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**SECURITY
COUNCIL**

**CONSEIL
DE SÉCURITÉ**

RESTRICTED

S/1100. Annexes
9 November 1948

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

ANNEXES TO THE INTERIM REPORT

ANNEX I. (Para. 9.)

(S/654, 20 January, 1948)

RESOLUTION SUBMITTED BY THE REPRESENTATIVE OF BELGIUM,
ADOPTED BY THE SECURITY COUNCIL AT ITS 230TH MEETING
ON 20 JANUARY 1948.

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 established 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^o) to investigate the facts pursuant to Article 34 of the Charter; (2^o) 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 conclusions.

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 tasks 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.

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ANNEX 2 (Para. 13.)

(S/726, 22 April, 1948)

RESOLUTION ON THE INDIA-PAKISTAN QUESTION SUBMITTED JOINTLY
BY THE REPRESENTATIVES OF BELGIUM, CANADA, CHINA,
COLOMBIA, THE UNITED KINGDOM AND
THE UNITED STATES OF AMERICA, ADOPTED AT THE
TWO HUNDRED AND EIGHTY-SIXTH MEETING OF THE SECURITY COUNCIL

21 APRIL 1948

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,

Being strongly of 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 a cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan 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 January 17th,

Resolves that the membership of the Commission established by the Resolution of the Council of January 20th, 1948, shall be increased to five and shall include in addition to the membership mentioned in that Resolution, representative 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 sub-continent 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 co-operation 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 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.

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 purposes 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 co-operate 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 police 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 so far as possible be 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 the 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 responsible 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 for 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 endeavours 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 Governments 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.

ANNEX 3 (Para. 13)

(S/734/Corr.1, 7 May 1948)

CORRIGENDUM TO LETTER DATED 5 MAY 1948 FROM THE
REPRESENTATIVE OF INDIA ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

Dear Mr. President:

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 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."

Yours truly,

(Signed) M.K. VELLODI

India Delegation to the
Security Council

ANNEX 4 (Paras 13, 114)

(S/735, 6 May, 1948)

LETTER DATED 30 APRIL 1948 FROM THE REPRESENTATIVE
OF PAKISTAN ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

Dear Mr. Parodi,

I enclose a copy of the letter I have addressed to
the President of the Security Council.

Yours sincerely,

Sir Zafrulla Khan
Minister of Foreign Affairs
Government of Pakistan.

Sir,

In compliance with your letter dated 22nd April 1948 I transmitted to my Government the Resolution adopted by the Security Council at its 286th meeting held on 21st 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 note 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 a (c), 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 neutralisation 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 the 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 without 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.

I have the honour to be

Sir,

Your obedient Servant,

(Sir Zafrulla Khan)
Minister of Foreign Affairs,
Government of Pakistan.

The President of the Security Council
Lake Success, N.Y.

(S/819, 3 June, 1948)

RESOLUTION ON THE INDIA-PAKISTAN QUESTION SUBMITTED BY
THE REPRESENTATIVE OF SYRIA ADOPTED AT THE THREE HUNDRED
AND TWELFTH MEETING OF THE SECURITY COUNCIL, 3 JUNE 1948.

The Security Council,

Reaffirms its resolutions of 17 January 1948,
20 January 1948 and 21 April 1948,

Directs the Commission of Mediation 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,

And directs the Commission further to study and report
to the Security Council when it considers appropriate on
the matters raised in the letter of 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.

(S/646, 15 January 1948)

LETTER FROM THE MINISTER OF FOREIGN
AFFAIRS OF PAKISTAN ADDRESSED TO THE
SECRETARY-GENERAL DATED 15 JANUARY
1948 CONCERNING THE SITUATION IN
JAMMU AND KASHMIR

Sir,

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 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.

I have the honour to be,

Sir,

Your most obedient servant.

Minister of Foreign Affairs,
Government of Pakistan.

GOVERNMENT OF PAKISTAN

DOCUMENT I

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 the territory immediately adjoining Pakistan on the North-West are drawing from Pakistan for operations against Jammu and Kashmir State which acceded to the Dominion of India and is a 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 has 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 a 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.

GOVERNMENT OF PAKISTAN

DOCUMENT II

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 population 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 June 1947 which 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. Larger 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 privation 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 35 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.

B. In September 1947, the States of Junagadh and Manavadar acceded to, as they were entitled to do under the agreed scheme of partition and the Indian Independence Act, 1947, and thus became part of Pakistan and entitled to the benefits of the standstill agreement between Pakistan and India. As soon as the accession was announced India started a war of nerves against these two States and certain other smaller States in Kathiawar, whose intention to accede to Pakistan was well known. A so-called 'provisional' Government of Junagadh was set up in Bombay with the connivance of the Government of India and the active aid of its officials and later transferred its headquarters to Rajkot in Kathiawar where it proceeded to occupy forcibly property belonging to the Junagadh State and ejected Junagadh officials therefrom. The forces of the Indian Union, along with the forces of certain Hindu States in Kathiawar in accession with the Indian Union invested the State of Junagadh in all directions on the landward side and rendered it practically impossible for the State authorities and for the Muslim population of the State to hold any communication with the outside world through normal channels. The running of Junagadh railways and the postal and telegraph services of the State vis-a-vis, the rest of the country were virtually put an end to. By the adoption of various devices a state of panic was created inside the State, the object of which was to bring the administration to a stand-still. Eventually the forces of the Indian Union marched into the State under the excuse of an alleged invitation from the Dewan (Prime Minister) of the State. With the entry of these forces into the State was inaugurated an orgy of massacre and loot directed against the Muslim population of the State. A reign of terror was thus set up which still continues.

This action on the part of the Government of India amounted to a direct attack upon and aggression against Pakistan which Pakistan was entitled to repel by force. Pakistan, however, refrained from taking military action in the hope that the situation could be satisfactorily resolved by conciliatory means. This hope has, in spite of a continued series of protests and representations by Pakistan proved vain. If the situation is not now firmly handled and satisfactorily resolved there would be no course left open to Pakistan but to take appropriate military action to clear these States of India's armed forces and to restore the States to their lawful rulers.

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 Maharajah 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 Redcliffe. The Maharajah'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 Maharajah were started in the latter half of September and provoked risings 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 massacres 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 Maharajah 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 whom 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 everyone of these was rejected by the Maharajah 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 are 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 of 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 sub-continent 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 was 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 paragraphs 26 to 29 of Document III.

E. In its complaint preferred to the Security Council under Art. 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 and looting and atrocities on the Muslims of Jammu and Kashmir State have been perpetrated by the armed forces of the Maharajah of Jammu and Kashmir and the Indian Union and by the non-Muslim subjects of the Maharajah 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 the 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 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 sub-continent 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.

GOVERNMENT OF PAKISTAN

DOCUMENT III

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 now became evident gave rise to a wave of deep resentment among the Hindu and Sikh population of the sub-continent. 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 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 Sewak Sangh who had made no secret of their opposition to the partition scheme, in spite of its being 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 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 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 who 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 such 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 Muslim 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 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 sub-continent but the Indian Government opposed this proposal on the ground of outside interference. The Pakistan Government also proposed that United Nations observers should immediately visit the disturbed areas but this too was opposed by India.

8. This plan of liquidation of the Muslim population is still proceeding despite the pious professions of the Government of India. The latest example of this is provided by the happenings in the holy city of Ajmer, about which the Government of Pakistan had warned the India Government some weeks ahead. In this connection the Government of Pakistan find it difficult to believe that the Government of India are innocent of complicity in this vast scheme of 'genocide' started by the Sikhs and Hindus and encouraged and supported by persons in authority as a means of destroying the newly created State of Pakistan. This is amply supported by the speeches and declarations of Hindu and Sikh Leaders. The Muslims of India are being subjected to calculated insults and humiliations and pressure is being brought on them by prominent Hindu leaders including Premiers of Provinces to renounce their language and culture. All sorts of tests of loyalty are being demanded from them. The one on which particular emphasis is laid is that they should denounce Pakistan and try to undo the partition and express their readiness to fight Pakistan on the side of India in the event of war between the two Dominions, which last is an indication of the future intentions of the Government of India. It is a matter of deep regret that even today responsible members of the Government of India, including the Prime Minister, openly declare their intention or hope of bringing Pakistan back into the Indian Union, well knowing that this can be done only through conquest by arms. The Pakistan Government have pointed out many times to the India Government that speeches and statements of this nature are calculated to excite and provoke the Muslims and thus impair friendly relations between the two countries; but these representations have had no effect. Such an attitude can only mean that the Hindu and Sikh leaders while giving their agreement to the partition plan did so without any intention of permitting its implementation and, further, that India is determined to undo the settlement by all means at its disposal. In other words, Pakistan's very existence is the chief causus belli as far as India is concerned.

9. The events which took place following the announcement of the accession of Junagadh and Manavadar States to Pakistan lend further support to the contention of the Pakistan Government that the Government of India intend by all possible means at their disposal to destroy Pakistan.

10. In accordance with the agreed scheme of partition and the Indian Independence Act, 1947, Indian States were under no compulsion to accede to either of the two Dominions.

Notwithstanding this clear provision the Government of India by a combination of threats and cajolery forced a number of States into acceding to the Indian Union. The Rulers of Junagadh and Manavadar were similarly threatened but they stood firm and acceded to Pakistan. This was the signal for India to launch with full force its attack, using every possible weapon in order to force the States, against their will, to change their affiliations. Protests were made to the Pakistan Government, pointing out that a State which had a Hindu majority population could not accede to Pakistan, as the country had been divided on a communal basis. Another reason given was that Junagadh, though accessible from Western Pakistan by a short sea passage, was not physically contiguous to Pakistan and that its accession to Pakistan was calculated to cause disruption in the integrity of India. Simultaneously with these protests, the Government of India put large bodies of Indian troops on the borders of Junagadh and encouraged the neighbouring Hindu States, which had acceded to India, to do likewise. In clear violation of the stand-still agreement the Junagadh State was subjected to an economic blockade involving stoppage of all vital supplies, including food, cloth and coal into the State territory. Lines of communication including railway and telegraph were operated in such a manner that it became virtually impossible for the State or the Muslim population of Junagadh to communicate with the outside world by the usual means. A strong press campaign calculated to destroy the morale of the State administration and to create panic among the population was launched both inside and outside the State.

11. Another line of attack was adopted by setting up a 'provisional government' with headquarters first at Bombay and later at Rajkot, which claimed the right to liberate the non-Muslim population of Junagadh State. The so-called 'Azad Fouj' of the provisional government was created and armed by the men and officers of the Indian Dominion. The 'provisional government' not only proceeded to seize by force State property in Rajkot but by violent means created conditions in which it became impossible for the State administration to function. At this point the Government of India sent their troops and occupied the State under the plea of an alleged 'invitation' by the Dewan. Since then an orgy of murder, arson, rape and loot has been let loose against the Muslims in the State by the military forces of India in exactly the same manner as in northern India and Muslims have had to flee from the State. It should be added that as long as the State was under the administration of the Nawab, there was no molestation of any section of the population whatever. According to newspaper reports Mr. Samaldas Gandhi, the head of the so-called provisional government, has openly thanked the Deputy Prime Minister of India for the assistance received. All this was done in utter disregard of the international code of conduct and ordinary neighbourly decency. In the interest of peace between the two Dominions Pakistan refrained from sending a single soldier to Junagadh. Occupation by force of Junagadh which is Pakistan territory is a clear act of aggression against Pakistan. Pakistan is entitled to send its forces into Junagadh to clear out the invading forces of India by military action and in the event of the present position continuing would be under the necessity of taking such action

in discharge of its obligation to the Ruler and the people of Junagadh, as under the terms of the Instrument of Accession executed between Junagadh and Pakistan "Defence" is an obligation of Pakistan.

12. In the case of Manavadar not even the flimsiest show of justification was considered necessary and the State was taken under military occupation without any explanation being offered. A similar fate befell the Talukadari States of Sardargarh, Bantva, Sultanabad and Mangrol. The unfortunate Rulers of some of these States have been kept in detention and have been subjected to considerable pressure to wean them from their affiliation to Pakistan.

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 sub-continent by fascist tactics and use of naked force.

