



PART THREE OF THREE

1. Mr. Krishna Menon: I should like to express my appreciation to the council for its acquiescence in the proposal made yesterday by the representative of Cuba and Soviet Union to hold this meeting this morning instead of last night.

2. I was dealing yesterday with the responsibility for the non-performance or the non-implementation of the plan that was put forward by the United Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949. The resolutions adopted on those dates together form one document - a plan of settlement and not a resolution with the character of a decision. That plan, I pointed out, was a plan which contained contingencies, and, for the performance of part III, which is the plebiscite, called conditions precedent. The issue has been, for a long time how these conditions precedent should be brought about, I pointed out - and I do not want to quote the paragraph because, in view of the President's impatience yesterday, it is better not to prolong the proceedings more than necessary - that the conditions precedent were formulated by the Commission in the light of the paragraph I quoted.

3. In view of the urgency of the cease-fire because of the considerable slaughter that was going on, the very strongly expressed and repeated views of the government of India on the necessity of avoiding further bloodshed, and the insistence of Pakistan, on the other hand, that the cease-fire could come only after the political considerations- in view of all that, this plan was put forward and accepted by us with these contingencies in it. However, the important point to remember is this: when that plan was put forward, it was not contemplated by the authors - it was not the intention of the Commission or of the Government of

India or of the Government of Pakistan- that this should be something lasting over a period of eight or nine years.

4. At any rate, before we approach this problem, we ought to look into the responsibility for non-performance.

5. I not only freely conceded, but I volunteered the point, that, if there is a plan which requires conditions precedent and if one party willfully and mala fide, impedes the performance of those conditions, then there is a charge of inequitable behaviour against it. Those are the charges which the Minister of Foreign Affairs of Pakistan set out in this statement before the council. There are eleven points put forward to show how India obstructed the performance of part II (761st meeting, paras 48 ff.). If these were correct, they would not by themselves answer the whole case because, as I said yesterday, there are certain basic conditions which, overruling Pakistan's objections, the commission laid down, and which are incorporated in these agreements.

6. Before I attempt to deal with these points seriatim, there are two matters which I wish to dispose of. One is that I see before me a draft resolution under the name of Australia, Colombia, Cuba, the United Kingdom and the United States of America. I want to say here and now that I am making this statement today without any reference to the resolution, and the reason, I want this to go on the record is that I want the people of my country to appreciate that this resolution has been put forward by its five sponsors before hearing the statement of the representative of India- especially after I said last evening that I still had to argue this case. I am not making my detailed comment on it at the moment. All I want the Security council to be seized of is this, for the purpose of this morning's statement. I am not taking this resolution into account.

7. The second matter on which I want clarification or a ruling by the President is with reference to points (5) and (6) of the speech of Foreign Minister of Pakistan (761st meeting, paras 52 and 53).

8. These refer to the good offices of Commonwealth Prime Ministers. Now if the reference implies that this matter came before the meeting of Commonwealth Prime Ministers, then on behalf of my government I want to register

categorical denial. I myself have been present at every meeting of the Commonwealth Prime Ministers since Pakistan and India became members of that group. There has been no meeting of commonwealth Prime Ministers in the sense that these meetings, which are usually convened at convenient intervals, were devoted to this matter. This matter was sought to be raised by Pakistan and it was never agreed to be discussed.

9. If, on the other hand, the Foreign Minister of Pakistan is referring to private conversations that might have taken place between Prime Minister and Prime Minister, or with small groups of Prime Ministers, then I would ask for a ruling from the President. Either these paragraphs stand withdrawn or we have freedom to refer to confidential documents, because my Government cannot take up the position of having the name of our Government and our Prime Minister and of his colleagues used in this way without referring to documents. I would therefore like to have a ruling from the President. I have the confidential reports of these conversations. We have regarded them as top secret documents. But I will take the responsibility, so far as we are concerned, of going into their contents, provided that is the wish of the Security council.

10. We cannot have allegations made from private documents without opportunity to use those documents in rebuttal. Therefore, I ask for your ruling, Mr. President. Either these paragraphs must stand withdrawn or I will quote from the documents.

11. The PRESIDENT: The President has heard the statement of the representative of India and he cannot make a ruling on any statement made in connexion with the question before this body. The representative of India has the right to make a reply as he chooses and to make such statements as he may desire to make, as the representative of Pakistan also has the right to make his own statements and deny whatever the representative of India has stated here. But the president cannot make a ruling on a statement made by a representative before this council.

12. Mr. Krishna Menon: With great respect, that is all I as for, because the responsibility for the revelation of these conversations does not rest on the Government of India. when confidential conversations are referred to by responsible persons in a forum that is not concerned with

them, then the Government of India has no alternative but to tell the whole story, and that is all I ask for.

13. Therefore, I should like to refer to the first proposal of the statement of the Foreign Minister of Pakistan (761st meeting para 48). It is necessary to refer to these allegations seriatim because we are not able to subscribe to these things and, what is more, they are contradicted or modified by the documents available to the Security Council in such a way as to make this picture very different from what is sought to be represented. I will read the first allegation:

" In March 1949, the United Nations commission convened a joint committee of the Indian and Pakistan representative, at which it was agreed that India and Pakistan would submit their plans for the withdrawal of forces to that Committee. Pakistan did so, India first asked for more time and later refused to honour this agreement"

14. The charge is that the Commission asked for the withdrawal of forces, that Pakistan offered a plan and that we did not co-operate. If that were true in the way it was put, that is certainly a grave lapse on the part of the Government of India and may be counted as a point in part of non-performance.

15. I now wish to refer to paragraph 229 of the third interim report of the commission. The commission has something very interesting to say about this:

"In early March the commission received the first concrete indication of the manner in which one of the parties envisaged the implementation of the truce.... the Pakistan delegation held (a) that the objective of the truce agreement is to create a military balance between the forces on each side and (b) that the withdrawal of its regular forces depended upon plans acceptable to the Pakistan Government for the synchronization of this withdrawal with that of the bulk of the Indian forces.

What I read out now as the Commission's findings.

16. In another part of the report, paragraph 169, the commission says:

"The Government of India did not agree with the premises on which the plans of the Pakistan delegation were based. The Indian delegation informed the meeting that it was unable to respond to the Pakistan delegation by presenting a similarly comprehensive plan, until a basis for agreement was reached. The meetings were adjourned. Subsequently, on 28 March the Commission received the Government of India's own views (annex 16)"

17. What is said in the statement of the Foreign Minister of Pakistan is that the government of India did not submit its views, the Government of India refused to honour this agreement. But I will read out again what the commission said: "...the commission received the first concrete indication of the manner in which one the parties ..." The Pakistan delegation held such and such a view, and as we pointed out before in our statement, the commission had already rejected both the (a) and (b) proposals of Pakistan. Now the principle which the commission had rejected, that was brought before the Commission. The Government of India reiterated its position. What is more, the Commission goes on to say that "on 28 March the commission received the government of Indian's own views". so both parts of that statements are inaccurate.

18. The next allegation is as follows:

"After many months of effort, the United Nations commission came to the conclusion that India was not prepared to withdraw the bulk of its forces from Kashmir and was seeking to cover this refusal by misinterpreting the commission's resolutions on the subject. The Commission, therefore, proposed that the differences arising from the interpretation of the two resolutions-which constitute the international agreement on Kashmir - should be submitted to the arbitration of Admiral Nimitz, the designated Plebiscite Administrator. The proposal was endorsed by a personal appeal from President Truman of the United States and Mr. Attlee, the then Prime Minister of the United Kingdom. In August 1949, Pakistan accepted this proposal, India rejected it.(761st meeting para 49.).

19. Apart from the statement in regard to arbitration, there are two definite allegations here that the Government of India misinterpreted the resolutions of the Commission.

