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LETTER DATED 7 JUNE 1965 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. With reference to the two letters addressed to you by the Permanent Representative of India on 27 April (S/6303) and 3 May 1965 (S/6321), I am instructed by my Government to state the following:
2. In my letter of 19 April^{1/} a detailed and chronological account was given of the events which led on 9 April 1965 to the first clash in the disputed territory between the forces of Pakistan and India. While the letters of the Indian Permanent Representative abound in assertions of India's self-righteousness and in accusations of Pakistani "aggression", he has chosen to remain silent on the following material points, raised in my letter:
 - (i) Lack of response to the letter addressed by the Director-General, West Pakistan Rangers, to his Indian counterpart suggesting a meeting to consider the situation in the area;
 - (ii) Indian military build-up in the disputed area between the months of January and March and the holding of a full-scale combined military exercise in the area on 27-29 March;
 - (iii) Infiltration of Indian troops behind Pakistani positions on 4/5 April;
 - (iv) Deliberate, repeated and calculated postponements from 6 to 7, then to 8 and again to 10 April of a Flag meeting of the local commanders to discuss the above-mentioned violations;
 - (v) Attack by the Indian forces on night of 8/9 April on Pakistani patrols.
3. Nor is there any mention, in either of the two Indian letters of the fact that even while the Indian Government was supposed to be engaged in examining

^{1/} Document S/6291.

Pakistan's offer of 9 April (and not 13 April as stated in the Indian letter) for a cease-fire and restoration of the status quo, it ordered the 50th Indian Parachute Brigade Group into the disputed territory in order to reinforce the 31st Infantry Brigade Group which had already taken up positions in the area and that this large Indian force then proceeded to move forward in an effort to complete the occupation of the disputed territory up to the northern edge of the Great Rann so as to present Pakistan with the fait accompli of a military occupation of the disputed territory, the final disposition of which is to be the subject of negotiations between the two countries.

II

4. In his letter of 3 May 1965, the Indian Permanent Representative has set out at considerable length the Indian case for the alignment of the boundary along the northern edge of the Great Rann. The letter opens with the assertion that the northern half of the Rann has always been under the control and administration of the Indian State of Kutch and not, as affirmed by Pakistan, under that of the former province of Sind in West Pakistan. It is clear at once that what is involved here is not a question of abstract right or international law but a question of fact capable of ascertainment by impartial inquiry. Pakistan can substantiate its claim that officials of the province of Sind exercised criminal and civil jurisdiction and performed all the normal administrative functions in the Great Rann up to the 24th parallel, on the basis of the following documentary evidence:

- (i) Records of revenue collection; grants of fishing and grazing rights and yearly leases of cultivable land;
- (ii) Accounts pertaining to the construction, repair and maintenance of roads;
- (iii) Registers of births and deaths and records of census operations;
- (iv) Police diaries relating to criminal offences committed in the territory.

5. Faced with this wealth of evidence of Sind's administration and control, stretching back for more than a century, the Government of India could only state that "any action taken by the Sind authorities in the area of the Rann of Kutch below Rahimki Bazar where they had no jurisdiction, without the knowledge or the agreement of the Kutch Darbar could have no effect whatsoever on the rights of the Kutch Darbar". It is surely unbelievable that for more than a hundred years

Sind could have exercised full jurisdiction and administrative control in the northern half of the Rann without the Kutch authorities becoming aware of the fact or that the latter would have acquiesced in the position if they had considered the territory as belonging to Kutch. The fact is that while the Maharao of Kutch laid claim to the portion of the Rann above the 24th parallel, his actual domain did not extend beyond the 24th parallel. It is not surprising, therefore, that the letter of the Indian Representative does not cite a single instance of the exercise of jurisdiction by the Kutch authorities in the northern part of the Rann to substantiate the assertion that the "northern half of the Rann of Kutch was not under the control and administration of Sind, but under the control and administration of the Princely State of Kutch".