14. The State of Jammu and Kashmir was purchased by the great grand father of the present Hindu Dogra Maharaja from the East India Company in 1846 for the paltry sum of 7.5 million rupees. Nearly 80 per cent of the population of the State is Muslim but the administration, civil and military, is almost entirely in the hands of non-Muslims. The administration has been notoriously oppressive and retrograde and the Muslim population has been kept in a state of abject poverty and misery.

15. On the 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 stand-still 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 fall 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 Maharajah 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 Maharajah 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 to deal 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 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 over 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 over charge he addressed a telegram to the Prime Minister of Pakistan threatening that unless Pakistan agreed to an impartial enquiry 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 enquiry 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 it 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 invited 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 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 Maharajah. Many of them were ruthlessly cut down and acts of indescribable horror

were perpetrated by the Dogra forces of the Maharajah assisted by the Sikhs and the Rashtriya 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 who 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 Abdulla, Sheikh Abdulla 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 of 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 in the 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 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 the modern military equipment which is alleged to be in the possession of the Azad Kashmir Forces, to the best of the 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 Pakistan 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 India Government who appear to have underestimated the valour and patriotism of a people stirred to their depths by the horrors perpetrated upon them and their coreligionists in certain parts of the Indian Union. The character of the terrain, the climate, the familiarity of the Azad Kashmir forces (the bulk of whom 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. 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 in 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 of the Indian armed forces is bound to be no more than a force 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 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 numerous 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, continued to be 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 manner 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 decisions 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 four-thousand million rupees. Pakistan representatives demanded that out of these one-thousand 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 realised 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 sub-continent, 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) that 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 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.

(S/AG.12/21, 22 July 1948)

NOTES ON THE MEETING OF THE REPRESENTATIVES
OF COLOMBIA AND THE UNITED STATES WITH THE MINISTER FOR
FOREIGN AFFAIRS OF PAKISTAN

Held on Saturday, 17 July 1948, at 12:00 noon
in Karachi

Present:

Dr. Lozano	(Colombia)
Mr. Adams	(United States)
Sir Mohammed Zafrullah Khan	(Foreign Minister)
Mr. Mohammed Ali	(Secretary-General)
Mr. Symonds	(Secretariat)
Mr. Aghassi	(Secretariat)

Mr. LOZANO opened the conversation by expressing his pleasure at meeting Sir Mohammed again. He said that the group had been appointed by the Commission and directed by its Chairman to express to the Government of Pakistan the anxiety of the Commission regarding the situation in the State of Jammu and Kashmir. The situation appeared according to the last reports to have deteriorated and, indeed, to have become practically an undeclared war between the two countries. Time was running short, and soon it might become impossible to reach a rapid, complete and final settlement of the problem. The first and most urgent step was to stop the fighting. The Commission, therefore, wished to obtain the views of the Government of Pakistan as to the possibility of an agreement for a cease fire order. He was sure that Sir Mohammed was well aware of the difficulties facing the Commission, which was most anxious to bring about a rapid and amicable settlement of the dispute between the two countries. He said that his country had also faced serious territorial problems arising as a result of its independence. All of these were solved by peaceful means, the most delicate being that on the Amazon frontier which had brought it to the verge of a war, but which was settled by the League of Nations in 1932. It was all a matter of generosity and good will. Dr. LOZANO was certain that the peoples of Pakistan and India were capable of that great wave of generosity needed to bring them together and make peace possible. Dr. LOZANO said that he was confident that it would be possible to achieve a solution to the Kashmir problem in the near future.

Sir MOHAMMED welcomed the return of Dr. Lozano and said that he was at the disposal of the Commission whenever the need arose. With regard to the suggestion for a cease fire agreement, he said that he would have preferred it in the form of a specific proposal.

Dr. LOZANO replied that it was the desire of the Commission to present simultaneously this suggestion to the Governments of Pakistan and India in order to know their views as to the proper manner in which a cease fire agreement

could be promptly brought about, so that the Commission might be in a better position to explore the possibility of narrowing whatever differences might arise between the points of view as presented by them on this pressing issue and of finding a specific proposal, which would be acceptable to both parties.

Sir MOHAMMED stated that, as far as general views were concerned, these had been submitted to the Security Council. However, certain developments had taken place since those discussions in the Council, and he would be glad to ascertain the present views of his Government as soon as possible. He understood that the Commission had conveyed a similar expression to the Government of India. It would have been of great help to the Pakistan Government if it had been possible for them to know what the Government of India were prepared to do. Moreover, he had been hoping that the Commission would have been by now in a position to present certain proposals of its own after having studied the various factors in the situation. However, he quite understood that the Commission might not yet be ready to formulate such proposals and so it evolved upon him at the moment to ascertain the views of his Government as to the steps to be taken for a cease fire agreement.

Mr. ADAMS emphasized that it had been the intention of the Commission in dispatching this group to Karachi that the two governments would thus be able concurrently to formulate their views on the possibility of a cease fire agreement.

Sir MOHAMMED stated that he wanted to be sure that he had not misinterpreted the suggestions of the Commission to both governments, and that both governments had been told the same thing. He presumed that the Commission would then consider the views of both governments as to what steps were feasible to take toward a cease fire agreement.

Dr. LOZANO suggested that if Sir Mohammed wished, they could discuss the question privately and informally.

Mr. ADAMS said that the Commission wished the Government of Pakistan to know that political and military representatives of the Government of India had appeared before the Commission to present their assessment of the present situation in the State of Jammu and Kashmir. Sir MOHAMMED said that he had seen press reports to that effect.

Dr. LOZANO said that this was a preliminary discussion which was concerned with ascertaining the views of the Pakistan Government with regard to the suggestion for a cease fire agreement. Sir MOHAMMED said that after consultation with his government, he would inform the group as to when he would be prepared to discuss the question.

The meeting closed at 12.45 p.m.

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(S/AC.12/22, 22 July 1948)

NOTES ON THE INFORMAL MEETING OF THE REPRESENTATIVES OF COLOMBIA AND THE UNITED STATES AND THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN.

Held on Sunday, 18 July 1948, at 9.30 a.m. in Karachi.

Present:

Dr. Lozano	(Colombia)
Mr. Adams	(United States)
Sir Mohammed Zafrullah Khan	(Foreign Minister)
Mr. Mohammed Ali	(Secretary-General)

Sir MOHAMMED said that Pakistan was carefully studying the suggestion by the Commission for a cease fire agreement which, as he understood, had also been submitted to the Government of India. However, as he said yesterday, he had hoped that the Commission would have already formulated definite proposals in this regard.

Dr. LOZANO explained to the Foreign Minister that the intention of the Commission in submitting simultaneously this suggestion to both governments was to have the opportunity of narrowing whatever differences there might be between the points of view which might lead to a definite proposal acceptable to both parties.

Sir MOHAMMED briefly reviewed the history of the dispute and said that India from the very beginning had based its case on the legality of the request of the Maharajah for accession to India. Pakistan completely denied this position - they denied that an accession had ever been effected, and they maintained that the question of accession was one for the future, to be determined by the plebiscite. Therefore, India's contention that legally it had a right to be in Kashmir was not recognized by Pakistan. Pakistan was more justified in coming to the assistance of the Kashmiri forces, who represented the people of the State, than Indian troops were justified in coming in at the request of the Maharajah. The Indian Government have progressively receded from their original position - which was that the question of accession was to be ultimately determined by a fair and unfettered plebiscite. Their position now was that the bringing about of the necessary conditions for conducting such a plebiscite was a constitutional question to be decided by the Maharajah and his Government.

Sir MOHAMMED stated that in order to arrive at a satisfactory agreement on the cease fire question, three minimum conditions had to be met: 1) Indian troops should be withdrawn from the State, 2) The proposals for a cease fire order should have the consideration and approval of the "Azad Kashmir Government", 3) Provision must be made for the maintenance of law and order and the protection of the Muslim population following the withdrawal of Indian troops.

Sir MOHAMMED was not clear as to how adequate protection could be afforded to the population upon the withdrawal of the troops from the State. Dr. LOZANO suggested that a mixed force, along the lines of the Punjab Boundary Force, might offer such protection. Sir MOHAMMED replied that the Punjab Boundary Force had been a failure and that perhaps the Commission might consider the possibility of an agreement being reached by which Pakistan troops would police Muslim areas and Indian troops police non-Muslim areas, both under neutral offices and under the exclusive authority of the Commission. Sir MOHAMMED did not object to the retention of local State forces provided they also were under neutral control. He pointed out, however, that the local State forces were practically non-existent.

The Foreign Minister said that, while he would have to consult his Government, he believed that Pakistan would agree to the withdrawal of their troops from Kashmir upon the fulfillment of certain conditions. He further stated that the dispute was a result of the continued hostility of the Hindus towards the Muslims. In a broader sense, this had created serious economic problems for Pakistan. For instance, the Government of Pakistan had just received telegrams from the Commander in Chief who requested funds and provisions in order to take care of about 10,000 refugees who had recently come out of Kashmir into Pakistan.

The Foreign Minister was of the opinion that a cease fire order, without strong neutral forces to maintain law and order, could never be enforced. If the Indian forces and other Hindu and Sikh invaders now in Kashmir remained, it would be impossible to stop hostilities. Sir MOHAMMED referred to the pressure which the Indian Government was exerting upon the State of Hyderabad. He said that, although he did not wish to comment on the merits of the Hyderabad case, he regarded it as an example of what was to be expected in Kashmir if the Indian troops and volunteer elements such as the R.S.S.S. were allowed to remain.

Sir MOHAMMED pointed out that in order to bring about a cessation of hostilities in Kashmir, it would be necessary to withdraw all the forces, including volunteers, from both sides and to bring in an international force, as he had suggested in the Security Council, for the maintenance of law and order. In view of the world situation, however, this might not be possible at this time. The Foreign Minister discussed the idea of an international force and the role of the United Nations in the dispute. In his opinion, the more authority the Commission assumed, the quicker a solution could be found to the problem. The Government of Pakistan was pleased that the Commission continued to exert its authority. It hoped that the Commission would not merely make recommendations, but would phrase its decisions in terms of directives.

In connection with the second of the conditions set forth by the Pakistan Government for a cease fire agreement, Dr. LOZANO observed that if the Commission agreed that any proposals for a cease fire should have the approval of the "Azad Kashmir Government", this would, in his opinion, constitute a de facto recognition of the "Azad Kashmir" and introduce an additional complication into the situation. As the plebiscite had not yet taken place in Kashmir, the Commission could not anticipate itself and extend tacit recognition to a group the strength of which remained to be determined.

Sir MOHAMMED replied he did not wish to elaborate upon this question. The Security Council received Sheikh Abdullah, who had been brought there by the Indian delegation, as the representative of the Kashmir Government. However, the "Azad Kashmir" representatives had not been formally received by the Council. He himself had not met Sardar Ibrahim until after the latter came to New York. While in New York, Mr. Ibrahim had met informally a number of representatives in the Council. Among them, General McNaughton, Mr. Noel-Baker and Senator Austin had commented favourably upon what they regarded as the capabilities of Mr. Ibrahim. Sir MOHAMMED did not think there would be any objection on the part of the Commission to hearing the representatives of the "Azad Kashmir Government", either in informal session or in private. It was important that the representatives of the "Azad Kashmir Government" should be heard, and that this would not constitute a recognition on the part of the Commission. Indeed, anyone interested in the problem had a right to be heard, for a better understanding of it. The Foreign Minister emphasized that in submitting the second point, he had not intended to trick the Commission into recognizing the "Azad Kashmir Government". His only aim was to ensure that the views of the "Azad Kashmir" should be taken into account in the formulation of any cease fire agreement - whether by the appearance of representatives of the "Azad Kashmir" before the Commission or through the Pakistan Government as intermediary.

Dr. LOZANO referred to Sir Mohammed's suggestion of withdrawing Indian and Pakistan troops to defined positions and placing them under the control of neutral officers. He wondered if the Pakistan Government could obtain from the "Azad Kashmir Government" the acceptance of such a formula without the Commission submitting it directly to them. Sir MOHAMMED thought this might be possible as a matter of procedure, but he emphasized that the views of the "Azad Kashmir" must not be ignored by the Commission.