20. What are the facts? It is true that India rejected the proposal for arbitration that was made by the Commission at that time. And may I say, this was not a question of general arbitration; it was arbitration on the topic which we are talking about, and these were the reasons which should have been set out. The arbitrator in this particular case has to have the authority not only to arbitrate on the issue given to him, but also, if necessary, to determine the points on which he should arbitrate. I ask representatives on the council to show me one instance in the whole law of arbitration where the arbitrator is asked to say that he is going to arbitrate on. That strikes at the root of all arbitration. Arbitration is usually the appointment of a tribunal, to whom a case is referred with a request to give an award or find a reconciliation between two points of view. In this case the arbitrator was asked to arbitrate on whatever he was going to arbitrate on. This was a novel procedure and without precedent, and could hardly be justified, and I ask anyone to show me an instance in the whole international arbitration procedure where this has been done.

21. The main difference between India and Pakistan in this particular matter of arbitration was on the disbanding and disarming of the "Azad" forces—forces which Pakistan had all along denied were there. There was Pakistan participation; it did not communicate with the Security Council. The Security Council was happily passing resolutions in total ignorance of what was going on, the information having been withheld, and, later, when this matter came up, the Commission gave assurance to us. Mr. Lozano, who was Chairman of the commission at that time, wrote a letter on behalf of the Commission, which I read out yesterday. The main difference of opinion between India and Pakistan was on the disbanding of the "Azad" forces, because we did not think that a plebiscite could be held, nor could we agree to the idea of an insurgent government being recognized, and certainly it cannot be the idea of the Security Council— as it seems to be the plan going around— that the Security Council is going to stand behind some sort of insurgent authority. The Commission had given us the assurance that there was to be large-scale disbanding and disarming of these forces and it was on the basis of this assurance that India had accepted the resolution of 5 January 1949. This was therefore, not a matter for arbitration but for affirmative or immediate decision.

22. This issue, on which there had been agreement between the Government of India and the Commission, formed the basis of the plan, otherwise we would not have accepted the plan. Before we accepted the plan, we had got this assurance from the commission that there would be large-scale disbanding and disarmament. We said our position was that we would not be prepared to arbitrate on anything outside the agreed issues, otherwise, what was being asked was that the assurances given, the commitments undertaken on the basis of those assurances, would go by the board. I asked the Security Council whether any other action could have been taken by a responsible government.

23. All the facts at the time were known to the commission. The commission had come to the conclusion that the presence of these forces constituted a material change. They have said many times in the report that this was what was standing in the way, and the whole problem had changed on account of the introduction of these forces from Pakistan and the organization of this enormous "Azad" army of third-two battalions. There was really no genuine dispute, but what we are asked to do is to go to another issue altogether, to strike at the root of the agreement.

24. The withdrawal of the bulk of the Indian forces referred to in part II, section B, paragraph 1 of the resolution of 13 August 1948 was to be agreed between the government of India and the Commission or its successor. That, as I read out yesterday (763rd meeting para 35), is one of the articles of the agreement. The withdrawal of Indian forces has nothing to do with the government of Pakistan. In fact, Sir Mohammed Zafrullah Khan asked that he should be informed as to the plan of this withdrawal. That is to say, our military operations should be disclosed to him. The Commission rejected the idea wholesale. Therefore, it was said that this was a matter for the Government of India and the Commission or its successor. That was the position, and the reason, of course, was twofold. In the first place, India was responsible for the security of this State whose sovereignty had not been questioned. The Commission had said time after time that it could not recognize any other authority.

25. The forces considered necessary to retain on the Indian side of the cease-fire line had to be sufficient not only for the observance of law and order, but in accordance with assurances given to us the Commission, also for the

security of the State. Therefore, that was not a matter for arbitration. It had to be agreed upon between the Government of India and the Commission. that is to say, on the background of this resolution and the assurances, there were certain things which were outside discussion, namely, that this quantum of forces, and everything else were to be decided between the Government of India and the Commissions. How can that go to arbitration?

26. Under paragraph 4 (a) of the resolution of 5 January 1949, the final disposal of India and State armed forces- and I said yesterday that the world "disposal" has been interpreted by India as "disposition-which was to be with due regard to the security of the state and the freedom of the plebiscite, was to be determined by the Commission or its successor and the Plebiscite Administrator, on the one hand, and the Government of India, and the other. There, again, there was no room for an outside body. this was a bilateral arrangement between the Government of India. as the sovereign authority responsible for security, and the Commission.

27. If arbitration was to be according to the resolution of the commission, which is all we accepted, Pakistan could be a party to those arrangements-I laid stress on this yesterday; the commission agreed that Pakistan had nothing to do with them and had no right to be consulted at all. It was not a matter for us to decide with Pakistan.

28. For similar reasons, India objected to the Security council resolution of 30 March 1951, which gave Pakistan the right to be consulted, even in vital matters affecting the security of Jammu and Kashmir. further, if Pakistan was not in full agreement with India, the point was required to be decided by the arbitrator, in whose selection Pakistan would again have the right to be consulted. That is to say, we were asked to agree to the selection of an arbitrator by the two states in a matter with which it was previously agreed that one party had nothing to do. Thus, the resolution sought to reopen, in favour of Pakistan, issues that had been settled by the resolution of August 1948. I said yesterday that our position has been that everything that has followed from the Security Council after this resolution can only arise from that because the parent resolution was the basis of the plan, and this was an attempt to undo it, and we were not willing to agree to that. This later resolution sought to give Pakistan a voice

in matters with Pakistan as an invader of the State, had been rightly denied by the commission. It sought to transfer to arbitration the right to make vital decisions on which the old resolution required India's agreement.

29. That is the answer to the second allegation. that is to say, it is true that we did not agree to arbitrate, but because we were asked to arbitrate on questions which were not amenable to arbitration, if changed the basis of our agreement.

30. Let us examine the third point put forward by the representative of Pakistan: "(3) In December 1949, the President of the Security Council, General McNaughton, acting as the council's mediator in this dispute, formulated certain proposals for the demilitarization of the State of Jammu and Kashmir. Pakistan accepted these proposals: India rejected them" (761st meeting para 50).

31. What are the facts here? General McNaughton tried to place India and Pakistan on an equal level in this matter. Our position from the very beginning, irrespective of what the Security Council may say, has been that this is not a dispute over territory. This is a complaint about aggression, and, irrespective of the assumption that there may be flaws in India's claim that the invader has no rights, General McNaughton's proposals tried to treat us as though we were two co-defendants in that matter. what is more, he equated "Azad" Kashmir with the Jammu and Kashmir government and gave the former also a status in the matter, despite the commission's definite finding against it. He gave a formal recognition, therefore, to this Government which not even Pakistan recognized at that time. Pakistan did not recognize the "Azad" government-perhaps for other reasons, but there it is.

32. These proposals of General McNaughton failed to take account of our respective position in this dispute and did not preserve the agreements of 13 August 1948 and of 5 January 1949. This only puts before the Security Council the position that I stated yesterday and shows that it was not something that we made up for these meetings. this has been our consistent position all along.

33. Now we go to point (4) : "(4) The Security Council then appointed Sir Owen Dixon and authorised him, in March 1959, to bring about the demilitarization of the State within

five months. He formulated the demilitarization proposals in July 1959 and discussed them with the Prime Ministers of India and Pakistan. Pakistan accepted these proposals; India rejected them" (761st meeting para 51)

34. First let me say, by way of introduction to this particular point, that the whole of the proceedings after 5 January 1949 are not concerned with the whole issue. They are only concerned with part II, to bring about demilitarization-nothing else. It is a very small compass.

35. Sir Owen Dixon, now Chief Justice of Australia, went to India and to Kashmir and to Pakistan and he tried to establish, in the same way as General McNaughton did, a parity between India and Pakistan. what is more, he also brought in "Azad" Kashmir as though it were a de jure Government, and he also tried to establish parity between the State forces and militia on the one hand, and "Azad" forces on the other.

