of an impartial authority or a joint Indo-Pakistan commission. We have made it clear in the past, and our contention has been accepted by the UN Commission, that there can be no such change in the administration of the State. Indeed the resolution of the United Nations Commission is based on the recognition of the *de jure* authority of the State Administration over even the areas now occupied by Pakistan, and the constitutional right of the Government of India to safeguard the security of the State. There can be no question whatever of Pakistan or any outside authority sharing, in any way, in the administration of the State. The whole basis of the UN approach in its resolutions, and subsequently through Dr. Graham has been the recognition that there is a difference between the status of the two countries in this and other matters. Because of the recognition of the authority of the Government of Jammu and Kashmir State, the Plebiscite Administrator was to be formally appointed by that State, and was to act as an officer of that State. It is admitted, of course, that he would be chosen with the consent of the parties concerned.

It is the Government of Jammu and Kashmir State that is recognised throughout; there is no recognition anywhere at any time of any Government in the areas of Kashmir State occupied by Pakistan forces. Even in regard to the withdrawal of troops, there was to be, according to the UN Commission's resolution, a complete withdrawal of Pakistan troops from all areas of the State occupied by them, while Indian forces were to remain, though in reduced strength. The right and responsibility of the Government of India to maintain a certain minimum number of troops, such as might be required for the security of the State, have throughout been recognised.

At one time a proposal was vaguely put forward that some foreign troops, belonging to another country, might be brought

into the State. We made it perfectly clear then that we could never accept the intrusion of foreign troops in the Kashmir State or anywhere else in Indian territory. That proposal was not pressed and was given up.

\* \* \* \* \*

Your point (3) in paragraph 5 relates to the powers of the Plebiscite Administrator. To some extent, this overlaps point no. (1). It is clear that we should ensure a fair and impartial plebiscite and that the Plebiscite Administrator should be in a position to organise such a plebiscite. That has nothing to do with the normal functioning of Government. It has certainly something to do with the non-interference of the Government in the plebiscite. These are matters to be discussed and arranged.

You refer in paragraph 2 of your letter to the refugees being allowed to vote and to outsiders residing in the State not being allowed to vote. Outsiders, who are presumably not permanent residents of the State will, I take it, not vote. As for refugees voting, I referred to this in the course of our talks, and I pointed out the extraordinary difficulties that we should have to face if we tried to give facilities for such voting. There would have to be a most careful check-up of all such persons, detailed inquiries as to whether they were permanent residents of Kashmir or not, where they came from and the circumstances in which they left the State, a certification of their identity, etc. There would be the problem of settling these refugees as also of unsettling settled refugees and resettling them elsewhere. I should like you to picture to yourself how all this can be done and how long it will take. It would result in an indefinite prolongation by years of the period preparatory to the plebiscite. It would also mean a very considerable disturbance to the life of the people of the State, which we wish to avoid. Therefore, for the most practical of reasons, this course does not appear feasible.

I think that I have dealt with all the points raised in your letter. Some of them, as I have endeavoured to point out, do not arise at all; some others were disposed of long ago; some others still have to be disposed of at a later stage. There are a few preliminary issues to be decided in the near future before the Plebiscite Administrator comes in. To that we can address ourselves. It was

with this purpose in view that we suggested in our joint statement that committees of military and other experts should be appointed to advise the Prime Ministers.

\* \* \* \* \*

I should like to make it clear that there is no intention on my part to exclude the UN from this question of Kashmir. The Plebiscite Administrator would function under UN supervision, but it seems to me quite obvious that while the UN can be helpful, any settlement must depend upon the consent and cooperation of India and Pakistan. Therefore, it is for us to agree and not to look to the UN to produce some settlement, without our agreement.

\* \* \* \* \*

Yours sincerely,

(Signed) JAWAHARLAL NEHRU

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 31 October 1953<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

You have complained of the attitude of the Press and the people in Pakistan. I have dealt with this subject in my letter of 5 September and propose to deal with it separately again in my reply to your letter of 23 September. The atmosphere of goodwill which you and I have laboured to create has been disturbed on two occasions. The first was when the dismissal and imprisonment of Sheikh Abdullah, followed as it was also by suppression of pro-Pakistan elements, had repercussions in this country. The people began to ask—and I have not been able fully to reassure them on this point—how was such action consistent with India's repeated declaration that the fate of Kashmir shall be determined by the people of the State, if those people were not to be allowed the freedom to express themselves on this issue. The second occasion arose immediately after the conclusion of our Delhi talks, when contents of what had passed in confidence between you and me leaked out to the Press. As explained in my letter of

<sup>1</sup> *Ibid.*, pp. 43-5.

5 September, this also naturally produced a sharp reaction in this country.

\* \* \* \* \*

I now come to the main subject of our discussion. During our talks in Delhi I understood you to be in favour of a regional plebiscite. By a regional plebiscite I mean a plebiscite in which the accession of various regions is determined by the result of the vote in those regions. The fact that such plebiscite is held in the entire State at the same time makes no difference to its character.

In my letter of 27 August I had stated that to enable us to express a definite view for or against a proposal for a regional plebiscite the regions must be defined beforehand and had observed that the conditions for ensuring fairness and impartiality in any regional plebiscite must necessarily be more strict than in an over-all plebiscite.

It now appears from your letter under reply that I had misunderstood you and that you are not proposing a regional plebiscite. You have also pointed out that my suggestions for securing greater strictness in the fairness and the impartiality of the plebiscite depart, to some extent, from the resolutions of the United Nations Commission which have received our joint consent. Incidentally, you have in this connection mentioned some controversial points, such as the *de jure* authority of the State Administration. I do not think anything will be gained by traversing this controversial ground again.

You suggest that we would be in a position to take the final decision after taking into consideration the result of the plebiscite in the entire State and geographical, economic and other important factors. I fear that such a procedure would not be conducive to a final settlement of this dispute as there would be no assurance that an agreed solution would be found even after the plebiscite has been held.

In the circumstances, there is no point in pursuing further the idea of a regional plebiscite in any form. It appears to me that our best course would be to make what has been already agreed between us the starting point of further progress. What we have jointly agreed to is embodied in the resolutions of the United Nations Commission to which you have referred, and the

joint communique issued by us in Delhi laying down the procedure for implementing this agreement.

We should now, in accordance with this procedure, establish the official committees which we have agreed to set up and require them to take up the question of demilitarization of the State and other preliminary issues that need action preparatory to the induction into office of the Plebiscite Administrator. If the committees are able to tender an agreed report, well and good. If not, we could meet and resolve any differences and the way will then be clear for the holding of an over-all plebiscite as already agreed to between India and Pakistan. If you agree, would you kindly nominate your representatives to these committees and suggest the time and place where they should meet.

There are a few other matters that have been touched upon in our correspondence and I shall now deal with them. You are opposed to the appointment of a Plebiscite Administrator from one of the major Powers on the ground that this would imply some deviation from your policy of non-alignment. My colleagues and I appreciate your point of view, although we do not quite see why the continuance of Admiral Nimitz as a Plebiscite Administrator under the United Nations, which was agreed to by both our countries, should have any such results as you apprehend. Unfortunately this question has been unnecessarily complicated by the leakage of news and the public stand that was taken on it before my colleagues and I had time fully to consider it. If, as I hope, we are able to reach an agreement on the preliminary issues and arrangements preparatory to the plebiscite, I should anticipate no difficulty in resolving this question by mutual agreement.

We agreed in Delhi that the plebiscite need not await the rehabilitation in their homes of the displaced citizens of the State. But this does not and cannot mean that these displaced citizens should be deprived of their vote in the plebiscite. I can see no reason either in justice and equity or on the basis of the agreements already reached between us which would justify our depriving them of their right to participate in the plebiscite. If it is feared that the identification of these persons will present difficulty, similar difficulties would have to be faced in the State itself in distinguishing between those who are citizens of the

State and therefore are entitled to vote and those who have come from outside to reside therein but are not State-citizens. Neither process presents insuperable difficulties or need cause delay.

I agree with you that the solution of the Kashmir problem should be arrived at in such manner as to cause the least disturbance to the life of the people of the State. Here the way we approach the problem and the spirit in which we tackle it at each stage are of the utmost importance. If the people of the State see that the two Governments are approaching this question in a spirit of goodwill and friendship and are determined to protect the minorities in India and Pakistan and treat them in a fair and generous manner, the people of the State would feel reassured and no disturbance to their life would be caused. We must, therefore, continue in our efforts resolutely towards the creation of a friendly and cooperative atmosphere between our two countries and an amicable solution of all those disputes which at present vitiate it. I assure you that my colleagues and I are determined to continue to do our best to achieve this objective.

Yours sincerely,

(Signed) MOHAMMED ALI

*Letter of the Prime Minister of India addressed to the Prime Minister of Pakistan, 10 November 1953<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

I come now to your letter of 31 October. I am glad to find that you and your colleagues appreciate our point of view now in regard to the appointment of a Plebiscite Administrator from the smaller and more or less neutral countries of Asia or Europe. Even when I first spoke to you about this matter, it seemed to me that the reason behind our proposal was such that you would accept it immediately. Since then, other events have happened, which make it all the more incumbent that the Plebiscite Administrator should not come from any major Power or any country which is involved in the so-called cold war. I presume that our difference in approach to this problem has been due to our different approaches to foreign policy generally.

<sup>1</sup> *Ibid.*, pp. 50-1.



You refer to the question of regional plebiscite. I can only repeat what I endeavoured to put before you when we met. Our object is to give freedom to the people of Kashmir to decide their future in a peaceful way and so as to create no upset, as we said in our joint statement. Obviously, any method that creates that upset will be bad for Kashmir's future as well as for India and Pakistan. We have thus to proceed warily. If a decision leads to large-scale migrations, that will be an upset of a major character and would create ill-feeling in Pakistan or India as well as in the Kashmir State itself. We cannot proceed by some mathematical rule in dealing with large numbers of human beings. We have also to consider many other factors.

If, however, we decide on a regional plebiscite, how are we to define the regions? I know of no adequate basis except some rule of thumb. Also, the mere definition of a region, by some rough and ready way, at this stage would create a certain measure of upset within that region.

Therefore, I had suggested that the plebiscite should be for the State as a whole and the detailed result of the plebiscite would then be the major factor for the decision to be taken. That detailed result will give us a fairly clear indication of the wishes of the people not only in the State as a whole but in different areas. Obviously, one cannot go by that completely, because some absurd result might flow. Any boundary, which is to be an international frontier, must take into consideration a number of other factors. It must be geographical, clear and suitable from a number of other important points of view. A handful of persons cannot change a boundary because they wish it. This seems to me the only reasonable approach to this problem.

You refer to the displaced persons, I have given a good deal of thought to this matter and it seems to me that it is practically almost impossible for us to include these displaced persons in this plebiscite voting. Any attempt to do so would of course prolong the period very greatly. Even so, I do not see how it can be done satisfactorily. Are we to undertake large-scale rehabilitation schemes, involving fresh displacements and upsets? For the last few years, your country and mine have faced tremendous problems of displaced persons. We face them still. Are we to reproduce this problem in the Kashmir State and expect to deal

with it satisfactorily within a measurable period of time? If, on the other hand, it is suggested that we allow the displaced persons to vote where they are, that would be an extraordinary proposal, which seems to me totally impracticable. These persons are spread out over great areas. There can be no possible check on them. Who is to distinguish between them and others?

You say that the same difficulty might arise within the State itself. Surely that is not so. The position is entirely different.

I agree with you that we should consider the appointment of official committees and determine their agenda.

Yours sincerely,

(Signed) JAWAHARLAL NEHRU,

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 1 December 1953<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

As to the plebiscite, I note again that you do not favour the idea of a regional plebiscite. I have already suggested that we abandon this idea altogether. The question of definition of the regions therefore *now* no longer arises.

You say that after the plebiscite for the State as a whole has been held the detailed result would then be the major factor for the decision to be taken and that any boundary, which is to be an international frontier, must take into consideration also a number of other factors. As stated in my letter of 31 October, I fear such a course will not be feasible, since it implies that even after the plebiscite has been held there will be no assurance that an agreed settlement of this dispute will be reached. Under the existing agreement between India and Pakistan, the State of Jammu and Kashmir is to be disposed of in accordance with the verdict of the people of the State, given in a free and impartial plebiscite. Once the plebiscite has been held and the people's verdict as to the accession of the State of Jammu and Kashmir as a whole is known, both India and Pakistan would be bound to abide by that verdict; it would not be open thereafter to either of

<sup>1</sup> *Ibid.*, pp. 52-3.

us to proceed to dispose of the State in accordance not with that verdict but with some different criteria to be then defined.

We have both agreed that the Kashmir problem should be settled in such a manner as would not result in a major disturbance in the life of the people in the State. You refer to the necessity of preventing large-scale migrations that would be an upset of a major character. As stated in my letter of 31 October, the decisive factor in preventing any major upset will be the spirit in which our two Governments approach this problem. If in this approach we are able to maintain a spirit of goodwill and friendship between our two countries—an amicable solution of the Kashmir dispute will in itself contribute most powerfully to the building and maintenance of such a relationship—there is no reason why the people in the State should have any misgivings as to their future or wish to leave their homes.

You have referred to the difficulties of allowing displaced persons to take part in the plebiscite. I did not suggest that we should undertake their rehabilitation before the plebiscite takes place. On the other hand, we cannot in justice deny them the right to participate in the plebiscite. Indeed, this right is guaranteed to them under our existing agreement according to which all citizens of the State who have left it on account of the disturbances will be invited and be free to return and exercise all their rights as such citizens. It is not open to either of us to deprive them of that right. What remains to be done, however, is to devise practical arrangements, such as perhaps locating them in temporary camps within the State, which would meet the difficulties you have in mind. The devising of such arrangements under which these displaced State-citizens may vote as also of the safeguards necessary to ensure that persons who have come from outside to reside in the State but are not State-citizens do not participate in the voting are matters for the Plebiscite Administrator to handle and we may well leave these questions to him to settle after he has been formally inducted into office.

As regards the official committees, it occurs to me that it will probably be a better arrangement if there is only one committee of civil officials to which military advisers may be attached. It will, of course, be open to this committee to require the military advisers on both sides to go into a sub-committee to examine

purely military issues. I hope you will agree with this view. Our representatives on this committee will be Messrs. Aziz Ahmed, M. Ayub and Aftab Ahmed Khan, with Major General K. M. Sheikh and Lt. Col. Mohammed Iqbal as their military advisers. Will you kindly let me know the names of your representatives on this committee?

\* \* \* \* \*

Yours sincerely,

(Signed) MOHAMMED ALI

5. CORRESPONDENCE BETWEEN THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, AND THE PRIME MINISTER OF PAKISTAN, MR. MOHAMMED ALI, REGARDING MILITARY PACTS AND THE KASHMIR QUESTION, DECEMBER 1953-SEPTEMBER 1954

*Letter of the Prime Minister of India addressed to the Prime Minister of Pakistan, 9 December 1953<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

On 10 November, I wrote two letters to you, one of which was a personal letter. In that letter I referred to various matters including the evacuee property problem. In particular, I referred to the news of a military pact between Pakistan and the United States of America. I made it clear that it was not our wish to interfere in any way with Pakistan's internal or external policy. But when something is done in Pakistan which is likely to create powerful repercussions in India, then it is only right that I should draw your attention to it, just as if anything happened in India, which would produce that result in Pakistan, you would be perfectly entitled to draw my attention to it.

\* \* \* \* \*

In my personal letter of 10 November, I pointed out that any such pact between Pakistan and the USA meant the alignment of Pakistan, both in regard to its foreign and defence policy, with a particular block of nations. So far as India is concerned, it has

<sup>1</sup> *Negotiations between the Prime Ministers of Pakistan and India*, pp. 54-6.

been our consistent policy to avoid any such alignment, because we believe that this would be undesirable from the point of view of peace in Asia as well as world peace. We hoped that the countries of Asia would keep free from these entanglements and preserve an area of peace, whatever happened elsewhere. Some other important countries in South Asia have independently followed the same policy. Apart from the danger of extending the sphere of war, such alignments were highly likely to lead to progressive limitations in the independence of the country entangled. The countries of Asia have only recently recovered their freedom and, in our opinion, it would be most unfortunate that any policy should be pursued which would inevitably bring in powerful outside influences, limiting that freedom. Past history is a warning to us in this respect.

I mention this because in view of the developments that appear to be taking place, Pakistan's foreign and defence policy will become diametrically opposed to the policies we have so consistently and earnestly pursued. I can only express my regret that the area of disagreement between India and Pakistan should be extended over a wider field now. So far as we are concerned, we shall continue to pursue our own policy of peace and non-alignment.

You and I are concerned with our respective countries and we bear a heavy responsibility for their well-being. We have to think also and shoulder some responsibility for world affairs, and chiefly the vital issues of peace and war. In any event, we cannot forget that those issues affect our respective countries. We have thus to fashion our policies, keeping all this, and more especially peace, in view. War today is likely to be an irretrievable disaster and all our hard won freedom will be endangered by it. Progress and reconstruction will, of course, stop completely. In fact, the movement will be in an opposite direction.

I do not know what the present position is in regard to the military pact or assistance between Pakistan and the USA. But responsible newspapers state that large-scale military assistance and equipment, arms and training will be given to Pakistan by the US. It is even stated (*The New York Times* has said so) that an army of a million men may be so trained in Pakistan. No doubt, the United States thinks that these forces may be utilised for a

possible war against the communist countries. Some of us differ from them in considering this as a method of ensuring peace. It seems to us rather an encouragement to war. Whatever the motive may be, the mere fact that large-scale rearmament and military expansion takes place in Pakistan must necessarily have repercussions in India. The whole psychological atmosphere between the two countries will change for the worse and every question that is pending between us will be affected by it. We do not propose to enter into an armament race with Pakistan or any other country. Our ways of approach to these international problems are different from those of the nations of Europe and America. But it is obvious that such an expansion of Pakistan's war resources, with the help of the United States of America, can only be looked upon as an unfriendly act in India and one that is fraught with danger. It is not the people of India who think so but people of other countries also and this has little to do with the motives behind the act, because the result in any event will be the same.

This matter is of such great importance and far-reaching consequences that I am writing to you once more about it, in addition to the more formal approach that we have asked our High Commissioner at Karachi to make to you. Inevitably, it will affect the major questions that we are considering and, more especially, the Kashmir issue. We have been discussing for a long time past, the question of demilitarisation in the Kashmir State. Indeed, it is proposed to discuss this particular question again at the official conference that has been suggested. The whole issue will change its face completely if heavy and rapid militarization of Pakistan itself is to take place. It is a relatively small matter what forces Pakistan maintains within the State of Kashmir, as it is doing at present. They can withdraw them 30 or 40 or 50 miles into Pakistan territory. These forces can come back at a few hours' notice. If, however, they are backed by an increasing armed power in Pakistan itself, that is of far greater moment than the so-called demilitarisation of Kashmir State. In fact, it becomes rather absurd to talk of demilitarisation, if Pakistan proceeds in the reverse direction with the help of the United States.

I have been, and am, anxious that we should proceed towards a settlement of the Kashmir dispute. It was with this firm resolve

that we had talks with each other in Karachi and Delhi and issued our joint statements. These joint statements become further and further removed from reality and tend to fade away before the cruel logic of facts as they are developing, in the shape especially, of the proposals to increase largely the Armed Forces of Pakistan. In fact, the question before us becomes one of militarisation and not of demilitarisation. It is in this context that we have to consider this issue of Kashmir.

In your letter you have referred to the manner of taking the plebiscite and have not agreed with what I had written in paragraphs 6, 7 and 8 of my letter of 10 November. I can only say that your arguments failed to convince me and that I can only repeat what I said in my previous letter on this subject. So also in regard to the displaced persons. We have to consider this matter in not an argumentative and legalistic way, but from the broader point of view of bringing about a fair decision in Kashmir and avoiding upsets and large-scale dislocation. This was our approach in our talks and in the joint statements we issued. That approach is nullified if we are to adopt the procedure that you have suggested in your last letter. I cannot conceive of how we can have that procedure of temporary camps, etc., without creating enormous difficulties.

Regarding the official committees, I am agreeable to a meeting taking place at a fairly early date. I would suggest that the meeting be held in Delhi. We are so overwhelmed at present with our work here and with Parliament that it is difficult to send persons to Karachi. As for the date, I should like it to be as soon as possible. But the date you suggest, namely 15 December, is too near for proper arrangements to be made. I would, therefore, suggest that the conference be held in Delhi on Monday, 21 December 1953. Our representatives at that conference will be:

- (1) Shri M. J. Desai,
- (2) Shri Vishnu Sahay,
- (3) Shri V. Shankar, and
- (4) Brigadier Maneckshaw.

There may be two or three civil or military representatives.

\* \* \* \* \*

Yours sincerely,  
(Signed) JAWAHARLAL NEHRU

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 17 December 1953<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

In view of past experience, I am not altogether surprised at the hysterical outbursts of the Indian Press on reports of the alleged military alliance, although I must confess that I have been witnessing with growing dismay its tendency increasingly to attribute base motives to Pakistan and malign her leaders. You have doubtless seen some of the articles that have recently appeared in influential organs of the Indian Press. They make sorry reading in the light of the joint communique we issued after our Delhi talks, wherein we deprecated Press propaganda or attacks on one country by the other and attached, and rightly so, the greatest importance to the avoidance of words and actions which might promote discord between our two countries. These attacks are a sad commentary on Indian professions of friendship and goodwill towards Pakistan, and to me, who has laboured ceaselessly to promote friendship between our two countries, they have come as a rude reminder of the difficulties that beset the path of men of goodwill in both countries who wish to see the relations between India and Pakistan firmly established on a friendly and cooperative basis. Nevertheless, you and I must continue to persevere in our efforts to promote friendliness and cooperation between our two countries, for not until we have achieved this will we be in a position adequately to serve the best interests of our peoples.

I was however surprised that you should express disquiet at any attempt to strengthen Pakistan's defences and look upon it as an unfriendly act. India's military and economic potential, as you doubtless know, is far greater than Pakistan's. Since partition your country has spent very much larger sums on strengthening her Armed Forces: the amount provided in India's current year's defence budget alone, for instance, is approximately three times that provided in Pakistan's defence budget. If anything, it is Pakistan, therefore, that may have cause for expressing uneasiness at the rapidity with which India has been arming herself,

<sup>1</sup> *Ibid.*, pp. 57-9.



knowing also that powerful sections of the public in India make no secret of their resolve to annul the partition of the subcontinent by force. Nevertheless, we do not look upon accession to Indian military strength as necessarily unfriendly acts because we believe in the inevitability of peaceful relations subsisting between India and Pakistan. We know that war between our two countries is unthinkable. Responsible leaders in both Pakistan and India know the implications of such a war, in terms of material destruction and human misery, too well ever to wish to launch one. We know also that if we are to further the welfare of the millions in this part of the world, India and Pakistan must pursue the path of peace, promote goodwill and cooperation between the two countries and to that end eliminate the disputes that are embittering their relations. I know that you too are profoundly conscious of the necessity of following this same policy. We are confident that Indo-Pakistan relations can be placed on a healthy footing and are determined that this shall be done. There can therefore be no reason why any attempt on Pakistan's part to strengthen her defences should be looked upon as an unfriendly act in India. I am sure it is not your view that friendship between India and Pakistan can be established only on the basis that the present great disparity in the military potential of India and Pakistan shall never be altered to India's disadvantage.

I find your observations as to the bearing of any attempt on Pakistan's part to rectify deficiencies in her defences on the Kashmir problem particularly puzzling. I am unable to understand how any proposal for the strengthening of Pakistan's or, for that matter, India's defences generally could have any bearing on the question of demilitarization of the Kashmir State. The State of Jammu and Kashmir has to be demilitarised in order to ensure that its people are able to vote on the question of accession of the State to India or Pakistan without any fear or pressure from the presence of Armed Forces within the State itself. The over-all military strength of Pakistan or India outside the State can, in my opinion, have no bearing on this issue. You say that it is a relatively small matter what forces Pakistan maintains within the State of Jammu and Kashmir, because Pakistan's forces can come back at a few hours' notice. So, for that matter, can the

Indian forces. But we cannot work on such assumptions. Obviously, if we have no faith in each other's *bonafides*, no progress can be made with the settlement of this dispute or indeed with the settlement of any Indo-Pakistan dispute. We have to remember also that if either India or Pakistan were to stage a military comeback in Kashmir after the State has been demilitarised, a conflagration would start which would not remain confined to Kashmir alone but might well engulf the entire subcontinent. In that event the troops of both countries would be required not so much in Kashmir as outside it. Surely we could not possibly think in those terms if at all we mean to settle the Kashmir dispute peacefully as both you and I are resolved to settle it.

\* \* \* \* \*

Yours sincerely,

(Signed) MOHAMMED ALI

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 24 February 1954<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

In my letter of 4 February I had drawn your attention to Press reports of a statement made in Delhi by Bakhshi Ghulam Mohammad, following his discussions with the Government of India, to the effect, *inter alia*, that the Kashmir "Constituent Assembly" would ratify the State's accession to India and that the day in April of which Pakistan was dreaming, when the Plebiscite Administrator was expected to be appointed, would never come. I was taken aback when I saw that statement, made apparently with the approval of the Government of India, because it made a mockery of the agreement that you and I had reached in Delhi and of the international obligations concerning Kashmir that India had solemnly assumed. It seemed to me that this statement was bound to create misgivings in this country, if not in India also, as to the Government of India's real intentions and unless it was immediately countered by visible proof of our determination to settle this dispute and, in pursuance thereof to

<sup>1</sup> *Ibid.*, pp. 71-2.

proceed with the implementation of the joint communique we issued in Delhi, serious damage might be done to Indo-Pakistan relations and the improvement, which you and I had brought about in these relations after such labour, might be dissipated.

I therefore sought your intervention in the matter. To that letter so far I have received no reply.

In the meantime, as foreshadowed by Bakhshi Ghulam Mohammad, the "Constituent Assembly" has endorsed the proposal that the State of Jammu and Kashmir accede to India. I was surprised to learn of this decision, taken in contemptuous disregard of our talks and the agreement you and I reached in Delhi and of India's international commitments under the UNCIP resolutions. Speaking at a public meeting in Sylhet on 9 February, therefore, I appealed to you to repudiate this decision and reaffirm your intention unequivocally to solve the Kashmir dispute in accordance with those commitments.

This you have declined to do. I gather from Press reports that, speaking in the Indian Parliament on 19 and 22 February, you not only characterised the suggestion that this decision should be repudiated as "absurd" but went on to say that you stood by India's international commitments "subject to such changes as may come about by other events", or "unless something else happens".

This is a position which I find difficult to reconcile with your undertaking, freely and repeatedly given, that the question of accession of the State of Jammu and Kashmir shall be decided by a free and impartial plebiscite.

You are reported to have said that "it will be completely wrong for me to repudiate the decision of an elected Assembly". I do not see where exactly does the wrong lie? Surely, there could be nothing wrong in saying that India could not recognise this decision because she was bound under an international agreement to decide the question of accession of the State only through a free and impartial plebiscite held under the auspices of the United Nations. Your omission to do this has, I fear, been widely misunderstood, in view particularly of the background against which this decision has been taken by the "Constituent Assembly". It is being generally assumed that India was a willing party to this decision.

Your statement further that India stood by her international commitments "subject to such changes as may come about by other events" or "unless something else happens" puts, if I may say so, a novel construction on the sanctity of international commitments. At the time India accepted the commitments contained in the UNCIP resolutions or even when we talked in Delhi and issued the joint communique no such reservation was made. For one party unilaterally to make such a reservation now would imply that it did not in fact intend to abide by its commitments and that it would repudiate them, taking advantage of "other events", whenever it suited it to do so.

\* \* \* \* \*

In the circumstances, I would earnestly suggest that, if further negotiations between us are to serve the purpose we both have in view, the misgivings which these developments have occasioned should be set at rest. To my mind this can be done only by an unequivocal declaration by you that India stands by her international commitments in regard to the Kashmir dispute, backed by positive action in pursuance thereof, so that the Plebiscite Administrator is inducted into office by the end of April as stated in our joint communique. Not until this is done will public confidence be restored in our pronouncements that we wish to settle this dispute and are determined to see Indo-Pakistan relations placed on a friendly and cooperative footing.

Yours sincerely,

(Signed) MOHAMMED ALI

*Letter of the Prime Minister of India addressed to the Prime Minister of Pakistan, 5 March 1954<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

In your last letter, and in some of your previous letters, you have expressed your surprise at my connecting the US-Pakistan talks concerning military equipment with the Kashmir dispute. I have tried to point out to you the intimate connection between

<sup>1</sup> *Ibid.*, pp. 73-4.

the two. I can only repeat that the decision to give this aid has changed the whole context of the Kashmir issue, and the long talks we have had about this matter have little relation to the new facts, which flow from this aid. There is a basic difference between economic aid and military aid. The purpose governing military aid is different from that applicable to economic aid, the consequences are also quite different. More particularly, if two countries have actually been conducting military operations against each other in the past and are in a state of truce, military aid to either of them is an act unfriendly to the other and not in keeping with neutrality.

You yourself have stated that this military aid will help in solving the Kashmir issue. This can only mean that you wish to settle this issue by force of arms or by threat to use arms, unless the preliminary issues still outstanding, such as the quantum of forces, are settled to the satisfaction of Pakistan. Similar references have been made by others also, which indicate that it is in connection with India that Pakistan has asked for and received this military aid. You will appreciate, I hope, that this is not only a very serious matter but that it changes the whole approach to the Kashmir problem. It takes it out from the region of a peaceful approach for a friendly settlement by bringing in the pressure of arms.

For a long time past, our two countries have discussed certain essential preliminaries without which no step towards a plebiscite could be taken. These preliminaries, *inter alia*, were connected with the quantum of forces to be kept in Kashmir. Now that the pressure of arms has taken the place of the previous peaceful and cooperative approach and an abundant supply of military aid is coming to Pakistan from the United States, what we said at a previous stage about this quantum of forces has little relevance. We can take no risks now, as we were prepared to take previously, and we must retain full liberty to keep such forces and military equipment in the Kashmir State as we may consider necessary in view of this new threat to us.

The official committees, which met previously, considered this and connected issues and even then could not arrive at an agreement. There is no purpose whatever in their meeting after this new development.

I appreciate what you have said about the Plebiscite Administrator. But we cannot proceed to this appointment when even the preliminary issues have not been settled and there is little prospect of their settlement in the near future.