Dr. LOZANO said that since the case had been discussed in the Security Council, the situation had altered in view of the presence of regular Pakistan forces in Kashmir. This had weakened the position of Pakistan in the dispute. Sir MOHAMMED replied that he

had previously stated the reasons for the presence of Pakistan troops in Kashmir. They could not allow a situation similar to the one in Hyderabad to arise in Kashmir. Mr. MOHAMMED ALI observed that the Pakistan troops had gone into Kashmir because had they not done so the Indian troops would have taken possession of the whole State, bringing about a fait accompli. An additional reason was to prevent the flooding of the border region by refugees. Sir MOHAMMED stated that the Pakistan troops had moved into Kashmir early in May for three reasons: 1) to protect the territory of Pakistan from possible aggression by Indian forces, 2) to prevent a fait accompli in Kashmir by the Indian Government, and 3) to prevent the influx of refugees into Pakistan. The exodus of refugees from Kashmir had already created grave economic problems and placed Pakistan in an unfavourable position in connection with the proposed plebiscite.

Dr. LOZANO enquired whether, if a satisfactory solution for a cease fire agreement were reached, the question of partition of Kashmir would be considered? He made it clear that he did not wish to commit himself to the desirability or otherwise of such a solution. Sir MOHAMMED replied that under no circumstances would his Government consider the partition of Kashmir. At the present, Kashmir had only a 20 or 30 mile border adjoining India. Should India obtain possession of Jammu, this would considerably extend the Kashmir-India frontier and would constitute a constant threat to Pakistan. Furthermore, both India and Pakistan had agreed that a plebiscite was the basis for any solution of the problem. The plebiscite was a condition sine qua non of the acceptance of the act of accession, as set forth by the Governor-General of India in his letter of 27 October 1947 to the Maharajah.

Sir MOHAMMED stated that another problem which was of concern to Pakistan was the position of the Gilgit Agency. He discussed the background of the relations of the Gilgit Agency with the British Crown. In late October 1947, representatives of the Gilgit Agency had requested accession to Pakistan, but the Pakistan Government had not taken any decision at that time. There had been frequent requests from the Gilgit Agency which had clearly indicated that if no action were taken by Pakistan, they would seek accession to the Soviet Union. He had received reports a few days ago Gilgit town had been bombed by the Indian Air Force. This was wanton murder, as there were no military targets. Sir MOHAMMED felt that Pakistan would soon be requested to send military aid to Gilgit Agency and that, if it did not do so, such aid would be obtained elsewhere.

The Foreign Minister enquired whether the Commission wanted his reply in writing or whether it would prefer to have a representative of Pakistan appear before the Commission. He reminded Dr. Lozano that the Government

of Pakistan was willing to appoint a representative under Article 16 of the resolution of 21 April. His Excellency Minister Graeffe had suggested on his visit to Karachi that perhaps it was not yet time to have a liaison representative with the Commission. If the Commission now wished, Sir MOHAMMED would be glad to appoint a representative who would be at their disposal.

After discussion, it was agreed that the Pakistan Government would not communicate with the Commission further either on the appointment of a representative or the cease fire agreement until requested to do so by the Commission.

In conclusion, Dr. LOZANO suggested that the world was badly in need of the example of a pacific settlement of a dispute. If the Kashmir dispute were settled amicably, it might well be that Pakistan would find its position strengthened when seeking outside assistance for the solution of its economic problems.

(S/AC.12/40, 21 August 1948)

NOTES ON THE MEETING OF THE MINISTER FOR FOREIGN
AFFAIRS OF PAKISTAN AND THE REPRESENTATIVES OF ARGENTINA,
COLOMBIA & THE UNITED STATES

Held on Saturday, 14 August 1948,
at 5:30 p.m.

Present:

Chairman:	Mr. Lozano	(Colombia)
	Mr. Siri	(Argentina)
	Mr. Oakes	(United States)
	Sir Mohammad Zafrullah Khan	(Foreign Minister)
	Mr. Mohammad Ali	(Secretary General)
	Mr. M. Ayub	(Deputy Secretary)
	Mr. Bloch	(Secretariat)

At 5:30 p.m. on Saturday, 14 August, Sir Mohammad Zafrullah Khan received Dr. Lozano, Chairman of the Commission, Mr. Siri, Representative of Argentina, Mr. Oakes, Alternate Representative of the United States, and Mr. Bloch of the Secretariat. Mr. Mohammad Ali and Mr. Ayub were also present.

Chairman Lozano presented the cease-fire proposal with a statement that the Commission had given most careful consideration to the points of view of the Governments concerned, and was aware of its responsibilities in submitting this document as a set of principles which should be used as a basis for the formulation of a truce agreement. He also emphasized the responsibility of the governments before which the proposals were placed. He hoped that this agreement would be accepted and then a new stage of deliberation could be reached whereby extensive time would be given to both parties and others concerned so that fair and equitable conditions might be established to ascertain the free expression of the will of the people in the State of Jammu and Kashmir. He said he felt that the cease-fire was essential to clear the atmosphere for such further talks. Chairman Lozano added that Vice-Chairman Korbel was simultaneously submitting a proposal to the Prime Minister and Foreign Minister of India.

Sir Mohammad Zafrullah Khan said that he appreciated the delicacy and vital importance of Chairman Lozano's task. Although he would have liked to submit additional material to the Commission and regretted that he could not have done so, he would not be deterred by this fact from giving the proposal the serious consideration which it deserved.

Chairman Lozano assured him that no final solution would be reached without extensive hearings of all the parties concerned. He added that the group present at this meeting would have to join the rest of the Commission in Delhi probably by this coming Wednesday, and he would

greatly appreciate it if the Pakistan Government would find it possible to give an answer by that time.

Sir Mohammad assured the Chairman that prompt consideration would be given to the proposal and that he would try to meet the deadline desired by the Chairman. However, he pointed out that such a proposal might involve three authorities: i.e., the authorities in Karachi, the Chief of State in Quetta, and the Army Headquarters in Rawalpindi. Consultations under these conditions might protract the matter to a certain extent. He pointed out that the period of time needed to come to a conclusion would, of course, depend upon the nature of the proposal.

The Chairman said that he did not wish to give a rigid time limit for a reply on a matter of such importance. The Commission would receive the reply after the governments had given the matter ample consideration.

(S/AC.12/41, 21 August 1948)

NOTES ON THE MEETING OF THE MINISTER OF FOREIGN AFFAIRS
OF PAKISTAN AND THE REPRESENTATIVES OF ARGENTINA, COLOMBIA
AND THE UNITED STATES

Held on Thursday, 19 August 1948, at 10:00 a.m.
in Karachi

Present:

Chairman:	Mr. Lozano	(Colombia)
	Mr. Siri	(Argentina)
	Mr. Oakes	(United States)
	Sir Mohammad Zafrullah Khan	(Foreign Minister)
	Mr. Mohammad Ali	(Secretary-General)
	Mr. M. Ayub	(Deputy Secretary)
	Mr. Bloch	(Secretariat)

The CHAIRMAN opened the meeting inviting Sir Mohammad Zafrullah Khan to make his remarks on the cease-fire proposal submitted by the Commission.

Sir MOHAMMAD stated that his Government had given serious consideration to the proposals submitted by the Commission. They found, however, that before they were able to arrive at any conclusions, which they could transmit to the Commission, it would be necessary to ask for certain elucidations. To this effect, the Foreign Minister brought a written list of points which he submitted to the Commission. He stated that, in addition to the written memorandum, he wanted to make certain oral observations.

The Pakistan Government was not sure of the objective which prompted the Commission to make the proposal, i.e., whether the Commission considered that the proposals should work towards the direction of putting into effect the Security Council Resolution of 21 April or whether they were to lay a foundation for the creation of conditions which might either result in enforcing the Security Council resolution or in finding alternative solutions. Specifically, the Government wondered whether the objective was to work out a free and impartial plebiscite or whether it was to obtain an intermediate stage which might enable the Commission to come to another solution. If the Commission had anything else in mind, the Government of Pakistan would like to know the Commission's intentions so that it could evaluate the proposals made against that background. The view of the Pakistan Government was that the Commission, although its function was that of a body of mediation, was bound to bring about a result which made it possible to put the resolution of the Security Council into effect so that a free and impartial plebiscite could be obtained. He said that he knew that he could not impose the view of the Government of Pakistan on the Commission but that he would like to know what the Commission's views were in the matter.

He stated that Pakistan still adhered to the view that, so far as a cease-fire was concerned, it could have been easier if a simple appeal were made to stop fighting and nothing more. Although he admitted that the Commission might turn out to be right, Sir MOHAMMAD felt that the other method would have been the correct one. He considered himself unable to come to any conclusions in regard to Part I as long as he did not have a clear view with regard to Parts II and III of the proposal made by the Commission. Since Parts II and III could not be divorced from Part I, the Pakistan Government would like the Commission to clarify Parts II and III in writing. The Government of Pakistan would also wish to be informed as to the procedure, program, time table and methods of further discussions contemplated by the Commission. Sir MOHAMMAD appreciated the fact that the Commission had to divide itself into two parts so that the proposals could be brought simultaneously before the two Governments. His Government wanted to know how the Commission intended to proceed from now on and what the next contemplated stages were.

Sir MOHAMMAD repeated that in addition to the points raised in the written memorandum, he would like to know what the objective was which the Commission had in mind in making the proposals - was it to establish conditions for a free and impartial plebiscite and were those proposals designed with this point in view or were the proposals made in order to create the possibilities for different solutions? If the latter should be true, Sir MOHAMMAD would like to know what alternatives to a plebiscite were being considered.

He added that there were certain points which he had submitted in writing which must also be clarified. The stoppage of fighting, he repeated, could have been done more easily if there had been a simple call to stop fighting. The Government must know exactly what the Commission had in mind in regard to Parts II and III.

He concluded by saying that the Commission might find it more convenient to study the points submitted by him at leisure, but he was ready to talk on the spot if the representatives so desired.

Mr. LOZANO said he had already notified Delhi that mutual discussions were necessary in order to clarify certain points of the proposal, as suggested, on both sides. The memorandum would be studied and a clarification would be given, if possible, by that afternoon or the following day.

Mr. LOZANO continued by saying that the first point regarding the objectives which the Commission had in mind in formulating the proposal was the opinion that the prompt cessation of hostilities and the correction of certain conditions the continuance of which were likely to endanger the peace was essential to implement the endeavours of the Commission, which were to assist the Governments of India and Pakistan in effecting a final and peaceful settlement of the situation.

Part I had as its objective to obtain a cease-fire order immediately upon the acceptance of the principles contained in Part II, the details of which could be discussed between both Governments and the Commission. He stated that the Commission meditated for a long time on the conditions presented by the two Governments. He referred to his visit to the Foreign Minister in Karachi when the Foreign Minister himself had said it was the hope of his Government that the Commission would formulate definite proposals regarding a cease-fire order. He felt that the purpose of Part III could only be fulfilled if the cease-fire could be maintained for a long period of time. The objectives of Part III were based on the points of reference of the Security Council resolutions. By creating a tranquil and peaceful atmosphere, the Commission hoped that the representatives of both Governments, together with the Commission, would enter into consultations regarding the problems to be solved and by aiming at fair and equitable conditions which would assure the exercise of the will of the people as stated in the Resolution. There was no doubt that both the Governments and the Commission would study in common the differences and the best way to arrive at a solution, whether a plebiscite or other alternatives, which would assure always that the will of the people prevailed. The good efforts of the Commission were placed as a common terrain between the two Governments so that consultations could be held for the solution of the issue. He then addressed his colleagues of the Commission and asked them to comment.

Mr. OAKES referred to the question of the Foreign Minister regarding the objectives of Part II as they were to affect conditions for a final settlement. He stated that he inferred from the Foreign Minister's remarks that the Government of Pakistan perhaps thought that the Commission considered that conditions as they would exist upon implementation of Part II would be such as to permit a fair and just expression of the will of the people. He wished to make it clear that the Commission by no means thought that this would necessarily be the case. Sir MOHAMMAD said it was quite clear to the Pakistan Government that Part II of the Commission's proposal would not create conditions under which a fair and impartial plebiscite could take place.

Mr. OAKES asked the Foreign Minister to elaborate on his question concerning the Commission's thought regarding Part II. Sir MOHAMMAD answered that he wished to know whether the Commission's point of view was that these proposals should clear the way for the holding of a fair and impartial plebiscite to decide to which Dominion Jammu and Kashmir should accede or whether the Commission had something else in mind.

