

SECURITY
COUNCILCONSEIL
DE SECURITES/1094
30 November 1948
ORIGINAL: ENGLISHDual Distribution

LETTER DATED 30 NOVEMBER 1948 FROM THE CHAIRMAN OF THE UNITED NATIONS
COMMISSION FOR INDIA AND PAKISTAN TO THE PRESIDENT OF THE
SECURITY COUNCIL ENCLOSING A LETTER DATED 28 NOVEMBER 1948 FROM THE
REPRESENTATIVE OF INDIA TO THE CHAIRMAN OF THE COMMISSION

Paris, 30 November 1948.

I have the honour to refer to my letter of 22 November 1948 relating
to a communication from the Foreign Minister of Pakistan in connection
with the pending dispute between that country and India.

In my letter to you I mentioned that the Commission for India and
Pakistan had addressed a communication to the Secretary-General of the
Indian Ministry of External Affairs who is at present in Paris asking him
to secure, as a matter of urgency, his Government's observations on the
situation referred to in the communication from the Foreign Minister of
Pakistan. The Commission, at the same time, appealed to the Governments of
India and Pakistan to refrain from any action which might aggravate the
military and political situation and thus endanger the negotiations which are
at present being directed towards the preparation of a peaceful, final
settlement.

I have now received a reply dated 28 November 1948 from the Indian
representative and I beg leave to enclose copy of that document for the
information of the Security Council.

/signed/ Alfredo Lozano

Chairman of the United Nations

Commission for India and Pakistan

Paris, 28 November 1948

I have the honour to refer to your letter of 22 November 1948, which reproduces the text of a letter dated the 19th instant, addressed to you by the Foreign Minister of Pakistan. Sir Zafrullah's letter raises three main points:

- (1) that India had violated the undertaking given by both the Governments of India and Pakistan in response to the Commission's resolution of 19 September 1948;
- (2) that the Indian Army and Air Force in Jammu and Kashmir had recently been heavily reinforced;
- (3) that India had now started a major offensive with the object of securing a decision by military means immediately and so facing the United Nations with a fait accompli.

On the basis of instructions and information received by my Government, I submit the following answers to the three points set out in the preceding paragraph:-

- (1) My Government completely deny the allegation of the Government of Pakistan that they have violated any undertaking. In this connexion, I would invite your attention to the reply of my Government to the Commission's resolution of 19 September, despatched from New Delhi on 29 September, of which, for convenient reference, I attach a copy. In that reply, the Prime Minister of India and Minister of External Affairs and Commonwealth Relations, Shri Jawaharlal Nehru, drew the attention of the Commission to the continued presence of Pakistan troops on the territory of Jammu and Kashmir, which is now Indian territory, and of the continued offensive against Indian troops in this State by Pakistan troops as well as by other hostiles who are under the operational command of the Pakistan Army. The Prime Minister added: "The extent to which the Government of India can observe the Commission's resolution will naturally depend upon this situation". My Government maintain, in view of this reply, that there has been no breach of any undertaking by them.
- (2) As I pointed out in the course of the debate in the Security Council last Thursday, the statements in Sir Zafrullah Khan's letter to Your Excellency dated 19 November regarding the reinforcements sent by India to Jammu and Kashmir are incorrect. The Air Force has not been strengthened at all. As regards

the Army, all that has happened is that, in recent months, about five thousand men have been sent to Jammu and Kashmir, partly to relieve old troops and partly to meet fresh attacks by the Pakistan Army supported by big guns. There has been a fresh disposition of old troops, in the course of which certain brigade headquarters have been established. The reference to new brigades in the Pakistan Foreign Minister's letter of the 19 November is not understood

- (3) While the Government of India feel that they are perfectly justified, in the face of Pakistan's invasion of Jammu and Kashmir and continuous attacks, to use military means to clear Kashmir, they have been acting on the defensive during the past months and there has been no major offensive nor is any such offensive contemplated. The Commission is familiar with the terrain in Kashmir and aware of the climatic conditions which prevail there during the winter. These factors alone make the undertaking a major offensive during the winter impossible. The operations over the Zojila Pass were intended to relieve the Kashmir valley of a threat from the north-east and the pressure by hostiles on Leh. The operation in the Poonch area which resulted in the capture of Mendhar was also undertaken to clear the road to Poonch where, as the Commission is aware, a garrison of Indian troops has been besieged for some months and is still under siege. Unless the road was kept clear, neither the garrison nor the refugees now in Poonch, numbering thousands, could be kept supplied.

In your letter under reply, Your Excellency addressed an appeal to the Government of India to refrain from any action which might aggravate the military and political situation and thus endanger the negotiations which are at present being directed towards the preparation of a peaceful final settlement. This appeal has been endorsed by the Security Council and was communicated officially to Her Excellency Mrs. Pandit in a letter from the President of the Security Council dated 27 November 1948. I have telegraphed to my Government for a formal reply to this appeal. Meanwhile, I can assure the Commission that, as already stated, the Government of India have not launched, and have no intention of launching, a military offensive. The Commission will, I submit, recognise that the Government of India's further course of action would depend on what Pakistan does.

(Signed) G. S. BAJPAI
 Secretary-General to the Government
 of India,
 Ministry of External Affairs and
 Commonwealth Relations.

29 September 1948

Please convey following from the Prime Minister to the Chairman of the United Nations Commission for India and Pakistan, now in Geneva:

I have carefully considered the resolution of the Commission which, in substance, corresponds to the resolution adopted by your Commission at its 15th meeting held on 14 July 1948, at Faridkot House, New Delhi. In reply to this resolution, I stated: "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." My Government have faithfully kept this promise. The Commission is aware of the continued presence of Pakistan troops on the territory of Jammu and Kashmir, which is now Indian territory, and of the continued offensive against Indian troops in the State by Pakistan troops as well as by other hostiles, who are under the operational command of the Pakistan Army. The extent to which the Government of India can observe the Commission's resolution will naturally depend upon this situation.

Jawaharlal NEHRU

[REDACTED]