36. It is not correct to say in this connexion that we rejected Sir Owen Dixon's proposals. Sir Owen Dixon's proposals are interesting in this connexion. He came to two or three important conclusions, not that we accept them, but the Security council should know about them. One conclusion he came to was that a whole sale plebiscite was neither desirable nor possible. So he suggested alternative plans for what has been called a compartmental plebiscite. At that time- and I want to say now that the Government of India is making no fresh commitment in this matter- we said we were prepared to look at it. We said at that time that we were prepared to examine this proposal, that is to say, to take a plebiscite over the different areas or perhaps agree that some parts had to go to India and other parts had to go to Pakistan. At that time we were certainly prepared to examine those proposals. It was no India that rejected them, Pakistan rejected them wholesale. That is the record.

37. However, there is something else that Sir Owen Dixon said. I referred to it yesterday and I shall refer to it again. that is that when Pakistan crossed the boundary it violated international law- a polite way of saying that it invaded another country.

38. Now I go to points (5), (6) and (7) put forward by the representative of Pakistan. I shall take all these together

for your convenience, Mr. President, and the convenience of the council, because they all deal with the same proposition.

39. I should like to restate that there was no question of this Kashmir question being on the agenda of the commonwealth conference of Prime Ministers. The Government of India has objected and will continue to object to the discussion of this problem in any international forum other than the Security council, which is seized of it. There has been participation by the United Kingdom, the United States, Pakistan, France, Iraq, the Philippines and various other countries in attempts to raise this matter, in however superficial a way, in other forums, and we have on each occasion protested to each government and said that it was the wrong action to take. we continue to do so, irrespective of the responses they make.

40. It would be very wrong for me simply to say that there was no Prime Minister's meeting dealing with this, or that no formal objection was made. There were conversations in 1951- I believe it was the second conference after India decided to become a republic. There were talks with Mr. Menzies, the Prime Minister of Australia. I believe that there were talks before with the later Mr. Mackenzie King. There were always talks on large numbers of subjects; some of them had nothing to do with this matter at all. There was also an occasion when Mr. Menzies and Mr. Attlee sat together with Prime Minister of India, for a private conversation, and Mr. Liaquat Ali Khan, the Prime Minister of Pakistan, was also present.

41. In view of the delicate nature of Commonwealth relations and the bringing in of the names of these Prime Ministers, and for various other reasons, which will become more apparent when I read this resolution- and if I can claim the attention of the representative of the United Kingdom- I should like to read this note recorded at that time by the Prime Minister of India:

"This evening I attempted an informal conference about the Kashmir question. This was originally fixed to be held at 10 Downing Str4eet, but, owing to Mr. Menzies' illness, it was decided to hold it in Mr. Menzies room at the Savoy. we met at 8.30 PM. The Prime Minister of the United Kingdom, Canada, Australia, New Zealand, Ceylon and Pakistan were present. We discussed the matter for a about an hour.

I might recall here that the reason for having this informal meeting was that we had refused to have the matter discussed formally in the Prime Ministers' conference.

"Mr. Menzies and Mr. Attlee made some preliminary remarks about the extreme desirability of the Kashmir issue being settled, more especially because of the world situation. They referred to a plebiscite having been agreed to and only the conditions relating thereto being subject to dispute. Mr. Menzies expressed his opinion that probably a limited plebiscite would be more desirable. He added that, as there were legitimate apprehensions in the mind of India in regard to the security of State, it should be easily possible for a brigade or so of commonwealth troops to be placed there for security reasons till the plebiscite ended. Australia would be glad to provide such troops as it was thought it would be a service rendered to the cause of world peace. some reference was also made to the heavy expenditure on the defence of India and Pakistan.

Then my Prime Minister gave his reply.

"Mr. Attlee then turned to me. I said I was at least equally desirous of a settlement of the Kashmir question. This was to the advantage of both India and Pakistan, and we had made many attempts but this far without success. They show obviously that it was not quite so simple as it appeared on the surface, or otherwise it would have been settled long ago. No doubt it will be settled sooner or later. I gave a very brief account of some of the difficulties and points that had arisen, and added that two aspects were prominently before me. One was that no steps should be taken which might lead to an upsetting of the some what unstable equilibrium that had been gradually established between India and Pakistan during these past few years.

"There was a grave danger that if a wrong step was taken it would rouse passions all over India and Pakistan and raise new issues of vital importance. that would be a tragedy.

"The second point was that I could not deal with any proposal without reference to my colleagues in Delhi and Kashmir. So far as the government of India was concerned, we had gone there on the invitation of not only the legally constituted Government but also the largest popular party. Our responsibility was confined to defence, foreign affairs

and communications. For the rest, the State Government was responsible, and we could not interfere with its discretion though we could advise them. It was neither possible nor advisable for us to come to a decision without the concurrence of the State Government." - This was in the early stages of our accession. The relations had not yet been built up-" Then the Prime Minister of Pakistan said that the state Government was just made up of puppets appointed by me, and I could remove them or change them at any time. I took exception to this and told them something about the background of Kashmir and the national conference and Sheikh Abdullah.

"I had given a very brief resume of the events at Kashmir in the last few years, finishing up with Dixon and the proposals. I pointed out that Dixon had concluded that an over-all plebiscite was not feasible and had therefore explored the possibility of a partial plebiscite. To the general principle of this I had agreed, subject of course, to the other matters connected with it being considered and decided upon.

"I made it clear that there was no point in discussing these matters until the principle was accepted by Pakistan"-because at that time, in the discussions with Mr. Menzies, this agreement was to be given by Pakistan and not by us. because we had agreed, subject to details, to the principle that Sir Own Dixon had put forward.

"Mr. Liaquat Ali Khan indignantly repudiated this. The Prime Minister of Pakistan thereupon said there was no question of an over-all plebiscite not being feasible. There might be some difficulties, but obviously, it could be done. I agreed that it could be done, though it might take time.

"The Question of feasibility did not refer to the practical difficulty of having an electoral roll, but according to Dixon, to various other factors."-which are set out in the Dixon report and some of which are referred to briefly in these conversations-"Mr. Menzies stated that he had not been able to understand why the Government of the States"-this is important because it comes from Mr. Menzies-'should be pushed aside or suspended because of the plebiscite"-and here I would point out that that was exactly what Pakistan was pressing for-"it could very well continue, although

matters connected with the plebiscite might be handed over to the Plebiscite Administrator. Attlee agreed with this."

Now the Government of India, I would recall, has raised no objection in this connexion-provided other conditions are satisfied.

42. The conversations among the Prime Ministers then touched on the ethnic and linguistic divisions of the State. I quote from the conversations:

"I told them, also, that there was a basic difference between our approach and Pakistan's to the two nation theory, and the insistence on religious difference coming into politics. While we had reluctantly accepted certain facts, we never accepted Pakistan's theory, and we were not prepared to apply it to Kashmir in any event"- And here the reference is to the theory of a Muslim State and a Hindu State-"That would be bad for Kashmir, but would be worse still for India and for Pakistan. It would go counter to the principles that governed us and might produce upheavals both in India and in Pakistan. We had only recently witnessed an upheaval of this kind in Bengal, which had with difficulty been controlled by the Agreement between the two Prime Ministers.

"Mr. Attlee pointed out rather warmly that past history did not quite fit in with what I had said. The division of India had largely been based on a religious basis. He did not like this religious basis at all, and he had tried to avoid it, but facts were too strong. Further, he said that ethnic and linguistic divisions were equally dangerous, and we in India were having to face this difficulty in various parts of the country. I said that we were not enamored of ethnic and linguistic divisions, but, in the circumstances, we certainly thought that any religious approach to a political problem was dangerous and explosive. We had never accepted that principle, and we did not propose to do so in the future. Right from the beginning of the Kashmir trouble, we had laid stress on this fact and had informed the United Nations Commission repeatedly that this appeal to religion must be avoided. In spite of this, the Pakistan Press was full of religious appeals and calls for "Jehad"- this is, holy war.