Sir MOHAMMAD understood that the Chairman had clarified this point but according to the Chairman, Part III left it open to discussion as to what would be the basis for a fair settlement. To this, Mr. LOZANO replied that the basis was the points of reference of the Security Council resolutions. Mr. OAKES said that the Commission might, of course, recommend any solution if acceptable to both

Governments. However, if either of the Governments continued to demand a plebiscite, the Commission had no intention of insisting upon a different solution.

Sir MOHAMMAD said that it would not be within the powers of the Commission to insist on a different solution, as the concluding paragraph of the Security Council Resolution (Article 18) bound the Commission to execute the resolution. He continued that, unless the Government of Pakistan was quite clear, not only with regard to the nature of the objective but that the objective was agreed upon and conditions pertaining to it laid down, it would be found difficult to comply with conditions presented in Part II. Parts II and III were inseparable. Either the Commission should have stopped at Part I or if it thought it necessary to go further, it should have gone beyond Part II because Parts II and III stood together. Part II laid down what each was required to do and Part III left it more or less open for settlement and discussion of what was to be done. In his opinion, settlement of Part III should have precedence. However, the whole picture would have to be settled before any acceptance of Part III could be considered. Sir MOHAMMAD stated that the intention of the Commission in regard to Part III had been clarified by the Chairman but this did not bring the solution any closer.

Mr. LOZANO stated that as far as procedure was concerned, the Commission could stay in Karachi to allow the necessary time for the Government of Pakistan to express their views before the Commission and to clarify any other points. Details of the truce settlement and other matters could be discussed. But the principles, however, should be accepted first so that afterwards the discussions could take place. There would have to be a conference between the two High Commands as to the issuance of the cease-fire order and then there would be discussion of the details of the truce when already accepted by the two parties concerned. Sir MOHAMMAD answered that if the elucidation were obtained, the Pakistan Government would put forward its views on the proposals which had been transmitted to it on behalf of the Commission. He wanted to know if further substantive discussions of the proposals would be with only a part of the Commission or with the Commission as a whole and where they should take place. Mr. LOZANO replied that the purpose was that as soon as the principles were found acceptable by the parties, the Commission as a whole would enter into consultation with both Governments in Srinagar or another place in order to assure the final and peaceful settlement under the aims sought in the Resolution.

Sir MOHAMMAD said that he had not said whether or not they were acceptable. This could only be decided after the elucidation had been received. Nothing had been said on the merits of the proposal. He would like to know whether discussion of proposals and recommendations would be with the full Commission or only with part of it.

Mr. LOZANO said that the principles of the proposal must be accepted but that the details of the truce were to

be discussed. Once the principles had been accepted, the whole matter would be referred to the Commission for study. Sir MOHAMMAD said that he felt that he was ready to confer as soon as the Commission had studied the points submitted by the Pakistan Government. He felt that the written record should be studied because oral recitations were insufficient. Mr. LOZANO asked whether the answers were requested in writing. Sir MOHAMMAD said that recollection of oral communications were sometimes unreliable.

In conclusion, Mr. LOZANO assured him that the matter would be studied with great care, giving both India and Pakistan ample opportunity to obtain clarification of the points embodied in the resolution submitted for their consideration by the Commission last Saturday.

The meeting rose at 10:30 a.m.

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(S/AC.12/45, 21 August 1948)

NOTES ON THE MEETING IN THE OFFICE OF THE
PRIME MINISTER OF INDIA ON SATURDAY, 14 AUGUST 1948

At 6.00 p.m. on Saturday, 14 August, the Honorable Pandit Jawaharlal Nehru, the Prime Minister, received the Commission in his office at Government House. The following were present: the Prime Minister, Mr. Ayyangar, Sir Girja Bajpai, Mr. Vellodi, Mr. Korbelt, Mr. Graeffe, Mr. Huddle, Mr. Leguizamon, Mr. Samper, Mr. Colban and Mr. Kunst.

Before the resolution on the cease-fire was handed to the Prime Minister, Mr. Korbelt stated that while drafting the resolution, the Commission gave a very careful consideration to all the observations made by the representatives of the respective Governments. The Commission, said Mr. Korbelt, carefully weighed every word or phrase before approving its final formulation so that the resolution is the result of a most meticulous consideration of the problem. The Commission hoped that the resolution would be acceptable to both Governments and that it would bring the desired cessation of hostilities.

Mr. Korbelt asked the Prime Minister to give his Government's reply to the resolution at the earliest convenience. He realized that the resolution required an equally careful consideration on the part of the Indian Government as it did on the part of the Commission. He did not wish to press for speed, but mentioned that prompt answer would be gratefully appreciated.

The Prime Minister skimmed the resolution and handed it over to Mr. Ayyangar and subsequently to Sir Girja. He assured the Commission that he would give the Government's answer as soon as possible, but considering the pressure of work and the forthcoming celebrations for the Independence Day, he could not state a definite date. The resolution appeared to the Prime Minister the result of very careful wording and would have to be read with due care on the part of the Government. Mr. Ayyangar shared the Prime Minister's opinion and said that he would refrain from any comments impromptu but would like to give due consideration to such an important document.

The Commission took leave from the Prime Minister and the representatives of the Indian Government at 6.30 p.m.

(S/AC.12/46, 21 August 1948)

SUMMARY OF MEETING HELD BETWEEN REPRESENTATIVES OF THE
COMMISSION AND OF THE GOVERNMENT OF INDIA TO DISCUSS
THE COMMISSION'S RESOLUTION OF 13 AUGUST,
3:00 P.M., 17 AUGUST 1948

Present:

Government of India: Prime Minister Nehru
Sir Girja Bajpai
Mr. Ayyangar
Mr. Pai
Mr. Vellodi

Members of the Commission:

Mr. Leguizamon (Argentina)
Mr. Graeffe (Belgium)
Mr. Samper (Colombia)
Mr. Korbelt (Czechoslovakia)
Mr. Huddle (United States)
Mr. Adams (United States)

Pandit NEHRU opened the discussion by stating that the Government of India had very carefully examined the resolution presented by the Commission and that it had requested this meeting with the representatives of the Commission in order to clarify certain of the provisions of the resolution. He commented that the Government of India was sincerely anxious to effect a peaceful settlement of its dispute with the Government of Pakistan over Kashmir. It was important, however, that various steps toward such a solution be examined carefully, inasmuch as the taking of an initial step which was not a solid one might cause a further deterioration of the situation rather than contribute to its solution.

Turning to the resolution itself, Pandit NEHRU said that he intended to comment only on the major points. Under Part I he inquired with reference to paragraph A, at what point the four days mentioned therein began. In reply, Ambassador KORBEL (Czechoslovakia) explained that it was the intent of this paragraph to provide that agreement as to the date when the cease-fire would begin would be determined within four days after acceptance of the proposals by both Governments, and that the four-day period began immediately upon such acceptance.

Turning to paragraph C, Pandit NEHRU inquired as to the exact meaning of "local changes in present dispositions". In reply, Mr. KORBEL (Czechoslovakia) explained that these were changes which the commands of both sides would agree were essential to facilitating a cease-fire. The two

commands, he said, would agree on such changes, the cease-fire would then be issued, and then the changes would be carried out. He emphasized that changes would be effective only if agreed upon by the two commands and that if no agreement were reached, the forces would stand on their present lines. Pandit NEHRU then inquired if the truce line would be the same as the cease-fire line, to which Mr. KORBEL replied in the affirmative. The PRIME MINISTER then remarked that, before an effective truce could be arranged, it would be necessary that a fairly precise line be worked out. He explained that there were several pockets in which at present there were no military forces. Some of these, he stated, Indian forces could occupy at will, but at present they were unoccupied. In such case, he inquired, what would the line be and who is to determine the line? Mr. KORBEL replied that the Commission had endeavoured to avoid going into military details and had endeavoured to limit itself to matters of political importance. At this point, Mr. GRAEFFE (Belgium) explained that it was the Commission's intent that the cease-fire line would be along the lines occupied by the respective forces and that any no-man's land which existed would remain.

The PRIME MINISTER digressed at this point to comment on the possible legal implications of accepting a cease-fire along present lines. He wondered if a certain legality would not be accorded to the presence of Pakistan troops in Kashmir by an acceptance of the proposition that the cease-fire be effective along the present lines. India, he said, maintains that it is legally in Kashmir, and though this may be contested by Pakistan, one thing is certain, and that is that the territory does not belong to Pakistan, and therefore that her troops are illegally in that State. In reply, Mr. KORBEL (Czechoslovakia) said that the document had to be considered as an entity, and that Part II with its provision of the withdrawal of Pakistan troops should be considered along with Part I. He doubted that the Government of India was thereby in any way recognizing the legality of the presence of Pakistan troops in Kashmir. The Prime Minister observed that even so, it accorded a validity to the presence of those troops from the point of view of a truce, that is, from a military sense.

Returning to the idea that certain pockets would exist if present lines were accepted, the PRIME MINISTER recalled that the representatives of India had at an early meeting of the Commission in Delhi suggested a precise line along which a cease-fire should be effected. He believed that in the absence of such a definition, it could be anticipated that events would take place in those pocket areas which would be denied and that much difficulty would be created thereby.

A second consideration which bothered the Government of India with reference to the fixing of a cease-fire line along the present lines was that these lines ran very near to the Pakistan frontier and that in a short time varying from one-half to two hours, the tribesmen or the Pakistan Army itself could overrun the positions held by garrisons

left by the Indian Army, and that a situation might be created worse than that of last October. He contended that India needed to have certain strategic points for defense against sudden attack. Mr. KORBEL (Czechoslovakia) replied that the Commission had been quite aware of this danger, but that it had tried to strike a military balance. The Commission, he said, felt that if the two Governments could be brought together this danger of a sudden incursion would be removed. Moreover, he pointed out that limited Government of India forces would remain and that on the other side only the Azad people would remain in their present positions. Should the eventuality envisaged by the Prime Minister occur, the whole weight of the United Nations would be turned against Pakistan.

While agreeing that this might be so, the PRIME MINISTER remarked that, should such an incursion take place, it would take another eight months to rectify the situation. He further remarked that he did not believe Pakistan could consider itself threatened by the presence of Indian troops in Kashmir. If the Government of India were of evil intent, he said, its forces would attack Pakistan directly and not via Kashmir and Gilgit. On the other hand, he thought Kashmir was directly threatened by the presence of Pakistan troops in that State. He concluded his comments on this subject by stating that in order to ensure the security of Kashmir, there must be no possibility of a sudden incursion such as had previously occurred.

In replying, Mr. KORBEL (Czechoslovakia) stated that the Commission fully recognized the concern of the Government of India for security, but commented that in all frankness he had to tell the Prime Minister that the Pakistan Government was equally fearful of invasion by the Indian forces. The Commission, he said, could not assure either country on this question of security. The present document, he said, was a first step in this direction. If the Commission could succeed in obtaining the withdrawal of Pakistan troops, it would have the obligation while present on the sub-continent of watching over Pakistan. Once the Kashmir problem had been satisfactorily settled, it would then be the duty and right of the Government of India, should the State finally be placed under the sovereignty of that country to take all necessary measures for the security of that area.

The PRIME MINISTER reiterated his fears of possible infiltration with or without the knowledge of the Government of Pakistan and mentioned the strategic points previously enumerated to the Commission which the Government of India considered that its forces must hold in order to ensure the security of Kashmir. In particular, he mentioned Domel, remarking that, if the Government of India forces held that point, a natural boundary between the two would be established along the line of the river, and that Pakistan would, in no sense, be threatened through the occupation of this point by the forces of the Government of India inasmuch as Pakistan was from 22 to 26 miles away.

Mr. KORBEL (Czechoslovakia) commented that such a readjustment of the front line went beyond the cease-fire and said frankly that the Commission, after giving careful consideration to the Indian point of view in this respect, had not been able to accept this view. However, such a readjustment should not be ruled out if the respective Commanders-in-Chief agreed to make such a change. He emphasized again that the success of the resolution depended on the existence of good will between the parties, to which the PRIME MINISTER replied that the Commission had here to deal with a hysterical and neurotic state of mind.