6. In fact, the whole Indian case is based on a few maps and descriptions contained in some gazetteers. As far as maps are concerned, the Government of India's own map, namely the 70-mile map of India published by the Surveyor-General of India in 1938 and reprinted and revised in 1940, 1944 and 1946, shows the boundary as disputed and thus clearly disproves the assertion made in the Indian Permanent Representative's letter that "the demarcation between Sind and the Indian State of Kutch is definitively ... established". A copy of this map is appended.

7. The Indian Permanent Representative relies a great deal also on the Bombay Government's Resolution 1192 of 24 February 1914 and its attached map in support of the contention that the northern edge of the Rann was the established boundary between Sind and Kutch.

8. The truth is that the settlement of 1914 pertained only to a small portion of the Great Rann lying at its western extremity. Furthermore, it is clear on a plain reading of the following paragraph of the Government of Bombay letter of 20 September 1913 that the Sind-Kutch boundary as such was defined only up to the point where the blue dotted line joins the Sind boundary as marked in purple:

"9. On a full review of the evidence therefore, Government arrived at the conclusion that the boundary between Kutch and Sind should be the Green line in the accompanying map from the mouth of the Sir Creek to the top of the Sir Creek at the point where it joins the blue dotted line due east until it joins the Sind boundary as marked in the purple on the map. And His Highness The Rao has now expressed his willingness to agree to this compromise."

9. It is necessary to point out that in the reproduction of the map of the 1914 settlement appended to the Indian letter of 3 May, a very material reference point, having an important bearing on the whole issue, has deliberately been omitted. This is the yellow riband running along the southern edge of the Great Rann and denoting the limits of Kutch State.
- ... A copy of the map in question is appended to this letter showing the yellow riband appearing on the original and omitted from the copy attached to the Indian Permanent Representative's letter.
10. It will be seen at once that the map in question, far from disproving Pakistan's claim to half of the Great Rann, conclusively disproves the assertion that the whole of Rann belongs to the State of Kutch, for in that case, the yellow riband showing the extent of the domains of the Maharao of Kutch would have been co-extensive with the purple line showing the northern edge of the Rann.
11. Thus if the settlement of 1914 proves anything, it is that the major portion of the boundary in the Great Rann remained to be defined and demarcated. The Resolution of 1914 and the map attached to it are silent on the alignment of this boundary. However, the manner in which the dispute relating to the area at the western extremity of the Great Rann was settled by dividing it roughly in half, provides a precedent for the alignment of the remaining portion of the boundary in the Great Rann through its middle, i.e. along the 24th Parallel.

III

12. After the emergence of India and Pakistan as two separate and independent successor States of the former British Indian Empire, the local authorities of Sind, which became a Province of Pakistan, as well as the Pakistan customs authorities continued to exercise jurisdiction in the northern half of the Rann. In 1956, for the first time, the Government of India established its presence in the territory by forcibly dislodging a police post maintained by Pakistan in Chhad Bet. This small post was overwhelmed by regular troops operating under air cover provided by the Indian Air Force. The Government of Pakistan protested to the Government of India against this flagrant act of

aggression, called for the withdrawal of Indian forces from Chhad Bet and suggested a meeting between the officials of the two countries as provided under the 1948 Inter-Dominion Agreement relating to border incidents.

13. In its reply, the Government of India took up the extraordinary position that the incident was a matter "involving questions of policy" and hence was excluded from the purview of the Agreement of 1948. Conscious of the obvious absurdity of this argument, the Indian Government's note also stated that "in any case the 1948 Agreement could not apply to the Chhad Bet incident which was a deliberate violation by Pakistani armed personnel involving an unprovoked attack on an Indian military patrol on Indian soil".

14. The contradiction is self-evident. If the incident was, as alleged by India, a case of border violation, then it could not be a "question of policy" and was clearly the sort of problem which the Inter-Dominion Agreement of 1948 was designed to deal with. The refusal of the Indian Government to submit to the procedures laid down in the Agreement plainly indicated the culpability of the Indian Government.