\* \* \* \* \*

You have referred to Mr. Ghulam Mohammad Bakhshi's speeches and the decision of the Constituent Assembly of the Jammu and Kashmir State in regard to the State's accession to India. Ever since the Constituent Assembly came into being, more than two years ago, our position in regard to it has been perfectly clear and has been stated in the Security Council and elsewhere. We said then that the Constituent Assembly was perfectly free to decide as it liked, in regard to the State's accession or other matters, but, so far as we were concerned, we would abide by our international commitments. There has been at no time any question of our repudiating the decisions of the Constituent Assembly and indeed we have no right to do so. That elected Assembly has every right to express its wishes in any way it chooses. So far as we are concerned, the accession of the Jammu and Kashmir State was legally and constitutionally complete in October 1947 and no question of confirming or ratifying it arises. Nevertheless, we had said that the people of Kashmir should be given an opportunity to express their wishes about their future, and we had agreed to a plebiscite under proper conditions. We have adhered to that position throughout, subject always to those conditions, which would ensure a fair and peaceful plebiscite. It is because those conditions have not been agreed to that delay has occurred.

I have not with me the texts of Mr. Ghulam Mohammad Bakhshi's speeches and I cannot judge from extracts taken out of their context. But, in any event, it is open to him to express his views as he chooses.

I would again repeat to you that the acceptance of military aid by Pakistan from the US has given an entirely new turn to the Kashmir dispute as well as to events in Asia. It is not India only that feels this way but other countries, and it is a matter of the deepest regret to me that Pakistan should have embarked on a course which not only vitiates the atmosphere of peaceful

cooperation so laboriously built up between our two countries but also imperils the freedom of Asian countries and brings in the intervention of a foreign Power in Asia.

Yours sincerely,

(Signed) JAWAHARLAL NEHRU

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 29 March 1954<sup>1</sup>*

My dear Prime Minister,

Thank you for your letter of 5 March regarding Kashmir.

I greatly regret that you should have interpreted our decision to receive military aid from the United States to mean that we intended to seek a military solution of the Kashmir dispute or that the pressure of arms had taken the place of our previous peaceful and cooperative approach towards the solution of this dispute.

\* \* \* \* \*

Let us look at the basic facts of our situation. India's resources and its military and economic potentials are far greater than those of Pakistan. Since partition your country has been spending very much larger sums on strengthening its Armed Forces. In recent years, this expenditure has been approximately three times that of Pakistan's defence expenditure. Nevertheless, we have never taken the view that the rapidity with which your country was arming itself was producing greater tension or insecurity, even although powerful militant organizations in India make no secret of their resolve to annul the partition of the subcontinent by force. We know that what really matters is not so much the relative military strength of India or Pakistan, as the policy their Governments pursue towards each other. This, we believe, can only be one of peace. War would spell catastrophe for both. No responsible government in either country could contemplate such a disastrous course.

We know also that it is a matter of the utmost urgency that the standard of living in this part of the world is raised. For this purpose, it is essential not merely that we eschew war but that we actively promote goodwill and cooperation between our two

<sup>1</sup> *Ibid.*, pp. 75-7.

countries. This can be done only by a peaceful elimination of the disputes that now embitter our relations. There is no other way. It is only by establishing peaceful and cooperative relations between our two countries and by devoting more and more of our resources to raising the living standards of our peoples that we can hope to realise something of the great hopes that uplifted the hearts of men when this subcontinent achieved independence.

I have written on this issue at some length because I feel greatly distressed that a simple action to strengthen our defences should have provoked opposition and caused so much misunderstanding. Besides ensuring our own security, our main purpose in seeking military aid from the United States for strengthening our defences is that, relieved of the increasing burden on our resources which modern armaments impose, we may be able progressively to devote a larger share of our resources to the urgent task of economic development and raising of living standards that face us in this country. We have given an assurance to the United States that the military aid will not be used for aggressive purposes and a similar assurance has been given publicly by the United States President. We do not have, we cannot possibly have, any intention of using this aid for the purpose of settling the Kashmir dispute by force.

Obviously, if India or Pakistan have no faith in each other's *bonafides* there can be no solution of the Kashmir dispute. If either country intended or was preparing to go to war against the other, then clearly a peaceful solution of the Kashmir dispute would be out of the question. But that is not the position.

If, therefore, our approach remains peaceful and cooperative and we have faith in each other's *bonafides*, then the relative military strength of India or Pakistan could have no bearing on the question of demilitarisation of Kashmir, irrespective of whether that strength was built up by receiving outside aid or with our own unaided resources. So far we are concerned, I may assure you again that my Government remains firmly resolved to seek a peaceful and cooperative settlement of this dispute. The question of US military aid has in no whit altered that resolve.

\* \* \* \* \*

If we both are, as I believe we are, resolved to settle the Kashmir



dispute peacefully, then the question of quantum of forces to be kept in Kashmir during the plebiscite should present no difficulty. Both India and Pakistan are agreed that the plebiscite shall be free and impartial. Therefore, there can be only one over-riding consideration which should determine the question of the forces to be retained in the State during the plebiscite. That consideration is that the quantum of Armed Forces stationed inside Kashmir should be so limited and they should be so located that they do not in any way interfere with the freedom and impartiality of the plebiscite. The relative military strength of India and Pakistan *outside* Kashmir cannot affect this issue. That being so, it should not be difficult for the officials committee, who have already covered considerable ground, to settle this matter, provided both sides were determined to find a solution.

\* \* \* \* \*

Yours sincerely,  
(Signed) MOHAMMED ALI

*Letter of the Prime Minister of India addressed to the Prime Minister of Pakistan, 23 August 1954<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

In discussing certain preliminary steps to be taken in regard to Kashmir, we had repeatedly considered the quantum of forces to be kept there. We had not come to an agreement, but there was the possibility of an agreement on the facts as they then were. We were agreeable to withdrawing a very considerable part of our Armed Forces from Kashmir State, provided Pakistan took certain steps including the withdrawal of her forces from the Kashmir State territory occupied by her. This position changes completely when the military resources of Pakistan increase greatly because of the aid received from the United States. We do not know how much aid Pakistan has received or is likely to receive. But, in any event, it is a natural presumption that it will be considerable. In addition, Pakistan will have the powerful military backing of a great Power. In these circumstances we have now to take into consideration this additional

<sup>1</sup> *Ibid.*, pp. 84-6.

military strength of Pakistan. The basis of our previous discussions, in regard to quantum of forces, ceases to have relevance and entirely new considerations emerge and must apply.

It was on this preliminary question that we could not come to an agreement and because the preliminaries were not settled, we could not go further ahead. The present development renders the basis of our discussions on this subject unreal.

It is also evident that our approach to these problems differs widely. You have ruled out a no-war declaration, which I have repeatedly suggested, and you have accepted and rely more on foreign military aid. A no-war declaration brings more security than military preparation and creates a better atmosphere for the solution of problems. I agree that those problems have to be solved as soon as possible. But to oppose a no-war declaration till those problems are solved, neither brings security nor helps in the solution of those problems.

You are no doubt aware that some time ago my Government and the Government of the People's Republic of China issued a joint declaration in which we mentioned five principles which should govern our relations. These included mutual respect for each other's independence and territorial integrity; non-aggression and non-interference with each other. Such a declaration gives far greater assurance of security and friendly relations than military pacts or military preparations. To agree to any such declaration does not mean that we should not try to solve our problems. It means that we should solve them in a better and more friendly atmosphere, having ruled out the possibility of a recourse to war, which should be your desire as it is mine.

\* \* \* \* \*

Yours sincerely,

(Signed) JAWAHARLAL NEHRU

*Letter of the Prime Minister of Pakistan addressed to the Prime Minister of India, 21 September 1954<sup>1</sup>*

My dear Prime Minister,

\* \* \* \* \*

Since you have made this suggestion more than once, it is

<sup>1</sup> *Ibid.*, pp. 89-90.

necessary that I explain our attitude more fully. When you first proposed a no-war declaration in 1950, you will recall that my predecessor, the late Mr. Liaquat Ali Khan, wholly welcomed the proposal. He pointed out, however, that its primary object must be to carry conviction to the peoples of India and Pakistan that both Governments were sincere in renouncing war as a method of settling disputes. He therefore urged that if this objective was to be achieved the declaration should embody also an effective procedure for the solution of all Indo-Pakistan disputes. He accordingly suggested a no-war declaration which would have made it obligatory for both Governments to refer every dispute between the two countries to arbitration (or judicial determination) should negotiation and mediation fail and to abide by the award of the arbitrator, so that neither party was allowed to obstruct a peaceful settlement indefinitely. Unfortunately, you did not accept his suggestion and there the matter ended.

During the last two years, whenever you have referred to this dispute, you have merely repeated your original offer and given no indication that you would be prepared to consider the no-war declaration proposed by the late Mr. Liaquat Ali Khan. The matter has therefore stood where it was.

It would thus not be correct to assume that Pakistan has declined to join in a no-war declaration with India. We are and have always been willing to subscribe to such a declaration. What we want however is that it must be an effective no-war declaration, not of the kind proposed by you which would result in no improvement in Indo-Pakistan relations so long as our disputes are not resolved. A no-war declaration which does not contain any assurance that those disputes will ever be resolved will entirely fail to make any favourable impression on Indo-Pakistan relations and would therefore be valueless. On the contrary, such a declaration by so failing is bound to disillusion our peoples and may well make these relations worse.

\* \* \* \* \*

In the circumstances I am bound to conclude that there is no scope left for further direct negotiations between you and me for

the settlement of this dispute. This case therefore must revert to the Security Council.

\* \* \* \* \*

I fail to see why it should not be possible to resolve the Kashmir dispute if you were really anxious to resolve it. After all what does Pakistan want? It wants merely this that India fulfil her international obligation, which she assumed of her own volition, to permit the people of Kashmir to decide by means of a free and impartial plebiscite whether they wish to accede to India or Pakistan. All efforts hitherto made by admittedly impartial international agencies have failed to persuade India to agree to holding a free and impartial plebiscite. In view of this background, as also of the unhappy trend of our negotiations, I regret I cannot help feeling that a wholly extraneous issue, that of US military aid, has been put forward as yet another reason for declining to hold such a plebiscite and denying to the people of Kashmir the right of self-determination.

\* \* \* \* \*

Yours sincerely,  
(Signed) MOHAMMED ALI

## XI. THE JARRING REPORT, 1957

### 1. DRAFT RESOLUTION SUBMITTED TO THE SECURITY COUNCIL, 14 FEBRUARY 1957 (S/3787)<sup>1</sup>

*The Security Council,*

*Recalling* its resolution of 24 January 1957 (S/3779), its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

*Having taken into consideration* the statements of the representatives of the Governments of India and Pakistan,

*Concerned* at the lack of progress in settling the dispute,

*Considering* the importance which it has attached to the demilitarization of the State of Jammu and Kashmir as a step towards the settlement of the dispute,

*Noting* that demilitarization preparatory to the holding of a free and impartial plebiscite under United Nations auspices has not been achieved in accordance with the resolutions of the United Nations Commission for India and Pakistan,

*Noting* the proposal of the representative of Pakistan for the use of a temporary United Nations force in connection with demilitarization,

*Believing* that, in so far as it might contribute towards the achievement of demilitarization as envisaged in the resolutions

<sup>1</sup> S.C.O.R., 12th Yr., Supple. for January-March 1957, pp. 7-8.

*Submitted by:* Australia, Cuba, UK, USA.

*Votes for:* Australia, China, Colombia, Cuba, France, Iraq, Philippines, UK, USA.

*Against:* USSR.

*Abstention:* Sweden. (Ed.)

of the United Nations Commission for India and Pakistan and towards the pacific settlement of the dispute, the use of such a force would deserve consideration,

1. *Requests* the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan proposals which, in his opinion, are likely to contribute to the achievement of demilitarization or to the establishment of other conditions for progress towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan, and bearing in mind the statements of the representatives of the Governments of India and Pakistan and the proposal for the use of a temporary United Nations force;

2. *Authorizes him* to visit the subcontinent for this purpose;

3. *Requests him* to report to the Security Council as soon as possible but not later than 15 April 1957;

4. *Invites* the Governments of India and Pakistan to cooperate with him in the performance of these functions;

5. *Requests* the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance to him as he may request.

2. AMENDMENTS TO DOCUMENT S/3787 AS PROPOSED BY THE UNION OF SOVIET SOCIALIST REPUBLICS, 15 FEBRUARY 1957 (S/3789)<sup>1</sup>

1. Replace the preamble by the following text:

*“Having heard* the statements of the representatives of the Governments of India and Pakistan.”

2. Amend paragraph 1 of the operative part to read as follows:

“1. *Requests* the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan the situation in respect of Jammu and Kashmir, and to consider the progress that can be made towards the settlement of the problem, bearing in

<sup>1</sup> S.C.O.R., 12th Yr., Supple. for January-March 1957, p. 8.

*Votes for:* USSR.

*Against:* Cuba, Philippines

*Abstentions:* Australia, China, Colombia, France, Iraq, Sweden, UK, USA. (Ed).

mind the statements of the representatives of the Governments of India and Pakistan;”

3. In paragraph 3 of the operative part delete the words: “but not later than 15 April 1957”.

3. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
21 FEBRUARY 1957 (S/3793)<sup>1</sup>

*The Security Council,*

*Recalling* its resolution of 24 January 1957 (S/3779), its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. *Requests* the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan; to visit the subcontinent for this purpose; and to report to the Security Council not later than 15 April 1957;

2. *Invites* the Governments of India and Pakistan to cooperate with him in the performance of these functions;

3. *Requests* the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request.

4. REPORT SUBMITTED BY THE PRESIDENT OF THE SECURITY COUNCIL FOR THE MONTH OF FEBRUARY 1957, MR. GUNNAR JARRING, TO THE PRESIDENT OF THE SECURITY COUNCIL, 29 APRIL 1957 (S/3821)<sup>2</sup>

\* \* \* \* \*

8. During the last debate in the Security Council, the representative of Pakistan had stated that his country recognised, “no international obligations with regard to the State of Jammu

<sup>1</sup> S.C.O.R., 12th Yr., Supple. for January-March 1957, p. 9.

*Submitted by:* Australia, UK, USA.

*Votes for:* Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, UK, USA.

*Abstention:* USSR. (Ed.)

<sup>2</sup> S.C.O.R., 12th Yr., Supple. for April-June 1957, pp. 13-6.

and Kashmir, except those it has voluntarily accepted...in the resolutions of the United Nations Commission for India and Pakistan, dated 13 August 1948 and 5 January 1949". (761st meeting, para 115). For his part, the representative of India declared that these two resolutions were the only ones which bound his Government. (763rd meeting, para 77)

9. In view of these declarations I felt it appropriate to explore what was impeding the full implementation of these resolutions. My efforts were, therefore, from the beginning directed towards the finding of a solution for the problems that had arisen in connection with these two resolutions.

10. The resolution of 5 January 1949 (S/1196, Para 15) envisages the holding of a free and impartial plebiscite to decide on the question of the accession of the State of Jammu and Kashmir to India or Pakistan. On exploring this question of a plebiscite I was aware of the grave problems that might arise in connection with and as a result of a plebiscite.

11. I therefore felt it incumbent on me to devise ways and means by which these difficulties could be met or at least be substantially mitigated.

12. Consequently, I made a number of suggestions to this end to both Governments which, for different reasons, however, did not prove to be mutually acceptable.

13. During our conversations the Government of India laid particular emphasis on the fact that in its view, two factors stood in the way of the implementation of the two resolutions adopted by the United Nations Commission for India and Pakistan. The first of these was that part I of the resolution of 13 August 1948 (S/1100, Para 75), and in particular paragraphs B and E, had, in the Indian view, not been implemented by the Government of Pakistan. For that reason, it was, in the Indian Government's submission, premature to discuss the implementation of parts II and III of that resolution, or of the resolution of 5 January 1949. The second of these impediments, which concerned rather part II of the first resolution, was that the Government of India, which had brought the case before the Security Council on 1 January 1948, felt aggrieved that the Council had so far not expressed itself on the question of what, in the Indian view, was aggression committed by Pakistan on India. In the Indian



Government's view, it was incumbent on the Council to express itself on this question and equally incumbent on Pakistan "to vacate the aggression". It was argued that prior to the fulfilment of these requirements on the part of the Security Council and on the part of Pakistan the commitments of India under the resolution of 13 August 1948 could not reach the operative stage.

14. I explained to the Government of India that the Security Council had properly taken cognizance of the original Indian complaint, and that it was not for me to express myself on the question whether its resolutions on the matter had been adequate or not. I pointed out that regardless of the merits of the present position taken by the Government of India, it could not be overlooked that India had accepted the two resolutions adopted by the Commission for India and Pakistan.

15. The Government of Pakistan for its part, in conversations with me, maintained that it had implemented part I of the first resolution in good faith and in full, and that the time had come to proceed to the implementation of part II.

16. Under the circumstances I decided that it might be appropriate to approach first the question of the implementation of part I of the first resolution, as I had been given to understand that this was the primary impediment to the implementation of the resolutions. It was my impression that in the presentation of its views substantial weight was given by the Government of India to the absence of "an atmosphere favourable to the promotion of further negotiations" as envisaged in paragraph E of that part of the first resolution. Another point, which was repeatedly stressed by the Government of India, was that the military *status quo* envisaged in paragraph B of the same part did, in its view, not obtain owing to the policies pursued by the Government of Pakistan.

17. In order to break the deadlock concerning part I, I inquired of the two Governments if they would be prepared to submit the question of whether part I had been implemented or not to arbitration. In substance my suggestion to the two Governments did not envisage simple arbitration, but the arbitrator or arbitrators would also be empowered, in case they found that the implementation had been incomplete, to indicate to the parties which measures should be taken to arrive at a full

implementation. It was also envisaged that in the latter case after a given time-limit the arbitrator or arbitrators would determine whether the given indications had been followed and implementation did obtain.

18. Being aware of the earlier negative attitude of the Government of India on the question of arbitration with relation to the Kashmir problem as a whole, I made it a point to explain to it that I was not suggesting anything of that nature and that what I was proposing, while termed arbitration, in all likelihood would be more in the nature of a determination of certain facts which, in the Indian view, were incontrovertible. In addition, the procedure suggested might lead to an improvement in India-Pakistan relations in general, a development which I assumed could not be unwelcome to either of the two countries.

19. While the Government of Pakistan, after a certain hesitation, fell in with my suggestion in principle, the Government of India, however, did not feel that arbitration, as outlined by me, would be appropriate. It explained that, while it was not against the principle of arbitration as a method of conciliation and had, indeed, agreed to this procedure to arrive at a solution of certain other problems outstanding between India and Pakistan, it felt that the issues in dispute were not suitable for arbitration, because such procedure would be inconsistent with the sovereignty of Jammu and Kashmir and the rights and obligations of the Union of India in respect of this territory. It was, furthermore, apprehensive that arbitration even on an isolated part of the resolutions might be interpreted as indicating that Pakistan had a *locus standi* in the question.

### III

20. In dealing with the problem under discussion as extensively as I have during the period just ended, I could not fail to take note of the concern expressed in connection with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in the West and South Asia.

21. The Council will, furthermore, be aware of the fact that the implementation of international agreements of an *ad hoc* character, which has not been achieved fairly speedily, may

become progressively more difficult because the situation with which they were to cope has tended to change.

#### IV

22. While I feel unable to report to the Council any concrete proposals which, in my opinion, at this time are likely to contribute towards a settlement of the dispute, as I was requested to do under the terms of reference of the Council's resolution of 21 February 1957 (S/3793), my examination of the situation as it obtains at present would indicate that, despite the present deadlock, both parties are still desirous of finding a solution to the problem. In this connection the Council may wish to take note of expressions of sincere willingness to cooperate with the United Nations in the finding of a peaceful solution, which I received from both Governments.

## XII. THE GRAHAM REPORT, 1958

### 1. RESOLUTION ADOPTED BY THE SECURITY COUNCIL, 2 DECEMBER 1957 (S/3922):<sup>1</sup>

*The Security Council,*

*Having received and noted with appreciation* the report (S/3821) of Mr. Gunnar V. Jarring, the representative of Sweden, on the mission undertaken by him pursuant to the Security Council resolution of 21 February 1957 (S/3793),

*Expressing its thanks* to Mr. Jarring for the care and ability with which he has carried out his mission,

*Observing with appreciation* the expressions made by both parties of sincere willingness to cooperate with the United Nations in finding a peaceful solution,

*Observing further* that the Governments of India and Pakistan recognize and accept the provisions of its resolution dated 17 January 1948 and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 (S/1100, Para 75) and 5 January 1949 (S/1196, Para 15), which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation,

<sup>1</sup> S.C.O.R., 12th Yr., Supple. for October-December 1957, pp. 21-2.

*Submitted by:* Australia, Colombia, Philippines, UK, USA.

*Votes for:* Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, UK, USA.

*Abstention:* USSR. (Ed.)

*Concerned* over the lack of progress towards a settlement of the dispute which his report manifests,

*Considering* the importance which it has attached to the demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement,

*Recalling* its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. *Requests* the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation and to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

2. *Requests* the United Nations Representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement;

3. *Authorizes* the United Nations Representative to visit the subcontinent for these purposes;

4. *Instructs* the United Nations Representative to report to the Security Council on his efforts as soon as possible.

2. REPORT SUBMITTED BY THE UNITED NATIONS REPRESENTATIVE FOR INDIA AND PAKISTAN, MR. F. P. GRAHAM, TO THE PRESIDENT OF THE SECURITY COUNCIL, 28 MARCH 1958 (S/3984)<sup>1</sup>

\* \* \* \* \*

20. Thus, on the day of my departure from the subcontinent on 15 February 1958, I submitted to the representatives of both Governments the following recommendations:

(1) That they should consider the possibility of a renewed declaration in line with the 17 January 1948 resolution of the Security Council and of part I of the 13 August 1948 resolution, under which they appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to further

<sup>1</sup> S.C.O.R., 13th Yr., Supple. for January-March 1958, pp. 41-5.

negotiations and in which they themselves undertake to refrain from statements and actions which would aggravate the situation.

(2) That they reaffirm that they will respect the integrity of the cease-fire line and that they will not cross or seek to cross the cease-fire line on the ground or in the air, thus further assisting in creating a more favourable atmosphere for negotiations.

(3) The withdrawal of the Pakistan troops from the State of Jammu and Kashmir is provided for in part II of the 13 August 1948 resolution. Pending a final solution, the territory evacuated by the Pakistan troops is to be administered by the local authorities under the surveillance of the Commission. Part II of this resolution also provides for the withdrawal of the bulk of the Indian forces from the State in stages to be agreed upon with the Commission.

In an effort to speed the implementation of these actions provided for in part II, the United Nations Representative is suggesting that a prompt study be undertaken, under his auspices, of how the territory evacuated by the Pakistan troops could, pending a final solution, be administered in accordance with the provisions of the resolution.

With a view to increasing the security of the area to be evacuated, the United Nations Representative recommends that consideration be given to the possibility of the stationing of a United Nations force on the Pakistan side of the Pakistan and Jammu and Kashmir border, following the withdrawal of the Pakistan Army from the State.

(4) If progress is to be made in the settlement of the "India-Pakistan question", there is need for an early agreement between the two Governments on the interpretation that should be placed on part III of the 13 August resolution and those parts of the 5 January resolution which provide for a plebiscite. In this connection, the United Nations Representative would call attention to the communique of the Prime Ministers of India and Pakistan issued following their meeting in New Delhi in August 1953, which recognized that a plebiscite had been agreed to and expressed the opinion that a solution should be sought "causing the least disturbance to the life of the people of the State".

The United Nations Representative will be considering with the two Governments the means and timing under which agreement might be sought on these questions.

(5) The United Nations Representative, believing that further negotiations on the questions which he has been considering with the Governments of India and Pakistan would be useful, and believing that it would facilitate progress if these negotiations could be undertaken at the highest level, proposes to the two Governments that a Prime Ministers' conference be held under his auspices in the early spring.

If the latter recommendation would not be agreeable to either or both Governments, the United Nations Representative recommends to the parties that they keep the general proposal, or any reasonable variation thereof, under consideration and that such a conference be held at the earliest practicable date.

21. The Government of Pakistan agreed to these recommendations in principle. They informed me that they were willing to make a renewed declaration as suggested by me that they were prepared to reaffirm that they would respect the integrity of the cease-fire line.

22. They informed me further that they were prepared to withdraw the Pakistan troops from the State of Jammu and Kashmir simultaneously with the withdrawal of the bulk of the Indian forces from the State in stages to be agreed upon with the Commission, as provided in part II of the 13 August 1948 resolution.

23. They also agreed with my recommendation that a prompt study be undertaken under my auspices of how the territory evacuated by the Pakistan troops could, pending a final solution, be administered by the local authorities in accordance with the provisions of the resolution.

24. The Government of Pakistan also informed me that they were agreeable to my recommendation to consider the possibility of the stationing of a United Nations force on the Pakistan side of the Pakistan and Jammu and Kashmir border, following the withdrawal of the Pakistan Army from the State.

25. In the matter of the interpretation that should be placed on part III of the 13 August resolution and those parts of the 5 January 1949 resolution which provide for a plebiscite, the Government of Pakistan indicated that they were prepared to abide by the terms of the Prime Ministers' communique of August 1953.

26. Finally, the Government of Pakistan agreed to my proposal of a conference at the Prime Ministers' level, or any reasonable variation thereof, to be held under my auspices, adding that they would hope that this conference be held as soon as possible.

27. The Government of India declared themselves unable to agree to my recommendations. They based their position on the ground that my recommendations were made without regard to the failure to implement the Security Council's resolution of 17 January 1948 and clauses B and E of part I of the resolution of 13 August 1948 of the United Nations Commission for India and Pakistan, for which they held Pakistan responsible. In their view, the sole onus of performance was on Pakistan and the United Nations, which both had the responsibility and the capacity for taking steps towards a peaceful approach to the situation and for making a contribution to resolving the difficulties between India and Pakistan.

28. While, therefore, the inability of India to accept my recommendations primarily followed from their contention that my approach was not feasible, since, in their view, it tended to by-pass the implementation of what they considered to be the preliminary question, they also informed me that they did not look with favour on the substance of my recommendations.

29. Thus, they felt that a new declaration regarding a peaceful atmosphere and the cease-fire line might denote a displacement of the previous engagements. They further contended that such a declaration would imply that Pakistan had not violated their previous engagements and that the consequences of them would thereby stand condoned.

30. The Government of India could also not see their way to accept the study that I recommended in my third recommendation, as they felt that it would tend to by-pass and evade what they considered to be the main issue, namely, the illegal occupation of India Union territory by Pakistan. In their view, that territory was an integral and inseparable part of the Union of India and the recommendation was based on a misconception that Jammu and Kashmir were a no man's land. Further, the study, in their view, would not be relevant, since, according to the resolution of the Commission and the assurances given on



behalf of the Security Council to the Government of India, they alone, with the United Nations, were concerned in this matter and Pakistan would not seem to have any place whatsoever in these arrangements.

31. With regard to the recommendation on the stationing of a United Nations force on the Pakistan side of the Pakistan and Jammu and Kashmir border, the Government of India were taking cognizance of a concern of the United Nations Representative in this matter which they understood to be conditioned by the previous conduct of Pakistan. They would on their part, however, consider it as highly improper and indeed an unfriendly act to promote a suggestion which would involve the stationing of foreign troops in a neighbouring sovereign State with whom they desired nothing but the most friendly relations. Since, however, this was a matter for decision by the Government of Pakistan in their sovereign competence, they would not be in a position to object to this proposal, though they would regret it.

32. With regard to recommendation 4, the Government of India informed me that they regretted that they could not enter into any such discussions in view of their preliminary objections.

33. Finally, the Government of India declared themselves unable to accept my last recommendation, since it would, in their view, place the aggressor and the aggressed on the same footing. They, therefore, considered it contrary to the Charter and all considerations of international ethics and equity.

34. I should, however, inform the Council that the Government of India, at the same time as they declared themselves unable to accept my recommendations, also informed me that they have been and are anxious to promote and maintain peaceful relations with Pakistan. They stated that they firmly held the view and belief that there should be a constructive and peaceful approach to every problem and that they firmly adhered to their determination to pursue paths of peace, while placing their faith in the United Nations and its Charter.

35. In keeping with this spirit expressed by India, which I know is shared by Pakistan, I still express to the Council the hope that the two Governments will keep under consideration the proposal for a high-level conference. I trust that, in their further consideration, they will find it possible promptly them-

selves to make, without prejudice to their respective positions on the Kashmir question, preparations for holding, within the framework of the Charter of the United Nations, such a conference at the earliest practicable date, covering questions of time, place, auspices and agenda. The agenda, as the parties might choose, might include the basic differences which the parties find to stand in the way of a settlement and such other matters as the parties might find would contribute to "progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement".

\* \* \* \* \*

### XIII. SECURITY COUNCIL DEBATES, 1962, 1964

#### 1. DRAFT RESOLUTION SUBMITTED TO THE SECURITY COUNCIL 22 JUNE 1962 (S/5134)<sup>1</sup>

*The Security Council,*

*Having heard* statements from representatives of the Governments of India and Pakistan concerning the India-Pakistan question,

*Having considered* the report of the United Nations Representative for India and Pakistan, Mr. Frank P. Graham,

*Expressing* its best thanks to Mr. Graham for his efforts,

*Noting with satisfaction* the pledges made by the two parties to the effect that their Governments will not resort to force in settling this question,

*Conscious* of the responsibility of the Security Council under the Charter for helping the parties to reach a peaceful solution of this question,

1. *Reminds* both parties of the principles contained in its resolution of 17 January 1948, and in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949;

2. *Urges* the Governments of India and Pakistan to enter into negotiations on the question at the earliest convenient time

<sup>1</sup> S.C.O.R., 17th Yr., Supple. for April-June 1962, p. 104.

*Submitted by:* Ireland

*Votes for:* Chile, China, France, Ireland, UK, USA, Venezuela.

*Against:* Rumania, USSR.

*Abstentions:* Ghana, UAR. (Ed.)

with the view to its ultimate settlement in accordance with Article 33 and other relevant provisions of the Charter of the United Nations;

3. *Appeals* to the two Governments to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of negotiations;

4. *Urges* the Government of India and the Government of Pakistan to refrain from making any statements, or taking any action, which may aggravate the situation;

5. *Requests* the Acting Secretary-General to provide the two Governments with such services as they may request for the purpose of carrying out the terms of this resolution.