At this point, the representative of the United States remarked that the Commission had come here with an open mind and that after being out here a short time had become confirmed in its belief that it could not impose any conditions on the parties. The Commission was simply an intermediary and as such it had endeavoured to ascertain the feelings of the two parties. The Commission has concluded, he said, that both parties genuinely wanted an agreement. The Commission had been careful to avoid dicta and in some quarters had been criticized for not taking a stronger position. The Commission, he said, had given consideration to the military considerations involved. The present draft was a compromise, but the Commission believed that its acceptance by the two parties would provide a basis for a common discussion. The Commission, moreover, had reason to believe that if the resolution were agreed to, incursions such as were feared by the Government of India would not happen. The resolution, he said, was so worded as to avoid sudden or abrupt changes in the military situation which would leave a possibility for attack.

Mr. HUDDLE (United States) then referred to a recent article in the London Times which, with reference to the destruction of a water works in Jerusalem, had criticized the Security Council for assuming unto itself certain powers - in this case the giving of guaranty to either side - which it did not possess. The United Nations, Mr. HUDDLE concluded, had no power to back up guaranties of this sort and consequently the Commission in the present instance was working entirely on a basis of securing agreement between the parties. The Commission, he felt, believed that it had "down to earth" proposals and that it was not dealing in theory. The representative of Belgium corroborated this view, saying that he believed that in this resolution the parties had a basis on which the edifice of a final solution could be built.

Turning to Part II, PANDIT NEHRU inquired whether the principles elaborated therein were considered to be final or whether they might be subject to change on the basis of the comments which either party wished to advance. In reply, Mr. KORBEL (Czechoslovakia) explained that the Commission was glad to provide any explanations of the text, but that as worded the preamble meant that the

Commission wished both parties to accept Part II in principle, following which the details could be worked out. The Commission, he said, had hoped four weeks ago that an unconditional cease-fire could be worked out, but that in response to the Government of India's request, the Commission had drafted proposals coupling the cease-fire with certain conditions. The conditions finally proposed were such as the Commission thought just and which could be defended before the Security Council.

The PRIME MINISTER inquired again if the principles as elaborated represented the Commission's final decision; or whether it was open to the Government of India to put forward ideas for changes. In reply, Mr. KORBEL (Czechoslovakia) stated that, in the Commission's opinion, no possibility for discussion should be excluded, but that the draft was not open to change as a result of bilateral discussions.

Remarking that this answer limited the scope of discussions very greatly, the PRIME MINISTER proceeded to comment on various other proposals under Part II, feeling that the Commission might like to have the Government of India's views thereon. The formulation of paragraph A 1, he said, constitutes "rather a feeble and complicated way of saying something very simple". On this same point, Mr. AYYANGAR said that the Government of India readily accepted the principle that Pakistan troops should be withdrawn, but that it was not in accordance with the reasons given in support of this principle. Mr. KORBEL (Czechoslovakia) then pointed out that the Prime Minister himself said that the Government of India was not concerned with humiliating Pakistan but wished to effect the withdrawal of Pakistan troops. Point A 1, he said, secures this result. The Commission, he said, did not wish to concern itself with the juridical questions involved but on this point had followed the line adopted in the Security Council resolution of 21 April.

Turning next to Point 3 under Section A, the PRIME MINISTER inquired if this wording envisaged any change in the status of the territory, or whether it recognized the jurisdiction of the Government of Jammu and Kashmir over that territory. Mr. KORBEL (Czechoslovakia) remarked that this point incorporated the suggestion which the Prime Minister himself had advanced and that the phrase "pending a final solution" was intended to recognize the temporary nature of the administration by local authorities. Sovereignty over this territory has not been changed.

Asked by the Prime Minister if the Commission would function as a representative of the State authorities, Mr. KORBEL (Czechoslovakia) replied that he did not know if the Commission were competent to do this. The PRIME MINISTER appeared to accept this interpretation and commented that in practice the Kashmir authorities would not interfere with the administration of the area. He pointed out, however, that no local administration at present

existed and would have to be created. The area, he said, was presently occupied by people one hundred per cent sympathetic to Pakistan as a result of non-Muslims having been driven out or killed. He wondered how it would be possible for the Commission to distinguish raiders from the local population and remarked that it was his understanding that all revenue and other records had been burned and that Pakistan nationals would remain out of uniform, making it difficult for the Commission to select people truly representative of the local population. To this Mr. KORBEL remarked that the Commission was aware of its inability to control fully the administration of the evacuated territory and, therefore, intentionally used the expression "surveillance".

Turning next to Section B, the PRIME MINISTER felt that it was faulty in requiring the simultaneous withdrawal of the two armies inasmuch as the Pakistan army was there illegally. In reply, Mr. KORBEL (Czechoslovakia) explained that, as drafted, this provision provided not for the simultaneous withdrawal of the two armies, but rather that the Indian forces would begin withdrawal after being advised by the Commission that Pakistan forces had begun withdrawal. This requirement that Indian troops begin their withdrawal before Pakistan forces had completed their withdrawal from the State, he said, was arrived at to meet Pakistan fears of an attack by Indian forces and to make it easier for Pakistan to accept the withdrawal of their troops. Mr. HUDDLE (United States) reiterated that the Commission had not wished to impose any abrupt changes under which the security of either party would be threatened. He believed acceptance of this provision would provide an earnest of the good faith of the two parties.

With reference to Point 2 under Section B, Pandit NEHRU remarked that it would be necessary for India to retain troops in Kashmir for defensive purposes as well as for the maintenance of law and order. He recalled that this same issue had been raised in the Security Council and that the Government of India must have sufficient troops to protect the territory against external attack. Mr. KORBEL (Czechoslovakia) commented that in his understanding the phrase "law and order" could be interpreted to include maintenance of adequate defense inasmuch as this was essential to law and order.

Commenting on Point 3, the PRIME MINISTER criticized what he considered the unilateral nature of the request made therein on the Government of India and the Government of the State of Jammu and Kashmir. He wondered whether a similar proclamation should not be required of the Government of Pakistan with reference to territory evacuated by Pakistan troops. In reply, Mr. KORBEL (Czechoslovakia) commented first that he did not think

this provision demanded the guaranty of any new rights, and with respect to the Prime Minister's remark, said that he thought the Government of India would have severely criticized the Commission had it asked Pakistan to assume any responsibility with reference to the State of Jammu and Kashmir.

In response to the Prime Minister's inquiry as to how long the truce would last, Mr. KORBEL (Czechoslovakia) replied that it was intended to be effective until a final solution had been reached, but thought that this was a point which could be discussed by the two parties.

Turning finally to Part III, the PRIME MINISTER inquired if the Commission had any ideas as to the general lines which a final solution might take. To this, Mr. KORBEL (Czechoslovakia) replied that the Commission had no right to submit a solution to which the parties were not agreed. He said that the Commission believed it possible that a solution different than that envisaged in the Security Council resolution might be worked out and that the Commission would be quite willing to help in this respect. However, if no agreement could be reached, the Commission, he believed, would have to fall back on its instruction from the Security Council.

Thanking the Commission members for their explanations of the resolution, the PRIME MINISTER stated that he expected to be able on the following day to inform the Commission as to the day on which it could expect a final answer from the Government of India. Before such an answer could be arrived at, he said, it will be necessary to consult the cabinet, as well as the representatives of the Government of Kashmir. Mr. KORBEL (Czechoslovakia) thanked the Prime Minister for the opportunity to discuss the resolution with him and appealed to him to give careful consideration to the resolution before the answer is decided. He reminded him of the value of peace if the answer is positive and the grave dangers in case of a negative answer.

The meeting rose at 5:30 p.m.

ANNEX 13 (Para. 31)

(S/AC/12/1 Corr 1, 16 June 1948)

LETTER FROM THE PRESIDENT OF THE SECURITY COUNCIL TO THE
CHAIRMAN OF THE SECURITY COUNCIL COMMISSION OF MEDIATION ON
THE INDIA-PAKISTAN QUESTION

9 June 1948

Sir,

I have the honour to transmit the following documents
for the consideration of the Commission of Mediation:

1. Letter dated 5 June 1948 from the representative
of India to the United Nations, forwarding a
message from the Prime Minister and Minister
for External Affairs of India.
2. Verbatim record of the three hundred and
fifteenth meeting of the Security Council, at
which the above letter was discussed.
3. Reply to the Prime Minister and Minister for
External Affairs of India, dated 9 June 1948.

In accordance with the views expressed at the three
hundred and fifteenth meeting of the Security Council, I
should be grateful if the Commission of Mediation would
communicate directly with the Prime Minister and Minister
for External Affairs of India, as regards his request
for advance information on the point or points on which the
Commission wish to confer with the Indian Government.

I have the honour to be, etc.

/s/ FARIS EL-KHOURI

Faris El-Khouri
President of the Security Council

Chairman of the Security Council Commission of Mediation
on the India-Pakistan Question
United Nations,
Palais des Nations,
Geneva, Switzerland.

Annex 14 (Para.31)

(S/AC.12/2, 16 June 1948)

LETTER FROM THE PRESIDENT OF THE SECURITY COUNCIL TO THE
PRIME MINISTER AND MINISTER FOR EXTERNAL AFFAIRS OF INDIA

9 June 1948

Sir,

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 three hundred and fifteenth 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 of the Foreign Minister of Pakistan dated 15 January 1948, 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 of the Foreign Minister of Pakistan dated 15 January 1948.

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 point 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.

I have the honour to be, etc.

/s/ FARIS EL-KHOURI

Faris El-Khoury
President of the Security Council

Pandit Jawaharlal Nehru, Prime Minister and
Minister for External Affairs,
Government of India,
New Delhi, 3,
India.

(S/825, 7 June 1948)

LETTER DATED 5 JUNE 1948 FROM THE REPRESENTATIVE OF INDIA
TO THE PRESIDENT OF THE SECURITY COUNCIL TRANSMITTING A
COMMUNICATION FROM THE PRIME MINISTER AND MINISTER FOR
EXTERNAL AFFAIRS OF THE GOVERNMENT OF INDIA

I am directed to communicate to you the following
message from Pandit Jawaharlal Nehru, Prime Minister and
Minister for External Affairs, Government of India:

"1. The Government of India have just seen the text of the resolution on the Indo-Pakistan dispute adopted by the Security Council on 3rd June 1948. The resolution directs the U.N. Commission appointed under Council resolution of 21st April 1948 "further to study and report to the Security Council, when it considers a appropriate, on the matters raised in the letter of the Foreign Minister of Pakistan dated 15th 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 report 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. Vallodi on their behalf on 7th May 1948, the Government of India reaffirmed their objections to the resolution adopted by the Security Council on 21st April with regard to Kashmir and pointed out that, if in spite of these objections, the Council should decide to send out the Commission set up under that resolution, the Government of India 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 for
External Affairs, India."

(signed) (P.P. PILLAI)

Representative of India to the
United Nations.

(S/AC.12/4/Rev.1, 18 June 1948)

RULES OF PROCEDURE FOR THE
UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

(Adopted at the Fourth Meeting of the Commission,
Held on 18 June 1948 in Geneva, and amended at
the Eleventh Meeting on 3 July 1948).

I. MEETINGS

Rule 1

Meetings of the United Nations Commission for India and Pakistan (hereinafter called "the Commission") shall be held as occasion may require by decision of the Commission, or its Chairman, or at the request of the Security Council, or of a representative on the Commission.

Rule 2

The date and place of each meeting, if not decided on at a previous meeting of the Commission, shall be notified by the Secretariat to the representatives of the Commission whenever possible not less than twenty-four hours in advance.

II. AGENDA

Rule 3

The provisional agenda for each meeting of the Commission shall be drawn up by the Secretariat in consultation with the Chairman and shall be communicated to the representatives on the Commission, when practicable in advance of the scheduled meetings.

Rule 4

The provisional agenda shall include:

1. items proposed by the Commission at a previous meeting;
2. items proposed by any member of the Commission;
3. items proposed by the Security Council;
4. items proposed by a subcommission of the Commission;
5. all items, communications, or reports which the Chairman or the Secretariat may deem necessary to put before the Commission.

Rule 5

The first item on the provisional agenda of any meeting of the Commission shall be the adoption of the agenda.

