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LETTER DATED 30 DECEMBER 1970 FROM THE PERMANENT REPRESENTATIVE
OF INDIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

I have the honour to transmit texts of two notes dated 19 October and
19 December 1970, addressed to the Government of Pakistan in reply to that
Government's notes of 29 August and 9 November 1970, respectively, and to request
that they may be circulated as official documents of the Security Council.

Please accept, etc.

(Signed) S. SEN

MINISTRY OF EXTERNAL AFFAIRS

No. PV/102/33/70

Dated the 19th October, 1970

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to refer to Note No. IN(4)-6/6/70 dated the 29th August, 1970 from the Ministry of Foreign Affairs, Government of Pakistan.

2. The statement made by the Prime Minister of India in Srinagar was a reiteration of a fact which has been stated by the Prime Minister, the Foreign Minister and the Home Minister of India on several occasions in the past. The Government of India have reiterated this on a number of occasions during the last many years. As the Government of Pakistan are aware, the State of Jammu and Kashmir acceded to India in 1947 and is part of India. The attempts of the Government of Pakistan to distort or misrepresent the situation are regrettable and the Government of India are obliged once more to reject them.

3. Despite the fact that the State of Jammu and Kashmir is an integral part of India, Pakistan continues to remain in illegal occupation of about 32,500 square miles of the State, as a result of repeated aggression by Pakistan in the past. Hence, the only issue to be settled in Kashmir is the situation arising out of this illegal occupation by Pakistan. The Government of India are of the view that this situation can best be settled bilaterally and through peaceful means and have, on more than one occasion, expressed their willingness to discuss with Pakistan all issues between the two countries, including the situation created by Pakistan's illegal occupation of about 32,500 square miles of Indian territory in the State.

4. The Government of India are aware of the view of the Government of Pakistan that there cannot be any normalization or improvement of relations between the two countries unless Pakistan's demands in Kashmir are satisfied. It is the considered view of the Government of India, however, that, while all outstanding issues between the two countries should be discussed peacefully and bilaterally with a view to arriving at amicable solutions, the normalization of relations between the two countries would create conditions in which long outstanding questions could be seen and dealt with in a better perspective. The restoration

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of contacts and the development of co-operation between the people of the two countries would lead to a gradual improvement in the atmosphere and would be conducive to the solution of pending issues. It is a matter of regret that the many proposals and unilateral approaches made by India in this respect have not been responded to positively by Pakistan. In the circumstances, the Government of Pakistan are not justified in making accusations against India regarding India's desire to improve relations with Pakistan.

5. It may be mentioned that the issue before the Security Council of the United Nations is the continuous illegal and forcible occupation by Pakistan of a part of the Indian State of Jammu and Kashmir and the situation arising therefrom. It is an incontestable principle that aggression cannot give any right to the aggressor over areas under its illegal occupation. Hence, Pakistan cannot possibly have any pretensions to any locus standi in regard to matters concerning the State of Jammu and Kashmir.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission of Pakistan
NEW DELHI

MINISTRY OF EXTERNAL AFFAIRS

No. P(V) 102/33/70

Dated the 19th December, 1970

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to refer to Note No. IN(4)-6/6/70 dated the 9th November, 1970, from the Ministry of Foreign Affairs, Government of Pakistan.

The Government of Pakistan are aware that the State of Jammu and Kashmir in its entirety became part of India as a result of its accession to India in 1947. This fact cannot be altered by misrepresentations by any one.

There remains the question of Pakistan's illegal occupation of about 32,500 square miles of Indian territory in the State. The Government of India have expressed their readiness to discuss this question and all other issues between the two countries peacefully and bilaterally and hope that Pakistan will adopt a co-operative and realistic approach and peacefully end their illegal presence on Indian territory in Kashmir.

As has already been pointed out by the Government of India, the views and opinion of the Government of Pakistan in regard to the UNCIP resolutions of 1948 and 1949, are entirely without substance.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission of Pakistan,
NEW DELHI.