"If this kind of thing was going to take place before and during the plebiscite period, then there would be no

plebiscite, but civil upheavel, not only in Kashmir but all over India and Pakistan.

"Mr. Menzies then said that he quite agreed that religion should be kept out of the picture, and he had been much disturbed when he saw the Pakistan Press in Karachi"- and this is Mr. Menzies speaking, not the government of India - "which was writing most irresponsibly on this subject...

"The Prime Minister of Ceylon was silent through-out. Mr. Attlee then referred to river water in connexion with Kashmir and mentioned the international committee set up by Canada and the United States. I mentioned that Mr. Saint-Laurent had drawn our attention to this last year, and I had stated subsequently that I would be perfectly agreeable to having subsequent consideration of the water problem as between India and Pakistan.

The delegation of Pakistan had not raised this objection during this series of meetings of the Security Council but, had it done so, we should have had the answers.

43. I Continue to quote from the conversation of the Prime Ministers:

"The Prime Minister of Pakistan at one stage referred to ethnic divisions of Kashmir and said that, if necessary, a plebiscite could be held separately in these areas. At no time, however, did he accept the idea of partial plebiscite. He insisted on an over-all plebiscite for the State, though this might be taken separately in different areas-presumably to allow these areas to decide for themselves.

"As Mr. Menzies was not feeling too well and had a temperature, the conversations ended rather suddenly at about 10 p.m. Mr. Menzies concluded by saying that we might perhaps think over the various suggestions made in the course of the conversations. These were, according to him, that, firstly, the State Government should not be touched."-now, this is Mr. Menzies opinion-"and should continue except in regard to functions relating to the plebiscite; secondly, the Commonwealth might provide a security force, and, thirdly, the plebiscite might be held in different areas.

"In the course of the conversations, no reference was made either by Mr. Liaquat Ali Khan or by me to the proposal about a commonwealth force being sent. There was no mention of these talks being resumed."

44. I am sorry to have had to read out this long document. However, we have other matters to consider in relation to the countries involved-particularly in relation to Australia, which though separated from India by miles of sea, is a very close neighbour of ours, in fact, we hope, as time goes on, to establish even closer relations with Australia than we now have. That is why I have read out this document.

45. The PRESIDENT -I call on the United Kingdom representative on a point of order.

46. Sir Pierson Dixon (United Kingdom: I am sorry to interrupt the representative of India, but I should like to make this brief observation.

47. Of course, I fully recognize that, since the representative of Pakistan has made an allusion to this discussions among the Commonwealth Prime Ministers, the representative of India naturally wishes to say something in that respect. I should, however, like to put this consideration to him, though the President, Of course, Mr. Menon is perfectly free to do what he likes in this respect, but, in view of the particularly intimate nature of these discussions among the Commonwealth Prime Ministers, I wonder whether it is desirable to give this textual account which he has been giving.

48. I say this simply with the object in mind of preserving what is a rather special and particular institution-an institution which the three representatives of Commonwealth countries seated round this table value greatly. I know. The representative of Pakistan made an allusion to these discussions. It seems to me that a summary is quite different from a textual account.

49. I have raised this point of order merely as a domestic concern of the three representatives of commonwealth countries seated at the Security Council table.

50. Mr. Walker (Australia): I should like to briefly to associate myself with the remarks made by the

representative of the United Kingdom and to endorse his suggestion that it might be preferable if we did not follow the practice here of going into private conversations. I would just emphasize the fact that Mr. Menon read from his own Prime Minister's account of the private meetings. It has not been the practice in the past to publicize such private conversations. Of course, I recognise the right of the representative of India to bring before the Security Council any materials which is at his disposal.

51. The PRESIDENT: The position of the Chair on the point of order raised is clear. On matters mentioned by representatives before this Council, if they are not insulting or libelous, the Chair cannot make any ruling. However, the representative of the United Kingdom and of Australia have made an appeal to the representative of India, and I refer that appeal to him.

52. Sir Pierson Dixon (United Kingdom): I think that I may have spoken of three members of the Commonwealth; of course, I meant four.

53. Mr. Krishna Menon: I do not intend to take seriously Sir Pierson Dixon's forgetting one member, the subconscious mind projecting itself. I am prepared to leave it at that.

54. I must say that this intervention by the representatives of Australia and the United Kingdom is most extraordinary at this state of the discussion. I can only conclude that, because of the general fatigue caused by listening to me, they could not have heard the point I raised with you, Mr. President. That would have been the time for the representatives of the United Kingdom and Australia to have said that they agreed with the representative of India that these matters should not be aired here, so let the representative of Pakistan, who has circulated these allegations all over the world, formally withdraw them. I am surprised beyond measure to see a diplomat of the experience of Sir Pierson Dixon telling me that when charges of dishonesty, charges of a serious character such as breaking an agreement and of not trying to honour the second part of this agreement, are categorically made in the statement of the representative of Pakistan, I should not reply to them.

55. I presumed that the representatives of Australia and of the United Kingdom would have read the statement of the representative of Pakistan. What does it say? At the end of point (5) it is stated "India rejected it" (761st meeting para .52). At the end of point (6) it is stated "Pakistan accepted this proposal; India rejected it". (ibid. para 53). At the end of point (7) it is stated "Pakistan accepted this; India once more rejected it" (ibid para 54). The same thing is repeated all the time. these are definite allegations which reflect upon my Government and upon the Prime Minister of India, who participated in these conversations. I was entitled to read them, and my responsibility lies only with my government.

56. Secondly, I should like to say here that I yield to no one in my desire to maintain commonwealth relations, and I suppose that in my time I have contributed as much to this as anyone else at this table. I deeply regret that Sir Pierson Dixon did not raise his objection before, and I resent the observation of the representative of Australia that the account I was reading was my Prime Minister's account, thereby implying that it is not to be trusted. That may well be, but there is a different way of putting it. In that case, since the matter is now in court, let the Prime Minister of Australia come here and say what happened.

57. The time for this point of order was earlier than now, but even at this time I am prepared to have it taken out of the record, provided that the representative of Pakistan takes points (5), (6) and (7) of his statement out of the record of the 761st meeting. Why does this extreme sensitivity arise in regard to us? Why did not the representative of the United Kingdom, as the senior member of the Commonwealth, jump up and say to the representative of Pakistan, "It is not right of you, who are so close to us, tied to us with military alliances, and whom we have always supported. Why don't you withdraw this, since it is not decent to refer to private conversations."

58. Am I to sit here and hear my Government challenged, and to use the material at my disposal? I went out of my way when I came here this morning to try your patience, Mr. President, by asking you to deal with this matter, and I think it is entirely wrong that an attempt should be made to convey the impression that we are behaving in a way that is inconsistent with all the nice things that the

representative of the United Kingdom said. One way to preserve Commonwealth relations is to appreciate that it is a two way relationship.

59. Sir Pierson Dixon (United Kingdom): In view of what my colleague from India has said, I must make it clear that all I appealed to him to do was not to read out the textual account of these private conversations. I did not suggest that he should make no allusion to them, because my colleague from Pakistan has already made that allusion. As I said when I raised this point, my colleague from India will wish to make a reply. The only point I was making, and I had hoped it was clear to the council and to my colleague from India, was to suggest to him the undesirability of reading out a textual account which, as we have heard, contains a lot of quite intimate remarks about peoples' health and that kind of thing. It does not seem to me that it is conducive to the development of this discussion to do it in that way, and I should have thought that was a perfectly reasonable point.

60. With regard to the time when I should have raised that point, that surely is entirely within my discretion. I must say that it never occurred to me that Mr. Menon would in fact read out actual textual accounts. Had I thought that, I might have raised the point when Mr. Menon asked for a ruling.