III. REPRESENTATIVES

Rule 6

Each representative on the Commission may be accompanied by alternative representatives, advisers, and secretaries.

Rule 7

An alternate representative or adviser may act as a representative upon designation by the representative.

Rule 8

The credentials of representatives and the names of alternate representatives, advisers, and secretaries, shall be transmitted to the Secretariat of the United Nations as early as possible. The credentials shall be issued either by the Head of the State or Government, by the Minister for Foreign Affairs, or the Chief Representative to the United Nations. The credentials shall be examined by the Secretariat, which shall submit a report thereon to the Commission.

IV. OFFICERS

Rule 9

The Commission shall elect from among its representatives its Chairman, Vice-Chairman, and Rapporteur.

The Chairmanship of the Commission shall be assumed immediately after adoption of the Rules of Procedure by the representative of the member delegation first in the English alphabetical order; and the Vice-Chairman shall be the representative of the delegation next in the English alphabetical order;

The Chairman shall hold office for a period of three weeks and shall be succeeded by the Vice-Chairman, at which time the representative of the delegation next in the English alphabetical order shall become Vice-Chairman;

This procedure shall be successively and automatically followed during the lifetime of the Commission, with succession of the first delegation after the last in the English alphabetical order has served.

Rule 10

The Chairman shall declare the opening and closing of each meeting of the Commission, shall direct its discussions, insure observance of these Rules, accord the right to speak, put questions, and announce decisions. He shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings of the Commission and over the maintenance of order at its meetings.

Rule 11

If the Chairman finds it necessary to be absent during one or several meetings or a part of a meeting, the Vice-Chairman shall take his place.

V. SECRETARIAT

Rule 12

The Secretary-General shall act in that capacity in all meetings of the Commission and such subsidiary bodies as it may establish. He may designate a member of the staff to act in his place at these meetings.

Rule 13

The Secretary-General shall provide and direct the staff required by the Commission and such subsidiary bodies as it may establish.

Rule 14

The Secretariat shall receive, translate, and distribute the documents of the Commission and its subsidiary bodies; prepare working papers; interpret speeches made at the meetings; prepare and circulate the records of the meetings; have the custody and proper preservation of the documents; publish the reports of the meetings and generally shall be responsible for all the necessary arrangements for meetings and other activities of the Commission and its subsidiary bodies.

Rule 15

No decision involving expenditures shall be made by the Commission until the Secretariat has had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations.

VI. LANGUAGES, RECORDS

Rule 16

For purposes of expediency, the Commission will conduct its work in English except when French may be required.

Rule 17

Members of the Commission and other persons who may address the Commission in a language other than either of the working languages of the United Nations shall, as a rule, provide their own interpreters. If a person who appears at the instance of the Commission is unable to employ any of the official languages and provide his own interpreter, the Secretariat shall provide for the interpretation.

Rule 18

As a general rule, only summary records of public and private meetings shall, whenever possible, be drawn up, unless the necessity for verbatim records in respect of a specific meeting or part of a meeting is recognized by the Commission, after consultation with the Secretariat. The records shall be made available as soon as possible to the representatives. The representatives shall inform the Secretariat not later than twenty-four hours after receipt of the records, of any

corrections they wish to have made. Each representative shall have the right to annex verbatim or explanatory statements to the summary record.

Rule 19

The summary records in which no corrections have been requested or which have been corrected in accordance with Rule 18, shall be considered as the official records of the Commission.

VII. PUBLIC AND PRIVATE MEETINGS

Rule 20

Meetings of the Commission and its subsidiary bodies shall be held in public, unless the Commission or the subsidiary body decides otherwise.

Rule 21

Official press communiqués shall be previously approved by the Chairman of the Commission. Press releases, and verbal briefings may be issued by the Secretariat, unless instructions to the contrary are given by the Commission.

VIII. CONDUCT OF BUSINESS

Rule 22

A majority of the members of the Commission shall constitute a quorum.

Rule 23

No representative may address the Commission without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 24

The Chairman or the Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by the subsidiary body.

Rule 25

The Secretary-General or a member of the Secretariat delegated by him may make to the Commission or any of its subsidiary bodies any oral or written statement which he Secretary-General considers desirable.

Rule 26

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the Chairman in accordance with the

Rules of Procedure. A representative may appeal against the ruling of the Chairman. The appeal shall immediately be put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting.

Rule 27

The Commission may limit the time to be allowed to each speaker.

Rule 28

During the course of a debate the Chairman may announce the list of speakers, and, with the consent of the Commission, declare the list closed. He may, however, accord the right of reply to any member if a speech delivered after he has declared the list closed makes this desirable.

Rule 29

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. Permission to speak on the adjournment of the debate shall be accorded to the proposer of the motion and one member opposing the motion, after which the motion shall be immediately put to the vote.

Rule 30

A representative may at any time move the closure of the debate on the item under discussion whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to one speaker opposing the closure, after which the motion shall be immediately put to the vote. If the Commission is in favour of the closure the Chairman shall declare the closure of the debate.

Rule 31

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motion shall be immediately put to the vote.

Rule 32

Subject to Rule 26, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) to suspend the meeting;
- (b) adjourn the meeting;
- (c) to adjourn the debate on the item under discussion;
- (d) for the closure of the debate on the item under discussion.

Rule 33

Subject to Rule 32, any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Rule 34

Proposals and amendments should normally be introduced in writing and handed to the Secretariat, which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

Rule 35

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Rule 36

When a motion has been adopted or rejected it may not be reconsidered at the same meeting unless the Commission, by the majority vote, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

IX. VOTING

Rule 37

Each member of the Commission shall have one vote.

Rule 38

Excepting cases provided for in Rule 26, decisions in the Commission shall be taken by a majority of not less than three concurring votes of members present and voting.

Rule 39

For the purposes of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Rule 40

The Commission shall normally vote by show of hands, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the Members. The name of each Member shall be called in

any roll-call and he shall reply "Yes", "No", or "Abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the Members.

Rule 41

After the Chairman has announced the beginning of voting, no representative shall interrupt the vote except on a point of order in connection with the actual conduct of the voting. Explanations of their votes by members may, however, be permitted by the Chairman either before or after the voting.

Rule 42

Parts of a motion or draft resolution shall be voted on separately if a representative so requests. The resulting motion or draft resolution shall then be put to the vote in its entirety.

Rule 43

When an amendment is moved to a motion or draft resolution, the amendment shall be voted on first. When two or more amendments are moved to a motion or draft resolution, the Commission shall first vote on the amendment furthest removed in substance from the original motion or draft resolution and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. If one or more amendments are adopted, the amended motion or draft resolution shall then be voted upon. A motion is considered an amendment if it merely adds to, deletes from, or revises part of a motion or draft resolution.

Rule 44

If two or more motions or draft resolutions relate to the same question, the Commission shall, unless it decides otherwise, vote on the motion or draft resolution in the order in which they have been submitted. The Commission may, after each vote on a motion or draft resolution, decide whether to vote on the next motion or draft resolution.

Rule 45

If, when only one person or member is to be elected, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If, in the second ballot, the votes are equally divided, and a majority is required, the Chairman shall decide between the candidates by drawing lots.

Rule 46

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

SUBSIDIARY BODIES

Rule 47

The Commission may set up such subcommissions and other subsidiary bodies as it deems necessary and define their composition and their functions.

Rule 48

Unless otherwise decided by the Commission, each subcommission and other subsidiary body shall elect its own officers.

Rule 49

The rules of procedure of the Commission shall apply to the proceedings of the subcommissions and other subsidiary bodies insofar as they are applicable.

XI. ORAL AND WRITTEN STATEMENTS

Rule 50

The Commission may at its discretion invite or admit representatives of Governments or organizations or private individuals to submit oral or written statements. Requests for oral hearings shall contain an indication of the subject or subjects on which the applicant desires to express his views.

Rule 51

The Commission may refer to a subcommission for examination and recommendation such requests to present oral statements as it deems advisable.

Rule 52

The Commission, in consultation with the Secretariat, shall in each case decide the time and place of the hearing of any person from whom it may decide to receive an oral statement. The Commission may request any person to submit his statement in writing.

Rule 53

The Commission may limit either the number of persons desiring to present an oral statement or the time to be allowed to any such person.

Rule 54

A subcommittee or a subsidiary body set up by the Commission enjoys such rights as accorded to the Commission under Rules 50-54 unless the Commission decides otherwise.

XII. AMENDMENTS AND SUSPENSIONS

Rule 55

These rules of procedure may be amended or suspended by decision of the Commission taken by a majority of the members present and voting.

ANNEX 17 (Para 36)
(S/AC.12/10, 22 June 1948)

LETTER FROM THE CHAIRMAN OF THE SECURITY COUNCIL
COMMISSION FOR INDIA AND PAKISTAN TO THE
PRIME MINISTER AND MINISTER FOR EXTERNAL
AFFAIRS OF THE GOVERNMENT OF INDIA

22 June 1948

Sir:

I have the honour to refer to your message which was presented to the President of the Security Council on 5 June 1948 and to the President's reply of 9 June 1948 with particular reference to your request for information on the point or points on which the Commission for India and Pakistan wishes to confer with your Government.

The Commission is proceeding to the Indian sub-continent with the most sincere desire to be of real service to your own as well as to the Pakistan Government for the settlement of the situation in the State of Jammu and Kashmir. With regard to its further dispositions, the Commission has reserved its decision.

On behalf of the Commission, I wish to repeat the assurance given to you by the President of the Security Council that the Commission's only consideration will be the achievement of a peaceful settlement and the promotion of friendly relations between the Governments of India and Pakistan.

The Commission is confident that it will receive your Government's cordial cooperation and assistance,

I have the honour to be, etc..

/s/ RICARDO J. SIRI

Ricardo J. Siri
Chairman of the Security Council
Commission for India and Pakistan

(S/AC/.12/13, 28 June 1948)

CABLEGRAM FROM THE PRIME MINISTER AND MINISTER FOR
EXTERNAL AFFAIRS OF THE GOVERNMENT OF INDIA TO THE
CHAIRMAN OF THE SECURITY COUNCIL COMMISSION FOR
INDIA AND PAKISTAN DATED 26 JUNE 1948

Sir:

I have received your excellency's three telegrams dated 22 June 1948.

My Government note that the Commission is coming to the Indian subcontinent with the most sincere desire to be of real service to them as well as to the Pakistan Government for the settlement of situation in Jammu and Kashmir and that, as regards its further dispositions, the Commission has reserved its decision. As was stated in my telegram to the President of the Security Council, the Government of India will be glad to confer with the Commission when it arrives in Delhi. We shall also give what assistance we can to the Commission's representative in securing residential and office accommodation for the Commission and its staff. We have not yet been told, however, what points the Commission would wish to discuss with us and should be glad if this information could be supplied urgently.

As regards the Commission's request that my Government nominate a liaison representative in terms of paragraph sixteen of the Security Council's resolution of 21 April, I wish to inform you that my Government cannot reach any decision on this recommendation of the Council until after they have conferred with the Commission. Arrangements will be made, however, for a senior officer to maintain liaison between the Government of India and the Commission during the latter's stay in New Delhi.

Please accept the assurances of my highest consideration.

Jawaharlal Nehru
Prime Minister and Minister
for External Affairs

ANNEX 19 (para. 36)
(S/AC.12/16, 1 July 1948)

LETTER FROM THE CHAIRMAN OF THE SECURITY COUNCIL
COMMISSION FOR INDIA AND PAKISTAN TO THE
PRIME MINISTER AND MINISTER FOR EXTERNAL
AFFAIRS OF THE GOVERNMENT OF INDIA

1 July 1948

Sir,

I have the honour to acknowledge receipt of your esteemed communication of 26 June 1948 and to express the appreciation of the Security Council Commission for India and Pakistan of the assurances contained therein.

The Commission has observed your desire for information regarding points which it will wish to discuss with you upon its arrival in New Delhi. The Commission is proceeding to India and Pakistan with a view to a peaceful settlement of the situation in the State of Jammu and Kashmir, having reserved a decision regarding its further dispositions.

In the course of its work it desires to confer with your Government regarding the various factors which may affect this situation.