2. STATEMENT OF THE PERMANENT REPRESENTATIVE OF PAKISTAN, SIR MOHAMMAD ZAFRULLA KHAN, IN THE SECURITY COUNCIL, 22 JUNE 1962<sup>1</sup>

With regard to the resolutions of the United Nations Commission for India and Pakistan, certain matters have been referred to—and they had also been referred to before—as having become inoperative for certain reasons. Some of the reasons that were adduced were also adduced before the Commission itself and the Commission took note of those matters—for instance, the validity of the accession, the sovereignty of India, the alleged aggression by Pakistan; and it was after they had taken everything into account that they proposed their resolutions, which were then accepted by both parties. Those matters were therefore covered by the resolution. The substance of the resolutions which both parties accepted was, apart from the procedure through which that substance was to be given effect, that the question of the accession of the State of Jammu and Kashmir should be determined through the democratic method of a free and impartial plebiscite. Why is it alleged today that the resolutions are no longer operative and that the plebiscite is no longer in order? I will comment briefly on some of the grounds.

Firstly, it was stated that India had never agreed to the plebiscite. This again is manifestly contrary to the record. There were statements that the question would be so decided, statements

<sup>1</sup> S.C.O.R., 17th Yr., 1016th Mtg., 22 June 1964, pp. 33-5.

on behalf of the Government of India by the Prime Minister of India and other responsible authorities. There were assurances, there were pledges, there were Security Council resolutions, there were the UNCIP resolutions that were referred to. It is too late now to contend that that was never agreed to or accepted.

Secondly, it has been stated that the resolutions have become inoperative because Pakistan has not complied with its obligation to withdraw its troops completely from the Azad Kashmir territory and that that is why the further implementation of the resolutions was blocked. Now, the question of what was the obligation undertaken by Pakistan and when it was to come into operation is in dispute between the parties. On behalf of India it is stated that that obligation had to be carried out completely before any further implementation could take place. That is not the text of the resolution, that is not the explanation of the Commission; but I will not enter into that. Assume that India may be right or that, on the other hand, Pakistan may be right: that is a question in dispute. The determination of that question depends upon where the responsibility lies for the blocking or obstruction of the further implementation of the resolutions. That question needs determination.

Thirdly, it is said that inasmuch as a long time has elapsed since the resolutions were accepted, their implementation is no longer feasible. There the important question that arises is: Who is responsible for the long time that has elapsed without implementation? That again is a question to be determined. If it is Pakistan that is responsible for the delay, it may be that Pakistan cannot today, thirteen-and-a-half or fourteen years after the resolutions were accepted, after having blocked their implementation, request that they be carried out. But assuming that whatever determination takes place finds that it is India which is responsible for blocking the implementation and for the long lapse of time, surely India could not then take advantage of its own default by saying that, since it has succeeded so long in blocking the implementation of the resolutions, it should no longer be called upon to implement them today.

Fourthly, it is stated that certain changes have taken place and that therefore the resolutions cannot be implemented. That, again will depend on what type of changes have taken place and

what the effect of those changes may be upon the obligations undertaken by the parties under the resolution. Again, a question which must be determined.

Fifthly, it is said that the resolutions and the plebiscite cannot and indeed need not be carried out, because the people of Kashmir have already expressed their wishes three times, during elections, with regard to the accession. On this I will submit just three very brief comments.

First, not all the people of Kashmir have taken part even in the so-called expression of the wishes of the people. The people of Kashmir who were fighting in 1947 and 1948 have not expressed their wishes in this matter because they have relied on the assurances of the Security Council that the fighting should cease, because what they were fighting for would be assured to them by peaceful methods. They are waiting for those assurances of the Security Council to be carried out.

Secondly, when the Constituent Assembly of Kashmir was about to be set up and Pakistan brought the matter to the notice of the Security Council solemn assurances were given on behalf of the Government of India—assurances which are on record—that although the proposed Constituent Assembly could not be physically stopped from passing a resolution on the matter of the accession, the Government of India assured the Security Council that if they proceeded to do so, that would not affect the matter before the Council, and the Council proceeded to pass resolutions to that effect, not once but more than once. Consequently, an expression through the Constituent Assembly cannot decide the matter.

I would submit, therefore, that it is neither a safe nor a valid contention to hold that a unilateral pronouncement by one of the parties who have undertaken international obligations towards the Security Council and towards the other party to a dispute—or to a situation, whichever way it may be described—releases that party from its obligations. This, as I said, is not a safe method. Indeed it is a very dangerous principle, for if it were accepted it would block all peaceful settlement of international disputes.

In my original submission to the Security Council I pointed out, and I now repeat, that if India is anxious to be released from

its obligations under the UNCIP resolutions on any of these grounds, on all of these grounds or on any other grounds which may or even which may not have already been mentioned by India, then there is one method of doing it. It has been stated by the Defence Minister of India that the Security Council is not a judicial body. But there is a judicial body available for the determination of justiciable questions—and all these questions are either pure questions of law or mixed questions of fact and law. If India wants a release from its obligations on any of those grounds, it should propose as much to the Security Council and request an advisory opinion of the International Court on all these matters—the validity of the accession, the question of the sovereignty of India over the State of Jammu and Kashmir, questions which are in dispute and have not yet been determined. Therefore, it is begging these questions to say that India treats them as though they are determined in its own favour.

3. STATEMENT OF THE REPRESENTATIVE OF INDIA, MR. KRISHNA MENON, IN THE SECURITY COUNCIL, 22 JUNE 1962<sup>1</sup>

There have also been references to unilateral denunciations. We have made no unilateral denunciation of any treaty, but everyone is well aware that no country can carry on an agreement that is totally against its interests. We cannot, whatever may be pleaded, accept anything which will lead to the dismemberment of India.

We are told that we want a release from the UNCIP resolutions. We want nothing of the kind suggested or implied by those who say this. If we wanted to be released from the UNCIP resolutions, why do we honour the cease-fire line? Yet it is a cease-fire line which we have many reasons for terminating, because it is not always administered—according to us—with the degree of impartiality that is required of those concerned. What is more, Pakistan, even after the marking of the cease-fire line, has taken territory—which we could retake by force, but that would lead to an aggravation of the situation. So, striking a balance, we let them keep it for the present.

We have been asked why we do not go to the World Court for an advisory opinion...this is not a matter for the World Court

<sup>1</sup> S.C.O.R., 17th Yr., 1016th Mtg., 22 June 1962, pp. 42-5.

or for an advisory opinion. This is a political issue, and, what is more, we are both members of Sir Patrick's much-loved Commonwealth and under the terms of our adherence to the World Court we have made some exceptions in regard to the matters which can be referred to it.... So the question of reference to the World Court does not arise.

\* \* \* \* \*

Then it might seriously be asked whether these "changed conditions" of which we speak are so serious as to affect our position. Our answer is that conditions have changed in the sense that Pakistan, in violation of its obligations under international law, has annexed our territory, committed fresh aggressions after 13 August 1948, taken over the territories in Gilgit and other parts of the northern areas, accepted accessions—or some similar thing—from the small titular chiefs in the northern part of the Kashmir area, in Hunza and Nagar, thereby changing the whole political contours of this area, and has thus created changed conditions. Secondly, Pakistan has entered into a military alliance with other countries, both of Asia and Europe, whereby—as representatives will find if they read the SEATO treaties—along with most of them, and as a party to that agreement, Pakistan takes South Asia under its protection. The political map has thereby been changed, and all this was done after the Kashmir situation arose.

Thirdly, conditions have changed because of the creation of Azad Kashmir—practically a separate entity. Sometimes we are told it is administered from Karachi, now from Rawalpindi, sometimes not. It may be that a separate State has been created. But conditions have changed by virtue of there being at least twenty-five to thirty battalions of so-called Azad Kashmir forces—which are front forces for the Pakistan Army—today, equipped with modern weapons made available to Pakistan from its own resources or by its military allies.

It was expressly stated that the territory under aggressive occupation should not be consolidated. That was part of the undertaking given to us by the Commission. The consolidation, as I said, has taken place—in fact, so much so that they have a Minister of Kashmir Affairs in their Government.



I will not say anything about the psychological war that continues to make it impossible under the circumstances to obtain a fair plebiscite. We are a secular State, all of our organization is political and has nothing to do with the religious aspects of a people. We are not prepared to face a position where religious fanaticism is to be, or is, protected.

Over and above all this then has occurred the situation in which Pakistan today—not for any good reasons, but merely for nuisance value and as an instrument to put pressure on us—has entered into negotiations and, I believe, has concluded agreements with the Central Government of the People's Republic of China. That agreement is in total violation of any rights or authority Pakistan may possess, for Pakistan has no sovereignty over this State; it is not Pakistan's to trade away or negotiate about. Secondly, it was not necessary even for considerations relating to Pakistan's own security. What is more, it has been done on a basis which we cannot accept—that is to say, our position in regard to China and Chinese claims, which is not under discussion before the Security Council.

4. STATEMENT OF THE REPRESENTATIVE OF INDIA, MR. M. C. CHAGLA, IN THE SECURITY COUNCIL, 5 FEBRUARY 1964<sup>1</sup>

Therefore, if I may sum up, our position on Jammu and Kashmir is clear and unambiguous. The two resolutions of the Security Council dealing with the plebiscite were conditional and contingent on Pakistan vacating its aggression, and that condition has not been complied with. It is really more than a condition. It was the very basis on which these two resolutions were founded, and the condition not having been complied with and the basis having disappeared, these resolutions are no longer binding on us. In any case, by the passage of time and various factors intervening—to which I shall draw attention a little later—they have become obsolete. We cannot possibly contemplate with equanimity the threat to the integration of our country and the danger to our cherished principle of secularism by the holding of a plebiscite in Kashmir. I wish to make it clear on behalf of my Government that under no circumstances can we agree to the holding of a plebiscite in Kashmir.

<sup>1</sup> S.C.O.R., 19th Yr., 1088th Mtg., 5 February 1964, pp. 13-4.

5. REPORT OF THE PRESIDENT OF THE SECURITY COUNCIL  
SUMMING UP THE DEBATE ON THE INDIA-PAKISTAN  
QUESTION, 18 MAY 1964<sup>1</sup>

I

(a) The members of the Council noted that this week's debate was a continuation of our discussions of February and March on the question of Jammu and Kashmir. They recalled that they had already, particularly during the debate in February, stated the views of their Governments on the basic facts of the problem, including the relevant United Nations resolutions, the question as to the juridical status of Jammu and Kashmir, and the principles of the Charter applicable to the case. They confirmed that the statements which they had made at that time were still valid;

(b) The members of the Council expressed their concern with respect to two great countries, which have everything to gain from re-establishing good relations with each other and whose present disputes, particularly that centring upon Jammu and Kashmir, should be settled amicably in the interest of world peace;

(c) The members of the Council expressed their feeling that recent developments were such as might lead to the adoption of more flexible positions, to better mutual understanding, and therefore to a situation in which conversations between the parties concerned would have better prospects of leading to a settlement;

(d) The members of the Council expressed their conviction that everything should be done to consolidate those favourable factors and to avoid jeopardizing those prospects, and that this required an attitude of conciliatory moderation on the part of both parties and an attitude of caution, but also of vigilant attention, on the part of the United Nations;

(e) The members of the Council expressed the hope that both parties would refrain from any act which might aggravate the situation and that they would take steps calculated to re-establish an atmosphere of moderation between the two countries and peace and harmony between the communities;

(f) The members of the Council expressed the hope that, in the light of our recent debates, the two countries concerned would

<sup>1</sup> S.C.O.R., 19th Yr., 1117th Mtg., 18 May 1964, pp. 2-3.

resume their contacts in the near future with a view to settling their disputes, particularly that centring upon Jammu and Kashmir, by negotiation;

## II

Several members of the Council expressed the view that the Secretary-General of the United Nations might possibly give useful assistance to the parties in order to facilitate the resumption of negotiations on the question of Jammu and Kashmir, or might help them to continue such negotiations in the event of the latter encountering difficulties. Other members of the Council, however, expressed the view that the negotiations between India and Pakistan might be complicated by any outside intervention and that even the principle of having recourse to the Secretary-General should be a matter for agreement between the parties.

## III

The India-Pakistan question remains on the agenda of the Security Council.

## XIV. BOUNDARY AGREEMENT WITH CHINA AND NEGOTIATIONS WITH INDIA, 1962-63

### A. SINO-PAKISTAN BOUNDARY AGREEMENT

#### 1. BOUNDARY AGREEMENT BETWEEN THE GOVERNMENTS OF THE PEOPLE'S REPUBLIC OF CHINA AND PAKISTAN, 2 MARCH 1963<sup>1</sup>

The Government of the People's Republic of China and the Government of Pakistan,

Having agreed, with a view to ensuring the prevailing peace and tranquillity on the border, to formally delimit and demarcate the boundary between China's Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan, in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, and on the basis of the ten principles as enunciated in the Bandung Conference;

Being convinced that this would not only give full expression to the desire of the peoples of China and Pakistan for developing good neighbourly and friendly relations, but also help safeguard Asian and world peace;

Have resolved for this purpose to conclude the present agreement and appointed as their respective plenipotentiaries the following:

For the Government of the People's Republic of China: Chen Yi, Minister of Foreign Affairs;

For the Government of Pakistan: Zulfikar Ali Bhutto, Minister of External Affairs;

Who, having mutually examined their full powers and found

<sup>1</sup> *Pakistan Horizon*, Vol. XVI, No. 2, pp. 177-81.

them to be in good and due form, have agreed upon the following:

### *Article One*

In view of the fact that the boundary between China's Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan, has never been formally delimited, the two Parties agree to delimit it on the basis of the traditional customary boundary line including natural features and in a spirit of equality, mutual benefit and friendly cooperation.

### *Article Two*

I. In accordance with the principle expounded in Article One of the present Agreement, the two Parties have fixed, as follows, the alignment of the entire boundary line between China's Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan:

(1) Commencing from its north-western extremity at Height 5630 metres (a peak, the reference coordinates of which are approximately Longitude  $74^{\circ} 34'E$  and Latitude  $37^{\circ} 03'N$ ), the boundary line runs generally eastward and then south-eastward strictly along the main watershed between the tributaries of the Tashkurgan River of the Tarim River system on the one hand, and the tributaries of the Hunza River of the Indus River System on the other hand, passing through the Kilik Daban (Dawan), the Mintaka Daban (Pass), the Kharchanai Daban (named on the Chinese map only), the Kutejulga Daban (named on the Chinese map only), and the Parpik Pass (named on the Pakistan map only), and reaches the Khunjerab (Yutr) Daban (Pass).

(2) After passing through the Khunjerab (Yutr) Daban (Pass), the boundary line runs generally southward along the above-mentioned main watershed upon a mountain-top south of the Daban (Pass), where it leaves the main watershed to follow the crest of a spur lying generally in a south-easterly direction, which is the watershed between the Akjilga River (a nameless corresponding river on the Pakistan map) on the one hand, and the Taghdumbash (Oprang) River and the Keliman Su (Oprang Jilga) on the other hand. According to the map of the Chinese side, the boundary line, after leaving the south-eastern extremity of this spur, runs along a small section of the middle line of

the bed of the Keliman Su to reach its confluence with the Kelechin River. According to the map of the Pakistan side, the boundary line, after leaving the south-eastern extremity of this spur, reaches the sharp bend of the Shaksgam or Muztagh River.

(3) From the aforesaid point, the boundary line runs up the Kelechin River (Shaksgam or Muztagh River) along the middle line of its bed to its confluence (reference coordinates approximately Longitude  $76^{\circ} 02' E$  and Latitude  $36^{\circ} 26' N$ ) with the Shorbulak Daria (Shimshal River or Braldu River).

(4) From the confluence of the aforesaid two rivers, the boundary line, according to the map of the Chinese side, ascends the crest of a spur and runs along it to join the Karakoram Range main watershed at a mountain-top (reference coordinates approximately longitude  $75^{\circ} 54' E$  and Latitude  $36^{\circ} 15' N$ ), which on this map is shown as belonging to the Shorbulak Mountain. According to the map of the Pakistan side, the boundary line from the confluence of the above-mentioned two rivers ascends the crest of a corresponding spur and runs along it, passing through Height 6520 metres (21,390 feet) till it joins the Karakoram Range main watershed at a peak (reference coordinates approximately Longitude  $75^{\circ} 57' E$  and Latitude  $36^{\circ} 03' N$ ).

(5) Thence, the boundary line, running generally southward and then eastward, strictly follows the Karakoram Range main watershed which separates the Tarim River drainage system from the Indus River drainage system, passing through the East Muztagh Pass (Muztagh Pass), the top of the Chogri Peak (K2), the top of the Broad Peak, the top of the Gasherbrum Mountain (8068), the Indirakoli Pass (named on the Chinese map only) and the top of the Teram Kangri Peak, and reaches its south-eastern extremity at the Karakoram Pass.

II. The alignment of the entire boundary line, as described in Section I of this Article, has been drawn on the 1/one million scale map of the Chinese side in Chinese and the 1/one million scale map of the Pakistan side in English, which are signed and attached to the present agreement.

III. In view of the fact that the maps of the two sides are not fully identical in their representation of topographical features, the two Parties have agreed that the actual features on the ground

shall prevail, so far as the location and alignment of the boundary described in Section I is concerned; and that they will be determined as far as possible by joint survey on the ground.

#### *Article Three*

The two Parties have agreed that

I. Wherever the boundary follows a river, the middle line of the river bed shall be the boundary line; and that

II. Wherever the boundary passes through a Daban (Pass), the waterparting line thereof shall be the boundary line.

#### *Article Four*

I. The two Parties have agreed to set up as soon as possible a Joint Boundary Demarcation Commission. Each side will appoint a Chairman, one or more Members and a certain number of Advisers and technical staff. The Joint Boundary Demarcation Commission is charged with the responsibility, in accordance with the provisions of the present agreement, to hold concrete discussions on and carry out the following tasks jointly:

(1) To conduct necessary surveys of the boundary area on the ground, as stated in Article Two of the present agreement, so as to set up boundary markers at places considered to be appropriate by the two Parties and to delineate the boundary line on the jointly prepared accurate maps.

(2) To draft a protocol setting forth in detail the alignment of the entire boundary line and the location of all the boundary markers and prepare and get printed detailed maps, to be attached to the protocol, with boundary line and the location of the boundary markers shown on them.

II. The aforesaid protocol, upon being signed by the representative of the Governments of the two countries, shall become an Annex to the present agreement, and the detailed maps shall replace the maps attached to the present Agreement.

III. Upon the conclusion of the above-mentioned protocol, the tasks of the Joint Boundary Demarcation Commission shall be terminated.

#### *Article Five*

The two Parties have agreed that any dispute concerning the boundary which may arise after the delimitation of the boundary

line actually existing between the two countries shall be settled peacefully by the two Parties through friendly consultations.

*Article Six*

The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary, as described in Article Two of the present agreement, so as to sign a boundary treaty to replace the present agreement, provided that, in the event of that sovereign authority being Pakistan, the provisions of the present agreement and the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the People's Republic of China and Pakistan.

*Article Seven*

The present Agreement shall come into force on the date of its signature.

Done in duplicate in Peking on the second day of March, 1963, in the Chinese and English languages, both texts being equally authentic.

CHEN YI

*Minister of Foreign Affairs,  
Plenipotentiary of the  
Government of the  
People's Republic of China*

ZULFIKAR ALI BHUTTO

*Minister of External Affairs,  
Plenipotentiary of the  
Government of Pakistan*

**2. LETTER OF THE REPRESENTATIVE OF INDIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, 16 MARCH 1963 (S/5263)<sup>1</sup>**

Under instructions from my Government, I have the honour to draw the attention of the Security Council to the Sino-Pakistan border agreement, signed in Peking on 2 March 1963, which unlawfully apports part of the Indian Union territory in Jammu and Kashmir between the two signatories—viz., Pakistan and China. A copy of the agreement is enclosed (Annex I).

2. As the Council is aware, the situation created by Pakistani aggression in this part of India has been under its consideration ever

<sup>1</sup> S.C.O.R., 18th Yr., Supple. for January-March 1963, pp. 133-6.



since India's complaint was lodged with the Council in January 1948. In spite of the Government of Pakistan's earlier denials, the Council's own agencies, like the United Nations Commission for India and Pakistan, and the Council's Representatives, like Sir Owen Dixon, came to the conclusion that Pakistan had first aided and assisted its nationals in invading Jammu and Kashmir and then sent its Armed Forces into the State. This was a violation of Indian sovereignty and of the Security Council resolution, dated 17 January 1948, which both Pakistan and India had accepted. The Council, therefore, approved the United Nations Commission's resolution of 13 August 1948, which made a specific provision for the vacation of Pakistani aggression in the following clear terms:

“As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.”

Sir Mohammad Zafrulla Khan, Pakistan representative, stated in the Security Council on 1 February 1962 (990th meeting), that Pakistan was committed to the withdrawal of its forces from Jammu and Kashmir. In spite of this commitment imposed by the Council on the Government of Pakistan, it is well known that Pakistani aggression continues, and has continued for fifteen years.

3. Apart from the continuing violation referred to in the preceding paragraph, the Government of Pakistan have again violated the resolution of the Security Council dated 17 January 1948, by entering into an agreement with the Government of China on the boundary between China's Sinkiang and Pakistan-occupied territory of the State of Jammu and Kashmir. That this has been done deliberately and in the full knowledge that it involves violation of India's sovereignty and of the resolution of the Security Council dated 17 January 1948, is clear from the facts stated in the following paragraphs 4, 5 and 6.

4. On 3 December 1959, the Permanent Representative of Pakistan to the United Nations, in a letter addressed to the President of the Security Council, while referring to the Chinese aggression in Ladakh and India's attempts to get this vacated

by peaceful discussions stated that “no positions taken or adjustments made by either of the parties to the present controversy between India and China, or any similar controversy in the future, shall be valid or affect the status of the territory of Jammu and Kashmir. . . .” This view was reiterated by him in another letter dated 24 March 1960, addressed to the President of the Security Council. And yet the Government of Pakistan, contrary to this stand of theirs, have now chosen to enter into this agreement with the Government of China in violation of the status of the territory of Jammu and Kashmir and the resolution of the Security Council dated 17 January 1948, accepted by the Governments of India and Pakistan.

5. The Government of Pakistan first informally sounded China and then sent a diplomatic note on 28 March 1961, expressing their desire to negotiate an agreement on the demarcation of this boundary. The Chinese Government reacted formally to this offer in February 1962. On 3 May 1962, the Governments of Pakistan and China issued a joint communique, in which they agreed to conduct negotiations on this subject. The Government of India formally protested to the Government of Pakistan on 10 May 1962 against this development. Copy of this protest note is attached (Annex II). It would also be relevant to point out that the Indian representative in the Security Council had stated the Government of India’s position, authoritatively, during the debates on Kashmir on 4 May 1962 and 22 June 1962. In his statement on 4 May, he said:

“...Pakistan has entered into an agreement, if the communique is true, with China, in order to settle our borders. I have said they have no right to dispose of property that is not theirs, and I want to say here on behalf of the Government of India that we shall not be bound by any agreement they may reach, temporarily, permanently or in any other way. We shall not be bound by it or by any agreement in which conditions are created inimical to the security of India. I want to submit that it is a violation of international law and a disregard of the resolutions of the Security Council to trade in the sovereignty of our territory. . . .” (1011th meeting, para 167)

6. On 26 December 1962, *i.e.*, on the eve of the Indo-Pakistan

talks on Kashmir and other related matters, the Governments of China and Pakistan chose to announce an agreement in principle on the alignment of the boundary of Pakistan-occupied Kashmir with Sinkiang. The leader of the Indian delegation pointed out the illegality of such an agreement to Field Marshal Ayub Khan, the President of Pakistan, and Mr. Z. A. Bhutto, the leader of the Pakistan delegation. On 26 January 1963, the Government of India lodged a formal protest (Annex III) against the "agreement in principle" with the Government of Pakistan. In spite of their having been made aware of the illegality of the contemplated agreement, the Government of Pakistan have signed an agreement with China about an area in which both those countries have no *locus standi*, except that of aggressors. The Government of India lodged a protest against the signing of this agreement with the Government of Pakistan on 5 March 1963. Copies of these protest notes are attached for reference (Annex IV).

7. In view of the conflicting claims by Pakistan, it is not clear how much Indian territory Pakistan has unlawfully ceded to China, although it is known to be no less than 2,000 square miles. The agreement claims to be provisional, and yet it is not subject to ratifications.

8. By signing this agreement, the Government of Pakistan has unilaterally altered, not only in its own favour but also in favour of another aggressor, China, the basis of the Security Council resolution of 17 January 1948, and the United Nations Commission for India and Pakistan's resolution of 13 August 1948. The aggressor on whom an obligation had been imposed to vacate his aggression had not only assumed ownership of the part he unlawfully occupied by invasion, but has traded in the sovereignty of Indian territory, in collusion with China, to the detriment of the territorial integrity and the security of India.

9. It is requested that this communication be brought to the notice of the members of the Security Council.

(Signed) A. B. BHADKAMKAR  
Charge d'Affaires  
of the Permanent Mission of India  
to the United Nations

3. LETTER OF THE PERMANENT REPRESENTATIVE OF PAKISTAN  
SIR MOHDAMMAD ZAFRULLA KHAN, ADDRESSED  
TO THE PRESIDENT OF THE SECURITY COUNCIL,  
10 APRIL 1963 (S/5280)<sup>1</sup>

1. Under instructions from my Government, I have the honour to refer to the letter dated 16 March 1963 from the Charge d'Affaires of the Permanent Mission of India addressed to the President of the Security Council and to state that allegations contained mainly in its paragraphs 1, 3, 4 and 8 are without any basis in fact and in law, while those in paragraph 2 seek to misrepresent certain facts that are on the record of the United Nations.

2. The letter under reference, if analysed, seems to attack the border agreement between the Governments of Pakistan and of the People's Republic of China on four grounds, all of which equally lack validity. The first ground, to quote the Indian representative, is that the agreement "unlawfully apports part of the Indian Union territory in Jammu and Kashmir between the two signatories". The second is that the conclusion of the agreement violates the resolution of the Security Council dated 17 January 1948 which was accepted by both India and Pakistan. The third is that the agreement unilaterally alters, in favour of China and Pakistan, the United Nations Commission for India and Pakistan's resolution of 13 August 1948. The fourth is that the agreement contradicts the stand taken by my Government in our communication of 3 December 1959 addressed to the President of the Security Council.

\* \* \* \* \*

4. As regards the first allegation, there is hardly any need to labour the evident point that the agreement does not, either lawfully or "unlawfully", "apportion" any part of the Indian Union territory to either Pakistan or to China. The territory involved is that of Jammu and Kashmir, which, of course, is not the territory of the Indian Union. Then again, there is no apportionment of territory involved because the agreement merely seeks formally to delimit and demarcate a boundary on the basis of the traditional customary line including natural features. The text of the agreement, enclosed with the Indian represen-

<sup>1</sup> S.C.O.R., 18th Yr., Supple. for April-June 1963, pp. 17-24.

tative's letter, makes it clear that its purpose is an agreed comprehension of the exact location and alignment of a hitherto undelimited boundary so as to prevent the tranquillity on the border from being adversely affected through misunderstanding. It is a sombre irony that a move of this kind towards the insurance and consolidation of peace in a large and sensitive region should be protested by the Government of India, a Government which has been so anxious to build for itself a reputation as a champion of peace.

5. The second Indian allegation regarding the violation of the Security Council's resolution of 17 January 1948 is of a character which, from a different source, would merit being described as plainly disingenuous. In the first place, the resolution called upon India and Pakistan "to take...all measures...calculated to improve the situation" and to refrain from any statements or actions "which might aggravate the situation". An agreement to delimit and demarcate a boundary with a foreign Power in order to avoid any misunderstanding which could possibly lead to a breach of the peace is evidently a measure to improve a situation, not to aggravate it. The fact that, on its part, India has been either unwilling or unable to accomplish a similar purpose does not alter the peaceful character of the measure taken by the Government of Pakistan to ensure tranquillity on a border the defence of which is at present under its actual control. Secondly, the resolution requested each of the two Governments to inform the Council of "any material change in the situation" and to "consult with the Council thereon". The agreement concluded by the Government of Pakistan does not cause any material change whatsoever in the situation within Jammu and Kashmir. Even if it did, it would be of a far smaller magnitude than the changes which are now actually being wrought by the Government of India, which have the effect of turning part of the Jammu and Kashmir State into an arena of war with a foreign Power and which involve an augmentation of India's military potential in Kashmir contrary to both the letter and the spirit of the Security Council resolution of 17 January 1948 as well as the resolutions of 13 August 1948 and 5 January 1949 of the United Nations Commission for India and Pakistan. That the Government of India has failed to inform, far less to consult, the Secu-

ity Council thereon is a patent, uncontradictable fact. Then again, the resolution of 17 January 1948 imposes a responsibility on the two Governments which is plainly of a reciprocal nature. Having to its credit a sustained disregard of this resolution with respect to each and every material change caused by it in the situation in Jammu and Kashmir, the Government of India is in no position to protest that the Council has not been informed or consulted on the conclusion of the border agreement between China and Pakistan, especially when this agreement is designed to prevent the situation in that part of the State from being affected to the detriment of peace and the rights of the people of Jammu and Kashmir.

6. The third Indian allegation, which refers to the resolution of 13 August 1948, appears to be no more than a smoke screen to hide India's own failure and refusal to implement this resolution. There is not a single provision or implication of the border agreement between China and Pakistan which would have the effect of prejudicing the obligation of the Government of Pakistan (in accordance with part II, section A, paragraph 1 of the resolution) to withdraw its forces from Jammu and Kashmir in fulfilment of a truce agreement between India and Pakistan envisaging a synchronized withdrawal of Indian forces (in accordance with part II, section B, paragraph 1 of the resolution). On the contrary, it is the actions and policies of the Government of India itself which are now being almost publicly adduced as grounds for whittling away its commitments to withdraw its forces from Jammu and Kashmir and thus for altering the basis of this resolution. There is no move on Pakistan's part to demand any abatement of any resolution of the Security Council or the United Nations Commission for India and Pakistan or of any commitment which has been imposed upon it or voluntarily assumed.

7. Finally, the Indian representative refers to this Mission's communication of 3 December 1959 and quotes a sentence from it only in part. The sentence in full said that "pending a determination of the future of Kashmir through the will of the people impartially ascertained, no positions taken or adjustments made by either of the parties to the present controversy between India and China, or any similar controversy in the future, shall be valid or

affect the status of the territory of Jammu and Kashmir or the imperatives of the demilitarization and self-determination of the State laid down in the resolutions (of the Council and the United Nations Commission).” It went on to state:

“My Government regards it as a matter of self-evident principle that it is for the sovereign authority freely evolved by, and acceptable to, the people of Jammu and Kashmir, and for that authority alone, to effect, or refuse to effect, any adjustment of its frontiers with any foreign Power and that the emergence of such an authority shall not be allowed to be impeded by any necessity, supposed or real, of military defence felt at present by any party within the territory of Jammu and Kashmir.”