61. Mr. Walker (Australia): I said that I thought that the representative of India, was at liberty to use any material and information at his disposal. In my concluding remarks, I only intervened in support of my colleague, Sir Pierson Dixon, to reinforce his appeal that detailed records of these private conversations should not be read out here if that could be avoided. I think that Mr. Menon misunderstood my remark that the record from which he read was his own Prime Minister's record. At private conversation the various participants normally keep their own records, and is certainly not my intention to introduce any such competing material or to make any suggestions at all regarding the accuracy of the record kept by the Prime Minister of India. I just did note that the documents being read from was not an official report of the conference but just a private record.

62. The President: While it is interesting to listen to this British Commonwealth family discussion, an appeal has

been made to the representative of India, and the representative of India may proceed.

63. Mr. Krishna Menon: With great respect, I submit that this is not a 'family discussion'. It is a point of order raised in connexion with the proceedings of the Security Council. If, in the exercise of your office as President, you at any time call me to order I will obey you. But I am not going to be pushed into the position of not stating the position of my Government. I look around this table and I know that I have got to fight my battles. We will see more about it in the subsequent meetings. The record is here.

64. I stated categorically and very plainly that I was going to read the notes of these discussions and that is in the record. Therefore, there can be no reason for Sir Pierson Dixon to tell the Council that he might have raised the point if he had known or if he had thought that this was an intimate discussion and that this, that, the other and something else was going to happen. I do not think that is correct.

65. In what position is the representative of the Government of India? Certain allegations are made about a private conversation by one party, a conversation at which I was to present. Would the Council have been satisfied if I simply had said the points (5), (6) and (7) of the Statements made at the 761st meeting are inaccurate or if I had given an incorrect narration of it? When the representative of Australia tells me: "That is your Prime Minister's record", he should have told me: "That is your version of what your Prime Minister's record is." That would be another step removed. Therefore, I had no option.

66. At the same time, if I am allowed to, I will make an appeal to Sir Pierson Dixon to exercise some degree of fair play in dealing with different members of the Commonwealth—at least in public. As an earnest of my intentions, I am prepared to agree. If the President agrees, that in the written record matters which are not relevant to points (5), (6) and (7) may be excluded. The only reason I read everything out was that I did not want it to be said afterwards that I was selecting extracts. Therefore, as I said, I do hope that the representative of United Kingdom will be able to follow the practice that has obtained in the past of at least in public exercising some degree of fair play as been two member of what the President calls

"the family". The objection should have come several days ago when points (5), (6) and (7) were read out. I should have objected then, but I did not want to interrupt because the President would have called me to order as I am not a member of the Security council. I therefore say as an earnest hereof that I am prepared to have a summary inserted in the official records, only if the President agrees with us that it is a correct summary of what I said here, a summary of the contradictions or the untrue allegations that are made in points (5) (6) and (7).

67. I think that in the position we find ourselves here, it is necessary for me to substantiate every statement I make from the record. It may be boring, but then we have suffered in the past in this discussion by trusting too much to the good sense of everybody all around. We therefore propose to state our case in such a way that at least posterity will know where the truth is. Therefore, this is my response to the appeal of Sir Pierson Dixon, I do not expect any response in return. Not that it would not come, but I do not expect it.

68. It is agreeable to the President?

69. The President: Y E S

70. Mr. Krishna Menon: Now we come to point (8) of the statement of the representative of Pakistan (761st meeting, para 55), which refers to some mediation or some endeavor by the then President of Security Council, Mr. Muniz. This is the same point about arbitration, so I do not want to repeat the argument which I have given. Point (9) also relates to the same thing.

71. Point (10) relates to the intervention of Mr. Frank P. Graham, the United Nations representative, stating that he "put forward a number of proposals on the subject of the demilitrization". It states that "each one of these was accepted by Pakistan but rejected by India". Now, there can be no objection to going into the facts of this case because Mr. Graham is not a member of the commonwealth. The full position in regard to point (10) is that India also accepted the proposal and not, as was said here, that India rejected them. India accepted the proposal that demilitarization should be a single and continuous process. this is the first denial. The second is Pakistan's assertion that it accepted without exception all

demilitarization proposals which were rejected by India; that is not correct.

72. Mr. Graham suggested in his proposals of 4 September 1952 (S/2783 and corr. 1, annex 8) the following criteria for fixing the quantum of military forces on each side of the cease-fire line, the actual figure to be decided at a conference of civil and military representatives of the two governments. On the Pakistan side of the cease-fire line a minimum number of forces are required "for the maintenance of law and order and of the cease-fire agreement, with due regard to the freedom of the plebiscite". That is Mr. Graham's proposal. On the Indian side, a minimum number of forces are required "for the maintenance of law and order and of the cease-fire agreement, with due regard to the security of the State and the freedom of the plebiscite." India considered that these principles- and this is where the contradiction comes in, the contradiction to the Pakistan allegation - were conceived in the right spirit and as a basis for the evolution of a suitable definition of function of the forces on both sides of the cease-fire line. India considered that the principles contained the germ of a settlement but despite several efforts to evolve a suitable draft in terms of the language used in the commission's resolution, no understanding could be reached with the Pakistan government point (10) says it was accepted by Pakistan and rejected by India; the facts are exactly the reverse.

73. During the informal discussions between India and Pakistan in December 1953, the Indian committee suggested that after the withdrawal of the Pakistan Army, the disarmament of the "Azad" forces which, as will be remembered, the part of the assurances, and the withdrawal of the bulk of the Indian forces there should remain 21,000 Indian troops in addition to the State militia of the Indian side and a civil armed force of 6,000 men on the "Azad" side, half "Azad" half non-"Azad", all of them armed, if necessary. The Indian side therefore made some concessions in this matter; First, a substantial increase in the civil armed forces on the Pakistan side, which was totally against the assurances that had been given to us, from the 4000 originally proposed to 6,000; secondly, the readiness to come to a satisfactory solution about the ratio between the armed and unarmed forces, as well as the type of equipment to be supplied and even to the extent of all the civil force being armed, if necessary-previously

India had insisted that half of the force should be armed and the other half unarmed; thirdly, acceptance of the Pakistan point of view about the security of the northern areas and the consequent need for the retention of their scouts, that is to say, as a matter of compromise although it no longer binds us-and I want that to go into the record-we even agreed that in the places which these people have militarily occupied we were prepared to recognize the existence of the scouts which were established, as I shall point out later, under the British administration and who surrendered this territory without anybody's authority. In spite of these concessions, Pakistan did not accept these proposals. I ask whether that corresponds to the allegations made in the paragraph referred to.

74. Point (11) deals with the resolution adopted by the Security Council at its 611th meeting, urging:

"...the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the Indian side of the cease-fire line"(761st meeting para 58).

75. Our answer to this is that while the Government of India could not accept a resolution which suggested a number of forces which in India's view was insufficient for security, the Government of India did enter into further negotiations with Mr. Graham. It is only normal to suggest that the government of India must be the judge of what forces are required for the security of the forces themselves in this very large area. There was no question of total rejection at the time; we did enter into negotiations with Mr. Graham afterwards.

76. That concludes the comments with regard to the allegations made. It will therefore be seen that out of these statements made, every one of them is incorrect. In the majority of them, the position is exactly the reverse. And if arguing a case before this body has any value on the decisions it makes or any impact on the governments represented here, I beg to submit that this refutation,

with chapter and verse from the documents, must be regarded as an important item.

77. Therefore, the charges of non-performance, in my submission, are wrongly laid at our door. On the other hand, while we are not responsible for the conditions of non-performance, as I have already pointed out, we went a long way, even departing from the assurances we had received, even allowing these rebel and Pakistani forces on the other side to be armed, and virtually taking into account the position that time had passed and some crystallization had taken place. All that went by the board. Therefore, it is not as though we did not try very hard, it is not as though we did not meet Mr. Graham or Sir Owen Dixon, or any of these people, or as though the commonwealth Prime Ministers agreed with the view of the Pakistanis.