The Commission confidently expects to explore these subjects with your Government and with the Government of Pakistan to a constructive and mutually satisfactory conclusion.

I have the honour to be, etc.

/s/ RICARDO J. SIRI

Ricardo J. Siri
Chairman of the Security Council
Commission for India and Pakistan

LETTER FROM THE "AZAD KASHMIR GOVERNMENT" TO THE
CHAIRMAN OF THE UNITED NATIONS COMMISSION FOR INDIA
AND PAKISTAN

AZAD KASHMIR GOVERNMENT
Headquarters: TRARKHEL
8 July 1948

Sir,

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 Mohammed 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 its point of view before the United Nations. As the Government of Azad Kashmir was, and still is, in control of more than half the area of Jammu and Kashmir, the failure of the Security Council to grant a hearing to the Representative of the 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 discuss with our representatives ways and means to bring to a speedy end this tragic state of affairs.

I would like, in the 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.

2. The Jammu and Kashmir State has an area of 84,471 square miles. Western Pakistan adjoins it on the West, South and South-east, except for a small part of the boundary which is shared with Gurdaspur District of the Indian Union. All the natural outlets of Kashmir pass through Pakistan, with which the majority of the people of Jammu and Kashmir are bound by strong economic, cultural, social and religious ties.

3. For administrative purposes, the State of Jammu and Kashmir is divided into three provinces, namely: the Jammu Province (consisting of Jammu, Kathua, Udhampur, Reasi and Mirpur districts), the Kashmir Province (consisting of Baramulla, Anantnag and Muzaffarabad districts), and the Frontier Province (consisting of the Ladakh and

Astore Districts and Gilgit (leased area). Besides this, there are the Poonch and Chenani "Jagirs", which are sometimes included in Jammu Province for statistical purposes.

At present almost the whole of the Frontier Province, most of Poonch and the districts of Muzaffarabad and Mirpur are under the control of the Azad Kashmir Government. Our forces are battling against overwhelming odds to liberate the remaining areas from the occupation of the Indian invaders.

4. According to the census of 1941, Jammu and Kashmir had a total population of 4,021,616 consisting of 3,101,247 Muslims and 920,369 non-Muslims. In other words, in 1941 Muslims constituted 77.11% of the total population of Jammu and Kashmir. They had a clear majority in every province of the State, ranging from a little over 60% in Jammu Province to over 93% in the Kashmir Province. On the other hand, the Hindus (including the scheduled castes) constituted a little over 20% and the Sikhs 1.64% of the total population of Jammu and Kashmir.

It would be reasonable to assume that there was no marked change in the communal composition of the population until August 1947, when the Maharaja of Kashmir embarked on the extermination and forcible expulsion of a large number of his Muslim subjects.

5. I do not propose to trouble the Commission with the history of the Dogra regime in Jammu and Kashmir, and of the repeated efforts of its people to overthrow their tyrannical rulers. As is well known Kashmir was sold by the British to an ancestor of the present Maharaja in 1846 for a sum of Rs. 7½ millions, and the Government of the country, ever since then, has been characterised by its autocracy, oppression and religious intolerance. The army and the police enjoyed vast powers and the administration, both Civil and Military was, by and large, in the hands of the Hindus, who also dominated the Court. The mass of the people lived in poverty and misery, and their efforts at emancipation were brutally put down by the Dogra military assisted, at times, as in 1931, by British bayonets.

6. Organised political activity within Jammu and Kashmir had its beginnings in the twenties of this century, and was Muslim in origin. In 1931, it crystallised itself into the Muslim Conference, an organization whose leaders and workers are now either languishing in the jails of Sheikh Abdullah, or are the backbone of the Azad Kashmir Government's movement of liberation. In 1938, when Mr. Gopalaswami Ayyangar (Leader of the Indian Delegation to the Security Council) was the Prime Minister of Kashmir, 7 out of the 20 Members of the Working Committee of the Muslim Conference, with Sheikh Abdullah at their head, founded a separate organization known as the National Conference.

7. Thus there are two principal political parties in Jammu and Kashmir. There is the Muslim Conference, under the able leadership of Chowdhury Ghulam Abbas, which enjoys the support of the vast majority of the Muslims of Jammu and Kashmir. The other is the National Conference led by Sheikh Mohammed Abdullah, who has been a paid agent of the Indian National Congress for many years, and who has been nominated by the Maharaja as Prime Minister of Kashmir at the instance of the Government of India. It is necessary to emphasise this fact, in view of the claims frequently advanced by, and on behalf of, Sheikh Abdullah that he represents the majority of the people of Kashmir. It should be remembered that the only time Sheikh Abdullah's Party was returned to the State Assembly was on the Muslim Conference ticket, and that he has never fought or won any election on the National Conference ticket. His elevation to the post of Prime Minister is due solely to nomination by the Government of India and the Maharaja, and is not the result of a democratic election either by the people or by the State Assembly. The fact that Sheikh Abdullah continues to keep in jail thousands of Muslim Conference leaders and workers, and that he is fighting shy of a fair and impartial plebiscite under the supervision and control of the United Nations, is sufficient to expose the hollowness of his claim to be the representative of the people of Jammu and Kashmir.

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 its police and military, but when these proved insufficient, Indian soldiers in plainclothes and trained Sikh and R.S.S. assassins began to pour into the Jammu Province and Poonch. These developments took place in August 1947, 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 Pakistan borders. 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.

9. The subsequent story is too well-known to be told in detail. While the Kashmir question was being discussed by the Security Council, the Indian Army was engaged in ravaging the fair valleys of Jammu and Kashmir, destroying villages and towns by indiscriminate air bombing, killing and maiming thousands of defenceless men, women and children, and compelling thousands of others to seek refuge in Pakistan. It is impossible to form an accurate estimate of the number of Muslims killed in the fighting, or murdered in cold blood. The figure must run into hundreds of thousands. We know, on the other hand, that the number of Muslim refugees who have poured into Azad Kashmir territory and Pakistan from the areas occupied by the Indian armed forces amount to nearly half a million. The fight, however, goes on, and the people of Kashmir are determined never to lay down their arms until every inch of Kashmir soil is liberated.

10. I went to New York early in January 1948, with the aim and object of placing my country's case before the United Nations. I wrote a number of letters to the President of the Security Council and the Secretary-General of the United Nations, but failed to receive a formal hearing. The Azad Kashmir Government, therefore, do not consider themselves bound by the proceedings of the Security Council, and emphatically repudiate the Security Council's Resolution of 21 April 1948. My Government's objections to this resolution are many, and will be discussed in detail when the Commission visits our country. I might, however, indicate that our main objection is that the resolution utterly fails to provide the conditions under which a fair and impartial plebiscite could be carried out. The detested Indian Army and the fascist Government of Sheikh Abdullah have been left in full control, and the Plebiscite Administrator will be powerless to ensure that people may vote free from harassment and fear of reprisals.

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 Qaid-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 R.S.S. 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% 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 co-operation 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 recognised 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 emphasise 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 it to a course of action without its previous approval.

12. I trust that I have succeeded in giving you and your colleagues a general picture of the developments in our country as they appear to us, and the fundamental basis on which the solution should be sought.

I am to express the hope that the Commission will be able to accept our invitation to visit Azad Kashmir at an early date, and that we shall thus be able to assist in the working out of an honourable and lasting settlement.

I beg to remain, Sir, your most obedient servant,

/s/ Sardar Mohammad Ibrahim Khan
President, Azad Kashmir
Government.

(S/AC.12/INFO.2, 15 July, 1948)

REPORT MADE BY SIR GIRJA BAJPAI, REPRESENTATIVE OF THE INDIAN GOVERNMENT, ON HIS STATEMENT BEFORE THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN AT ITS THIRTEENTH MEETING ON TUESDAY, 13 JULY 1948

Mr. Vellodi and I met the UN Commission yesterday at 4-30 p.m. at Faridkot House. The meeting took place at the Commission's request. Besides the Chairman and Members of the Commission, the alternates, the secretaries and other members of the staff were present.

2. The Chairman, Mr. E. Graeffe, welcomed us on behalf of the Commission and requested me to make a statement on the Kashmir issue. I thanked the Commission for their welcome and expressed the hope that the arrangements that the Government of India had made for their stay in Delhi had proved satisfactory. I added that, though there might be differences between the Council's approach to the Kashmir issue and ours, the Government of India were anxious that the Commission should have all the courtesies and hospitality to which, as representatives of the United Nations, they were entitled.

3. Turning to Kashmir, I said that the point of view of the Government of India had been placed repeatedly, and at length, before the Security Council. I assumed that men of the experience and industry of the members of the Commission had studied the records of the proceedings of the Security Council. Nevertheless, since human memories were apt to be short and, in these dynamic times, apt to be crowded with events, I would readily give the Commission a short resume of the Government of India's case. Before dealing with Kashmir specifically, however, I said that I should like to deal with a delusion, widely held, and a fiction, equally widely believed in Pakistan, that India was determined to destroy Pakistan. This belief had actually been expressed in the form of a charge against the Government of India by the Foreign Minister of Pakistan. Since such propaganda as had been done in support of this belief was likely to influence the thinking of men, it seemed necessary to state the truth. Had India desired to destroy Pakistan, those now in authority in India need have done no more, before Pakistan was created by the Partition of India, than to have opposed partition. Though many in India disliked partition, and disliked it intensely, they had agreed to it in order to bring to India political freedom and the opportunity for her leaders to apply themselves to constructive national tasks. Far from there being any desire to destroy Pakistan, India was most eager to live on terms of friendship and peace with her new neighbor. Indeed, after the experience that we had had of the interim Government, which came into being in September 1946, India's one anxiety was to avoid impeding her own evolution by any kind of union with Pakistan even

if Pakistan desired such union. The Security Council had been informed that we had already paid to Pakistan Rs.75 crores and, in accordance with the terms of the partition, done all that we could to deliver to her what was due in the way of stores, including military stores. This money and the military stores handed over to Pakistan were being used against us in Kashmir. In other words, we had supplied to Pakistan the sinews of war for waging war against us, if Pakistan were so minded. This, indeed, would be a strange means of encompassing Pakistan's destruction! The Commission must, as reasonable men, judge for themselves what truth there was in what I had already described as a delusion and a fiction.

4. I next took up the issue of Kashmir specifically. I said that we had been accused of obtaining the accession of Kashmir by force and fraud. The Commission must be aware that, after the transfer of power to India and Pakistan on the 15th of August, 1947, each Indian State which, previously, had treaty relations with the Crown, became free to accede to India or to Pakistan. Kashmir had approached both us and Pakistan with proposals for a stand-still agreement. Pakistan had entered into such an agreement. Aware of the intricacies of the position of Kashmir, we had not acceded to Kashmir's request for a stand-still agreement. Further, there was no iota of evidence to suggest that, before the invasion of Kashmir by the tribesmen created an unprecedented situation, we had made any attempt to obtain the accession of Kashmir. Where, then, was the evidence in support of the charge that accession had been obtained by fraud? As regards force, the position was that, from September, we had heard of incursions into Jammu and Kashmir State from the Pakistan border. On the 24th October, we received news of the invasion of the Kashmir valley by tribesmen. The facts of this invasion had already been reported to the Security Council and must be known to the members of the Commission. The invasion was one by barbaric hordes who respected neither life nor honour. With them, they brought fire and sword to the inhabitants of the peaceful valley of Kashmir. Faced with this menace to her very existence, the Government of Jammu and Kashmir State, as also the leader of the most representative popular party, the National Conference, appealed to the Government of India for military aid and also asked that the State be allowed to accede to India. Both requests were accepted. The accession took place on the 26th of October; India's troops landed in Kashmir the following morning. As regards the military aid that India rushed to Kashmir, this was not only in discharge of a constitutional obligation which she undertook when she accepted the accession of Kashmir; it was also in response to a moral obligation, namely the obligation of every civilised nation to protect the life, honour and territory of a neighbour which had been suddenly attacked and whose

destiny the perpetrators of this unprovoked aggression sought to determine by methods practised by gangsters. On both sides of the border, communal passions were at fever heat at this time. Those who were attempting to coerce Kashmir into accession to Pakistan were also raising the cry "On to Delhi". Had they succeeded in their aim in Kashmir, India would have been the next victim. India had, therefore, sent her Forces to Kashmir under the triple obligation of a constitutional and a moral duty to a neighbor and friend and the obligation of self-defence. But, though India had accepted the accession of Jammu and Kashmir, she had voluntarily declared to the world that, once peace was restored, the question of accession to India or to Pakistan would be settled by the freely expressed will of the people of the State, by means of a plebiscite under neutral auspices such as those of the United Nations. This offer of a plebiscite had been made, not to please Pakistan but in conformity with the declared policy and principle of the Government of India that, in these democratic days, on vital issues affecting the people of a State, the will of the people should prevail.