This has been Pakistan’s consistent position throughout the dispute relating to the disposition of the State of Jammu and Kashmir. It has been safeguarded by the following provision (Article Six) of the border agreement with China:

“The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People’s Republic of China, on the boundary, as described in Article Two of the present agreement, of Kashmir, so as to sign a boundary treaty to replace the present agreement.”

“Provided that, in the event of that sovereign authority being Pakistan, the provisions of this agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between Pakistan and the People’s Republic of China.”

Thus the agreement does not prejudice any contingent interest that India might derive from the jointly accepted resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 in the territory of Jammu and Kashmir. Paragraph 1 of the resolution of 5 January 1949 says:

“The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.”

8. In view of all these facts, my Government hopes that the Government of India will realise that its objections to the border agreement are without foundation and will not allow them to impede the effort towards a just and amicable settlement of the Kashmir dispute. My Government, however, regrets that, in the process of raising these objections in his letter to the Security Council, the Indian representative has again resorted to the practice of mis-statement or the statement of half-truths about the views and decisions of the Security Council accepted by both Parties. These misrepresentations are contained in paragraph 2 of the letter under reply and my Government owes a duty to the Security Council to point them out briefly.

\* \* \* \* \*

Thus, the obligation imposed by the resolution of 13 August 1948 on the two sides is that of concluding a truce agreement which would provide for a synchronised withdrawal of forces. Hence it is manifestly unjust for either side to try to fasten on the other a responsibility for withdrawing its forces unilaterally, as India attempts to do. Pakistan has declared its readiness to conclude a truce agreement with India time and again and does so once more; it is India which refuses an agreement persistently. As regards the first of the three paragraphs quoted above, the factual position as recorded by the United Nations Commission and its successor representatives is that "the tribesmen and Pakistan nationals" completed their withdrawal in 1949 and, thus, as far back as 1949, in the language of the resolution, "the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir" was terminated. Since 1949, therefore, there has been no justification, according to the terms of this resolution, for India's refusal to conclude a truce agreement whereby the withdrawal of the Pakistan forces would begin on a specified day and, after the lapse of a significant number of days, the Indian forces would begin to withdraw and the two operations would then be synchronized so that no disadvantage would be caused to either side. In short, according to the resolution of the United Nations Commission for India and Pakistan, there is no justification for the continuance of the presence of the forces of either India or Pakistan in Jammu and



Kashmir. My Government has offered repeatedly to withdraw its forces provided that, in accordance with the resolution, a truce agreement is concluded and published whereby this withdrawal is synchronized with that of the Indian forces and the people of Jammu and Kashmir are freed from fear of either side in exercising their choice regarding their future in a fair and impartial plebiscite.

\* \* \* \* \*

(Signed) ZAFRULLA KHAN  
*Permanent Representative of Pakistan  
 to the United Nations*

## B. NEGOTIATIONS BETWEEN INDIA AND PAKISTAN

### 4. AYUB-NEHRU JOINT COMMUNIQUE, 29 NOVEMBER 1962<sup>1</sup>

The President of Pakistan and the Prime Minister of India have agreed that a renewed effort should be made to resolve the outstanding differences between their two countries on Kashmir and other related matters so as to enable India and Pakistan to live side by side in peace and friendship.

In consequence, they have decided to start discussions at an early date with the object of reaching an honourable and equitable settlement.

These will be conducted initially at the Ministerial level. At the appropriate stage direct talks will be held between Mr. Nehru and President Ayub.

### 5. JOINT COMMUNIQUES ISSUED DURING THE INDO-PAKISTAN MINISTERIAL TALKS ON KASHMIR, DECEMBER 1962—MAY 1963

*Joint Communique issued in Rawalpindi, 29 December 1962<sup>2</sup>*

On 29 November 1962, the President of Pakistan and the Prime Minister of India agreed, in a joint statement, "to make a renewed effort to resolve the outstanding differences between their two countries on Kashmir and other related matters so as to enable India and Pakistan to live side by side in peace and friendship".

<sup>1</sup> *Pakistan Horizon*, Vol. XV, No. 4, p. 350.

<sup>2</sup> *Ibid.*, Vol. XVI, No. 1, p. 88.

In pursuance of this decision, Sardar Swaran Singh, India's Minister for Railways, accompanied by his advisers, arrived in Rawalpindi on 26 December to initiate discussions with Mr. Zulfikar Ali Bhutto, Pakistan's Minister for Industries, Natural Resources and Works, and his advisers.

\* \* \* \* \*

The two Ministers and their advisers met in a formal session on the morning of 27 December. The two Ministers held five meetings on 27, 28 and 29 December, various aspects of the Kashmir problem were discussed. At the last meeting the Ministers were assisted by some of their advisers. The discussions were marked by a spirit of cordiality and understanding and there was a free and frank exchange of views.

\* \* \* \* \*

The Ministers agreed to make a joint appeal to the leaders, officials, the Press, radio and other media of publicity in the two countries to help in creating a friendly atmosphere for resolving the outstanding differences on Kashmir and other related matters and to refrain from any statements, criticism or propaganda which might prejudice the success of these negotiations or tend to create discord between the two countries.

\* \* \* \* \*

*Joint Communique issued in New Delhi, 16 May 1963<sup>1</sup>*

On 29 November 1962, the President of Pakistan and the Prime Minister of India issued a joint statement calling for renewed effort to be made to resolve the outstanding differences between their two countries on Kashmir and other related matters, so as to enable India and Pakistan to live side by side in peace and friendship. In that statement, the President of Pakistan and the Prime Minister of India agreed that discussions should be held at an early date, initially at the Ministerial level, with the object of reaching an honourable and equitable settlement.

In pursuance of this decision, Mr. Zulfikar Ali Bhutto, the Pakistan Minister for External Affairs, and Sardar Swaran

<sup>1</sup> *Ibid.*, Vol. XVI, No. 2, pp. 184-5.

Singh, the Indian Minister for Railways, held a number of meetings, spread over six sessions between 26 December 1962 and 16 May 1963. These meetings were held at Rawalpindi, New Delhi, Calcutta and Karachi and were frank and cordial throughout.

At the end of the last meeting which concluded today, the two Ministers recorded with deep regret that no agreement could be reached on the settlement of the Kashmir dispute.

6. STATEMENT OF THE PAKISTAN MINISTER OF FOREIGN AFFAIRS, MR. ZULFIKAR ALI BHUTTO, IN THE NATIONAL ASSEMBLY ON THE INDO-PAKISTAN MINISTERIAL TALKS ON KASHMIR, 17 JULY 1963<sup>1</sup>

The House particularly wishes to be informed on the question of our negotiations with India over Kashmir. I should like to take this opportunity to make a brief statement about them. The discussion at our first meeting in Rawalpindi was confined to a preliminary examination of the points of view of India and Pakistan, in particular of the issues involved in the dispute as India saw them. At Delhi, where we had the second round of talks, we pressed further our contention that the only honourable method of solving the Kashmir problem was that the people of Kashmir should decide their own future. In the third round of talks we continued to press for a plebiscite under the aegis of the United Nations. India raised various objections to the procedure of a plebiscite, whether an over-all one or a limited one. It was in the course of this round that the Indians gave us their proposal, which was none other than that which they had suggested in the past. It amounted to nothing more than a readjustment of the existing cease-fire line. They were reminded that, at the very outset, in the first round of talks in Rawalpindi, we had told them that if they were to put forward a proposal for a settlement on the basis of the cease-fire line, it would be wholly unacceptable to us, and that, therefore, any such proposal would not provide even a starting point for the discussions. Nonetheless, that was what the Indians put forward. Pakistan naturally rejected it. True, we were advised that this proposal should be regarded only as a beginning, that it should not be considered to represent India's

<sup>1</sup> Z. A. Bhutto, *Foreign Policy of Pakistan*, pp. 76-9.

final position and that, therefore, we should persist in the negotiations.

In the fourth round, the issues were related not to Kashmir, but to the question of our boundary agreement with China. In the fifth round at Karachi, we reached a stalemate. It was apparent that India would not move forward at all. Thereafter, in the sixth and the final round, we informed the Indian delegation that in our view a plebiscite was the only honourable, practical and proper basis for a settlement of the Kashmir problem. We were quite willing that, for about one year, the valley of Kashmir be put under international control, with the provision that, at the end of that period, to ascertain the wishes of its people, a plebiscite shall be held or their wishes ascertained through some other method and their future decided accordingly. This proposal, which we considered to be a fair one for an honourable and equitable settlement of the Kashmir dispute, was also rejected by India.

I might here mention that the proposal for a partial plebiscite which was first made by General McNaughton and then by Sir Owen Dixon had been favourably considered by past Governments of Pakistan. The only variation which we made in it was to limit the plebiscite to the valley, whose future constitutes the crux of the problem. It is in the valley that the majority of the people of the State live. We proposed that for a period of a year or so, I would say at the most a year or fifteen months, there should be some agency—an impartial international agency—to supervise and control the administration of the valley and that this agency should be empowered to hold a plebiscite at the end of that period. This proposal was rejected by India as being in essence the same as the one which had been advocated by Pakistan in the past.

It has often been asked whether there has been any advantage in having had these negotiations with India. I think history alone can be the judge of that question. But it is our view that Pakistan has definitely gained by entering into them. I shall briefly state the reasons for this view. First, as far as the United Nations was concerned, the problem of Kashmir had lost its urgency and importance. Moreover, the Soviet Union always exercised its veto whenever an attempt was made to get the Security Council to adopt an effective resolution on Kashmir. In the meantime, India had consolidated its position in Kashmir,

Furthermore, in the last ten years, India had built the fortress of its case on the assumption that there was no Kashmir problem, that Kashmir was an integral and inseparable part of India, that constitutionally, politically and economically, it was as much a part of India as any other of its provinces, that the Constituent Assembly of Kashmir had taken certain fundamental decisions as to the future of the State, that they had had three elections in Kashmir and that as far as the reality of international politics was concerned, there was no such thing as a Kashmir dispute or a Kashmir problem. This view was put forward not only by India but also advocated by certain important and powerful States, whose names are known to the members of this House. One of these States is so important as to have the right of veto in the Security Council. The recent negotiations are overwhelming evidence of the fact that the Kashmir problem continues to exist and that it is a major problem affecting international peace and security.

At the end of the negotiations in May, a communique was issued in which it was admitted by India that the negotiations did not result in the settlement of the Kashmir dispute. Thus the contention which had in the past been advanced by India and propagated throughout the world that there was no such thing as the problem of Kashmir had been debunked. That incidentally has caused some embarrassment to the great Power which had supported the Indian stand. Moreover, there is evidence that in the view of the Indian Press and the Indian public opinion, if from these negotiations any benefit has accrued to any party, it has not accrued to India. We have lost nothing through them. On the contrary, I submit that we have gained. World attention has again been focussed on the Kashmir dispute and its importance as an international issue has been highlighted. That importance will continue to be recognised until an honourable and equitable solution is found for it.

7. STATEMENT OF THE PRIME MINISTER OF INDIA, MR. JAWAHARLAL NEHRU, IN THE LOK SABHA ON THE INDO-PAKISTAN MINISTERIAL TALKS ON KASHMIR, 13 AUGUST 1963<sup>1</sup>

From the very beginning, the Pakistan Government took various steps which came in the way of a settlement. On the eve of the

<sup>1</sup> *Foreign Affairs Records*, August 1963, pp. 169-71.

first round of talks in Rawalpindi, Pakistan announced its so-called "agreement in principle" with China on Kashmir's border with Sinkiang. The timing of this statement was apparently intended to provoke India to refuse to start the talks the next morning. We felt that this was a bad augury for the future of the talks. Nevertheless, because of our earnest desire to arrive at some settlement, we decided to continue with the talks.

During the first plenary meeting, the Pakistan representative expressed his disinclination to discuss any of the Indo-Pakistan differences other than the Kashmir question which, he insisted, must be settled first. Sardar Swaran Singh in his opening speech listed various subjects which required to be discussed. But Mr. Bhutto insisted on confining himself to Kashmir only. Even on Kashmir, because of Pakistan's insistence, considerable time was spent in friendly but futile discussions on the old idea of plebiscite which, chiefly because of Pakistan's own acts of obstruction and non-implementation of the UN Commission's resolutions, had already proved to be impracticable, particularly in the light of irreversibly changed conditions in the last fifteen years.

\* \* \* \* \*

When the Pakistan delegation shifted from a futile discussion of plebiscite to the consideration of a possible political settlement, they began to put forward astonishing proposals. Pakistan claimed the catchment areas and the watersheds of the three western rivers, the Chenab, the Jhelum and the Indus, in Jammu and Kashmir, on the ground that these rivers had been allotted to Pakistan under the Indus Waters Treaty. Our delegation pointed out that the Indus Waters Treaty protected Pakistan's interests fully and gave her no ground to claim any territory in Jammu and Kashmir on the basis of the use and development of waters. If every lower riparian claimed the territory of the upper riparian on the pretext of its water requirements, the maps of many countries in the world would have to be drastically revised. By that argument, the lower riparian might even claim Tibet because the Indus and the Brahmaputra start in Tibet. No less absurd was another of Pakistan's claims to Jammu and Kashmir, namely, that they must have the State to protect their Grand Trunk Road and their railway line, the security of which, our delegation was told, was essential

to ensure, what Pakistan called, its "defence in depth". Finally, Pakistan claimed Kashmir on the basis of its Muslim majority. This was a vicious communal approach repugnant to the entire spirit animating our national struggle for independence, and contrary to our Constitution and to our whole attitude to the problem of relationship between the State and the individual.

Pakistan's objective was obviously not a rational and realistic solution of the problem. They were just out to claim the entire State of Jammu and Kashmir, leaving to India, as it happened, in a forgotten moment of generosity, an insignificant area in the extreme south, roughly coinciding with the district of Kathua. Even more astonishing was the offer obviously induced by their awareness of India's need for the defence of Ladakh against China, that Pakistan would be willing to agree to an interim arrangement in the valley for a period of six months or a year, to enable India to deal with the Chinese. All that this could mean was that India might continue to commit its men and resources for the defence of Ladakh against the Chinese threat, but that once its efforts and sacrifices had liberated Ladakh, India should abandon the State in favour of Pakistan. Another proposal was the so-called internationalisation of the valley, again for a period of six months, followed by some method of ascertaining the wishes of the people. This was the old and discarded idea of a plebiscite, without Pakistan having to implement the conditions laid down in the UNCIP resolutions.

\* \* \* \* \*

We have made it clear that while we are, and shall continue to be, anxious as ever on a settlement of our problems with Pakistan, based on rational and realistic considerations, there is no question of our considering any proposals for the internationalisation or division of the valley, or joint control of Kashmir, and the like. If and when a settlement is arrived at, it must obviously be a peaceful one, not affecting the stability and progress already achieved, and must strengthen the friendship between the peoples of India and Pakistan; without this, no settlement has any meaning.

During the talks, India not only exercised great patience and restraint, but also offered generous concessions, though in vain, in the hope of winning Pakistan's friendship and opening a new

chapter of fruitful cooperation between the two countries. While we continue to cherish this hope, there is little possibility of a settlement so long as Pakistan persists in its irrational animus against India. The concessions which we offered to Pakistan are no longer open, and they must be treated as withdrawn. We do not wish our generosity and sincere desire for friendly relations with our neighbour to be treated by its Government as a jumping off ground for further claims. While the break in the talks is a matter of deep regret, we have to accept the facts, and we must wait for a more opportune moment for a settlement of all our differences with Pakistan.



## XV. THE PROCESS OF INDIAN ANNEXATION OF KASHMIR, 1949-65

### 1. LETTER OF THE MINISTER FOR KASHMIR AFFAIRS, GOVERNMENT OF PAKISTAN, ADDRESSED TO THE CHAIRMAN OF THE UNCIP, 11 JUNE 1949 (S/AC. 12/213)<sup>1</sup>

1. I have the honour to draw the attention of the Commission to the situation which has been created by the action of the Government of India in inviting the Government of the State of Jammu and Kashmir to nominate four representatives to the Indian Constituent Assembly.

\* \* \* \* \*

8. On 27 May 1949, Mr. Gopaldaswami Ayyangar, Minister for Transport (who had represented India before the Security Council), moved the following resolution in the Indian Constituent Assembly:

“That after paragraph 4 of the Schedule to the Constituent Assembly Rules, the following paragraph be inserted, namely:—

“4a. Notwithstanding anything contained in paragraph 4, all the seats in the Assembly allotted to the State of Kashmir may be filled by nomination and the representatives of the State to be chosen to fill such seats may be nominated by the Ruler of Kashmir on the advice of his Prime Minister.”

In the course of the debate which followed, Mr. Gopaldaswami Ayyangar is reported to have observed as follows on the question of the accession of the State to India:

“The accession is complete. No doubt we have offered to have a

<sup>1</sup> S.C.O.R., 4th Yr., Special Supple. No. 7, Annex 52, pp. 185-91.

plebiscite taken when the conditions are created for the holding of a proper, fair and impartial plebiscite. But that plebiscite is merely for the purpose of giving the people of the State the opportunity for expressing their will. The expression of their will should be only in the direction of whether they would ratify the accession that has already taken place, not ratify in the sense that that act of ratification is necessary for the completion of the accession. But if the plebiscite produces a verdict which is against the continuance of accession to India of the Kashmir State, then what we are committed to is simply that we shall not stand in the way of Kashmir separating itself from India.

“Under the provisions of the Indian Independence Act, where a State accedes and subsequently wishes to get out of the act of accession, that is to separate itself from the main Dominion, it cannot do so except with the consent of that Dominion.”

“The Government of India’s commitment”, Mr. Ayyangar added, “was simply that if the verdict of the plebiscite was against India, then India would not stand in the way of the wishes of the people of Kashmir being given effect to. So the statement that the accession is at present complete, is a perfectly correct description of the existing state of things. We are not bringing representatives of the State to this House for the purpose of placing their seal on the act of accession. We are giving them an opportunity for the exercise of the rights they have obtained by the fact that accession has already taken place.”

9. Mr. Gopaldaswami Ayyangar’s resolution was adopted by the Constituent Assembly, but not without misgivings in the minds of some members, who realized that this meant a reversal of the policy hitherto followed by the Government of India with regard to Kashmir. Maulana Hasrat Mohani (UP) is reported to have made the following observations:

“There was no need to send Kashmir representatives to the Constituent Assembly at this stage.” Referring to an earlier interruption by Pandit Nehru, he added: “Pandit Nehru got angry and said that Kashmir had acceded to India and, therefore, had every right to send its representatives here. I am doubtful whether he was absolutely right in saying so, because not once or twice, but many times he has said that the accession depends on the plebiscite. Now he has made up his mind, he has created difficulty

and his move is that this plebiscite will never take place. Therefore he says that the accession is complete and there is no doubt about that.”

“Even admitting that accession was complete, the question of nominating representatives to the Constituent Assembly did not arise until the status of the Kashmir Government and the status of the Maharaja were decided.”

Another member of the Indian Constituent Assembly (Professor K.T. Shah) moved an amendment providing *inter alia* that the seats allocated to the Kashmir State should be filled only pending the holding of a plebiscite by the United Nations and without prejudice to the result of the plebiscite. The following extract from the report of the debate by an Indian news agency—the A.P.I.—throws an illuminating light on the attitude now adopted by the Government of India to the questions of accession and the plebiscite:

“When Professor Shah dealt with the portion of his amendment referring to the holding of a plebiscite and said that the accession of the State was not complete, a point of order was raised by Dr. Pattabhi Sitaramayya (the President of the Indian National Congress) whether it could be discussed, as accession of the State was complete and unconditional. Dr. Pattabhi was supported by Pandit Nehru (the Prime Minister of India), and some other members.

“Dr. Rajendra Prasad (the President of the Indian Constituent Assembly) agreed with the objection raised and said that the motion was concerned with the representation of the State in the Assembly and the method for it. He added that Professor Shah’s point was irrelevant and ruled out of order the part in Professor Shah’s amendment referring to the plebiscite.”

\* \* \* \* \*

11. The Government of Pakistan further submit that India’s attempt to prejudge the Constitution of the State of Jammu and Kashmir and to invite the participation of the representatives of the State in framing the Constitution of India before the question of accession of the State to India or to Pakistan has been decided, is clearly against the letter and spirit of the Commission’s resolutions of 13 August 1948 and 5 January 1949, which, after having

been accepted by India and Pakistan, constitute an international agreement binding on both countries. The agreement postulates the determination of the will of the people with regard to accession by means of a free and impartial plebiscite. Only after the State's accession to India or Pakistan has been determined can the question of the framing of its future Constitution or of the participation of its representatives in the framing of the Constitution of the Dominion concerned arise.

12. The Pakistan Government request that the Commission may be pleased to take prompt and effective action to remedy the situation created by the Government of India.

\* \* \* \* \*

## 2. ARTICLE 370 OF THE CONSTITUTION OF INDIA DEFINING THE STATUS OF THE STATE OF JAMMU AND KASHMIR

Article 370(1). Notwithstanding anything in this Constitution,—

- (a) the provisions of Article 238<sup>1</sup> shall not apply in relation to the State of Jammu and Kashmir;
- (b) the power of Parliament to make laws for the said State shall be limited to—
  - (i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and
  - (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

*Explanation.*—For the purposes of this Article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's proclamation dated the fifth day of March, 1948;

<sup>1</sup> Article 238 provides for the administration of the States mentioned in Part B of the First Schedule. (Ed.)

- (c) the provisions of Article 1<sup>1</sup> and of this Article shall apply in relation to that State;
- (d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this Article, the President may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

### 3. STATEMENT OF THE ACTING MINISTER FOR EXTERNAL AFFAIRS, GOVERNMENT OF INDIA, MR. N. G. AYYANGAR, IN THE INDIAN CONSTITUENT ASSEMBLY, 17 OCTOBER 1949 (Reported Version)<sup>2</sup>

The Constituent Assembly on Monday passed the second reading of the Draft Constitution for the Republic of India after a two-hour debate on the Preamble to the Constitution. Amendments to the Preamble were either not moved or ruled out of order or rejected.

<sup>1</sup> Article 1 defines the territory of the Indian Union as the one specified in the First Schedule, which includes the State of Jammu and Kashmir. (Ed.)

<sup>2</sup> *The Statesman*, 19 October 1949.

The Acting Minister for External Affairs, Mr. N. Gopaldaswami Ayyangar, moved Article 306-A on Jammu and Kashmir. The effect of this, said Mr. Ayyangar, was that "Jammu and Kashmir State, which is now a part of India, will continue to be a part of India. It will be a unit of the future Federal Republic of India and the Union Legislature will get jurisdiction to enact laws on matters specified either in the Instrument of Accession or by later addition with the concurrence of the Government of the State. Steps should be taken for the purpose of convening a Constituent Assembly which will go into these matters in detail and when it has come to a decision on the different matters, it will make a recommendation to the President, who will either abrogate Article 306-A or direct that it shall apply with such modification and exception as the Constituent Assembly may recommend."

Mr. Ayyangar told the House amidst cheers: "It is the hope of everybody here that in due course even Kashmir will become ripe for the same sort of integration as has taken place in the case of other States."

Mr. Ayyangar recalled Kashmir's accession to India on 26 October 1947, and said: "Since then the State has had a chequered history. Conditions are not yet normal in the State. The meaning of this accession is that at present the State is a unit of a Federal State, namely, the Dominion of India. This Dominion is getting transformed into a Republic which will be inaugurated on 26 January 1950. The Jammu and Kashmir State, therefore, has to become a unit of the new Republic of India."

"Instruments of Accession will be a thing of the past in the new Constitution. The States have been integrated with the Federal Republic in such a manner that they do not have to make an Act of Accession for the purpose of becoming units of the Republic. They are mentioned in the Constitution itself and in the case of practically all States other than the State of Jammu and Kashmir, their Constitutions also have been embodied in the Constitution for the whole of India. All those other States have agreed to integrate themselves in that way."

Maulana Hasrat Mohani (UP); "Why this discrimination?"

Mr. Ayyangar: "The discrimination is due to the special conditions of Kashmir. That particular State is not yet ripe for this kind of integration. It is the hope of everybody here that in due course

even Kashmir will become ripe for the same sort of integration as has taken place in the case of other States (cheers). At present it is not possible to achieve that integration."

Analysing the provisions of the Article, Mr. Ayyangar recalled the Maharaja's proclamation, "My Council of Ministers shall consist of the Prime Minister and such other Ministers as may be appointed on the advice of the Prime Minister. I have by royal warrant appointed Sheikh Abdullah as Prime Minister with effect from the 1st day of March, 1948. The Prime Minister and other Ministers shall function as a Cabinet and act on the principle of joint responsibility."

Mr. Ayyangar told the House: "It is not the case nor is it the intention of the members of the Kashmir Government whom I have had the opportunity of consulting before this draft was finalised, that other provisions of the Constitution ought not to apply to Kashmir.

"What they are particular about is that those provisions should apply only in cases where they can suitably be applied, and only subject to such modifications or exceptions as the particular conditions of the Jammu and Kashmir State may require."

It was one of the commitments to the people and the Government of Kashmir that these conditions were matters for the determination of the Constituent Assembly of the State, Mr. Ayyangar added.

"In view of the commitments already entered into between the State and the Centre, they (the Kashmir Government) cannot be regarded as the final authorities for the giving of this concurrence. That is why this Article provides if they do give that concurrence in the interim period, the concurrence should be placed before the Constituent Assembly when it meets and the Constituent Assembly may take whatever decisions it likes on those matters."

Mr. Ayyangar had mentioned earlier that the idea was that even before the Constituent Assembly met, it might be necessary in the interests both of the Central and of the State Government that certain items which were not included in the Instrument of Accession should be appropriately added to the list in that Instrument.

Provision had been made in the Article that when the Constituent Assembly of the State had met and taken its decision both on the Constitution for the State and on the range of Federal jurisdiction

over the State, the President might, on the recommendation of the Constituent Assembly, issue an order that the Article should either cease to be operative or should be operative only subject to such exception and modifications as might be specified by him. Before he issues any order of that kind, the recommendations of the Constituent Assembly would be a conditional precedent.

Maulana Hasrat Mohani, the only member who spoke on the Article, said that he was not opposed to "the concessions being given to Sheikh Abdullah", but he had objections to the discrimination in treatment. Mr. Ayyangar had admitted that "the administration of Kashmir State is not quite good".

Mr. Ayyangar: "I have not said that."

The Maulana continued: "I most strongly object to the arbitrary act of compulsion in regard to the merger of Baroda State in Bombay. The administration of Baroda was much better than the administration of many of the provinces." He said that if the principle of concession was adopted in the case of Kashmir State, the Government should in justice withdraw the merger order in regard to Baroda and extend to the State the same concessions which they were giving to Kashmir. Without further discussion, the House adopted the Article amidst cheers. Mr. Ayyangar was congratulated by Sardar Patel and Maulana Azad.

#### 4. AGREEMENT BETWEEN THE GOVERNMENT OF INDIAN-OCCUPIED JAMMU AND KASHMIR AND THE GOVERNMENT OF INDIA CONCLUDED IN NEW DELHI, 24 JULY 1952<sup>1</sup>

##### *Citizenship*

It was agreed that in accordance with Article 5 of the Indian Constitution persons who have their domicile in the Jammu and Kashmir State shall be the citizens of India. It was further agreed that the State legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regard to acquisition of immovable property, appointments to services and like matters. Till then the existing State law would apply. It was also agreed that special provision should be made in the laws governing citizenship to provide for the return of those permanent residents of Jammu and Kashmir

<sup>1</sup> From the Statement of Sheikh Abdullah in the State Constituent Assembly, 11 August 1952. A.G. Noorani, *The Kashmir Question*, pp. 95-109.



State, who went to Pakistan in connection with the disturbances of 1947 or in fear of them as well as of those who had left for Pakistan earlier but could not return. If they returned, they should be entitled to the rights, and privileges and obligations of citizenship.

\* \* \* \* \*

### *Fundamental Rights*

It is obvious that while our Constitution is being framed, the fundamental rights and duties of a citizen have necessarily got to be defined. It was agreed, however, that the Fundamental Rights, which are contained in the Constitution of India, could not be conferred on the residents of the Jammu and Kashmir State in their entirety taking into account the economic, social and political character of our movement as enunciated in the New Kashmir Plan. The need for providing suitable modifications, amendments and exceptions as the case may be in the Fundamental Rights Chapter of the Indian Constitution in order to harmonize those provisions with the pattern of our principles was admitted. . . .

\* \* \* \* \*

### *Supreme Court*

It was agreed that the Supreme Court should have original jurisdiction in respect of disputes mentioned in Article 131 of the Constitution of India. It was further agreed that the Supreme Court should have jurisdiction in regard to Fundamental Rights which are agreed to by the State.

On behalf of the Government of India, it was recommended that the Advisory Board in the State, designated "His Highness's Board of Judicial Advisers" should be abolished and the jurisdiction exercised by it should be vested in the Supreme Court of India. That is to say that the Supreme Court should be the final court of appeal in all civil and criminal matters as laid down in the Constitution of India.

We, however, felt that this should need a detailed examination and consequently it was agreed that we should have time to consider it further.

### *National Flag*

We agreed that in view of the clarifications issued by me in

my public statements while interpreting the resolution of this House according to which the old State flag was substituted by a new one, it was obvious that the new State flag was in no sense a rival of the national flag. But for historical and other reasons connected with the freedom struggle in the State, the need for the continuance of this flag was recognized. The Union flag to which we continue our allegiance as a part of the Union will occupy the supremely distinctive place in the State.

\* \* \* \* \*

### *Headship of the State*

I am glad to inform this House that the Government of India have appreciated the principle proposed by the Basic Principle Committee as adopted by this Assembly in regard to the abolition of the hereditary rulership of the State. In order to accommodate this principle, the following arrangement was mutually agreed upon:

- (i) The Head of the State shall be the person recognized by the President of the Union on the recommendation of the legislature of the State.
- (ii) He shall hold office during the pleasure of the President.
- (iii) He may, by writing under his hand addressed to the President, resign his office.
- (iv) Subject to the foregoing provisions, the Head of the State shall hold office for a term of five years from the date he enters upon his office.
- (v) Provided that he shall, notwithstanding the expiration of his term, continue to hold the office until his successor enters upon his office.