78. At this stage, especially in view of the intervention of the representative of Australia, I will take the liberty of reading paragraph 21 of Sir Owen Dixon's report to the Security Council which is an important paragraph. And if the Security Council decides, and I hope it will, that the primary concern is obedience to the Charter and the sanctity of the provisions of the Charter with regard to territories, then it will pay heed to this. the paragraph states:

"Upon a number of occasions in the course of the period beginning with the reference on 1 January 1948 of the Kashmir dispute to the Security Council, India had advanced not only the conditions to which I have already referred that Pakistan was an aggressor, but the further contention that this should be declared. The Prime Minister of India, at an early stage of the meeting"- that is, the meeting with Sir Owen Dixon-" made the same contention and he referred to it repeatedly during the conference. I took up the positions, first that the Security Council had not made such a declaration; secondly that I had neither been commissioned to make nor had I made any judicial investigation to the issue; but thirdly that, without going into the causes or reasons why it happened, which presumably formed part of the history of the sub-continent, I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed, on I believe 20 October 1947, by hostile elements, it was contrary to international law, and that when, in May 1948, as I

believe, units of the regular Pakistan forces moved into the territory of the State that too was inconsistent with international law"(S/1791. para 21).

79. We have not held back anything that is used against us. But this was the finding of one of the investigators who, on balance, was not favourable to the Indian position and had a considerable number of reservations. But on this issue, with his judicial training and with the facts before him-and every lawyer knows that whatever may be the right of the occupant, no trespasser has a right to priority-he said that. So here is a categorical statement in a report of the United Nations representative that there was an aggression.

80. Therefore, we say that, even assuming for argument's sake-which I do to assume and I do not ask the security council to accept-that India has not been forthcoming in all these matters, the primary question remains that Pakistan came here as an invader, it trespassed into territory which was not its own, it tried to change the situation by force of arms-we did not obtain accession by force of arms-it tried to unite Kashmir with its country by force of arms and, what is more, the worst part of it was that it did not keep the Security council informed about it and kept the information away from the Security council not only once but continually, and this has been repeatedly referred to in the report of the commission.

81. Another condition that the commission laid down- and as I said before, it was obsessed by this conception of the cease-fire when this agreement was concluded- was that it was realized that it was necessary to create an atmosphere of settlement. The statements of Pakistani Ministers are included in annex II of my statement (S/PV.762/ADD.1 ANNEX II). I want to say that this document is not up to date or even complete. A great amount of vitriolic abuse has been showered on our country and our statesmen by name, some of which is unprintable and some of which I would like to read out later. There is so much that I can give you only example.

82. That is, in our opinion, a serious condition that has seriously affected the non-implementation. That is to say, it is not possible to agree to open out one's country to the entry of other people during a plebiscite period or to throw the whole of the established conditions into an

unsettled state when, on the other side, there is always this campaign of war. Some of these statements, which I do not propose to read out, are by members of the Legislative Assembly. The Pakistan Government may say that they are not by the Government- but they are Government statements. There is the press of Karachi, and papers founded by Mr. Jinnah himself, and statements of their own ministers.

83. For example, there is a statement by Sardar Abdur Rab Nishtar, who was at one time in charge of Kashmir affairs and was the Governor of West Punjab - not an irresponsible person. This is what he said:

"Mr. Nehru understands only the language of force. We will have to exhibit our strength if we want to take Kashmir."

Another Statement: "We would not mind being cut into pieces but will certainly conquer Kashmir"(s/pv.762/add.1, annex II, sect.1) These are the people who accepted the agreement.

84. Then there is this statement by Chief Minister of the Northwest Frontier Province, from whose territory these raiders came in the beginning:

"You can take it from us that the day we become desperate and lose all hopes of a just solution of the problem, not only the entire Pathan population of Pakistan and the tribal areas will rise up for the holy "jehad" in Kashmir, but our brothers from across the Afghan frontier will also throw in their lot with us for the cause.

That is an invitation to another country for a military attack upon our own people.

85. The governor of West Punjab Sardar, Abdur Rab Nishtar, also made this statement:

"So long as a single Pakistani is alive, nobody dare snatch Kashmir from Pakistan by force... If the problem is not settled immediately, the whole of Asia would be engulfed in the flame of war which might lead to a world conflagration".

86. The "Times of Karachi" of 16 August 1956 contains the following report of a statement made by Chaudri Mohammed

Ali, who was then Prime Minister of Pakistan and who is, I believe, coming to Washington shortly as "Ambassador:

"I am ready for the liberation of Kashmir', he said, and added, 'but I want the people to get ready', The freedom of Pakistan would not be complete without Kashmir, he asserted, and exhorted the people to acquire the spirit of unit, faith and discipline... He said the Kashmir dispute was now going before the Security council"- that refers to this meeting-"but asserted that the nation would not set there."

87. That statement was by the Prime Minister, by a man who is reputed to be a man of extreme moderation in language. We are told in his statement that this reference to the Security council is only preliminary to other action. That is what the Foreign Minister of Pakistan told us the other day- and I shall refer to that later. That is to say, the Security council is to be given a chance-but, if necessary, "we will do something else".

88. It would be taxing to the Council if I were to read a great deal of this material. Some of it, as I have said, is from the newspapers, and any Government can say: "We have a free press and they can print what they like", though it may not correspond with the facts that obtain in a particular place.

89. The Chief Minister of West Punjab had this compliment to pay to the Security Council:

"If the United Nations proves to be a band of thieve"-that is all of us-"we will have nothing to do with it. We will prove that we can liberate Kashmir with the strength of our arms.

90. In this particular matter, it is also to be noted that even foreign observers who are not friendly to India in their comments on these matters, such as magazines published in the United States, have pointed out that the whole conception of the State of Pakistan in regard to its alliances is to attack India.

91. Here is Mr. Falk, of Chicago, in "Newsweek".

"Pakistan is taking the United States for a ride. This is evident from your report and from my observations in that

country, where I worked until recently. Pakistan thinks it did us a favour by joining SEATO and the Baghdad Pact. They do not worry about the danger of Russian aggression. Pakistani leaders merely humour our concern and Communist expansion in order to get economic and military "Bakshish" and to strengthen their hand against India.

92. And here is Mr. A.T. Steele, writing in "The New York Herald Tribune":

"The average Pakistani thinks very little about the Communist threat if he thinks of it at all. His hostility is toward India rather than the Soviet Union. And he assumes that in the event of a showdown with India, the America military supplies will be drawn upon.

93. In regard to these last two statements, I want to say that our quoting from them has no reference whatsoever-and I want to say this categorically-to the intentions of the United States in regard to this matter. We are talking only about Pakistan opinion.

94. I will put these statements aside now. One could read all of them-and I hope the members of the council will. They do not make very pleasant reading, but it is reading that is pertinent to the argument that we have put forth.

95. Then we have the situation involving the whole constitution of Pakistan itself. That is entirely an internal matter and we have no wish to interfere in it. But insofar as it affects this situation of the State which is heterogeneous in charter, what the people who do not belong to the Islamic religion do not have equal rights with the others in certain respects-and if that is challenged I will quote from the Constitution, if it comes to that-, it is not possible for us to take the view that the campaigns that go on are not of this character.

96. The next point I wish to refer to relates to the various violations that have taken place. And I want to say here and now that my government does not wish to make a point of the normal kind of skirmishes and crossings of the frontier that can take place on a military cease-fire line which represents no natural division but is a line which is reached for convenience, so that the local villagers may not know about it, may go and snatch cattle, and so on. We are not referring to that kind of thing. There have,

however, been major incidents. I do not want to burden the council with a description of a whole set of them. I shall therefore refer to only one-and that is what has been called the Nekowal incident.