5. We had approached the Security Council, at the beginning of the present year, with the request that Pakistan, which was aiding and abetting the raiders who were invading Kashmir, should be asked to withdraw this aid. The forms in which the raiders were being helped had been clearly stated in our complaint. The action that we desired the Council to take, namely to require Pakistan to stop this aid immediately, had been equally clearly stated. In the four months' debate that had followed, the issue raised by us had got lost in a miasma of dialectics. I added that I said this in no spirit of disrespect to the Council but merely stated a fact. In the resolution which the Council had adopted on the 21st of April, there was no mention either of Pakistan's complicity in the fighting in Kashmir or of her obligation to put an end to this complicity immediately. Since the Council passed its resolution a great change had occurred in the situation. Our troops in Kashmir were no longer fighting tribal raiders - their numbers had greatly diminished - or the insurgents who, it was said, had risen in revolt against the Government of the Maharaja in order to win their liberty. Our troops were fighting the regular armed forces of Pakistan on all fronts in and around Jammu and Kashmir State. We had abundant evidence of this. If the Commission so desired, this evidence would be tendered by our Military Advisers. What was in progress today was an undeclared war between India and Pakistan. It was for the Commission to judge whether, in the face of these facts, it was India that could be accused of using force to secure the accession of Jammu and Kashmir or Pakistan.

6. Continuing, I said that I had referred earlier to the moral motive which had inspired us to go to the rescue of Jammu and Kashmir. It was to this, the moral issue, that we attached the highest importance; unfortunately it was the moral issue which the Security Council had ignored. Either our charge of Pakistan's complicity, now complicity in the shape of an undeclared war against us, was true or untrue. If it were untrue, we were prepared to face the obloquy of condemnation of the civilised world. On the other hand, if it were true, then the Council of the United Nations were under an obligation to demand that Pakistan should cease hostilities against us, deny all aid to the raiders and withdraw her own troops as well as the outsiders from the State territory. We had nothing to hide and there was nothing of which we were ashamed, or need be ashamed. But, I repeated, we attached the highest importance to the declaration of Pakistan's guilt and, if this guilt were proved, to Pakistan being directed to do what, seven months ago, we had asked the Council that Pakistan should be asked to do. Until this matter was settled, there could be no question of discussing the details of a plebiscite.

7. Continuing, I reminded the Commission that we had offered a plebiscite on the issue of accession to India or Pakistan, spontaneously and voluntarily. We had made the offer in the hope that the Kashmir issue would be settled peacefully and quickly. This had not happened. The military campaign, with the increasing participation of Pakistan, had assumed greater violence. What began in unprovoked violence continued in mounting violence and, the present prospects were that force alone would decide the issue. If the future of Jammu and Kashmir was to be determined by the arbitrament of the sword, then, without in any way wishing to utter a threat, or use the language of menace, I should like the Commission, as realists, to recognise that the offer of plebiscite could not remain open. If Pakistan wanted a decision by force and that decision went against her, she could not invoke the machinery of the United Nations to obtain what she had failed to secure by her chosen weapon of force. This did not mean that the Government of India would in any way coerce the people of Kashmir. After hostilities had ceased and peace had been restored, the people of Kashmir would be free to determine both the form of their internal Government and the nature of their relations with India, but Pakistan could have no lot or part in this process.

8. Thus I concluded my statement. I offered to answer questions but none were asked. The Chairman thanked me for my clarification of the Government of India's position and asked that Mr. Vellodi and I should meet the Commission again this afternoon at 4.30 p.m.

14.7. 1948.

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(S/AC.12/17, 14 July, 1948) .

RESOLUTION OF THE UNITED NATIONS COMMISSION FOR INDIA AND
PAKISTAN ADOPTED AT THE FIFTEENTH MEETING HELD ON 14 JULY 1948
IN FARIDKOT HOUSE, NEW DELHI

The United Nations Commission for India and Pakistan,

In a spirit of good will and impartiality,

Confident of the desire of the Governments of India
and Pakistan to facilitate in all ways possible its efforts
to bring about a peaceful settlement of the situation in
the State of Jammu and Kashmir, and,

In order that there may be created an atmosphere which
will encourage the cessation of hostilities,

Urges the Governments of India and Pakistan to take
immediately those measures within their power which can
improve the situation and to refrain from making or causing
to be made any statements which might aggravate the
situation.

ANNEX 23 (Para. 46)

(S/AC.12/18, 19 July, 1948)

ANSWER FROM THE PAKISTAN GOVERNMENT TO THE RESOLUTION OF THE
UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN (S/AC.12/17)

New Delhi the 17th July, 1948.

The Chairman,
The United Nations Commission for
India and Pakistan, New Delhi.

Sir,

I have the honour to communicate the
following message from the Government of Pakistan, in
reply to your letter dated 14th July, 1948;

"Government of Pakistan have noted the
Commission's Resolution of July 14th
and wish to assure the Commission that
they are prepared to take all measures
within their power which can improve the
situation and shall continue to refrain
from making or causing to be made any
statements which might aggravate the
situation".

I have the honour to be, etc.

(Signed) M. ISMAIL

M. Ismail
High Commissioner

ANNEX 24 (Para. 46)
(S/AC.12/19, 22 July 1948)

ANSWER FROM THE INDIAN GOVERNMENT TO THE RESOLUTION
OF THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN
(S/AC.12/17)

15th July, 1948

Excellency,

I have the honour to refer to your letter to me dated the 14th July in which you enclosed the text of a resolution adopted by your Commission at its 15th meeting, held on the 14th July, 1948, in Faridkot House, New Delhi.. As desired by Your Excellency, the resolution was submitted to the Honourable Pandit Jawaharlal Nehru, Prime Minister of India and Minister for External Affairs. The Prime Minister desires me to request Your Excellency to convey the following reply to the Commission: -

"I have carefully considered the resolution of the Commission which, in substance, corresponds to a resolution, adopted by the Security Council of the United Nations on the 17th January, 1948, in the course of which the Government of India were asked to take immediately all measures within their power calculated to improve the situation and to refrain from making any statements..... which might aggravate the situation. In my reply to the Council I stated: 'The Government of India have never faltered either in their desire or in their endeavour to improve the situation'. This is still the position of my Government and the Commission may rest assured that, consistently with their rights under international law and the Charter of the United Nations, the Government of India will continue to endeavour to give effect to the Commission's request."

I have the honour to be, etc.

/s/ G. S. BAJPAI

G. S. Bajpai
Secretary General

His Excellency Mr. Egbert Graeffe
Chairman, United Nations Commission
for India and Pakistan, NEW DELHI

ANNEX 25 (Para. 53)

(S/AC.12/23, 23 July 1948)

RESOLUTION OF THE UNITED NATIONS COMMISSION
FOR INDIA AND PAKISTAN ADOPTED AT THE NINETEENTH MEETING HELD
ON 20 JULY 1948 IN FARIDKOT HOUSE, NEW DELHI

The Commission,

Having enquired of the Governments of India and Pakistan as to the possibility of a cease-fire agreement in the State of Jammu and Kashmir,

And expecting their respective answers asks the Secretary General to appoint and send if possible at once a high-ranking officer to act as military adviser to the Commission and further to appoint officers and necessary personnel who would be ready to travel to the Indian Sub-continent at a moment's notice in order to supervise the cease-fire if and when it is reached.

The Commission asks the Secretary General to inform the President of the Security Council of this request.

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(S/AC.12/44, 21 August 1948)

LETTER FROM THE MINISTER OF FOREIGN AFFAIRS AND
COMMONWEALTH RELATIONS OF PAKISTAN TO THE CHAIRMAN
OF THE COMMISSION

19 August 1948.

Sir,

I have the honour to refer to your letter of 13th August, forwarding the Resolution adopted by the United Nations Commission at its thirty-ninth meeting and stating that this Resolution is intended to present the principles which may serve as a basis of discussion. At our informal meeting on 14th 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 "cease-fire". As the Commission is aware, the Pakistan Representatives, in their discussions with the Commission during its stay in Karachi from July 31st to August 13th, put forward the view that the proposals regarding "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 inter-linked with the final solution of the Kashmir question that it is impossible to separate the one from the other. This was fully recognised by the Members of the Security Council who sponsored the Resolution of 21st 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 "cease-fire" until a final solution of the whole problem can be agreed upon.

I have the honour to be, etc.

/s/ ZAFRULLA KHAN

(ZAFRULLA KHAN)

His Excellency Dr. Alfredo Lozano,
Chairman,
U.N. Commission for India and Pakistan,
KARACHI

Attachments: Appendix I

A P P E N D I X I

MEMORANDUM REGARDING POINTS IN THE U.N.
COMMISSION'S RESOLUTION OF 13TH AUGUST
1948 REQUIRING FURTHER ELUCIDATION

PRELIMINARY

1. It has been explained to the Commission that it is only the Azad Kashmir Government that can authorise 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 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 dated the 21st April 1948 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 the holding of a plebiscite by the two Governments, acting in co-operation 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 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 postings of these observers will, no doubt, be at the discretion of the Commission. The Pakistan Government wish to be certain that the Commission are 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 COMMISSION'S RESOLUTION

1. 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 recognised 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 21st 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 of the Sikh and R.S.S. 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 sympathisers 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 proposed 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 R.S.S. volunteer bands have entered the State since the 15th August 1947, and have been operating in the areas occupied by the Indian Armed Forces, committing all kinds of atrocities upon and terrorising 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 that 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 predominately 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 synchronised and simultaneous withdrawal of the Pakistan 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 21st 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 Article 5 of the Security Council's Resolution of 21st April, 1948.

13. The Security Council's Resolution of April 21st, 1948, sets out in Articles 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 15th 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 21st 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 reconstituted so as to ensure that the major political groups in the State would share "equitably and fully in the conduct of the administration at ministerial level" (Article 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 (Articles 7, 8 and 9).

(c) The appointment of Special Magistrates to deal with certain types of cases (Article 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 FROM THE CHAIRMAN OF THE COMMISSION IN REPLY TO
LETTER AND MEMORANDUM FROM THE GOVERNMENT OF PAKISTAN
DATED 19 AUGUST 1948 (document S/AC.12/44)

27 August 1948

Sir,

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, meets your request 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. Dr. Lozano, Vice-Chairman of the Commission traveled 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 a 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.

I have the honour to be, etc.

/s/ JOSEF KORBEL
Chairman

The Hon'ble Sir Mohammad Zafrulla Khan,
Minister for Foreign Affairs and
Commonwealth Relations,
Government of Pakistan,
Karachi.

APPENDIX 1

REPLY OF THE UNITED NATIONS COMMISSION FOR INDIA & PAKISTAN
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 Dr. Alfredo Lozano and Sir Mohammed 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 over-all 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 Pakistan 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 are 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 are bound to assist local authorities in maintaining law and order in areas now occupied by Indian troops; further, the Government of India undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within their 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 their 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, agree to begin to withdraw the bulk of their forces from the State in stages to be agreed upon with the Commission.

Synchronisation 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 of 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 related 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 FROM THE REPRESENTATIVE OF INDIA
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL DATED
1 JANUARY 1948.

Sir,

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

Begins:

"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 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 the 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 round them and burnt the

power house at Mahora, 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 Baramula. Beyond Baramula 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 on 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 organization in Kashmir, the National Conference headed by Sheikh Mohamed 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 recognized 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 Pakistan 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 Pakistan 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 Northwest 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 Pakistan 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 soliders 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;
- 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 Pakistan nationals including Pakistan Government personnel, both military and civil. This attitude is not only unneutral, 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 Pakistan nationals to desist from taking any part in the 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." Ends.

I am, Sir

Your obedient Servant,

(P.P. Pillai)

Representative of India
to the United Nations.

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