15. It is important to recall these events because India has attempted to put forward the existence of its police post in Chhad Bet since 1956 as giving it a prescriptive right to maintain a presence in the disputed territory. The fact is that the Indian occupation of Chhad Bet was carried out as an act of force and has been maintained as an act of force. That it has continued since 1956 confers no legitimacy on India's presence in Chhad Bet, or anywhere else in the northern half of the Rann.

IV

16. The present clash in the area has occurred precisely because, with the evident intention apparently of repeating the history of Chhad Bet, the Government of India launched an attempt to annex the whole of the disputed territory by force. Pakistan was bound to resist such a blatant encroachment on its rights, in flagrant violation of the agreement of 1960 which provided that the dispute would be settled by negotiations and that pending final settlement and transfer of the territory to the rightful owner, neither side should disturb the status quo in the disputed territory.

17. No doubt, to this the Government of India will now answer that the territory is "unquestionably and indisputably Indian territory". The Permanent Representative of India has indeed chosen to be sarcastic about Pakistan's claim. In his letter of 3 May he states:

"The Government of Pakistan seems to imagine that as soon as it puts forward a bogus territorial demand on a neighbouring country, the entire area coveted by it becomes ipso facto disputed territory which must be vacated by the lawful authorities."

18. If Pakistan's territorial claim is bogus, how could it be that for seventeen years it has been the subject of negotiations between the two countries through the exchange of notes and correspondence as well as at meetings between their Cabinet Ministers? The existence of this long-standing dispute and the need to settle it was recognized not only in the Joint Communiqué issued in January 1960 at the conclusion of the border negotiations held between General Sheikh of Pakistan and Mr. Swaran Singh of India but as recently as 3 March 1965 Mr. Swaran Singh had this to say to the Rajya Sabha (the Indian Upper House) in his capacity as India's Minister for External Affairs:

"At the same time, let the House clearly understand that the Rann of Kutch is a disputed area in the sense that at the time of the last ministerial meeting, in this area the demarcation had not yet taken place and there was an agreement at the Ministers' level that both India and Pakistan would study the case put forward by either side and then there would be a further meeting at the Ministers' level."

19. In the face of this, the Government of India cannot expect to be taken seriously when it asserts that the only task before the two countries in relation to the Great Rann is that of placing boundary pillars along a line unilaterally defined by India and not open to question or examination.

20. Such an attitude will render impossible a peaceful settlement of the dispute. It is exactly the attitude that has prevented a just and equitable settlement of the Kashmir dispute, which lies at the root of the present trouble and tension in relations between my country and India. In the case of Kashmir, India has not only gone back on every commitment and undertaking but, in defiance of all manifest realities and all resolutions and recommendations of the United Nations, she now tries to assert that there is no such thing as a Kashmir dispute.

21. In my letter of 7 May,^{2/} I have given details of the massive and threatening build-up of Indian armed forces all along the borders of Pakistan. The concentration of virtually the entire Indian striking power on Pakistan's borders clearly bespeaks India's intention to reach conclusions by force or threat of force. No country can surrender its rights and vital interests under the pressure of a threat of force. Pakistan which, throughout the years of its existence, has learnt to live with Indian threats and warmongering, will not flinch in the face of this latest challenge. However, consistently with our steadfast attitude of employing the recognized methods of pacific settlement in our disputes with India, such as Kashmir and the eviction of Indian Muslims, Pakistan is willing to submit the dispute over the Rann of Kutch to settlement by the method of impartial arbitration or adjudication as laid down in the Charter of the United Nations. A similar gauge of good faith by the Government of India would lead to the settlement not only of this dispute but also of all other disputes, including Kashmir, which stand in the way of normal relations between the two countries.

22. I shall be grateful if this communication is circulated to the members of the Security Council.

Accept, etc.,

(Signed) Syed Amjad ALI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Pakistan to the
United Nations