97. Nekowal is a small village on the Indian side of the Jammu-Sialkot border. I refer to this incident because it developed into a proportions of a minor battle. On 7 May 1955, the Pakistan border police-and these police are not just boy scouts in uniform, but armed police-opened fire without warning at an Indian party consisting of Major Badhwar, an officer of loan to the central Mechanized Farm-he was thee not on military duty-nine civilian employees and a small military escort eight persons who were supervising the ploughing of land at a distance of about 500 yards from the village, on our side. As a result of the firing by the Pakistanis, Major Badhwar and five other ranks and six civilians were killed, and one of the other ranks was wounded. We lost an officer and five men there.

98. On 8 and 9 May, the United Nations observers conducted a joint investigation at the side of the incident, on a complaint lodged with the United Nations observers team at Jammu. The observers declared this incident to be a border, violation by the Pakistan border police.

99. Immediately on receipt of the information this incident, the government of India lodged an emphatic protest with the government of Pakistan and, in accordance with the internationally accepted principle for claiming compensation, demanded compensation of the Government of Pakistan, in the amount of 1,200,000 rupees, for the moral and material wrong done to the government and nationals of India as a result of this incident.

100. After a long correspondence in regard to the liability to pay compensation - not with regard to the incident, but with regard to the liability to pay compensation- the Prime Minister of Pakistan wrote as follows on 19th May 1956, and I should like to say that this is not a private letter but one that has been quoted in Parliament:

"While, for reasons given above, I do not consider that my Government is at all liable to pay any compensation in respect of the Nekowal incident, I am personally conscious of the human suffering involved in an incident where a number of lives have been lost. Having regard to this

aspect of this matter, we would be prepared to make an ex-gratia contribution of one lakh rupees to the rehabilitation of the relatives of those who lost their lives on the Jammu side of the frontier."

The point about this is that we agreed to this ex gratia arrangement in order not to exacerbate the situation.

101. This is only one of the incidents that have taken place- and, by the time the United Nations observers get around to it, the trouble has already occurred.

102. There have been a considerable number of attempts at probing our frontiers. If I so desired, I could have given you a number of instances. They have taken place not only on the cease-fire-line- and I am confining myself to Kashmir-but there have been offensive actions against us on the Indo-Pakistan border. And may I say here that we have few troops on this border. We have armed police at posts. And there have been skirmishes which have resulted in considerable loss of life in one or two instances, in which the army had to be called in.

103. Therefore, the responsibility for non-performance in regard to the conditions of part II, in regard to the violations of international law, in regard to the campaigns of hatred that go on, and in regard to the non-maintenance of the peaceful atmosphere, is not on our side.

104. There is one other aspect of this item that I want to mention before I leave it, and that has to do with the other areas. The northern areas are the most areas of Chitral, Gilgit and Baltistan - there is a map attached to one of the documents submitted is annexed to my statement - which are very sparsely populated areas and which, to a very considerable extent, even under British occupation, have been left to the people who were there. In this area, first of all, Pakistan-against the resolutions of the United Nations- has annexed territories and incorporated them. What is more, such incorporation had taken place before the resolutions of the United Nations, and the United Nations commission was not informed about these matters, they came to know about it later.

105. Now, what happened in regard to this area known as Gilgit, which is strategically very important to India for its defence, where, in the British days, there was a body

called Gilgit Scouts under British command? The territory was handed over to the Maharaja by the British when they left. Therefore, there is no question of this not being part of Kashmir. and the Maharaja sent there a governor, and what was done was that these Scouts, under the command of Major Brown, arrested the Governor. On 31 October the Gilgit Scouts led by Major Brown and other officers-presumably of the Pakistan Army-surrounded the governor's house. He never suspected that these people were going to attack him. there were rifle shots exchanged and one round was fired in the air to frighten them away. But what happened was that they arrested him, put him prison and handed over the territory. Major Brown made a declaration, or something of that kind, and it was through him that this particular territory went over to Pakistan. The point here is this, that there has not even been a popular rising in this place. The Custodians of this area were the Scouts under British command. The British Government had no responsibility in this matter because after they handed over the territory the Scouts remained as in independent force. But the British personnel handed over this territory and the accession was received from them. Now in view of the time, I propose to make that story very short. The territory is now occupied; it has been incorporated, and there is a considerable army in that area.

106. The other area to which I want to refer is Chitral. Chitral is mentioned as one of the territories of Pakistan in the Pakistan constitution. Therefore, it is an outstanding instance of annexation de facto and de jure. And the commission has said time after time that there can be no change in the sovereignty. It is sometimes argued that chitral was not part of Kashmir. But there are the records of the British government, most of which are in our possession, which show that this area was under the suzerainty of the Maharaja of Kashmir, and all those territories that were under suzerainty were part of the state. Irrespective of the value of Chitral to one side or the other, and whatever may be done in the far future if ever there was an agreement between the two sides, the annexation of this territory, the receiving of accession from a former feudatory to the Maharaja who had no right to do so in a direct piece of annexation.

107. Then there is the other argument, the final argument, in regard to non-performance, that the whole of the position of Pakistan in regard to the conclusion of the

truce, if one were to summarize it briefly and state it in one point, which probably would not be as accurate as it should be, is that they insist on what they call a military balance. The military balance has been rejected by the commission. I wish to refer the council to paragraph 2 of annex 12 of the third interim report which says:

"The commission, however, cannot accept the interpretation that the declared objective of the truce arrangements is described as being the creation of a military balance between the forces on each side. There can be no other objective of the truce arrangements that to establish peaceful and normal conditions through the state such as will be conducive to the organisation and holding a plebiscite. Similarly, the process of synchronizing the withdrawal of the Pakistan and Indian forces to be arranged between the respective High commands and the commission, in effect tends to create a corresponding situation on either side as withdrawal of one and reduction of the other take place, but in no way does this affect the ultimate aims of the resolution of 13 August..."

108 I will not read the other paragraph in view of the time, but I would like to refer the paragraph 203, 204 and 225 in the same report which deals with the same problem; that is, that the commission has at no time agreed to the idea of military parity or a military balance. If it agreed to a military balance, then, it would mean placing these two sides in a position of equality. The position which the commission held was that it was inconsistent with the sovereignty of Jammu and Kashmir, inconsistent with their terms of reference of the Security council and, what is more, a condition in which the security of the state could not be maintained.

109, I shall now deal with the position to which I made some references today in quoting to the council and international practice in regard to the interpretation of treaties and what are the conditions that should govern. I am not going to repeat that, nor am I going to quote legal doctrine. But there is well established legal doctrine, there are the main supporters of the United States of America and the United Kingdom, which say that the passage of time and the change of circumstances must affect the nature of agreements reached. That is a very common sense proposition. It is not necessary to quote Latin phrases in support of it.

110. First of all, with regard to this time factor, the commission, and India, and I presume, if I am not contradicted, Pakistan, expected the operation of part III of the agreements, that is the plebiscite to be taken in reasonable time. In that background, that the plan was accepted with all its reservations, is it reasonable to expect that matters would stand still in regard to the territory of Kashmir, over which India has active control, in the social, economic or political respects, taking into account the conditions that obtain in India itself? Therefore, considerable changes have taken place-economic, social and communication developments, for example- and all these have brought about big changes in the state of affairs. What is more, the disturbances of the existing conditions is calculated to impoverish the people of Kashmir. When I refer to the conditions that prevailed there, under a later heading, it will be clear to the Security Council, if it is disposed to receive the facts that the arguments, that that is the position.

111. The other change factor I have already referred to, namely, the consolidation of the occupied territory. Time after time it has been said in this report that there should be only local authorities-meaning de facto local authorities, there should be no consolidation of territory. Western Kashmir is practically a province of Pakistan, administered by its, central government. It has no local government and, therefore, has become integrated in that way.

112. The same applies to other areas, directed by the Pakistan Army or the Pakistan government. Therefore, the consolidation, the factual division of Kashmir that has been made by Pakistan occupation on the other side of the cease-fire line, is a change-condition which makes the operation of part II very difficult.

