



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/4249
28 December 1959

ORIGINAL: ENGLISH

LETTER DATED 22 DECEMBER 1959 FROM THE PERMANENT REPRESENTATIVE OF
INDIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter dated 3 December 1959 (S/4242) from the Permanent Representative of Pakistan to the United Nations to the President of the Security Council on recent developments in Ladakh and to state that the Government of India fail to understand why the Permanent Representative of Pakistan chose to send this misleading letter, which is full of factual inaccuracies, at this juncture. It appears to the Government of India that this letter could have been sent only with one objective, namely to put pressure on India and aggravate the situation caused by Chinese incursions into the Indian Union territory of Ladakh.

2. The question that has been under the consideration of the Security Council since January 1948 is the resolving of the situation created by Pakistan aggression on the Indian Union territory of Jammu and Kashmir. The Council found that the Government of Pakistan, despite their earlier denials, were involved in this situation firstly because they aided and assisted the raiders from Pakistan territory and secondly because they sent their regular armed forces into the State violating Indian territory and the resolution of the Security Council dated 17 January 1948 which both Pakistan and India had accepted. It was because of this background of developments in the situation under consideration of the Council that the United Nations Commission for India and Pakistan formulated the resolution of 13 August 1948 and the supplementary resolution of 5 January 1949, to resolve the situation that had developed. They, therefore, made a provision in the resolution of 13 August 1948 for the vacation of Pakistan aggression in the following clear terms:

"As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State."

The Government of Pakistan made this commitment to vacate their aggression eleven years ago. The Pakistan aggression, however, still continues and the representative of the aggressor now puts forward other fantastic claims.

3. In his attempt to mislead the Council, the Permanent Representative of Pakistan has stated in his letter that the recommendations (which he refers to as "decisions") of the Security Council and of the UNCIP provide that all outside forces shall be withdrawn from Jammu and Kashmir. As mentioned in the preceding paragraph, the UNCIP resolution of 13 August 1948 does specifically provide for complete withdrawal of Pakistan armed forces from the Indian Union territory of Jammu and Kashmir. The same resolution, however, lays down that the Indian Government will maintain within the lines existing at the moment of cease-fire the minimum strength of its forces considered necessary for the observance of law and order. It is thus clear that the Pakistan forces have to be withdrawn in toto from Jammu and Kashmir and the Government of India are entitled to maintain their armed forces for the observance of law and order. The Commission had specifically assured the Indian Prime Minister that "law and order" includes adequate defence.

4. The Permanent Representative of Pakistan has made a further attempt in his letter to mislead the Council by making the suggestion that a sovereign authority to look after the security of Jammu and Kashmir has still to be evolved and that the responsibility for the security of the State has been assumed by the Security Council. A reference to the Security Council resolution of 17 January 1948, the two UNCIP resolutions of 13 August 1948 and 5 January 1949, and the assurances given by the United Nations Commission on behalf of the Security Council to the Prime Minister of India, would show conclusively that the proposals made by the UNCIP and the Security Council to resolve the situation created by Pakistan aggression in Jammu and Kashmir were based on the sovereignty of the Jammu and Kashmir Government over the entire territory of Jammu and Kashmir and on the responsibility of the Union of India for its defence including maintenance of law and order.

5. While doing their best to resolve, by peaceful means, the situation created by Chinese incursions into the Indian Union territory of Ladakh, the Government of India will, in pursuance of their inherent right of self-defence, take all such measures as may be necessary against any violation of their territory. The regrettable fact that the situation created by an earlier aggression on the Indian Union territory of Jammu and Kashmir has still not been resolved due to the intransigence of the Government of Pakistan does not, in any way, detract from the inherent right of the Government of India to take all such measures as they consider necessary to resolve the situation created by aggression from another quarter.

6. It is requested that this communication may 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