### *Financial Integration*

In regard to this subject, we agreed that it would be necessary to evolve some sort of financial arrangement between the State and the Indian Union. But as this involved far-reaching consequences, it was felt that a detailed and objective examination of this subject would be necessary.

### *Emergency Powers*

On behalf of the Government of India, it was stated that the application of Article 352 of the Constitution was necessary as

it related to vital matters affecting the security of the State. They did not press for the application of Article 356 or 360.

\* \* \* \* \*

In order to meet our viewpoint, it was suggested on behalf of the Government of India that Article 352 might be accepted as it is with the addition at the end of the first paragraph (1) of the following words: "but in regard to internal disturbance at the request or with the concurrence of the Government of the State."

We generally accepted this position, but wanted some time to consider the implications and consequences as laid down in Articles 353, 358 and 359 which on the whole we accepted. In regard to Article 354, we wanted to examine it further before expressing our opinion.

#### 5. MINUTES OF THE FINAL SESSION OF THE COMMITTEE APPOINTED BY THE NATIONAL CONFERENCE WORKING COMMITTEE, 9 JUNE 1953<sup>1</sup>

As a result of the discussions held in the course of various meetings, the following proposals only emerge as possible alternative for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan:

- (a) Over-all plebiscite with conditions as detailed in the minutes of the meeting dated 4 June 1953 (this apparently was a reference to Maulana Masoodi's suggestion that the choice of independence be offered in the plebiscite).
- (b) Independence of the whole State.
- (c) Independence of the whole State with joint control of foreign affairs.
- (d) Dixon plan with independence for the plebiscite area.

Mr. G. M. Sadiq was of the following opinion:

If an agency consisting of India, Pakistan, Afghanistan, Soviet Russia and China could be created to supervise and conduct the

<sup>1</sup> Sheikh Mohammad Abdullah, "Kashmir, India and Pakistan", *Foreign Affairs*, April, 1965, pp. 533-4.

This Committee was appointed in May 1953 to go into the matter of the solution of the Kashmir dispute. It consisted of Sheikh Abdullah, Maulana Masoodi, Mirza M. A. Beg, Bakhshi Ghulam Mohammad, G. M. Sadiq, Sardar Budh Singh, Girdharilal Dogra and Shamlal Saraf. (Ed.)

plebiscite, I would suggest that we should immediately ask for an over-all plebiscite. Failing this, we may ask for a supervision commission representing all the members of the Security Council for ensuring free and fair plebiscite in the State.

6. STATEMENTS OF THE PRIME MINISTER OF INDIAN-OCCUPIED KASHMIR, SHEIKH MOHAMMAD ABDULLAH, JUNE-AUGUST 1953

*Statement Broadcast from Radio Kashmir, 14 June 1953<sup>1</sup>*

The Kashmir issue has lengthened beyond the borders of India and Pakistan and assumed an international character. It is today a serious hindrance in the establishment of friendly relations between the two neighbouring countries.

With the political atmosphere in India and Pakistan becoming clearer, a question arises in the mind of every person—what is going to be the solution of the Kashmir problem. This question has been and is being put to me also. The solution\*, that I suggested in September 1947, holds true even today and that alone can be a democratic solution.

In these five years, Kashmir has ended autocracy and at present all the power lies with the people. What is now wanted is that the people of the State be given an opportunity to decide their future freely and without fear.

*Statement to the National Conference Workers in Srinagar, 26 June 1953<sup>2</sup>*

From the very beginning our stand on the Kashmir issue has been the same as that of Mr. Nehru. It is the people of Kashmir who will decide the future of their State.

*Statement in Srinagar, 31 July 1953<sup>3</sup>*

It is not the Constituent Assembly that will decide the future of Kashmir, but the people of the State.

<sup>1</sup> *The Statesman*, 15 June 1953

<sup>2</sup> *Ibid.*, 28 June 1953.

<sup>3</sup> *Indian Express*, 6 August 1953.

\* The solution was based on the principle "freedom before accession". (Ed.)

(e) *Statement prepared for a public meeting in Srinagar to be held on 21 August 1953*<sup>1</sup>

After having waited for over five years for a solution of the Kashmir dispute, the people of the State now feel that the present state of uncertainty and inaction is affecting not only their minds, but also all aspects of the administration. . . .

Though the accession of Kashmir to India is complete in all aspects, it is conditional and temporary in the sense that the people of the State have to ratify it. Therefore, it is not final. The Government of India does not consider itself bound to accept any decision of the "Assembly" in regard to the accession.

If accession to India is conditional and temporary, in the sense that it is subject to the approval of the people, the Delhi Agreement is also transitory and temporary and it can not put an end to the state of uncertainty.

\* \* \* \* \*

This improvement (in Indo-Pakistan relations) has given rise to hopes in the hearts of the Kashmir people that the dispute would now be solved and the two Prime Ministers, while arriving at any solution of the dispute, would keep the interests of the masses of Kashmir in view.

Kashmir is so situated geographically that its prosperity depends on trade with both countries. In the State there are such cultural and racial groups who are different and distinct from each other and who have close relations with their neighbours in West Punjab, the NWFP and East Punjab.

Furthermore, the rivers and roads of Kashmir lead to Pakistan. At present, there is only one highway linking Kashmir with India, which is snowbound for about three months every year.

Kashmir has been importing necessities of life from West Punjab and the nearest railway station to it is Rawalpindi. Kashmir traders use Karachi as their port.

\* \* \* \* \*

The Muslims and not non-Muslims of the State have to take a decision in regard to the accession of the State to India, because non-Muslims could not even think of any alternative. I do not

<sup>1</sup> Sheikh Abdullah was deposed and arrested before he could deliver this speech. *The Pakistan Times*, 3 February 1954.

have to assure Hindus and Sikhs that their future will be safe in India, because to say that is unnecessary. In this respect I have been misunderstood. Whenever I have tried to secure their just right for the Muslims or voiced their views about their future in India, my friends labelled me as a 'communalist'. But unfortunately the Praja Parishad<sup>1</sup> agitation, on the one hand, has created doubt in the minds of Muslims and, on the other hand, the Muslim middle class is finding out that whereas accession to India has opened for Hindus and Sikhs various doors of progress, Muslims have become a frog in the well.

\* \* \* \* \*

Is there no possibility of any change in Kashmir's relationship with India in view of the international situation?

Will all the people of the State, irrespective of religious and cultural differences, enjoy the same rights and opportunities under this relationship?

Is it possible to overcome the natural and geographical obstacles facing the State and obstructing its progress and prosperity, even when maintaining this relationship?

7. LETTER OF THE PERMANENT REPRESENTATIVE OF INDIA  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL,  
21 AUGUST 1957 (S/3869)<sup>2</sup>

1. Under instructions from my Government, I have the honour to bring to Your Excellency's notice and through you to the notice of the members of the Security Council the following report regarding the commencement of execution of the Mangla Dam Project by the Government of Pakistan which appeared in the Karachi newspaper *Dawn* on 26 June 1957.

"Rawalpindi, June 25: The Azad Kashmir Government have issued necessary notification to acquire land in Mirpur district for the Mangla Dam Project.

"The project, which will involve an expenditure of 1,000 million rupees, will cover an area of 100 square miles.

<sup>1</sup> In 1953 this party, along with the Hindu Mahasabha, Jan Sangh and Ram Rajya Parishad, started a nation-wide campaign for the full integration of Kashmir with India (Ed.)

<sup>2</sup> S.C.O.R., 12th Yr., Supple. for July-September 1957, pp. 18-9.

“About 122 villages in Azad Kashmir territory will be affected with a total area of about 42,000 acres.

“Out of this nearly 22,000 acres are at present under cultivation. The rest is barren and those who will be affected by the construction of the dam will be adequately compensated with cash payment or canal irrigated land.— *Radio Pakistan.*”

The details of the project are given in the attached note.

2. The execution of this dam project is a further instance of consolidation by the Government of Pakistan of its authority over the Indian territory of Jammu and Kashmir, which it continues to occupy by force, and of the exploitation of the resources of the territory to the disadvantage of the people of Jammu and Kashmir and for the benefit of the people of Pakistan.

3. My Government has asked me to invite your attention and through you the attention of the members of the Council to this further instance of violation by the Government of Pakistan of the Security Council resolution of 17 January 1948 which calls upon both the Government of India and the Government of Pakistan “to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation”.

4. The members of the Security Council are aware of the categorical assurances given to the Prime Minister of India by the Chairman of the United Nations Commission for India and Pakistan that the Government will not be allowed to consolidate its position in the territory it had unlawfully occupied, of part II, section A, paragraph 1 of the Commission’s resolution of 13 August 1948 (S/1100, Para 75), under which Pakistan troops are required to vacate the territory unlawfully occupied by them and of the recognition of the Government of the State of Jammu and Kashmir as the only lawful Government of the State underlying the Commission’s resolutions of 13 August 1948 and 5 January 1949 (S/1196, Para 15). The commencement of the execution of the Mangla Dam Project by the Government of Pakistan violates not only the provisions of the Security Council resolution of 17 January 1948 but also the assurances given to the Prime Minister of India by the Chairman of the Commission for India and Pakistan and the provisions of the two resolutions adopted by the Commission.

5. I request that this communication may kindly be circulated as a Security Council document and be brought to the notice of the members of the Council.

(Signed) ARTHUR S. LALL

*Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative of India  
to the United Nations*

8. LETTER OF THE PERMANENT REPRESENTATIVE OF PAKISTAN  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL,  
3 OCTOBER 1957 (S/3896)<sup>1</sup>

1. Under instructions from my Government, I have the honour to invite Your Excellency's attention to a letter dated 21 August 1957 (S/3869), from the Permanent Representative of India, regarding the Mangla Dam Project in the Azad Kashmir area, and to say that the correct position regarding this project is as follows.

2. The Mangla Dam Project is being executed cooperatively by the Government of Pakistan and the Azad Kashmir authorities. The Azad Kashmir authorities have initiated action to acquire land in their territory for this purpose. This project, on completion, will greatly improve the economy of the Azad Kashmir area by the provision of irrigation and hydroelectric facilities and will in no way adversely affect any existing interest.

3. It is pertinent to observe that the Government of India has carried out a number of similar schemes on its side of the cease-fire line. It will be remembered that Mr. Krishna Menon, in his speech before the Security Council in January 1957 (764th meeting, para 130), stated that 425 miles of new roads had been built; a large number of old roads had been improved; and several new bridges had been constructed. In addition, as the Security Council is aware, a tunnel has been constructed by the Government of India under the Bannihal Pass, opening a new line of communication between India and the State of Jammu and Kashmir.

4. If the above measures carried out by the Government of India in India-held Kashmir cannot be deemed to aggravate the

<sup>1</sup> S.C.O.R., 12th Yr., Supple. for October-December 1957, pp. 2-3.



situation in terms of the Security Council resolution of 17 January 1948, my Government fails to understand how a development measure undertaken in the Azad Kashmir area can be described as a violation of the resolution.

5. I do not consider it necessary to reply in this communication to the issues raised by the Permanent Representative of India in paragraph 4 of his letter under reference. My Government has dealt with these points in the course of its submission before the Security Council from 1948 onwards and has nothing further to add to what has already been placed on record.

6. I request that this communication may kindly be circulated as a Security Council document and be brought to the notice of the members of the Security Council.

*(Signed)* G. AHMED

*Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative of Pakistan  
to the United Nations*

9. STATEMENT OF SHEIKH MOHAMMAD ABDULLAH ISSUED SIMULTANEOUSLY IN NEW DELHI AND SRINAGAR, 17 FEBRUARY 1958<sup>1</sup>

Since my release after four-and-a-half years' detention, I have tried to explain my viewpoint and possible solution in regard to various problems facing the political future of the State. With sufficient clarity, I hope, I have succeeded in elucidating the following points:

(A) So long as the final decision about the future disposition of Jammu and Kashmir State is not arrived at the political uncertainty, economic distress and other mental strain and miseries which the people of the State are facing at present cannot terminate.

(B) The existing strained relations between India and Pakistan are not only a source of great danger to the solidarity of Asia, but also contribute to the ruin of the people of the State. The dispute over Kashmir is one of the main contributing factors to these strained relations.

<sup>1</sup> *The Pakistan Times*, 26 February 1958.

(C) The ultimate decision with regard to the future affiliation of the State vests with the people and can only be achieved by allowing them to exercise their right of self-determination under impartial international supervision, in accordance with the universally recognised methods as has been already agreed to by the parties concerned or is otherwise acceptable to all.

\* \* \* \* \*

Those who are opposed to a satisfactory final settlement of this problem falsely charged me, five years ago, as having conspired with a foreign Power. Now, since my release a campaign has been started by these very people to depict me as a communalist for obvious reasons. As the charge of foreign conspiracy could not be substantiated, despite the expiry of five years, an attempt is now being made to fabricate the charge of communalism against me so that public opinion in India and elsewhere may be deceived afresh, and the people's feelings and sympathy for me as a victim of persecution may be affected.

\* \* \* \* \*

A solution to this dispute will not only contribute to the strengthening of peace and security throughout Asia, but will heal a festering sore, which has been seeping into the very vitals of India and Pakistan. It is, therefore, for any intelligent man to judge whether it is fair to equate with communalism any endeavour to help solve this dispute. I firmly believe that real secularism is the soul of democracy but I am unable to understand how the demand for the final settlement of the dispute in regard to the accession of the Jammu and Kashmir State in accordance with the wishes of the people does in any way infringe any principle of secularism.

\* \* \* \* \*

I am being accused of breaking a pledge in support of the accession of the State to India. With all the force at my command I repudiate this allegation and submit that the responsibility for the breach of pledges rests elsewhere. A pledge is not a one-sided process.

Unfortunately the former (India) did not fulfil their share in spite of the best endeavours of the Kashmir Government to persuade

them to do so. When the charge of the breach of faith is, therefore, levelled against me, I have a right to pose the question as to where lies the responsibility for not implementing the promises and assurances given by the Government of India to the State of Jammu and Kashmir from the date of the tribal raid till my arrest in 1953.

Much propaganda is being made out of the fact that in November 1947, I pledged my support to Pandit Nehru in a mass meeting at Lal Chowk in Srinagar, but with this one should not forget what Panditji said a few minutes earlier. Explaining the Government of India policy, he stated that:

“It must be remembered that the struggle in Kashmir is a struggle of the people of Kashmir under popular leadership against the invader. We have come to your help at this critical hour. Our forces are here simply to defend your country against the raiders and as soon as Kashmir is free from the invaders, our troops will have no further necessity to remain here and you will be free to determine your future in accordance with your wishes.”

A few days before the Lal Chowk meeting, announcing the Government of India policy, the Prime Minister, Pandit Jawaharlal Nehru, in his broadcast from New Delhi on 2 November 1947 said: “We were anxious not to finalise anything in a moment of crisis and without the fullest opportunity to the people of Kashmir to have their say. It is for them ultimately to decide. And here let me make it clear that it has been our policy all along that where there is a dispute about the accession of a State to either Dominion, the decision must be made by the people of that State. It was in accordance with this policy that we have added a proviso to the Instrument of Accession of Kashmir.”

When the Constitution of India was finalised, the State of Jammu and Kashmir was given the status of an autonomous State in all matters except (a) defence, (b) foreign affairs and (c) communications (Section 370 of the Indian Constitution). This was an inviolable pledge.

May I ask as to where all these promises and assurances stand today and who is responsible for breaking them? My illegal and unconstitutional dismissal from Premiership and my long detention without trial are in themselves the most glaring examples of the value attached to pledges and solemn assurances.

I am also blamed by my detractors as to why I do not consider the decision taken by the Kashmir Consembly regarding the the accession as final. In this connection, the reality should not be lost sight of that the Government of India themselves have not accepted the decision of the Consembly regarding accession as final.

\* \* \* \* \*

Pandit Nehru, while answering a question on the subject in the Indian Parliament in 1955, declared the decision of the Consembly regarding the accession as unilateral and, therefore, of no consequence to resolve this international dispute in Kashmir. The decision of this Assembly cannot, moreover, be viewed in isolation and out of context of historical events that followed. The question is not about the decision, but as to what were the means by which it was secured. A period of five years elapsed between the date of convening of the Consembly and taking a final decision on the accession issue.

The Consembly which enjoyed popular support in 1951 on this side of the "cease-fire line" forfeited this confidence due to the events that took place on 9 August 1953 and thereafter. The front rank members of the body were put in prison and debarred from participating in the proceedings of the House.

Those who were not in prison were forced into submission by threats of persecution and imprisonment and irresistible temptations were thrown in their way. Consequently, the masses lost faith in them as there was no contact between those members and their constituents. The fact cannot be ignored that before the Constitution was finalised, the leader of the House was arrested under a deeply-laid conspiracy and when the masses protested against this illegal and unconstitutional act, a reign of terror was let loose and hundreds of men, women and children were shot down in cold blood and it was continued for months together.

A period of four years was spent in making the members of the Assembly toe the line of the coup-stagers. Such of the members as did not submit were kept in jail.

By their action of 9 August as well as by the long record of black deeds in and outside the House, the present Government and the Assembly have completely forfeited the confidence of the

electorate and they no longer represent the political and economic aspirations of the people. It will be the height of treachery if such a body sits to frame a fundamental law for the people and their future generations. Nothing can be a worse betrayal of their aspirations. I feel, therefore, duty-bound to ask you to desist from such a course of action.

\* \* \* \* \*

One of the most important objects underlying the entire political movement in the State has remained to secure the right of self-determination for the people of the State. Expression of the will of the people through a plebiscite is the one formula which has been agreed upon by the parties concerned and in a mass of disagreements about details, this common denominator has held the field so far.

The Security Council also has held that a plebiscite, conducted in a fair and free atmosphere under its own auspices, is a just solution of the problem consistent with the provisions of the United Nations Charter. This commitment has repeatedly been reaffirmed by the parties concerned.

The people of the State consider the formula of a plebiscite as a clear interpretation of their long-cherished aspirations and as a lasting solution of the complicated problem which is facing them since 1947.

Their political outlook is the product of the last 27 years' struggle whose sheet-anchor as ever remained the conviction that sovereignty vests with the people.

A State which was sold away for a cash consideration and remained in slavish subjugation for a century, naturally, gave this demand the foremost importance and made the right of self-determination and a democratic set-up its cardinal creed.

\* \* \* \* \*

The Congress leaders not only supported, all along, our demand for the right of self-determination, but also helped in organising and conducting my defence in the prosecution launched against me in the "Quit Kashmir Case". Pandit Nehru did not only court arrest as a mark of his support to our struggle, but went to the extent of appearing as my counsel in the case, in collaboration with the late Mr. Asaf Ali and others.

Subsequently, when the subcontinent was partitioned and the tribal raid took place, it was again in defence of this very right of self-determination that the Government of India agreed to send its Armed Forces to Kashmir.

Simultaneously, the Government of India, while accepting the Instrument of Accession signed by Maharaja Hari Singh on 26 October 1947, laid down the condition that the accession was subject to ratification by the people.

\* \* \* \* \*

The pledges were reiterated through the years in Parliament and outside, before the Security Council and in mass meetings here in Kashmir and elsewhere. If doubts were cast by uncharitable persons on the implementation of the promises and assurances given these were silenced and emphatically objected.

\* \* \* \* \*

It was as late as August 1953, after my detention, that the two Prime Ministers of India and Pakistan, after deliberating for a number of days in Delhi as to how best to resolve this dispute, reiterated in a joint communique their "firm opinion that this (Kashmir question) should be settled in accordance with the wishes of the people of that State....That the most feasible method of ascertaining the wishes of the people was by a air and impartial plebiscite."

Bakhshi Ghulam Mohammad, as Prime Minister of the State, in a Press statement issued by him on 21 August 1953, declared: "I welcome the declaration of the two Prime Ministers in regard to the future disposition of the State of Jammu and Kashmir on the basis of the principle of self-determination. This declaration was finalised on behalf of the Government of India with our concurrence and has our unqualified support." The holding of a plebiscite is thus a solution which is not only consistent with the objectives of the freedom struggle of Kashmir and the independence movement of the Indian people but is one to which all concerned with the dispute have unequivocally committed themselves, time and again.

10. LETTER OF THE MINISTER OF FOREIGN AFFAIRS OF PAKISTAN, MR. ZULFIKAR ALI BHUTTO, TO THE PRESIDENT OF THE SECURITY COUNCIL, 16 JANUARY 1964 (S/5517)<sup>1</sup>

On behalf of the Government of Pakistan, I have the honour to request you to convene an immediate meeting of the Security Council of the United Nations to consider the grave situation that has arisen in the State of Jammu and Kashmir. This situation is the direct consequence of the unlawful steps that the Government of India is continuing to take in order to destroy the special status of the State in arrogant disregard of the resolutions of the Security Council, more specifically of those of 30 March 1951 and 24 January 1957, and the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949.

This sinister design of the Government of India to obliterate the special status of the State of Jammu and Kashmir was foreshadowed by Bakhshi Ghulam Mohammad, the then "Premier" of the Indian-occupied part of the State, on 3 October 1963. He then announced that "a directive had been issued (by the Government of India) to bring Kashmir closer to the rest of India" and that, "as a first step", it had been decided to change the designation of "Sadar-i-Riyasat" to "Governor" and "Prime Minister" of the State to "Chief Minister", to bring the State in line with the "other States (Provinces) of India". Bakhshi Ghulam Mohammad added that the necessary "constitutional" formalities to give effect to this change would be carried out by the State Assembly when it meets in March 1964.

This contemplated move was brought to the attention of the President of the Security Council by the Permanent Representative of Pakistan to the United Nations in his letter of 9 October 1963 as it involved a gross breach of India's commitment to the principles of the resolutions of the United Nations Commission for India and Pakistan and of the Security Council. In reply to this letter, the Permanent Representative of India in his letter of 12 November 1963 made the outrageous claim that Jammu and Kashmir is a constituent State of the Indian Union and, therefore, Indian Union territory. In other words, he challenged the

<sup>1</sup> S.C.O.R., 19th Yr., Supple. for January-March 1964, pp. 26-34.

basic position of the Security Council as set forth in the aforementioned resolutions.

A few weeks later, Bakhshi Ghulam Mohammad was replaced by a new puppet "Premier", Shamsuddin, one of whose first acts was, under orders from Delhi, to install in office a Cabinet in which as many as seven out of twelve Ministers and Deputy Ministers were Hindus—even though the State of Jammu and Kashmir is overwhelmingly Muslim. He then proceeded to dismiss over 100 officers of the State Government, who, in his own words, were to be replaced by "persons with a more secular and nationalistic outlook". In other words, the Administration of the State was being purged of Muslim officers whose only fault was that they were in some small measure conscious of the special status of their homeland and their right to self-determination. Both the change in the composition of the Cabinet and this purge had been carried out at the behest of the Government of India as part of India's design to annex Indian-occupied Jammu and Kashmir to India.

That "Premier" Bakhshi Ghulam Mohammad had merely disclosed in his announcement of 3 October what the Government of India had already planned was very soon confirmed by the Minister of Home Affairs of the Indian Government, Mr. Gulzarilal Nanda. On 27 November 1963, Mr. Nanda outlined in the Indian Parliament the further measures of annexation of the Indian-occupied part of the State that the Government of India had decided on. He specifically mentioned the following:

- (1) "An Order of the President under Article 370 of the Constitution was issued on 25 September 1963, applying to Jammu and Kashmir State entry 26 of the Concurrent List (List III) in the Seventh Schedule in respect of legal and medical professions and other consequential provisions of the (Indian) Constitution;
- (2) "A proposal to apply to Jammu and Kashmir entry 24 of the Concurrent List, in so far as it relates to welfare of labour in the coal-mining industry, is under consideration;
- (3) "It has been decided that representatives of Jammu and Kashmir in the Lok Sabha should be chosen by direct election as in other States. Effect will be given to this decision after the termination of the present emergency;



- (4) "It has also been decided that the Sadar-i-Riyasat and the Prime Minister of Jammu and Kashmir should be designated as Governor and Chief Minister respectively. Legislation to give effect to the proposal is expected to be taken up during the next session of the State legislature;
- (5) "Article 370 of the Constitution occurs in part XXI of the Constitution which deals with temporary and transitional provisions. Since this Article was incorporated in the Constitution, many changes have been made which bring the State of Jammu and Kashmir in line with the rest of India. The State is fully integrated to the Union of India. Government are of the opinion that they should not take any initiative now for the complete repeal of Article 370. This will, no doubt, be brought about by further changes in consultation with the Government and the Legislative Assembly of Jammu and Kashmir State. This process has continued in the last few years and may be allowed to continue in the same way."

This statement of the Indian Home Minister was endorsed immediately thereafter by the Indian Prime Minister, in the Indian Parliament. Pandit Jawaharlal Nehru explained that Article 370 of the Constitution of India, which envisages a quasi-autonomous status for the State of Jammu and Kashmir, will be subjected to a process of "gradual erosion".

It is clear from these declarations that the Government of India is deliberately set on defying the Security Council and on "integrating" the Indian-occupied part of Jammu and Kashmir with the Indian Union. This is being done in flagrant repudiation of India's commitment to the principles contained in the two resolutions of the United Nations Commission for India and Pakistan, which enjoin that the question of accession of the State to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite, conducted under the auspices of the United Nations.

\* \* \* \* \*

The persistence of the Government of India, over the last fifteen years, in a policy of trampling under foot the basic and inalienable rights of the people of Jammu and Kashmir, and its

illegal and arbitrary legislative and administrative measures to annex the State have created a vicious climate in the State. It is this climate, in which the political, religious and cultural rights of the people of the State are treated with scorn by their Indian rulers, that has made possible such criminal acts of sacrilege and vandalism as the recent theft of the sacred hair of the Holy Prophet Mohammad from the Hazratbal Shrine near Srinagar and the attempt to burn a Muslim shrine in Kishtwar in Jammu province.

\* \* \* \* \*

Ever since the Hazratbal and Kishtwar outrages and the subsequent regime of repression in Indian occupied Kashmir, the feelings of the people of Azad Kashmir and of Pakistan have been incensed. Tension has mounted dangerously. It found expression in some regrettable incidents in the Khulna and Jessore districts of East Pakistan on 3 January, against the Hindu minority. However, these were promptly suppressed and order was restored.

In the annual session of the ruling Indian National Congress, held only a few days ago, inflammatory statements about the situation in Khulna and Jessore were made by its leaders. The Indian Minister of Home Affairs, Mr. Gulzarilal Nanda, threatened from the Party's platform on 9 January to take "appropriate action to deal with the situation created by the communal riots at Khulna and Jessore in East Pakistan". Within hours after those speeches, violence and death were let loose against the Muslim minority in the city of Calcutta and in the West Bengal districts of Twenty-Four Parganas, Hooghly, Howrah, Burdwan and other areas. There have since been widespread killing of Muslims and numerous cases of arson and looting and destruction of Muslim property. Within three days, according to a foreign news agency report, the number of dead added up to 200. On 12 January, in one day alone, 14,000 terror-stricken Muslim refugees crossed into East Pakistan from West Bengal. By the following day, the figure mounted to over 20,000.

\* \* \* \* \*

The Government of India's actions since Bakhshi Ghulam Mohammad's announcement of 3 October to carry further the

process of "integration" of Jammu and Kashmir with the Indian Union, the Hazratbal and Kishtwar outrages, the subsequent regime of Indian repression in the State, concealed from the world by a wall of secrecy, followed by widespread killings, looting and arson in Calcutta and in other districts of West Bengal, have created an extremely tense and explosive situation in Azad Kashmir and throughout Pakistan. India-Pakistan relations have been dangerously strained. Unless it can be demonstrated that the peaceful procedures of the United Nations are capable of halting the high-handed and dangerous policy that India is following in regard to the State of Jammu and Kashmir, and of inducing her to respect the rights of the Muslim population of the State and in the Indian Union, the people of Azad Kashmir and Pakistan may, in desperation, turn to other courses.

\* \* \* \* \*

(Signed) ZULFIKAR ALI BHUTTO

*Minister for External Affairs of Pakistan*

11. STATEMENT OF THE FORMER PRIME MINISTER OF INDIAN OCCUPIED JAMMU AND KASHMIR, BAKHSHI GHULAM MOHAMMAD, 3 FEBRUARY 1964<sup>1</sup>

Consequent upon the dismissal and arrest in 1953 of Sheikh Mohammad Abdullah for he had asked India to withdraw troops from Kashmir preparatory to holding of the promised plebiscite, I accepted the Premiership of the State as it was my honest conviction then that the majority community of Kashmir could be brought round to staying on with India and that they would really be better off and more secure with 'secular' India than with 'communal' Pakistan. For a full decade I did all I could towards this end but year after year I became wiser by observing that events in India reflected very adversely on the psychology of Kashmiris. The recent episode of the holy relic at Hazratbal has extremely shocked the sensitive Kashmiri Muslims who now openly declare that even their religion and culture is not safe with India. They also say that Pakistan is no more a Muslim State than India is a Hindu State and the very fact that everything that befalls Hindus in Pakistan retaliates all the more

<sup>1</sup> Facsimile of statement in *The Pakistan Times*, 12 February 1964.

severely on Muslims in India belies the claim of India to be a secular State—a State ‘above religion’. They fear that their fate tomorrow will be no different from or no better than that of the Calcutta Muslims. Of their three immediate demands, namely (i) release of Sheikh Mohammad Abdullah, (ii) holding of plebiscite and (iii) inquiry into the affairs that led to the events of 1953, I have already apprised the Press.

I frankly admit that what Sheikh Sahib said in 1953 I say today after further ten years’ experiment. Even today I am honest and faithful to India and if it comes to plebiscite I might vote for India but to keep the Indian Government and the Indian people in the dark about the inner working of the mind of Kashmiri Mussalmans is a sin and a disservice.

Many people may call this my statement a blackmail but I make it clear once and for all that I am by no means eager or willing to become the Premier of Kashmir again and even if I am asked to I will never accept that post; nor do I oppose the change of present Government in the State nor for that matter the establishment of President’s rule or Sadar-i-Riyasat’s rule or whatever the Government of India and the people of Kashmir may desire.

(Signed) G. M. BAKHSI

With compliments.

For favour of immediate publication in different papers in your country and broadcast.

