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LETTER DATED 9 SEPTEMBER 1959 FROM THE ACTING PERMANENT REPRESENTATIVE  
OF PAKISTAN, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Under the direction of my Government, I have the honour to bring to Your Excellency's notice and to the notice of the Security Council the contemplated move of the Government of India to extend the jurisdiction of the Supreme Court and the Election Commission of India to the Indian-occupied part of Jammu and Kashmir State. To facilitate this action, the so-called Executive Committee of the puppet National Conference of Occupied Kashmir has demanded the extension of the jurisdiction of the Election Commission and the application of article 136 of the Indian Constitution to the State. An extract to this effect from the "Times of India", Delhi, dated 22 April 1959, is reproduced below:

"Two important events have taken place in the past few days to bring Kashmir closer to the rest of India.

The permit system for travel between Kashmir and other parts of the country, enforced 12 years ago, was abolished. And the Executive Committee of the ruling National Conference has demanded that Kashmir should be brought under the jurisdiction of the Election Commission of India.

It also suggested that Article 136 of the Indian Constitution, relating to the granting of special leave to appeal to the Supreme Court against the order of judgement of any court of tribunal in the State, should be made applicable to Kashmir."

2. Yet another move in the same direction is that the Indian Parliament has introduced a bill extending application of the Indian Census Act, 1948, to the State of Jammu and Kashmir so as to facilitate the holding of census in that area in 1961 along with the rest of India.

3. In my letter dated 28 March 1958, reproduced as Security Council document No. S/3981, I had drawn the attention of the Security Council to  
(a) the integration of the State's services with the rest of India, and  
(b) the extension of the jurisdiction of the Comptroller and Auditor General of India to the State's Executive. The present move on the part of India

is a link in the same chain, aimed at the systematic and full integration of the State with India.

4. The Government of Pakistan wishes to place on record the fact that action of this nature on the part of India constitutes a contravention of the basic principles of the decisions of the Security Council, particularly those contained in its resolutions of 30 March 1951 and 24 January 1957, which lay down that the final disposition of the State of Jammu and Kashmir shall be made through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. Until the question of the accession of the State either to India or Pakistan, which is still pending before the Security Council, is finally decided, the Government of India cannot introduce any measure calculated to perpetuate its hold on the State and make difficult the free choice of the people of Jammu and Kashmir.

5. My Government, being a party to the dispute, considers that it is its duty to apprise the Security Council of these arbitrary steps being taken by India in defiance of the Security Council's resolutions calling for the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and asking the parties to refrain from any action likely to prejudice a just and peaceful settlement.

6. My Government reserves to itself the right to ask for further action by the Security Council in regard to this matter later.

7. It is requested that this communication may kindly be brought to the notice of the members of the Security Council.

8. Please accept, etc.

(Signed) A. SHAHI  
Acting Permanent Representative of  
Pakistan to the United Nations

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