

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/4258
12 November 1959

ORIGINAL: ENGLISH

LETTER DATED 12 NOVEMBER 1959 FROM THE PERMANENT REPRESENTATIVE
OF INDIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by the Government of India to invite Your Excellency's attention to the following report which has appeared in the Pakistan press and has not been contradicted by the Government of Pakistan:

"AZAD KASHMIR GOVERNMENT TO SELL STATE PROPERTY
IN WEST PAKISTAN

(From Our Lahore Correspondent)

Oct. 10: The Azad Kashmir Government has decided to sell by open auction all property belonging to Jammu and Kashmir State in different parts of West Pakistan. The property includes both residential buildings and agricultural land. Its value is estimated at more than rupees two crores (Rupees twenty million)". (Words in brackets added).

(Morning News, Dacca, 12 October 1959)

2. As Your Excellency and the members of the Council are aware, the Government of Jammu and Kashmir, which is a constituent State of the Indian Union, is the only lawful Government of the State. This was clearly stated by the United Nations Commission for India and Pakistan both in its resolutions of 13 August 1948, and 5 January 1949, which India and Pakistan accepted, and in the assurances which it gave to the Prime Minister of India on behalf of the Security Council. The following quotation from paragraph 69 of the First Interim Report of the Commission will make it clear that the United Nations Commission categorically refused to recognize the so-called Government of Azad Kashmir:

"During the 29th meeting, held on 5 August, the Commission discussed the (Pakistan) Foreign Minister's statement and agreed that it should avoid any action which might be interpreted as signifying de facto or de jure recognition of the 'Azad Kashmir Government'." (Words in brackets added).

As a matter of fact, the then Pakistan Foreign Minister, Sir Mohd. Zafrullah Khan, solemnly assured the Commission that even the Government of Pakistan had "not granted legal recognition to the Azad "Government" in view of the implications which might ensue" (S/1100, paragraph 132).

3. Neither the Government of Pakistan nor the so-called Azad Kashmir Government, have any legal right to sell these properties of the Government of Jammu and Kashmir which are valued at rupees five crores (Rupees fifty million). The proposed sale, if persisted in, will be an unlawful and fraudulent transaction in violation of the Security Council resolution of 17 January 1948, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949.

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

Please accept, etc.

(Signed) C.S. JHA
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India to the
United Nations