(Signed) G. M. BAKHSI

## 12. STATEMENTS OF SHEIKH MOHAMMAD ABDULLAH, APRIL 1964 (Reported Version)<sup>1</sup>

At a Press conference on 9 April Sheikh Abdullah said that he could not put forward a precise solution to the Kashmir problem until he had discussed it with the people and with his friends especially “my dearest comrade and colleague, Mr. Nehru”. The only alternative to a negotiated settlement would be a clash of arms between India and Pakistan; this would be suicidal, especially for Kashmir, because the bombs would fall on Kashmir

<sup>1</sup> *Keesing’s Contemporary Archives*, p. 20215.

and not on Madras or Karachi. India, he said, had certain commitments from which she could not back out; if a plebiscite caused difficulties, however, there were other ways of determining the people's wishes, such as genuinely free and fair elections. It would be wrong to claim that the people of Kashmir had already expressed their right to self-determination through the three general elections, all of which had been "rigged"; this charge, he pointed out, had been made by all the opposition parties in Kashmir, including the Jan Sangh. He deprecated any suggestion that the State might be partitioned, declaring that he had always considered Jammu, Kashmir and Ladakh as an indivisible whole. In a speech on 10 April Sheikh Abdullah said that he could never compromise on the basic principle that the Kashmir problem could be solved only by a negotiated settlement between India and Pakistan in which neither side had a sense of defeat, and through the Kashmiri people's exercise of the right of self-determination.

The Sheikh told a public meeting on 11 April that Mahatma Gandhi had approved the sending of the Indian Army to Kashmir in 1947 to save his ideals of truth and non-violence in the face of aggression, and not for the sake of any territorial aggrandizement; only the people of Kashmir could decide the issue, and they had not done so so far. Denying that he had said any thing unconstitutional, he said on 13 April that under Article 370 of the Indian Constitution Kashmir's accession was provisional, and that residuary sovereignty still rested with the people, as Kashmir had surrendered only defence, foreign affairs, and communications to the care of the Indian Government. On 14 April he strongly attacked the "vested interests" created by Bakhshi Ghulam Mohammad, which, he said, were trying to sabotage his meeting with Mr. Nehru and did not desire Mr. Sadiq's Government to remain in office; they were "upset at losing power", he declared and sought "to renew their exploitation of the State and its people".

Addressing a crowd of over 40,000 on 17 April, Sheikh Abdullah said, "They think of rearresting me, but if Abdullah is rearrested will the Kashmir issue be settled? We have yet to win the right of self-determination. India says the issue is settled and there can be no talking about it. We have to impress on the

leaders of India that we will never surrender our right to determine our own future....”

\* \* \* \* \*

At a mass meeting on 23 April, Sheikh Abdullah said for the first time that he would not come in the way if the people of Kashmir wanted to join Pakistan; he added, however, that if they chose some other course neither Pakistan nor any other Power should come in their way. For Kashmiris to shout pro-Indian or pro-Pakistani slogans showed a “slavish mentality”; they must think and act as Kashmiris, and while having love and affection for both India and Pakistan should never mortgage their thinking to either. He also emphasized that they must bear in mind the possible repercussions of their decision on the minorities in India and Pakistan.

### 13. PROCLAMATION ISSUED BY THE REVOLUTIONARY COUNCIL OF KASHMIR, 10 AUGUST 1965<sup>1</sup>

The Revolutionary Council of Kashmir proclaims:

Brave Kashmiris:

Arise, for now is the time.

We have suffered long enough under the oppressive and treacherous rule of imposters and enemy agents.

Long enough have we allowed the traitors to further the enemy designs.

Remember that a Hindu despot who ruled over us, in utter disregard of the wishes of the people, sold us to India in 1947. This was the second sale of our land through a fraudulent and ignoble deed, which brought the might of the cursed Indian Army into our beautiful and peaceful land.

Betrayed, though we were, we fought the enemy on every inch of our sacred soil. And we would have won, but for the intervention of the United Nations, who obtained an undertaking from India that we will exercise our inalienable right of self-determination under a free and fair plebiscite.

The United Nations was duped and so was the whole world. India dishonoured her international pledge shamelessly and with utter contempt for world opinion.

<sup>1</sup>*Pakistan Horizon*, Vol. XVIII, No. 3, pp. 295-7.

She played for time to occupy our land. Since then, every day that has passed has been a day of misery and every night, a night of crime. You know what acts of cruelty, sacrilege and barbarity the enemy has been perpetrating under the shadow of guns and bayonet.

For years our great leaders, Sheikh Mohammad Abdullah and Mirza Afzal Beg, have been languishing in Indian prisons, but their determination to throw off the yoke of Indian imperialism remains unflagging.

We have seen our children butchered, but every drop of their blood has illumined the path of our struggle.

Our women were dishonoured but in their agony they sanctified the course of our freedom.

Our brave fighters lost their lives, but their dying-calls stirred the hearts of their compatriots. The will of our people remains unbroken, their united might unshaken.

The enemy is on the run. We will not rest content till we have chased him out of our land.

The time has come for us to deliver the final blow and hereby we take a solemn pledge to take up arms, once again, and continue the fight till :

- (A) THE USURPERS ARE EXPELLED OUT OF OUR LAND,
- (B) OUR LEADERS NOW IN JAIL ARE FREED AND,
- (C) THE WILL OF THE PEOPLE IS ALLOWED TO DETERMINE THE FUTURE OF OUR LAND.

The Revolutionary Council, which consists of patriots of unimpeachable integrity and men of unswerving faith, has set up, today, the National Government of the people of Jammu and Kashmir which decrees as hereunder:

From today (A) All alleged treaties and agreements between the imperialist Government of India and Kashmir stand annulled and are no longer binding on us. (B) The National Government of Jammu and Kashmir formed by the Revolutionary Council of Kashmir is the sole lawful authority in our land. (C) Only the National Government will be legally competent to receive taxes and public dues from the people of the State. (D) Any Kashmir national who wilfully cooperates with the Indian Government or their puppet administration in occupied Kashmir will be treated as a traitor and dealt with as such. (E) Every na-

tional of the State of Jammu and Kashmir who may be employed either by the imperialist Indian Government or its puppet administration, in civil or military capacity, shall support the freedom movement of the Revolutionary Council in every possible way. (F) The National Government will issue orders and decrees on the Kashmir National Radio representing the "Voice of Kashmir" (Sadae Kashmir). (G) Any national of Kashmir, who impedes the freedom movement or disobeys any order or decree of the National Government, will be dealt with as a traitor.

The Revolutionary Council appeals to the world to support this freedom movement.

Now is the time for countries who have pledged themselves to help all freedom movement against imperialism to come to our assistance.

We have nothing against the people of India but their Governments have established a record of treachery and dishonesty in the world. We expect all sane and freedom-loving elements in India, and particularly the brave Sikhs, the south Indians and the Rajputs, who have always given us moral support, to lend us active assistance.

The people of Pakistan have stood by us in our fight. To our regret they have not done as much as we expected of them. Now is the time for them too to join us in our struggle for life and liberty.

Let the nations of the world remember that if we go down the light of freedom will be extinguished for ever.

And, above all, you the people of Kashmir, you are the ones who are on trial. You are the ones who have to fight, for it is your own cause. You are the ones who must win this war for the sake of coming generations, for the sake of freedom and for the sake of the glory of your motherland.

ARISE NOW, OR THERE WILL BE NO TOMORROW.

*Issued by the Revolutionary Council of Kashmir, Sadae Kashmir Press, Srinagar.*



## XVI. KASHMIR, 1965-66

### 1. CORRESPONDENCE BETWEEN THE SECRETARY-GENERAL OF THE UNITED NATIONS, U THANT AND PRESIDENT MOHAMMAD AYUB KHAN OF PAKISTAN, SEPTEMBER 1965.

*Telegram of the Secretary-General addressed to the President of Pakistan and the Prime Minister of India, 1 September 1965 (S/6647)*<sup>1</sup>

I have the honour, Excellency, to address you about the current grave situation in Kashmir. That I approach you directly in this urgent way reflects the depth of my fears about recent developments there. You are, of course, aware of my mounting concern over the deterioration of the cease-fire, and the cease-fire line, which I have been conveying to Your Excellency's Government over the past three weeks. Since 5 August, there has been an unprecedented number of acts of violence along or in the vicinity of the cease-fire line in Kashmir. Without any attempt to apportion blame, it may be said that such actions now come from both sides of the line, involve an increasingly large number of armed men on each side, and take place in the air as well as on the ground. Most serious of all, it is my understanding that regular Army troops from both countries are now engaging in military actions along and across the line.

India and Pakistan freely entered into a Cease-Fire Agreement at Karachi in July 1949 and agreed upon a cease-fire line in Kashmir. Observance of that cease-fire has been assisted by the

<sup>1</sup> UN.SC. Press Release, 65/20526.

United Nations Military Observer Group in India and Pakistan. That Agreement is now being so widely disregarded as to be reduced to little consequence. An outright military confrontation between the Armed Forces of India and Pakistan is threatened and may be imminent, which can have only the gravest implications for the peace of the world, and for the lives and well-being of the inhabitants of Kashmir and the peoples of India and Pakistan. It also seems to me that the quiet which would result from mutual observance of the cease-fire would afford the most favourable climate in which to seek a resolution of political differences.

I fully realise the very great complexities of the Kashmir problem for your Government. I cannot believe, however, that it poses problems which could not be solved ultimately by peaceful processes or that these problems can ever be really solved by military action. In this latter regard, I must point out that resort to force in the settlement of a dispute of this kind is contrary to both the spirit and letter of the Charter of the United Nations and the obligations undertaken by your country as a Member of the Organization.

Because I believe firmly that you and your Government would wish a peaceful solution of the problem of Kashmir, I appeal to you most earnestly, in the interests of peace in your area and in the world, to indicate immediately your intention henceforth to respect the Cease-Fire Agreement. Essential, of course, to the restoration of the cease-fire would be a cessation of crossings of the CFL by armed personnel from both sides of the line, the withdrawal of armed personnel of each side that have occupied positions on the other party's side of the line, and a halt to all firing across the CFL from either side of it. Effective observance of the cease-fire, as you know, requires cooperation on each side of the line with the United Nations Military Observer Group (UNMOGIP) and freedom of movement and access for United Nations Observers in the discharge of their duties.

I give you assurance, Excellency, of my fullest possible assistance in the restoration of peace in Kashmir and the solution of its problems.

*Telegram of the President of Pakistan addressed to the Secretary-General of the United Nations, 5 September 1965 (S/6666)*<sup>1</sup>

I have received your message and appreciate the expression of your deep concern at the grave turn that developments have taken in Jammu and Kashmir. Since 1 September, the Armed Forces of India and the Azad Kashmir forces backed by units of the Pakistan Army are locked in battle in the Bhimber sector, and the Air Forces of India and Pakistan have also engaged in combat.

2. It is not necessary for me, therefore, to stress the gravity of the situation, the devastating consequences of which are self-evident.

3. In your message, you seem to consider 5 August—when the so-called “infiltration” is alleged to have taken place—as the date when the Cease-Fire Agreement of 1949 between India and Pakistan began to be so widely disregarded by unprecedented acts of violence along or in the vicinity of the cease-fire line as to have reduced that Agreement to little consequence. If the cease-fire in Jammu and Kashmir was reduced to a nullity, this process has taken place over a long period of time as a result of Indian designs and provocations. The more recent and grave instance occurred in May last when the Indian Army crossed the cease-fire line in the Kargil sector and occupied three posts on the Pakistan side of the line.

Thus the origin and source of the conflict which is now taking place in Jammu and Kashmir cannot be traced to 5 August. The Kashmir dispute must be viewed in the context of the tragic history of the denial since 1949 of the right of self-determination to the people of the State, and the annexation of their homeland by India through the so-called “integration” measures, in the teeth of their bitter protest. It must be emphasised there that the cease-fire was brought about by the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949. These resolutions, which were negotiated by the United Nations, constituted an international agreement between India and Pakistan to implement the pledge of a plebiscite to the people of Jammu and Kashmir to decide their future. The Cease-Fire Agreement flowed from the obligations accepted by both parties under those resolutions. Since the cease-fire in the State was

<sup>1</sup> UN.SC. Press Release, 65/20834.

effected in 1949, India at first stalled on their implementation and subsequently repudiated them.

5. From 1949 to May 1965, India spurned every offer and every suggestion and barred all avenues for a peaceful settlement of the dispute. She ruled out recourse to the International Court of Justice, she rejected mediation, conciliation or good offices of any third party, including that of Your Excellency. If, in the past, India has made some show of willingness to enter into bilateral negotiations with Pakistan, events have shown that her motive was not to reach a settlement, but to forestall effective international action or to tide over some crisis in her internal and foreign relations. The Government of India's real attitude towards bilateral negotiations was made clear by the Indian Home Minister when, on 1 July 1965, he stated: "Kashmir is an integral part of India. It is a settled fact which cannot be the subject of debate or negotiations. The talk of self-determination is devoid of meaning or relevance."

6. India has made it quite clear that she will not permit the wishes of the people of Jammu and Kashmir to be ascertained and that her objective is to make permanent the partition of the State of Jammu and Kashmir between India and Pakistan along the cease-fire line in total violation of her obligation to implement the right of self-determination.

7. In pursuit of this objective, the Government of India have embarked on the unlawful and provocative course of annexing the occupied portions of the State. In the process, a reign of terror and oppression has been let loose on the people, thousands of Kashmiris have been jailed without trial for the crime of demanding that India should honour her pledge to hold a plebiscite. Sheikh Abdullah, along with his lieutenant Mirza Afzal Beg, has for the third time been put in prison where they have already spent eleven years of their lives and where they are now apparently condemned to end their days.

8. The situation in Indian-occupied Kashmir today is that after seventeen years of patient but vain expectation and hope, the people of Kashmir, finding all avenues of peaceful realisation for their right of self-determination barred to them, have taken to arms against Indian tyranny. Who can blame them? The freedom-fighters who have challenged the might of the Indian Army are

not 'raiders' but sons of the soil of Jammu and Kashmir, ready to make the supreme sacrifice for their cause.

9. The people of Azad Kashmir have been enraged for years over India's brutal repression of the freedom movement in Kashmir. If more than six divisions of the Indian Army deployed along the nearly 500-mile long cease-fire line have been unable to prevent them from moving across the line to aid the armed uprising of their compatriots in occupied Kashmir, how can it be expected that the much fewer troops of the Pakistan Army would be able to seal the line against them? It is but natural that India should seek to blame outsiders for the uprising in occupied Kashmir since she would have the world believe that the people of the State are happy with their lot under Indian occupation.

10. I am constrained to express my surprise and regret that, though the United Nations Military Observer Group has admitted that, in most cases, the actual identity of those engaging in the armed attacks on the Indian side of the line and the actual crossing of it could not be verified by direct observation and evidence, yet the Group should have though it fit to conclude that the uprising in Jammu and Kashmir resulted from the crossing of the cease-fire line from the Pakistan side by armed men, for the purpose of armed action on the Indian side. Failing to suppress the freedom-fighters in the occupied territory of Jammu and Kashmir, India has embarked on a course of unlimited aggression across the cease-fire line. On 15 August, Indian forces again crossed the cease-fire line to take over three unoccupied posts near Kargil, which they had earlier been made to vacate upon Your Excellency's interventions. Significantly, this was done within hours of a public threat by the Indian Prime Minister which was tantamount to that of invading Azad Kashmir. Later, the Indian Defence Minister proudly announced in the Indian Lok Sabha that "India crossed the cease-fire line in the past and would so again." On 23 August, Indian forces shelled Awan Sharif, a village in West Pakistan, killing twenty-five persons and causing injuries to others and much damage to property. On 24 August, Indian troops crossed the cease-fire line and occupied two posts in the Tithwal sector on the Pakistan side of the cease-fire line. Again on the same day, Indian forces crossed the cease-fire line in the Uri-Poonch sector and seized some Pakistani posts and on 1 September took Haji Pir Pass.

11. Simultaneously, with these acts of war, India intensified her acts of repression of Kashmiris which, in their scope and nature, threaten to assume the proportion of genocide. On 14 August, the entire Batamalu suburb of Srinagar inhabited by Muslims was set on fire and razed to the ground and the people burnt alive to punish the residents for the support and help they were extending to the freedom-fighters. This has been repeated in several other places in occupied Kashmir and has become the pattern of reprisals. Miss Mridula Sarabai, the well known Indian social worker, has testified that, in the guise of taking action against the so-called "infiltrators", the Indian Army has turned upon the entire Muslim population of the occupied territory and perpetrated atrocities upon them. The foreign Press has also commented on the incendiary role of the Indian Army.

12. These acts of aggression and grave violations of the Cease-Fire Agreement have created a situation in which the human rights of the people of Kashmir as well as the security of Pakistan are equally threatened.

13. In response to this grave situation created by the Indian Armed Forces and to forestall further aggression by them, the Azad Kashmir forces, backed by the Pakistan Army, were forced, in the exercise of their inherent right of self-defence, to cross the cease-fire line in the Bhimber sector for the first time since the Cease-Fire Agreement was reached seventeen years ago, and after repeated Indian armed attacks and occupation of Azad Kashmir territories by the Indian Army. This crossing took place on the 1st of this month. India escalated this conflict by mounting air attacks against Pakistan forces on the same day, compelling the Pakistan Air Force to intervene. Until then, Pakistan had refrained from air action even though our isolated and thinly-manned posts in the Uri-Poonch sector could not have been occupied if we had given them air support. On 4 September India carried the escalation of the conflict a stage further. The Indian Air Force twice violated Pakistan territory in strength, escorted by MIG-21 aircraft. And now, my Government has good reasons to believe that India has begun to again deploy and mass her Armed Forces against West and East Pakistan. Weeks earlier India moved a brigade from Aksai Chin and a mountain division from the NEFA area, armed and equipped by the United States and some Com-

monwealth countries for use against China, to reinforce the six divisions of the Indian Army which have been suppressing the people of Jammu and Kashmir. It is, therefore, clear from these repeated strikes across the cease-fire line and step by step escalation of the fighting in Jammu and Kashmir that India has embarked on a premeditated course of aggression and war to seize the whole of Azad Kashmir territory and, in that process, not to flinch from even a subcontinental war. It will be recalled that immediately following the reverses suffered by the Indian Army in the Rann of Kutch, some months earlier, Indian Government leaders publicly threatened that India would attack Pakistan at a time and place of her own choosing. In the circumstances, Pakistan must take every step necessary to discharge its responsibilities and duties for the defence of her legitimate interests and territorial integrity. From the foregoing it is evident that India has embarked upon a course of terror, oppression and aggression in Kashmir. It has plainly manifested every intention of aggression against Pakistan. The responsibility for the current grave situation in that State therefore rests entirely on her.

14. Let me now turn to the other points that you have raised in your message. You have expressed the belief that the problems posed by the Kashmir dispute can be resolved peacefully and not by military action and have also drawn my attention to the obligations of Member States of the United Nations not to have recourse to the use of force in the settlement of international disputes, but to seek pacific methods of settlement. Let me assure you, Excellency, that Pakistan remains dedicated to the Charter of the United Nations and the obligations of membership. You are aware that, during the last seventeen years, despite all the provocations and acts of repression by India in Jammu and Kashmir, despite India's open repudiation of the UNCIP and Security Council's resolutions, pledging self-determination to the people of Kashmir, and despite India's sinister pattern of annexing the State in the face of their bitter opposition and in total disregard of the relevant resolutions of the Security Council, Pakistan did not abandon her faith that reason would one day dawn on India and turn her to the path of peace. It was with this faith that the Pakistan Government turned repeatedly to the Security Council, when direct negotiations with India in 1953, 1955, 1960, 1962

and 1963 failed to produce a just and equitable solution. To my infinite regret, our experience of seeking redress in the forum of the Security Council has time and again turned out to be disheartening. You will recall that, in 1964, the members of the Security Council would not even agree to recommend direct negotiations between India and Pakistan with the assistance as may be mutually acceptable of a third party, or even the Secretary-General. To our deep sorrow and regret, the debate in that forum did not end in a consensus, much less in a resolution. This is not to say that Pakistan has lost all faith in the efficacy of the United Nations as an instrument of peace. We reaffirm our confidence in the solution of international disputes by peaceful means. This confidence extends to the settlement of the Kashmir dispute.

15. I trust that, in view of what I have stated in the foregoing part of this reply to your message, the action which the Pakistan Army has taken in Jammu and Kashmir in support of the Azad Kashmir forces to defend Azad Kashmir and Pakistan territory against Indian occupation and territorial designs will not be construed by you as indicating our intention to resolve the Kashmir dispute by force of arms. This is a purely defensive measure forced on Pakistan.

16. You have expressed your conviction that a peaceful settlement of the Kashmir dispute can be found and have appealed to me to indicate immediately our intention to respect the Cease-Fire Agreement and return to the *status quo ante*. You have also assured me of the fullest possible assistance by you in the restoration of peace in Kashmir and the solution of the dispute. A number of Chiefs of State and Governments of friendly countries have associated themselves with your appeal and some have offered their good offices for mediation. I am grateful to you and to them for these assurances and offers, which I find heartening. At the same time, I cannot but be candid and express to you our misgivings. Your appeal seeks nothing more than a return to the *status quo ante* without any assurance that you and the Security Council will strive to implement the United Nations resolutions pertaining to the right of self-determination of the people of Jammu and Kashmir. You say that the quiet which would result from mutual observance of the cease-fire would afford the most favourable climate in which to seek a resolution of political differences. I would



like to recall that the Cease-Fire Agreement was observed from 1949 to 1965 when India chose to reduce it to a scrap of paper. Yet during these seventeen years, tranquillity along the cease-fire line did not lead to that result. The Security Council, faced with India's bad faith, intransigence and growing power, chose practically to wash its hands of the responsibility for a peaceful and honourable settlement. It did not seem concerned about redressing injustice meted out to the people of Jammu and Kashmir. I fear that your present appeal will only serve to perpetuate that injustice by leaving the people of occupied Kashmir to the mercy of India. What is to become of the brave people of Kashmir who are fighting for their freedom? I cannot believe that it would be the intention of the United Nations to permit India to liquidate them and to consolidate its stranglehold over occupied Kashmir. This leads me again to repeat what I have stated earlier that, if a peaceful settlement of the Kashmir dispute is to result from the intervention of the United Nations, it is necessary for the World Organization to go to the heart of the tragic problem and not merely to deal with its periphery. It must turn its attention to the issue of self-determination and not only to the cease-fire line. The concern of the United Nations must extend to the implementation of the UNCIP resolutions as well as to the observance of the Cease-Fire Agreement. The cease-fire was only the first part of an interrelated and integral whole. Therefore, insistence on a cease-fire can only be meaningful if there is a self-implementing agreement to follow it.

17. I should be misunderstood as implying that I underestimate the importance of your assistance in the restoration of peace in Kashmir and the solution of its problems. On the contrary, I welcome your assurance in this regard as a step forward by itself. However, there is no evidence yet that your assistance would be equally welcome to India much less that India is prepared to reverse the dangerous and ill-conceived course of her policies in Kashmir. If this armed struggle for freedom is to be halted and calm is to be restored in the State of Jammu and Kashmir, if indeed peace in this region is to be preserved, then the right course is for the United Nations, India and Pakistan to proceed immediately to fulfil the pledge they gave to the people of Jammu and Kashmir eighteen years ago. It is they who must be permitted

freely to decide the question of accession of the State of Jammu and Kashmir to India or Pakistan as stated in that pledge.

Accept, Excellency, the assurance of my highest consideration and warm personal regards.

M. AYUB KHAN

2. REPORT SUBMITTED BY THE SECRETARY-GENERAL, U THANT,  
TO THE SECURITY COUNCIL ON THE SITUATION IN KASHMIR,  
3 SEPTEMBER 1965 (S/6651)<sup>1</sup>

\* \* \* \* \*

There can be little doubt that the Kashmir problem has again become acute and is now dangerously serious. Implicit in it, in my view, is a potential threat to peace not only between India and Pakistan, but to the broader peace. As Secretary-General, my primary concern at this stage has been necessarily with the current breaches of the Cease-Fire Agreement and the CFL. There is, of course, a long and extensive background to the Kashmir problem, of which the Cease-Fire Agreement is but one aspect. No effort is made in this report to assess the political background of the problem or the possible root causes of the recent unusually large number of violations of the CFL. Thus, reference to the political factors in the broad Kashmir issue, past and present, and political assessments or judgments are avoided here. Though fully aware of the political factors and their implications, I could not presume to act as political arbiter. It is enough to say here that, for whatever reasons, the Cease-Fire Agreement entered into by the parties at Karachi on 29 July 1949, thus realizing an objective of Security Council resolution S/726 of 21 April 1948, has collapsed, although I hope only temporarily. Each side, naturally, puts forth justifications for its actions which have led to this condition. In any case, it seems to me that the quiet which would result from mutual observance of the cease-fire by India and Pakistan would afford the most favourable climate in which to seek a resolution of political differences. The differences over Kashmir are sharp, great and ominous. They must be resolved if peace in that area is ever to be secured.

\* \* \* \* \*

<sup>1</sup> UN.SC. Press Release, 65/20636.

There has been a disturbing increase in the number of incidents involving violations of the CFL since the beginning of 1965. In mid-June of this year, for example, General Nimmo reported that during the previous five months, a total of 2,231 complaints from both sides charging violation of the cease-fire had been submitted to UNMOGIP. Most of these involved firing across the CFL, although some concerned crossings of the line by armed men. As of that date, 377 violations in all categories had been confirmed by investigations of the Observers, 218 of which were committed by Pakistan and 159 by India. Some of these violations took the form of "heavy and prolonged firing" from weapons up to the calibre of field artillery. Among the most serious of the violations was one that occurred in May of this year when Indian troops in battalion strength attacked and captured Pakistan positions in the Kargil area of Kashmir and remained in occupation of them. In the interest of preserving the CFL, I appealed to the Government of India to withdraw its troops from the Pakistan side of the line. On the assurance from me that UN Observers would henceforth be stationed on both sides of the line in that area, which India considered strategically vital to the security of the Srinagar-Leh road, the Government of India agreed to do so and in due course the Indian troops were withdrawn, thus closing the matter and making unnecessary any further consideration of a report on it to the Security Council. Subsequently, there were some military attacks on the road by armed elements from the Pakistan side.

The current serious trouble affecting the cease-fire and the CFL in Kashmir dated from 5 August 1965, and consists of a large number of violations of the CFL by crossing of the line, by firing across it with artillery pieces, and by the occupation of positions on the wrong side of the line. General Nimmo, the Chief Military Observer of UNMOGIP, has been sending the United Nations Headquarters daily cables on the incidents that have been occurring as reported to him, together with as much confirmed information as possible on the basis of the investigations of specific incidents by United Nations Military Observers. The investigations, being conducted on the spot, require time, of course, particularly since some of the places are very difficult of access, fighting is going on and roads are sometimes closed by military order. UNMOGIP has never before been called upon to cope with such a great

number of simultaneous violations of the CFL. The adequacy of the present number of Observers and of their function may well be reappraised in the light of experiences since 5 August.

General Nimmo has indicated to me that the series of violations that began on 5 August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the CFL from Pakistan side for the purpose of armed action on the Indian side. This is a conclusion reached by General Nimmo on the basis of investigations by the United Nations Observers, in the light of the extensiveness and character of the raiding activities and their proximity to the CFL, even though in most cases the actual identity of those engaging in the armed attacks on the Indian side of the line and their actual crossing of it could not be verified by direct observation or evidence. As regards violations by artillery, there was heavy and prolonged artillery fire across the line from the Pakistan side in the Chhamb/Bhimber area on 15-16 August, and on 19 and 26 August the town of Poonch was shelled from the Pakistan side, some of the shells hitting the building occupied by UN Military Observers. Pakistan artillery again shelled the town of Poonch on 28 August. There was an exchange of artillery fire between the Uri sector on the Indian side and the Chakothi sector on the Pakistan side on 14 August. Also, it has been confirmed and reported on 25 August that Indian artillery shelled the village of Awan, in Pakistan, five miles from the CFL in the Bhimber sector. It is likewise confirmed that as of 24 August armed elements from Pakistan were still occupying Indian positions (pickets) north of Mandi in the Poonch sector of the CFL. On the other hand, it is confirmed by both UN Observers and official Indian sources that on 15 August, Indian Army troops reoccupied the Pakistan positions in the Kargil area and have remained there; Indian Army troops on 24 August supported by artillery occupied and retain Pakistan positions in the Tanghdar-Nauseri (Tithwal) area; while on 27/28 August, Indian artillery shelled the area north of Poonch on the Pakistan side and Indian troops crossed the CFL in the Uri-Bedori area. It has been confirmed that Indian troops have reached the Haji Pir Pass, which is five miles on the Pakistan side of the CFL on the Uri-Poonch road. Each instance of violation is protested by the UN Observers who demand that troops on the wrong side of the line be withdrawn.

UNMOGIP received an Indian complaint of Pakistan shelling, on 1 September, of pickets and a battalion headquarters in the Chhamb area of the Jammu-Bhimber sector of the cease-fire line. The complaint stated that at 0230 hours on that date one-and-a-half Pakistan tank squadrons crossed the cease-fire line in this area, supported by artillery. Pakistan artillery was also said to have fired on a battalion headquarters near Poonch from 1630 hours on 1 September and on an Indian battalion headquarters in the Jangar area. The substance of these complaints was subsequently confirmed by United Nations Military Observers. A Pakistan complaint reported that Indian soldiers had crossed the CFL in strength in the Kargil, Tithwal and Uri-Poonch sectors, as reported above. Pakistan, in this complaint, also affirmed the crossing of the CFL by Pakistan troops in the Bhimber area on 1 September, as a defensive measure to forestall Indian action, asserting also that in this sector the Indian Air Force had taken offensive action against Pakistan troops. Also on 1 September armed infiltrators ambushed an Indian convoy at Gund, north-east of Srinagar on the Leh road, and both sides sustained casualties. On 2 September the Jammu team of UNMOGIP received an Indian complaint that Pakistan aircraft had attacked the road between Chhamb and Jaurian during the morning of 2 September and that Jaurian village was in flames. The air attack on Jaurian was confirmed by UN Military Observers. The complaint also alleged that Pakistan troops had crossed the border with approximately 90 tanks and were moving from Chhamb sector towards the east. Pakistan artillery fired in the Poonch area during the night of 1/2 September and in the afternoon of 2 September.

\* \* \* \* \*

Restoration of the cease-fire and a return to normal conditions along the CFL can be achieved only under the following conditions:

- (a) A willingness of both parties to respect the Agreement they have entered into.
- (b) A readiness on the part of the Government of Pakistan to take effective steps to prevent crossing of the CFL from the Pakistan side by armed men, whether or not in uniform.
- (c) Evacuation by each party of positions of the other party now occupied and withdrawal of all armed personnel of

each party to its own side of the line, which would include the withdrawal once more of Indian troops from Pakistan positions in the Kargil area.

- (d) A halt by both parties to the firing across the CFL that has been occurring from both sides in some sectors with artillery and smaller guns.
- (e) Allowing full freedom of movement and access to United Nations Observers by both parties on both sides of the line.

3. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
4 SEPTEMBER 1965 (S/6661)<sup>1</sup>

*The Security Council,*

*Noting* the report of the Secretary-General (S/6651) dated 3 September 1965,

*Having heard* the statements of the representatives of India and Pakistan,

*Concerned* at the deteriorating situation along the cease-fire line in Kashmir,

1. *Calls upon* the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire,

2. *Calls upon* the two Governments to respect the cease-fire line and have all armed personnel of each party withdrawn to its own side of the line,

3. *Calls upon* the two Governments to cooperate fully with the UNMOGIP in its task of supervising the observance of the cease-fire,

4. *Requests* the Secretary-General to report to the Council within three days on the implementation of the resolution.

4. RESOLUTION ADOPTED BY THE SECURITY COUNCIL,  
6 SEPTEMBER 1965 [S/Res/210 (1965)]<sup>2</sup>

*The Security Council,*

*Noting* the report by the Secretary-General on developments

<sup>1</sup> UN.SC. Press Release, 65/20681.

*Submitted by:* Bolivia, Ivory Coast, Jordan, Malaysia, Netherlands and Uruguay.

*Votes for:* Bolivia, China, France, Ivory Coast, Jordan, Malaysia, Netherlands, UK, USA, USSR, Uruguay. (Ed.)

<sup>2</sup> UN.SC. Press Release, 65/20766.

*Submitted by:* Bolivia, Ivory Coast, Jordan, Malaysia, Netherlands, Uruguay.

*Votes for:* Bolivia, China, France, Ivory Coast, Jordan, Malaysia, Netherlands, UK, USA, USSR, Uruguay. (Ed.)

in the situation in Kashmir since the adoption of the Security Council cease-fire resolution on 4 September 1965 [S/Res/209 (1965)] being document S/6661 dated 6 September 1965,

*Noting with deep concern* the extension of the fighting which adds immeasurably to the seriousness of the situation,

1. *Calls upon* the parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel back to the positions held by them before 5 August 1965,

2. *Requests* the Secretary-General to exert every possible effort to give effect to this resolution and the resolution of 4 September 1965, to take all measures possible to strengthen the UNMOGIP, and to keep the Council promptly and urgently informed on the implementation of the resolutions and on the situation in the area,

3. *Decides* to keep this issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area.

5. CORRESPONDENCE BETWEEN THE SECRETARY-GENERAL, U THANT, PRIME MINISTER LAL BAHADUR SHASTRI OF INDIA, AND PRESIDENT MOHAMMAD AYUB KHAN OF PAKISTAN, SEPTEMBER 1965

*Letter of the Secretary-General addressed to the President of Pakistan and the Prime Minister of India, 12 September 1965<sup>1</sup>*

The acute suffering of the people of India and Pakistan resulting from the existing tragic conflict situation between the two countries, the grave implications of the fighting for the economies of the two countries and for their future relations, are the potential reasons for pursuing vigorously the search for an enduring solution to the mutual problems of India and Pakistan.

\* \* \* \* \*

In the light of the frank and useful talks I have had in Rawalpindi and New Delhi in the last few days, I now request Your Excellency to order a cease-fire without conditions, and a cessation of all hostilities in the entire area of the current conflict, between India and Pakistan to take effect on Tuesday, 14 September 1965, at 1800 hours Rawalpindi time (1830 hours, New Delhi time).

<sup>1</sup> This correspondence was reproduced in the Secretary-General's report of 16 September 1965, S/6683. UN.SC. Press Release, 65/21501, pp. 2-3.

I have addressed an identical request to Prime Minister Shastri (to President Ayub Khan). I assume, of course, that all of your commanding officers in the field would be given their orders by you considerably in advance of this time. I have heard and understood, in the course of my talks, the difficulties on both sides to a simple cease-fire, but I make this request to you, nevertheless, because of my strong conviction that it is just and right for your country and your people as well as for the world at large. I have no doubt that your positive response would win for you the gratitude of the world.

As soon as this request has been acted upon positively, I am confident that the Security Council will wish to provide the necessary assistance in ensuring the supervision of the cease-fire and the withdrawal of all armed personnel on both sides back to the positions held by them before 5 August 1965, as called for by the Security Council resolution of 6 September.

I am sure also that the Council will wish to explore, as a matter of urgency, methods for achieving enduring peace between India and Pakistan. . . .

*Letter of the President of Pakistan addressed to the Secretary-General, 13 September 1965<sup>1</sup>*

\* \* \* \* \*

The current war is not of Pakistan's seeking. The records of the United Nations during the last 17 years bear testimony to the fact that Pakistan has accepted every proposal of the United Nations or its mediators to settle the Kashmir dispute peacefully, while India has rejected every one of those proposals. The responsibility for unleashing the present war lies squarely on India which is seeking to perpetrate her stranglehold on the State of Jammu and Kashmir by means of a military decision. It is this Indian design that lies at the root of the present conflict. It was in pursuance of this same design that India attacked Pakistan on 6 September. This was an act of naked aggression. It is astonishing that the cease-fire resolution of the Security Council of 6 September, which you are urging us to implement, completely ignores this basic fact.

Nevertheless, Pakistan is not against a cease-fire as such. In

<sup>1</sup> *Ibid.*, pp. 7-8.



fact, in order to save the subcontinent from being engulfed in what would clearly be an appalling catastrophe, we would welcome a cease-fire. But it must be a purposeful cease-fire: one that effectively precludes that catastrophe and not merely postpones it. In other words, it should provide for a self-executing arrangement for the final settlement of the Kashmir dispute which is the root cause of the India-Pakistan conflict.

While you propose a "cease-fire without condition" you go on to add that the Security Council would, soon after the cease-fire, proceed to implement its resolution of 6 September. The provisions of the Security Council resolutions of 4 September and 6 September that the cease-fire be followed immediately by withdrawal of all armed Pakistan personnel to the Pakistan side of the cease-fire line and the consolidation of the cease-fire line through the strengthening of the United Nations Observer Group would result in restoring India's military grip over Kashmir. We would thus merely revert to the same explosive position which triggered the present conflict.

Moreover, India has committed wanton aggression against Pakistan. The foregoing cease-fire proposals, if implemented, would in effect reward the aggressor.

We would therefore urge that, if the conflict is to be resolved and this subcontinent spared the horrors of an even wider war, the cease-fire must be accompanied by action which would resolve the real cause of this conflict. This would be possible if the cease-fire is followed immediately by complete withdrawal of the Indian and Pakistan forces from the State of Jammu and Kashmir, the induction of a United Nations sponsored Afro-Asian force to maintain order in the State and the holding of a plebiscite in the State within three months.

What we suggest is just and fair and necessary in the present circumstances. In making this suggestion, we are not imposing any disability on India which we are not ourselves prepared to accept. In our judgment, the only honourable way to resolve this conflict over Kashmir is for both India and Pakistan, as well as the United Nations, to fulfil their pledge to the people of Kashmir contained in the UNCIP resolutions of 13 August 1948 and 5 January 1949 and permit them, in exercise of their inherent right of self-determination, freely to decide the question whether their

State should join India or Pakistan. This is the only way in which we can achieve enduring peace between Pakistan and India.

*Letter of the Prime Minister of India addressed to the Secretary-General, 14 September 1965<sup>1</sup>*

I thank you for your letter of 12 September 1965 and appreciate greatly the sincere concern which you have expressed about the likely repercussions of the existing situation on the welfare of the peoples of India and Pakistan.

\* \* \* \* \*

In deference to the wishes of the Security Council and to the appeals which we have received from many friendly countries, we accept your proposal for an immediate cease-fire. We would, therefore, be prepared to order a cease-fire effective from 6.30 a.m., Indian standard time, on Thursday 16 September 1965, provided you confirm to me by 9 a.m. tomorrow that Pakistan is also agreeable to do so.

In your letter, it has been suggested that the Governments of India and Pakistan should give the requisite orders to their field commanders with a view to ensuring an effective cease-fire from the appointed time and date. This will, however, be effective only in respect of the Armed Forces in uniform engaged in the present combat. The problem of thousands of armed infiltrators who have crossed over into our State of Jammu and Kashmir from the Pakistan side, will, I am afraid, continue to remain on our hands. Armed as they are with dangerous weapons of destruction, such as machine-guns and hand grenades, they do even now, as I write this letter, make sudden depredations in an effort to damage vital installations and other property and harass the people of the State of Jammu and Kashmir.

That this invasion by armed infiltrators in civilian disguise was conceived, planned and executed by Pakistan is now well established; your own report, Mr. Secretary-General, brings this out clearly. And yet, as we understand from you, Pakistan continues to disclaim all responsibility. We are not surprised at this denial, because even on an earlier occasion when Pakistan had committed aggression by adopting similar methods she had at first

<sup>1</sup> *Ibid.*, pp. 3-7.

denied her complicity, although at a later date she had to admit her involvement. We must urge that Pakistan should be asked forthwith to withdraw these armed infiltrators. Until that is done, our security forces will have to deal with these raiders effectively.

\* \* \* \* \*

In the light of our own experience during the last few months, we will have to insist that there must be no possibility of a recurrence of armed attacks on India, open or disguised. Let me make it perfectly clear, Mr. Secretary-General, that when consequent upon cease-fire becoming effective, details are considered, we shall not agree to any disposition which will leave the door open for further infiltrations or prevent us from dealing with the infiltrations that have taken place. I would also like to state categorically that no pressures or attacks will deflect us from our firm resolve to maintain the sovereignty and territorial integrity of our country, of which the State of Jammu and Kashmir is an integral part.

In conclusion, Mr. Secretary-General, I must point out that the menacing forces of aggression are unfortunately at large in Asia, endangering the peace of the world. If the Security Council does not identify the aggressor and equates it with the victims of aggression, the chances of peace will fade out. The situation which the Security Council is being called upon to handle has grave and vital implications in respect of peace and political stability in Asia. What is involved is the welfare of millions of human beings who have suffered for long and who are now entitled to relief and to a better standard of living. If the forces of aggression are not checked effectively, the world may find itself embroiled in conflict which may well annihilate mankind. We sincerely hope that the forces of peace will win and that humanity will go forward towards ever increasing progress and prosperity. It is in this spirit that we are agreeing to your proposal for a cease-fire.

*Letter of the Secretary-General addressed to the President of Pakistan and the Prime Minister of India, 14 September 1965<sup>1</sup>*

I have received Your Excellency's reply to my message of

<sup>1</sup> *Ibid.*, p. 9.

12 September in which, in pursuance of the mandate given to me by the Security Council, I requested you to order a cease-fire without condition and a cessation of all hostilities in the entire area of the current conflict. I appreciate the positive attitude towards a cease-fire expressed in your reply, an attitude which has also been expressed by Prime Minister Shastri (President Ayub Khan).

I note, however, that both Governments have added to their replies to my request for an unconditional cease-fire conditions and qualifications upon which I have no right under the Security Council resolutions to give firm undertakings. These aspects of the replies of the two Governments must be referred to the Security Council for its urgent consideration, and they will be so referred immediately by me.

Pending the Security Council consideration of the conditional parts of the replies, I would again ask you in all sincerity, in the interests of the two countries and world peace, to order a cease-fire and cessation of all hostilities in the entire area of current conflict.

\* \* \* \* \*

*Letter of the Prime Minister of India addressed to the Secretary-General, 15 September 1965<sup>1</sup>*

Thank you for your message of 14 September, which was conveyed to me late last night.

You have said that you cannot give any undertakings. I fully appreciate and understand this and in fact I did not ask you for any. It was, however, essential for us to state clearly our stand in regard to certain matters which are of vital importance to us.

I reaffirm my willingness, as communicated, to order a simple cease-fire and cessation of hostilities as proposed by you, as soon as you are able to confirm to me that the Government of Pakistan has agreed to do so as well. The actual time when the cease-fire would become effective would depend upon the time when you are able to convey to me the agreement of the Government of Pakistan to a cease-fire.

<sup>1</sup> *Ibid.*, pp. 9-10.

*Letter of the Secretary-General addressed to the President of Pakistan and the Prime Minister of India, 15 September 1965<sup>1</sup>*

The desperate nature of the situation brought about by the intensification of the war between India and Pakistan impels me to make a further effort to help your two countries to find a path to peace. The Security Council within a three-day period, from 4 to 6 September, has twice called for a cease-fire. I have made two direct appeals to the same end. And a number of Governments and Heads of State have also made direct appeals to you, as well as offers of good offices, with a view to bringing this tragic conflict to an end.

The replies from both Governments to my message of 12 September have shown clearly the desire of both for a cease-fire, but both pose conditions which make the acceptance of a cease-fire very difficult for the other side. For this reason, to my profound regret, it has so far been impossible to obtain a cease-fire as required by the Security Council resolutions of 4 and 6 September.

\* \* \* \* \*

Since it became clear that my appeal to both sides for a cease-fire has failed to have an effective result, I have been searching for some other approach that might be acceptable to both sides. In my search, I remembered another period, when the eyes of the world were turned in anxiety and fear upon the developments in this part of the world, the period of late 1962. On that occasion the President of Pakistan and the Prime Minister of India issued, on 29 November 1962, the following joint statement on behalf of their Governments. . .

This was an act of statesmanship which did much to bring calm to the situation in the two countries themselves and to ease the anxieties felt in the world at large. If the subsequent talks did not bring a solution of the basic problem at least the immediate crisis was weathered and the storm avoided.

I have referred to this statement because I believe that the abatement of the present crisis might now best be achieved by a new effort by the two Governments themselves to reach an honourable and equitable settlement. I have so far refrained

<sup>1</sup> *Ibid.*, pp. 10-2.

from making a specific proposal for a meeting of the Heads of the two Governments at this time, either with or without my presence, because I know well the often expressed reservations of both sides with regard to such a meeting. However I wish now to suggest, in a situation as grave or graver than the one which faced both Governments in November 1962, that Your Excellency should give urgent consideration to such a meeting.

For my part, I am at your disposal for any role which might assist the two Governments in their efforts to stop the fighting and to take the first steps upon the path of mutual accommodation. In this regard, I may remind you of the number of offers you have had from world leaders who are willing to be available to you for any conciliatory assistance you may wish. Indeed, if you seek the ways of peace, most of the world stands ready to assist you.

\* \* \* \* \*

*Letter of the President of Pakistan addressed to the Secretary-General, 15 September 1965<sup>1</sup>*

Your message of 15 September has been received by me today.

You propose that since you have not found it possible to bring about a cease-fire as required by the Security Council, we agree as a first step to stop fighting and, following the agreement of 1962, I meet Prime Minister Shastri in a new effort, through bilateral negotiations to reach an honourable and equitable settlement of the Kashmir dispute and other related differences. You have been kind enough further to offer your good offices in this regard.

While we are agreeable to stop fighting in principle I should like to point out that despite our most earnest efforts, the Ministerial level talks that followed the 1962 agreement proved barren and abortive in the face of a firm refusal by India to arrive at an honourable settlement of the Kashmir dispute. On the other hand, India let loose a reign of terror and repression in the State and proceeded to adopt measures to "integrate" the State of Jammu and Kashmir in the Indian Union. In adopting these measures India showed once again that she has no regard for her own solemn agreements and treats them merely as scraps of paper whenever it suits her.

<sup>1</sup> *Ibid.*, p. 12.

I am fully conscious of the gravity of the present situation and also of the dangers implicit in the catastrophe that threatens to engulf the subcontinent particularly because of the certainty that as time goes on the present conflict would be bound to assume graver and wider dimensions.

However, a cease-fire can be meaningful only if it is followed by such steps as would lead to a lasting and honourable settlement in order to preclude the recurrence of a catastrophe such as now threatens the subcontinent. To bring about such a settlement, it would be necessary to evolve an effective machinery and procedure that would lead to a final settlement of the Kashmir dispute.

6. NOTE OF THE CHINESE MINISTRY OF FOREIGN AFFAIRS  
ADDRESSED TO THE INDIAN EMBASSY IN PEKING,  
16 SEPTEMBER 1965 (S/6692)<sup>1</sup>

\* \* \* \* \*

Supported by the United States imperialists and their partners, the Indian Government has always pursued a policy of chauvinism and expansionism towards its neighbouring countries. Its logic for aggression is that all places it has seized belong to it and that whatever place it wants to grab but has not yet done so belongs to it too. It was this logic that motivated the large-scale armed attack the Indian Government launched against China in 1962 and it is the same logic that motivates the massive armed attack it is now launching against Pakistan. The Chinese Government has consistently held that the Kashmir question should be settled on the basis of respect for the Kashmiri people's right of self-determination as pledged to them by India and Pakistan. This is what is meant by China's non-involvement in the dispute between India and Pakistan, but non-involvement absolutely does not mean failure to distinguish between right and wrong. It absolutely does not mean that China can approve of depriving the Kashmiri people of their right of self-determination or that she can approve of Indian aggression against Pakistan on the pretext of the Kashmir issue. Such was China's stand in the past and it remains so at present. Yet some countries have acknow-

<sup>1</sup> UN.SC. Press Release, 65/22006, pp. 5-7.

ledged Kashmir as belonging to India. In that case, how can one speak of their non-involvement in the dispute? The question now is that India has not only refused to recognize the right of the Kashmiri people to self-determination, but openly launched an all-out armed attack against Pakistan. This cannot but arouse the grave concern of the Chinese Government. Reason and justice must prevail in the world. So long as the Indian Government oppresses the Kashmiri people, China will not cease supporting the Kashmiri people in their struggle for self-determination; so long as the Indian Government persists in its unbridled aggression against Pakistan, China will not cease supporting Pakistan in her just struggle against the aggression. This stand of ours will never change, however many helpers you may have such as the United States, the modern revisionists and the United States-controlled United Nations.

As is known to everybody, the Indian Government has long been using the territory of Sikkim to carry out aggressive activities against China since September 1962, not to mention earlier times. Indian troops have crossed the China-Sikkim boundary which was delimited long ago and have built a large number of military works for aggression either on the Chinese side of the China-Sikkim boundary or on the boundary itself. There are now fifty-six such military works, large and small, which they have built in the past few years all over the important passes along the China-Sikkim boundary; thus wantonly encroaching upon China's territory and violating her sovereignty. In these years, the Chinese Government made thirteen representations to the Indian Government, but the Indian Government has all along turned a deaf ear to them and does not have the slightest respect for China's sovereignty and territorial integrity. Far from stopping its acts of aggression, the Indian Government has intensified them by ordering its troops to intrude into Chinese territory for reconnaissance and provocations. The intruding Indian troops even penetrated deep into Chinese territory, made unbridled harassing raids, kidnapped Chinese border inhabitants and seized their livestock. Is there any international boundary or any principle guiding international relations in the eyes of the Indian Government? This is indeed preposterous and going too far in bullying others.



The Chinese Government now demands that the Indian Government dismantle all its military works for aggression on the Chinese side of the China-Sikkim boundary or on the boundary itself within three days of the delivery of the present note and immediately stop all its intrusions along the Sino-Indian boundary and the China-Sikkim boundary, return the kidnapped Chinese border inhabitants and the seized livestock and pledge to refrain from any more harassing raids across the boundary; otherwise the Indian Government must bear full responsibility for all the grave consequences arising therefrom.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Indian Embassy the assurances of its highest consideration.

#### 7. DOCUMENTS ON THE CEASE-FIRE RESOLUTION OF THE SECURITY COUNCIL, SEPTEMBER 1965

*Resolution adopted by the Security Council, 20 September 1965 [S/Res/211(1965)]<sup>1</sup>*

*The Security Council,*

*Having considered* the reports of the Secretary-General on his consultations with the Governments of India and Pakistan,

*Commending* the Secretary-General for his unrelenting efforts in furtherance of the objectives of the Security Council's resolutions of 4 and 6 September,

*Having heard* the statements of the representatives of India and Pakistan,

*Noting* the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General (S/6683), but noting further with concern that no cease-fire has yet come into being,

*Convinced* that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters,

<sup>1</sup> UN.SC. Press Release, 65/22045.

*Submitted by:* Netherlands.

*Votes for:* Bolivia, China, France, Ivory Coast, Malaysia, Netherlands, UK, USA, USSR, Uruguay.

*Abstention:* Jordan. (Ed.)

1. *Demands* that a cease-fire should take effect on Wednesday, 22 September 1965, at 0700 hours GMT and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5 August 1965;
2. *Requests* the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal of all armed personnel;
3. *Calls on* all States to refrain from any action which might aggravate the situation in the area;
4. *Decides* to consider as soon as operative paragraph 1 of the Council's resolution 210 of 6 September has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end;
5. *Requests* the Secretary-General to exert every possible effort to give effect to this resolution, to seek a peaceful solution, and to report to the Security Council thereon.

*Message of the Prime Minister of India addressed to the Secretary-General, 20 September 1965*<sup>1</sup>

As already communicated to you in my letter of 15 September 1965, I am willing to order a simple cease-fire and cessation of hostilities on being informed of Pakistan's agreement to do likewise. To carry into effect such a cease-fire from 7 a.m. GMT on Wednesday, 22 September, as provided in the Security Council resolution, it would be necessary for me to arrange for the issue of necessary orders to field commanders by 12 noon GMT on 21 September. I would, therefore, request you kindly to inform me of Pakistan's agreement to cease-fire before this hour.

*Letter of the Permanent Representative of Pakistan addressed to the Secretary-General, 22 September 1965 (S/6699/Add.1)*<sup>2</sup>

I have the honour to transmit the following message from the President of Pakistan which I have received from Rawalpindi at 0200 EDT (1100 Rawalpindi time) today.

<sup>1</sup> Report of the Secretary-General submitted to the Security Council, dated 21 September 1965 (S/6699). UN. SC. Press Release, 65/22312.

<sup>2</sup> UN. SC. Press Release, 65/22331.

“Pakistan considers the Security Council resolution No. 211 of 20 September as unsatisfactory. However, in the interest of international peace, and in order to enable the Security Council to evolve a self-executing procedure which will lead to an honourable settlement of the root cause of the present conflict, namely, the Jammu and Kashmir dispute, I have issued the following orders to the Pakistan Armed Forces:

(1) They will stop fighting as from 1205 hours West Pakistan time today;

(2) As from that time they will not fire on enemy forces unless fired upon; provided the Indian Government issues similar orders to its Armed Forces.”

Please accept, etc.

(Signed) SYED AMJAD ALI

*Permanent Representative of Pakistan  
to the United Nations*

#### 8. DOCUMENTS PERTAINING TO THE CEASE-FIRE VIOLATIONS, SEPTEMBER-NOVEMBER 1965

*Resolution adopted by the Security Council, 27 September 1965  
[S/Res/214 (1965)]<sup>1</sup>*

*The Security Council,*

*Noting* the reports of the Secretary-General (S/6710, Add. 1 and 2),

*Reaffirming* its resolutions of 4, 6 and 20 September 1965 (S/Res/209, S/Res/210, S/Res/211),

*Expressing* the grave concern of the Council that the cease-fire agreed to unconditionally by the Governments of India and Pakistan is not holding,

*Recalling* that the cease-fire demand in the Council's resolutions was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan,

*Demands* that the parties urgently honour their commitments to the Council to observe the cease-fire; and further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of the resolution of 20 September.

<sup>1</sup> UN.SC. Press Release, 65/22975.

*Letter of the Permanent Representative of Pakistan addressed to the Secretary-General, 29 September 1965 (S/6726)*<sup>1</sup>

I have been instructed by my Government to urgently communicate to you that the Indians issued an ultimatum to our forces in the Chhamb sector to withdraw from the areas under their control since before the cease-fire, failing which they have threatened to launch an offensive action within the next twenty-four hours. If the Indians attack our forces it will be necessary for us to take all appropriate action to defend our positions and India will be responsible for the serious consequences which would ensue from the violation of the cease-fire. The United Nations Observers have been apprised of the extremely grave situation which has resulted from this Indian ultimatum.

I shall be grateful if this letter is circulated as a Security Council document.

Accept, etc.

(Signed) SYED AMJAD ALI

*Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Pakistan  
to the United Nations*

*Letter of the Permanent Representative of Pakistan addressed to the Secretary-General, 29 September 1965 (S/6727)*<sup>2</sup>

I have been directed by my Government to inform you with reference to the Security Council's resolution No. 214 of 27 September 1965, as follows:

2. Pakistan has scrupulously observed the cease-fire. Having accepted the cease-fire, we fully intend to honour it. But a cease-fire cannot be observed unilaterally. We have shown great forbearance in the face of repeated provocations and attempts to violate our territory by Indian forces through sneak manoeuvres and open attacks. The Indian forces have been trying to improve

<sup>1</sup> UN.SC. Press Release, 65/23345.

<sup>2</sup> UN.SC. Press Release, 65/23348.

their positions on the ground ever since the ~~cease~~-fire was declared. This we cannot and will not allow.

3. In addition to the cease-fire violations by Indian forces already brought to your attention in my earlier communications, I have been asked by my Government to intimate to you that another serious violation took place yesterday. At 0600 (WPT) the Indian forces opened a sudden unprovoked attack on our forces at Sundra in Rajasthan sector, a position held by us since before the cease-fire came into effect. Around midday, the Indians also brought their Air Force into action and strafed our troops. Pakistan forces had to take necessary defensive action. According to last reports, the fighting was still continuing.

4. In yet another violation, the Indian forces sneaked yesterday up to the BRB canal bank in Wagah sector. They have been warned that our forces would be bound to take necessary action to thwart such manoeuvres unless they stop.

5. The foregoing violations of the cease-fire have been brought to the notice of the United Nations Observers.

6. It will be appreciated that a most serious situation is developing as a result of the wanton disregard which the Government of India is showing for the cease-fire in spite of the Security Council's resolution No. 214 of 27 September 1965. Unless an immediate halt is brought to such flagrant violations, there is great danger that the conflict will escalate, especially in view of the fact that the Indians have even resorted to the use of Air Force as reported above.

I shall be grateful if this letter is circulated as a Security Council document.

Accept, etc.

*(Signed) SYED AMJAD ALI*  
*Ambassador Extraordinary*  
*and Plenipotentiary,*  
*Permanent Representative of Pakistan*  
*to the United Nations*

*Resolution adopted by the Security Council, 5 November 1965 [S/Res/215(1965)]<sup>1</sup>*

*The Security Council,*

Regretting the delay in the full achievement of a complete and effective cease-fire and a prompt withdrawal of armed personnel to the positions held by them before 5 August 1965, as called for in its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September 1965,

1. *Reaffirms* its resolution 211 (1965) of 20 September 1965 in all its parts;

2. *Requests* the Governments of India and Pakistan to cooperate towards a full implementation of paragraph 1 of resolution 211 (1965); calls upon them to instruct their armed personnel to cooperate with the United Nations and cease all military activity; and insists that there be an end to violations of the cease-fire;

3. *Demands* the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of India and Pakistan that their representatives meet with a suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a meeting shall take place as soon as possible and that such a plan contain a time-limit on its implementation; and requests the Secretary-General to report on the progress achieved in this respect within three weeks of the adoption of the present resolution;

4. *Requests* the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution.

<sup>1</sup> UN.SC. Press Release, 65/27526.

*Submitted by:* Bolivia, Ivory Coast, Malaysia, Netherlands, Uruguay.

*Votes for:* Bolivia, China, France, Ivory Coast, Malaysia, Netherlands, UK, USA, Uruguay.

*Abstentions:* Jordan, USSR. (Ed.)

9. DOCUMENTS PERTAINING TO THE TASHKENT DECLARATION,  
SEPTEMBER-FEBRUARY 1966

*Message from Mr. Kosygin, the Soviet Prime Minister, addressed to the President of Pakistan and the Prime Minister of India, 4 September 1965 (S/6685)*<sup>1</sup>

\* \* \* \* \*

Unfortunately, the tension in the Kashmir area, far from easing, is growing and threatens to develop into a larger military conflict. The Agreement regarding the establishment of a cease-fire line in Kashmir, signed in 1949, and the established cease-fire line have in fact been violated. Both Pakistan and Indian regular military units have been involved in the military operations; tanks and aircraft are being used. The number of casualties is increasing from day to day. Not only soldiers but civilians too are losing their lives. Two of the greatest States of Asia, Pakistan and India, sponsors of the Bandung Conference, have actually embarked upon military operations.

\* \* \* \* \*

We should not be frank if we did not say that the military conflict in Kashmir arouses the concern of the Soviet Government also because it has occurred in an area directly adjacent to the borders of the Soviet Union.

I think that you will agree that in the present serious situation it is hardly appropriate to place the question of the causes of the origin of the conflict in the forefront or to seek to determine who is right and who is to blame. The principal efforts should be concentrated upon the immediate cessation of military operations, the halting of the tanks and the silencing of the guns.

The settlement of a dispute between two neighbouring countries is, first and foremost, a matter for these countries and their Governments. Nevertheless, the Soviet Government, guided by the interests of strengthening peace and international security and desirous of promoting the normalization of relations between Pakistan and India, would like to make some observations concerning the settlement of the conflict. In our opinion, the first

<sup>1</sup> UN.SC. Press Release, 65/21508.

step after the immediate cessation of hostilities could be the reciprocal withdrawal of troops to positions behind the cease-fire line established by Agreement between Pakistan and India in July 1949.

Acting in the spirit of the United Nations Charter and the Bandung principles, the parties should enter into negotiations for the peaceful settlement of the differences that have arisen between them. As for the Soviet Union, both sides could count on its willing cooperation or, to use the accepted expression, on its good offices in this matter. We are ready for this, if both sides consider it useful.

\* \* \* \* \*

*Message from Mr. Kosygin, the Soviet Prime Minister, addressed to the President of Pakistan and the Prime Minister of India, 17 September 1965<sup>1</sup>*

We deeply regret that the armed clash between Pakistan and India continues, bloodshed has not been stopped and the conflict has not been ended. Though it is now impossible to foresee all the negative consequences of this course of events, there are many reasons to fear that a continuation of the conflict may cause irreparable harm to the national interests of both Pakistan and India, to the cause of peace and security of the peoples.

\* \* \* \* \*

In developing its offer of good offices to both sides, the Soviet Government is submitting the following proposal for the consideration of the Governments of Pakistan and India; to hold on our territory a meeting in which you, Mr. President, and the Prime Minister of India would take part to establish a direct contact in order to achieve agreement on the reestablishment of peace between Pakistan and India. If desired by both sides, the Chairman of the Council of Ministers of the USSR could also take part in this meeting. Such a meeting could be held in Tashkent, for instance, or any other city in the Soviet Union. One thing is important—to meet and start negotiations. It is important that the guns become silent and the blood of the two fraternal peoples

<sup>1</sup> *Pakistan Horizon*, Vol. XVIII, No. 4, pp. 430-1.



ceases to flow. Each new day of the armed conflict produces new complex problems, which above all can impose a heavy burden on the peoples of Pakistan and India.

*The Tashkent Declaration signed by the President of Pakistan and the Prime Minister of India, 10 January 1966<sup>1</sup>*

The Prime Minister of India and the President of Pakistan having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

## I

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means.

They considered that the interests of peace in the region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the people of India and Pakistan were not served by the continuance of tension between the two countries. It is against this background that Jammu and Kashmir was discussed, and each of the sides put forth its respective position.

## II

The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965 and both sides shall observe the cease-fire terms on the cease-fire line.

## III

The Prime Minister of India and the President of Pakistan

<sup>1</sup> *Tashkent Declaration*, pp. 16-9.

have agreed that relations between India and Pakistan shall be based on the principle of the non-interference in the internal affairs of each other.

#### IV

The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

#### V

The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on diplomatic intercourse.

#### VI

The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

#### VII

The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

#### VIII

The Prime Minister of India and the President of Pakistan have agreed that the sides will continue the discussion of questions relating to the problems of refugees, evictions and illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.

## IX

The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognised the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the USSR to witness this declaration.

*Prime Minister of India:* LAL BAHADUR SHASTRI

*President of Pakistan:* MOHAMMAD AYUB KHAN

*Agreement between India and Pakistan regarding the withdrawal of troops from occupied areas, 22 January 1966<sup>2</sup>*

## PART I

## Disengagement of troops and reduction of tension

## PHASE I

2. Both forces will withdraw 1,000 yards from the line of actual control in sectors as specified below:

(a) Rajasthan/Sind.

(b) Amritsar/Lahore.

(c) Jammu/Sialkot.

(d) Akhnur/Chhamb (from River Chenab NW 8061 to Mawa Wali Khad NW 7770).

In all other sectors including sectors divided by the 1949 cease-fire line, troops will continue to hold their respective pickets as by so doing they will be automatically separated from

<sup>1</sup> *Dawn*, 25 January 1966.

each other. The only exception to this will be where, in hilly terrain, opposing forces are at present considered to be too close to each other, each side will withdraw to a distance to be mutually agreed upon by the local commanders not below the rank of Brigadier.

[*Note:* In the Amritsar-Lahore sector, this 1,000 yards withdrawal will be modified so that Pakistan troops who are actually on the west bank of the BRB canal and Indian troops who are on the east bank of the BRB canal facing each other will withdraw all armed personnel off the embankment to a distance of 200 yards on each side. Unarmed personnel may, however, live, move and work in this area.

The same principle will apply in Sulaimanki-Fazilka sector, Hussainiwala sector and Khemkaran sector.]

3. After the withdrawal in this phase no new defences of any kind will be prepared in occupied territory.

4. There will be no movement of armed military, para-military or police personnel, either armed or unarmed, within the demilitarised zone and no civilian personnel will be permitted within it by either side.

5. The period for completion of this phase will be five days.

#### PHASE II

6. In this phase both sides will remove and nullify all defences which will include the:

(a) Lifting of mines; and

(b) Dismantling of all other defence works, less permanent defence structures constructed of steel and cement.

The period for completing this phase will be 21 days which will commence immediately after the five-day period mentioned in para 5.

7. Working parties for this purpose will be formed by unarmed military personnel in uniform. No civilian or civil labour will be used for these tasks.

8. While every effort will be made to dismantle all defence works within the specified period, where owing to weather and other conditions it is not possible to complete this, the uncleared areas so left will be clearly marked and a sketch of these given to the other side.

9. There will be no firing of weapons or use of explosives within 10,000 metres of the line of actual control.

Where explosives have to be used to dismantle defence works this will only be done under supervision as specified later, and after due intimation to the other side.

10. The present agreement affecting restriction on flights of aircraft will continue to apply.

11. To ensure that the action agreed to in Part I above is being implemented in letter and in spirit, the good offices of UNMOGIP and UNIPOM will be utilised. In the event of a disagreement, their decision will be final and binding on both sides.

## PART II

### Withdrawal of troops from occupied areas

12. After the dismantling of defences has taken place, all troops, para-military forces and armed police who are now on the other side of the international border and cease-fire line, will be withdrawn. This withdrawal will be completed by 25 February 1966. If, in any particular sector or part of a sector, the dismantling of defences has been completed earlier than the last date specified, withdrawal may be sector-wise if mutually agreed to.

13. During this withdrawal, there will be no follow up by civilians, armed military, para-military or police personnel until 25 February 1966. Only unarmed military personnel at a strength mutually agreed upon at the sector level may move into these unoccupied areas for normal police duties (see paragraph 16 below).

14. After troops of both sides have crossed into their own territory, the procedure which was being followed by Pakistan and India before 5 August 1965, for the security of the international border and the cease-fire line, will apply. Attention is drawn to Ground Rules 1961 for West Pakistan/Punjab, Rajasthan and Gujerat (India).

15. It is essential that under all circumstances troops must move out of occupied areas by 25 February 1966 even if the dismantling of defences and lifting of mines have not been completed.

16. For immediate settlement of any points of dispute that may arise, sector commanders not below the rank of Major General will be designated by name and appointment both by India and Pakistan who will meet to settle the differences. Telephone or R/T communication will be established between these designated sector commanders and will be permanently manned.

17. Any matter on which there is disagreement will be referred to the C-in-C Pakistan Army and COAS India for their joint decision. If the issue is still not resolved by them the good offices of Major General Marambio will be utilised and his decision will be final and binding on both sides.

### PART III

#### Reduction of tension in the eastern sector

18. The limit of withdrawal in the eastern sector will be left to local commanders not below the rank of Major General to mutually decide where necessary in consultation with the civil authorities concerned. Both sides will arrive at a working agreement as soon as possible.

19. Border security forces consisting of armed para-military units, police or any other irregular forces of both sides will not open fire across the border under any circumstances.

20. Any encroachment across the border will be dealt with through apprehension of personnel concerned and thereafter handing them over to the civil authorities.

#### Border Firing

21. In any case where firing takes place on the border it will be investigated on the spot by a joint team consisting of border personnel from both sides within 24 hours of occurrence. Brigade Commanders/DIGS responsible for this investigation will be designated by name and appointment sector-wise for West Bengal, Assam and Tripura by India and for the adjoining areas of East Pakistan by Pakistan.

22. Liaison between commanders and telephone communication at various levels will be established as given in paras 12 and 13 of the Ground Rules for Indo-East Pakistan border.

23. To ensure that the above agreement is fully implemented, quarterly meetings will take place between Army and police autho-

rities of India and Pakistan, alternately in India and Pakistan, to assess the extent to which this agreement is working in practice.

24. These are a supplement to the Ground Rules formulated by the Military Sub-Committee of the Indian and Pakistan delegations on 20 October 1959.

25. In order to resolve any problems that may arise in the implementation of this agreement and to further maintain friendly relations between the two countries, the C-in-C Pakistan and the COAS India will meet from time to time. The meetings will be held alternately in India and Pakistan and will be initiated by the respective Governments concerned.

26. Ground Rules to implement this withdrawal agreement in the western sector will be formulated by Lt. Gen. Bakhtiar Rana—Pakistan, and Lt. Gen. Harbakhsh Sing—India, under the chairmanship of Major General T. Marambio as early as possible.

27. This agreement comes into effect as from 0600 hours IST/0630 hours WPST, 25 January 1966.

*Record of discussion between the Chief of Army Staff, India, and the Commander-in-Chief, Pakistan Army, regarding the reduction of military forces in Kashmir, 10 February 1966<sup>1</sup>*

It was agreed that in the State of Jammu and Kashmir, the quantum of regular troops, para-military forces and armed civilians who may be considered to constitute a military potential, to be located in the State, will not be more than as accepted by UNMOGIP in the context of the 1949 Karachi Agreement. The bringing down of armed personnel to these numbers will be completed by 1 April 1966 and be certified as having been done by UNMOGIP.

The question of raising, training and arming Mujahids, Razakars or armed irregulars in the State of Jammu and Kashmir who might in the terms of the 1949 Karachi Agreement be considered to constitute a military potential was discussed. It was agreed that this matter would be referred to the respective Governments for their consideration.

The sector commanders now nominated along each sector of the 1949 cease-fire line will continue to meet from time to time to settle any points that may arise.

<sup>1</sup> *Dawn*, 17 February 1966.

The Chief of Army Staff, India, stated that apart from civilians interned on the Sialkot-Lahore fronts who were being returned shortly under civil arrangements only about 20 more prisoners were left in India and these would be returned very shortly. The C-in-C, Pakistan Army, handed over a list of names of 376 Indian prisoners and stated that individuals would also be returned shortly.

With regard to the writ petition filed in the Indian Supreme Court concerning the vacation of areas in the State of Jammu and Kashmir, the Chief of Army Staff, India, stated that he would clarify this position by 17 February 1966.

It was agreed that a bridge as asked for by the UNMOGIP would be constructed near the Uri check post by India and a maintenance post would be located there.

The Chief of Army Staff, India, and C-in-C, Pakistan Army, exchanged views on other central points with regard to reduction of tension and decided to further discuss them at their next meeting.



## INDEX

- Abbas, Choudhry Ghulam, 53, 179, 265
- Abdullah, Sheikh Mohammad,  
on accession of Kashmir to India, 109, 140;  
and Azad Kashmir, 179, 265;  
on Constituent Assembly of Kashmir, 294, 424-425;  
head of Interim Government, 57, 58, 144, 177, 254, 255;  
imprisonment of, 155, 337, 431, 435, 440;  
and India, 93, 139, 324, 412;  
meets Dixon, 253;  
and Pakistan, 88, 91, 131, 158;  
on plebiscite, 88, 152;  
release of, 53;  
statements on Kashmir, 54, 416-418, 421-426, 432-434
- Accession of Kashmir to India, 107, 109, 110, 118, 119, 128, 129, 136-137, 140, 144, 146, 148, 153-154, 178, 417, 422;  
correspondence between India and Kashmir on, 55-58, 67;  
correspondence between India and Pakistan on, 66-72, 81-86, 89-94, 96-106;  
correspondence between India and United Kingdom on, 62-63, 66;  
correspondence between Pakistan and United Kingdom on, 63-66, 75-77, 94-95;  
Instrument of, 58-61, 138, 140, 154, 254, 408, 409, 410, 423, 426;  
Pakistan's views on, 51, 80, 104-105, 121-122
- Accession of Kashmir to Pakistan, 42, 128, 130-131, 144, 146, 159, 178
- Ali, Choudhry Mohammed, 89, 90, 91
- Ali, Mohammed, correspondence with Nehru, 330-360
- All Jammu and Kashmir Muslim Conference, 131, 152, 158, 169;  
resolution of, 42-43
- All Jammu and Kashmir National Conference, 53, 109, 131, 140, 152, 324, 415, 416;  
on Constituent Assembly, 290
- Amritsar, Treaty of, 41-42, 78
- Annexation of Kashmir by India, 293, 296, 401, 410, 427-431, 439
- Anver, Major Khurshid, 96
- Arbitration,  
India on, 233-236, 238-239;  
Jarring on, 365-366;  
Pakistan on, 233;  
UNCIP on, 231-233, 237-238;  
Security Council on, 291
- Attlee, C.R., views on Kashmir, 323-324, 325
- Auchinleck, Field Marshal Claude, 134
- Ayyangar, Gopaldaswami, 206;  
statement in Indian Constituent Assembly, 405-406, 409-412;  
statement in Security Council, 27, 28, 136-144
- Azad Kashmir, 169, 185, 189, 193,

- 197, 254, 255, 319, 320, 418, 441;  
 establishment of Provisional Government of, 56, 119;  
 forces, 120, 131-132, 201, 204-205, 206, 218-219, 225, 234-236, 238, 241, 245, 258, 259, 301, 312, 313, 314, 316, 321, 322, 380;  
 letter of President to UNCIP, 177-180;  
 struggle against Maharaja, 101, 116
- Bakhshi, Ghulam Mohammad**, 350, 351, 354, 428, 433;  
 statements of, 426, 427, 430, 431-432
- Bhutto, Zulfikar Ali**,  
 letter to Security Council on Kashmir situation, 427-431;  
 negotiations with India, 391, 397-401;  
 signs Boundary Agreement with China, 384
- Cease-fire**, 191, 197, 205, 207, 212, 214, 215, 249, 253, 301, 468;  
 India on, 454-455, 456, 462;  
 line, (CFL), 201, 215, 226-230, 241, 264, 278, 370, 399, 444;  
 Pakistan on, 188-189, 201, 452-453, 458-459, 462-463, 464-465;  
 Secretary-General on, 451, 456, 457;  
 Security Council on, 163, 164, 292, 450, 451, 461-462;  
 UNCIP on, 180-181, 188, 196;  
 violations of, 254, 437-438, 439, 441-443, 446-449, 463, 466, 467
- Chagla, M.C.**, 381
- China**, 415;  
 border with Kashmir, 62, 137, 154;  
 Boundary Agreement with Pakistan, 381, 384-388, 400, 402;
- Joint Boundary Demarcation Commission**, 387;  
 stand on Kashmir dispute, 388, 459-460;  
 India's views on Pakistan's Boundary Agreement with, 388-391;  
 Pakistan's views on Boundary Agreement with, 392-397;  
 relations with India, 358, 389-390, 394, 395, 403, 459-461
- Commonwealth of Nations**, 1, 3-4, 380;  
 force, 323, 326;  
 Prime Ministers' meeting, 323-326
- Constituent Assembly of Kashmir**, 350, 351, 354;  
 Sheikh Abdullah on, 294, 424-425;  
 convening of, 281, 290;  
 India on, 293-294, 296-297, 378, 401, 424;  
 Pakistan on, 297-298;  
 Security Council on, 290, 299;  
 United Kingdom on, 294-296
- Constitution of India**, 280, 293;  
 Article 370 of, 254, 408-411, 423, 428, 429, 433
- Dawn* 28, 418
- Delhi**,  
 Agreement, 412-415, 417;  
 Indo-Pakistan Prime Ministers' conference at, 328-329
- Demilitarization in Kashmir**, 193-194, 208, 231, 254, 339, 349-350, 356;  
 Dixon on, 257-259, 260-261, 265-266, 278-279, 286, 291;  
 Graham on, 300-303, 312-318, 370;  
 India on, 185, 259-260, 282-283, 304-305, 320-321, 346-347, 357, 372;  
 McNaughton on, 240-243, 285;  
 Pakistan on, 223-225, 260, 287,

- 306-309, 322, 371, 396-397;  
 reduction of troops, 475-476;  
 Security Council on, 163, 165, 250,  
 251, 291, 310, 311, 361-362, 369;  
 UNCIP on, 181-183, 199, 211,  
 216-217, 394;  
 withdrawal of troops from occu-  
 pied areas, 462, 466, 468, 469,  
 471-475
- Disturbances in Kashmir, 118-119,  
 129-130, 147-148, 174-175;  
 Sheikh Abdullah on, 54;  
 correspondence between Pakistan  
 and Kashmir on, 46-54, 138;  
 Indian charges against Pakistan,  
 56, 62-63, 67, 69-75, 82, 90, 92,  
 98-99, 108-113, 115, 138-139,  
 142, 143-144, 284;  
 Kashmir Government's Press note  
 on, 44
- Dixon, Sir Owen, 324, 400, 415;  
 report to Security Council, 251-  
 279, 280, 281-282, 285-286, 287,  
 288, 289, 290-291
- Gilgit, 145, 187, 201, 220, 222, 262,  
 268, 380;  
 revolt in, 158
- Gracy, Sir Douglas E., communica-  
 tion to Pakistan Government,  
 174-176
- Graham, F.P., 375;  
 correspondence with India, 300-  
 306, 319-321;  
 correspondence with Pakistan,  
 300-303, 306-309, 321-322;  
 Indian views on report of, 372-  
 373;  
 Pakistan's views on report of,  
 371-372;  
 reports to Security Council, 309-  
 310, 311, 369-374;  
 twelve-point proposal of, 301-  
 303, 312-318
- Gulab Singh, Maharaja, 40-42, 118,  
 145
- Hari Singh, Maharaja, 101, 109, 119,  
 128, 133, 144, 155;  
 correspondence with Mountbatten,  
 55-58, 139;  
 correspondence with Pakistan, 52-  
 54;  
 proclamation, 411;  
 signs Instrument of Accession,  
 58-61, 426
- Hazratbal, 430, 431
- Hyderabad, 87;  
 accession of, 28-38;  
 communique issued by Nizam of,  
 37-38;  
 correspondence with India, 28-30,  
 31, 33-36, 37;  
 Governor-General of India on, 30;  
 meeting with Indian leaders, 36-  
 37;  
 plebiscite in, 36-38;  
 proclamation of Indian Army  
 Command in, 38;  
 Standstill Agreement with India,  
 31-33, 34, 35-36
- Ikramullah, Sir Mohammad, 13, 21
- India-Kashmir Standstill Agree-  
 ment, 56;  
 negotiation of, 43-44, 137, 155
- India-Pakistan relations, 72, 98, 105-  
 106, 114, 116, 120-121, 124, 349,  
 417, 421, 431, 469, 470;  
 communal disturbances, 77, 78-79,  
 102, 105, 117-118, 125, 126-129,  
 130, 131, 159;  
 correspondence, 330-360;  
 Indian attack on Pakistan territ-  
 ory, 102-103, 113, 115, 120, 121,  
 122, 133-134;

- joint communiques, 327, 328-329, 397, 457;  
 Ministerial talks, 397-404;  
 negotiations on disputes, 371, 374, 375, 382-383, 397-404, 426, 440-443-444, 458, 468;  
 no-war declaration, 358, 359;  
 non-implementation of agreements on division of finances and military stores, 103, 105, 122, 134, 135-136, 157, 172
- Indian Army, (See also Demilitarization in Kashmir);  
 in Kashmir, 57-58, 66, 68, 70-71, 73-74, 80, 140, 174-176, 191
- Indian Independence Act, 1947, 9-11, 12, 13, 15, 58, 116, 136, 178
- International Brigade, in Kashmir, 101
- International Court of Justice, 38, 94, 291, 379, 380, 440
- Ismay, Lord, 89, 90, 91
- Jarring, Gunnar, report of, 363-367, 368
- Jinnah, Mohammad Ali, 13, 42, 80;  
 proposal for conference with Kashmir and Indian leaders, 81;  
 three-point plan for Kashmir, 76, 77, 83-85, 132-133, 151
- Jodhpur, accession of, 38
- Junagadh, 87, 98, 103, 105, 121, 123, 153, 154, 172;  
 accession of, 16-28, 80, 101;  
 correspondence between Pakistan and India on, 16, 17-18, 21-22, 23, 24-26, 27;  
 correspondence with Pakistan, 16, 22-24;  
 Gandhi, Samaldas, on, 26;  
 plebiscite in, 27-28;  
 Provisional Government, of, 18-20, 22, 23, 25, 26, 27;
- Setalvad on, 19-20
- Kargil, 439, 441, 447, 448, 450
- Khan, Chaudhri Mohammad Zafrulla,  
 communications to Security Council, 114-136, 168-170, 297-298, 392-397;  
 correspondence with Graham, 321-322;  
 correspondence with Kashmir, 46-47, 50-51, 54;  
 correspondence with McNaughton, 243-244, 248;  
 correspondence with UNCIP, 187-205, 209-212;  
 meeting with Dixon, 252;  
 statements in Security Council on Junagadh, 17, 27-28;  
 statements in Security Council on Kashmir, 44-46, 144-159, 284-289, 376-379;
- Khan, Liaquat Ali,  
 broadcast on Kashmir, 78-81, 83;  
 correspondence with Graham, 300-303, 306-309;  
 correspondence with Junagadh, 16-17, 22-23;  
 correspondence with Nehru on Junagadh, 16, 17-18, 21, 24-25;  
 correspondence with Nehru on Kashmir, 66-72, 81-86, 89-94, 96-106;  
 correspondence with United Kingdom, 63-66, 75-77, 94-95;  
 meeting with Commonwealth leaders, 323, 325, 326;  
 no-war declaration, 359;  
 Press statement on Junagadh, 25-26;  
 statement, 86-89
- Khan, Mohammad Ayub, 391;

- on cease-fire, 462-463;  
 correspondence with U Thant, 437-446;  
 joint communique with Nehru, 397
- Khan, Sardar Mohammad Ibrahim,  
 letter to UNCIP, 177-180
- Ladakh, 267, 389, 403, 433
- Lahore, treaty of, 39-41
- Mahajan, Mehr Chand, 129
- Mangla Dam, 418-419, 420
- McNaughton, General A.G.L., 249,  
 251, 287, 400;  
 correspondence with India, 244-246;  
 correspondence with Pakistan,  
 243-244, 246-248;  
 proposal, 240-248
- Menon, Krishna, statements in  
 Security Council, 379-381, 420
- Menon, V.P., 6, 13, 21, 37, 38, 57, 89,  
 90, 91
- Menzies, Sir Robert, views on  
 Kashmir, 323, 325, 326
- Military Observers, 190, 197, 198,  
 200, 215, 216, 219, 220, 224,  
 230, 241, 253, 279;  
 UNMOGIP, 438, 441, 447, 448, 449,  
 451, 453
- Mountbatten of Burma, Lord, 126,  
 134;  
 on accession of Kashmir, 58-61,  
 149;  
 address to Princes, 11-16;  
 correspondence with Maharaja,  
 55-58, 139;  
 on Jodhpur, 38;  
 meeting with Pakistan leaders,  
 75-76, 81, 83-85, 86, 150;  
 Press conference, 3-9
- Nehru, Pandit Jawaharlal, 63, 64,  
 75, 80, 81, 88, 132, 150, 173, 425,  
 432;  
 broadcast on Kashmir, 20, 72-75,  
 76-77, 82-83, 84, 85, 133, 423;  
 correspondence with Graham,  
 300-306;  
 correspondence with Hyderabad,  
 33-34;  
 correspondence with Liaquat Ali  
 Khan on Junagadh, 16, 17-18, 21,  
 24-25;  
 correspondence with Liaquat Ali  
 Khan on Kashmir, 66-72, 81-86,  
 89-94, 96-106;  
 correspondence with Mohammed  
 Ali, 330-360;  
 correspondence with President of  
 Security Council, 173-174;  
 correspondence with United King-  
 dom, 62-63;  
 correspondence with UNCIP, 183-  
 187;  
 joint communique with Ayub  
 Khan, 397;  
 meeting with Commonwealth  
 Prime Ministers, 323-326;  
 meeting with Dixon, 252;  
 on Security Council resolution of  
 21 April 1948, 171;  
 on Security Council resolution of  
 3 June 1948, 172-173;  
 statement on Ministerial talks,  
 401-404
- News Chronicle*, 137
- New York Times*, 345
- Nimitz, Fleet Admiral Chester W.,  
 232, 249, 330, 332, 333-334, 339
- Nishtar, Sardar Abdur Rab, 13, 89
- North-West Frontier Province, 5, 10,  
 66, 157, 175;  
 infiltration from, 20, 56, 62, 70,  
 71, 79, 82, 108, 119, 138, 141,

- 142, 143;  
 proximity to Kashmir, 417
- Northern Areas, 216;  
 Dixon on, 262-263;  
 India on, 186, 187, 219-220, 245, 255, 263;  
 McNaughton on, 241;  
 Pakistan on, 220-223;  
 UNCIP on, 216
- Northern Scouts, 258
- Pakistan Army, (See also Demilitarization in Kashmir);  
 in Kashmir, 70, 91, 111, 142, 183-184, 257, 284, 442-443
- Pakistan-Kashmir Standstill Agreement, 56, 118, 119, 128, 138, 146, 148, 149;  
 allegation of violation by Pakistan, 49-54, 64, 65, 70, 137, 155-156;  
 negotiation of, 43;  
 violations by India, 44-46
- Partition of Kashmir, 433, 440;  
 Dixon on, 266, 267, 269, 270, 273, 276, 277
- Patel, Vallabhbhai, 13, 14, 26, 412
- Plebiscite,  
 Azad Kashmir's conditions for, 179-180;  
 conditions for fair, 195, 202, 203, 218, 237;  
 Dixon on, 255-256, 263-265, 266, 267, 270, 272, 288-291;  
 Graham on, 301, 370;  
 India on, 267-268, 272-276, 381;  
 in Kashmir, 75, 76, 77, 82, 84, 85, 86, 88, 89, 93-94, 95, 101, 110, 120, 123, 133, 140, 152, 169, 185, 189-190, 192, 200, 212, 215, 223, 240, 253, 280, 287, 288, 295-296, 303-304, 317, 323, 326, 351, 356, 360, 361, 378, 399, 400, 402, 406-407, 408, 415-416, 425, 426, 431-432;  
 Mohammed Ali on regional, 330-331, 338, 339-340, 342-343;  
 Nehru on, 334-337, 341-342, 347;  
 Pakistan on, 268-269, 371;  
 Administrator, 166-168, 170, 207-208, 209, 210, 212, 216, 220, 242, 248, 250-251, 254, 271, 302, 305, 306, 308, 314, 325, 328, 340, 350, 354;  
 Security Council on, 162, 163, 165-168, 249, 290, 298-299, 310, 311, 368;  
 UNCIP on, 210, 212-214
- Poonch, 157-158, 175, 178, 288-289;  
 cease-fire violations in, 441, 442, 448, 449;  
 connection with Pakistan Army, 101, 147;  
 troubles in, 47-54, 56, 64, 67, 79, 91, 146
- Princely States,  
 accession of, 1-38;  
 Cabinet Mission Memorandum on, 1-3, 4, 6, 12, 14;  
 Mountbatten on, 3-9, 11-16;  
 relations with United Kingdom, 10-11;  
 Standstill Agreements with, 2-3, 4-5, 6, 7, 14
- Radcliffe Award, 118
- Rann of Kutch, 443
- Rashtriya Swayamsevak Sangh, (RSS), 50, 78, 94, 125, 130, 146, 147, 158, 178, 179, 192
- Rau, Benegal, statements in Security Council, 279-283, 293-294, 296-297
- Revolutionary Council in Kashmir, proclamation of, 434-436

- Self-determination, 86, 140;  
 for Hyderabad, 36-38;  
 for Junagadh, 16, 17, 21, 24, 26,  
 27-28;  
 for Kashmir, 57, 62, 67, 71, 75,  
 159, 183, 194, 199, 208, 240, 416,  
 422, 423, 433, 434, 439, 440
- Setalvad, Sir Chimanlal H., 19-20
- Shastri, Lal Bahadur,  
 correspondence with Kosygin,  
 467-469;  
 correspondence with Secretary-  
 General, 451-452, 454-458, 462;  
 signs Tashkent Declaration, 469-  
 471
- States Departments, 13, 14
- Tariq, General, 142
- Tashkent, 468;  
 Declaration, 469-471
- Times of India*, 19-20
- United Kingdom,  
 on Constituent Assembly in Kash-  
 mir, 294, 296;  
 relations with Princely States, 1-9;  
 resolutions submitted in Security  
 Council, 163, 249, 289, 298, 309,  
 310, 361, 263;  
 and India, 9-11;  
 voting in Security Council, 160,  
 171, 362, 375, 450, 461, 466
- United Nations, 107, 113, 114, 115,  
 121, 124, 144, 443, 444;  
 force, 361-362, 370, 371, 373, 453;  
 plebiscite under, 38, 75, 82, 85,  
 86, 89;  
 reference of Kashmir dispute to,  
 91, 93, 95, 97, 99, 100, 104, 106;  
 Secretary-General's correspond-  
 ence with India, 451-452, 454-458,  
 462;  
 Secretary-General's correspond-  
 ence with Pakistan, 437-446, 451-  
 454, 455-456, 457-459, 462-463,  
 464-465;  
 Secretary-General's report, 446-  
 450
- United Nations Commission for India  
 and Pakistan, (UNCIP), 166, 168,  
 169, 171-172, 173-174, 244, 246,  
 249, 395;  
 Agreement on CFL, 226-230;  
 on Arbitration, 231-233;  
 correspondence with Azad Kash-  
 mir, 177-180;  
 correspondence with India, 183-  
 187, 206-209, 218, 220, 233-239;  
 correspondence with Pakistan,  
 187-205, 209-212, 220-225, 233,  
 405-408;  
 establishment of, 160-162;  
 membership of, 164, 170;  
 Press communique of, 214-215;  
 resolutions of, 180-183, 212-214,  
 364-365, 375, 376-381, 419, 429,  
 439-440, 444, 445;  
 termination of, 251;  
 Truce Sub-Committee, 226;  
 truce terms of, 215-216
- United Nations Representative, 291;  
 McNaughton's proposal for, 242;  
 Security Council appoints, 250
- United Nations Security Council, 106;  
 communication to India and Pak-  
 istan, 114, 173-174;  
 letters from India to, 107-113,  
 171, 172-173, 388-391, 418-420;  
 letters from Pakistan to, 114-136,  
 168-170, 297-298, 392-397, 420-  
 421;  
 reference of Kashmir dispute to,  
 107-113, 114-136;  
 report of President of, 382-383;  
 resolutions of, 160-168, 171-172,

- 249-251, 289-292, 298-299, 309-312, 361-363, 368-369, 375-376, 450-451, 461-462, 463, 466;  
 statement of India in, 136-144, 279-283, 293-294, 296-297, 379-381;  
 statement of Pakistan in, 44-46, 144-159, 284-289, 376-379;  
 statement of United Kingdom in, 294-296
- United States,  
 India on Pakistan's military pact with, 344-346, 352-353, 354-355;  
 military pact with Pakistan, 344-360;  
 Pakistan's view of military pact with, 348-349, 355-357;  
 resolutions submitted in Security Council, 163, 249, 289, 298, 309, 310, 361, 363;  
 voting in Security Council, 160, 171, 362, 375, 450, 461, 466
- Union of Soviet Socialist Republics (USSR), 415;  
 amendment to resolution proposed in Security Council, 362;  
 boundary with Kashmir, 62, 136, 145, 154, 158;  
 correspondence with India and Pakistan, 467-469;  
 on Kashmir, 400-401, 467;  
 and Tashkent Declaration, 471;  
 voting in Security Council, 160, 171, 249, 289, 298, 309, 310, 361, 363, 375, 450, 461, 466
- Voice of Kashmir, 436