113. We want to refer to other changed conditions of vital importance to our country. The commission noted that there were thirty-two battalions of "Azad" forces on the "Azad" Kashmir side. That does not apply to the northern and extreme northwestern areas, but only to Western Kashmir, where there is a population of 500,000, and it is there that there are fortyfive battalions today, according to our estimate. and these forces are officered by Pakistan officers and Pakistani-trained officers who go to Pakistan military schools, where there are a large number of

commandos organized for guerrilla warfare. These commandos were organized and thrown back into the population. Their number may be only a few hundred-the last time I heard, there were only 800 of them, but that is not an absolute figure. However, they are being trained for guerrilla warfare. This is something affecting the whole conception of the opening of the territory for a plebiscite. It would be imprudent for any country not to take note of these conditions.

114. The Commission says in paragraph 203 of its report:

"The resolution of 13 August 1948 recorded one major change in the situation as contemplated by the Security Council during its deliberations in the early part of that year, namely, the presence of Pakistan troops in the State of Jammu and Kashmir. It did not, however, record a second element which has developed subsequently into a serious problem"- this, again, after the Security Council was seized of the situation and after the resolutions asking them not to make changes- "in the implementation of that resolution: The "Azad" (free) Kashmir movement, the fighting forces of which today" - that was in 1949 - "number some thirty-two well-equipped battalions. This movement, Muslim in character, has become the center of strong and violent resistance to the accession of the State to India. It controls a considerable part of the western area of the State, it claims to be fully organized as a government and its political activities appear to be directed toward the accession of the State to Pakistan. The Government of India, of course, grants no recognition to the "AZAD" organization and holds, officially at any rate, its existence to be a problem of internal public order. On the other hand, the Government of Pakistan has rendered important assistance to the "Azad" movement; it has officered the "AZAD" forces with officers of the Pakistan Army. Units of the Pakistan Army itself are present in "AZAD" Kashmir and have operated in the closest co-operation with the local forces. However, Pakistan has not given formal recognition to the "AZAD Kashmir government". In a letter dated 6 September 1948 (S/1100, para 99) Pakistan informed the commission that it could not make commitments on behalf of the "Azad" organization. The commission has never negotiated with its representatives, having no international standing, the organization can have no international responsibility.

115. The Commission states in paragraph 204:

"At the time that the commission adopted the resolution of 13 August 1948 it had reason to believe that the 'Azad' forces did not constitute a properly organized and equipped military force and that consequently their disposal, once the Pakistan Army had withdrawn from the State, would not constitute a major difficulty."-The Security Council must draw its own inferences as to why the commission came to the conclusion at that time that it was not a serious factor because the Pakistanis did not inform it.-"In accepting the 13 August resolution, India apparently agreed that these forces could be dealt with after the truce became effective."-Does that sound unreasonable on our part?-"Four months later, during the conversations which immediately preceded the commission's resolution of 5 January 1949, the government of India stressed the importance it attached to the disbanding and disarming of those forces as a condition vital to the holding of a plebiscite. The Commission agreed that a large scale reduction of disarming of the 'Azad' forces should take place. Provision for this was made in the resolution of 5 January as follows..."

Then, the Government of India said, in a communication, that it was prepared to regard this as a matter of chronology. It did not ask that it should be done first, but that it should be done before the plebiscite was taken.

116. I am going to read another paragraph but I should like to omit all the others in view of the time. The commission states in paragraph 225:

"There is, indeed, no doubt that the 'Azad' forces now have a strength which changes the military situation and to that extent makes the withdrawal of forces, particularly those of India, a far more difficult matter to arrange within a structure which considers only the regular forces of two armies. Although it might be a matter of discussion whether the numerical strength of the 'Azad' Kashmir forces has actually increased since August 1948, there is no question that those forces, who have since then been working in close co-operation with the Pakistan regular Army and who have been trained and officered by that Army, have increased their fighting strength. It is reasonable to suppose that, if the commission had been able to foresee that the cease-fire period would be prolonged throughout the great party

of 1949 and that Pakistan would use that period to consolidate its position in the 'Azad' territory, the commission would have dealt with this question in part II of the resolution of 13 August."

117. Could there be anything more conclusive in favour of what I have been saying? Therefore, those are the changed conditions in regard to the army of that area.

118. I have already referred to the war of propaganda; therefore, I do not propose to repeat it. Now comes the international position of the State of Pakistan.

119. Here I want to preface my observation by saying that whatever I say does not constitute in anyway of reflection upon the motives of the six other states represented around this table that are in military alliance with one party in this situation. My government has stated its position in regard to these matters. Wherever there has been opportunity of direct communication with Governments or of personal contacts, we have explained that we do not doubt their motives. We do not for a moment say that their purpose is to arm Pakistan against India. But the question is, what will happen to this considerable amount of equipment that now goes into this territory, whereby the entire military balance has been altered?

120. If the representative of the United Kingdom, who country had the responsibility at the time of the partition, would go into the history of that period, he would find that one of the main problems discussed at the time of partition was the balance of military forces and equipment on either side in order to maintain stability. Now, that equilibrium has been upset; and, therefore, this neighbouring country of ours, in dispute with us, always threatening war and crusades and keeping up a campaign of hatred, has now at its disposal very considerable quantities of equipment for use on the ground and in the air. When we come to the question of the military preparations, I shall read out such information as we have. Therefore, the equilibrium that obtained, at the time of the conclusion of the signing of this plan, which is called the commission's resolution, no longer exists. Whenever there is talk about the withdrawal of troops, which the Foreign Minister of Pakistan mentioned in his observations, all these factors have to be taken into consideration.

121. When India was partitioned, some seven or eight million people from either side went to the other country. It was an exodus which inflicted a great deal of hardship on the populations concerned. Fortunately for us, we have resettled practically all of them. With an idea of the problem of the refugees, the council will be able to see that there is a steady stream coming from the other side, with which we have to deal, but any change in this situation, any stirring up of trouble here, any attempt to unsettle conditions today, would start a scare and an influx of refugees. The first thing that happens when there is an influx of refugees is the slaughter of populations of the community in the country concerned. It will happen in India, and I fear it will happen in Pakistan.

122. To sharpen the statement, I have to make this morning, I might take the problem of refugees itself. The Pakistan Foreign Minister, in speaking to the Security Council, referred to the 500,000 refugees that have gone into Pakistan. I do not know whether those refugees referred to were people from Kashmir alone or whether this is a reference to the 1947 period, when they were trekking both ways. I have no doubt that 500,000 people went through Kashmir into Pakistan (761st meeting para 30). More or less may have gone, it is immaterial.

123. However, what is of relevance to us is the position now and the treatment of the minorities. Our present figures- and we have a very considerable organization for dealing with this-show that the migration of Hindus from East Pakistan to India was 4 million. The migration of Hindus from West Pakistan to India was 4.7 million. The migration of Muslims from India to Pakistan was 1.5 million. The migration of Muslims from India to West Pakistan was 6.1 million. However, the important part today is the return of these people to India. The return, not of Hindus, but the return to India of Muslims who have migrated to East Pakistan is at the present moment 1 million. Therefore, what I said yesterday about our being a secular state stands vindicated. One million of the Muslim faith have come over from East Pakistan to us. About 100,000 have come over from the West to us .

124. Kashmir itself, the Jammu and Kashmir Government have a very well organized refugee organization. whilst the

Foreign Minister says that 500,000 people went through Kashmir at that time, the present figures show that 450,000 Muslims refugees from Pakistan-occupied Kashmir have returned to Kashmir and they have been rehabilitated. We have figures on them because this rehabilitation costs money, and the figures show that 450,000 of them have been rehabilitated. Similarly, 122,429 non-Muslims refugees have come into Kashmir from Pakistan-occupied Kashmir. That is to say, very nearly 600,000 people have come in as against 500,000 who went out. what is more, they are all rehabilitated.

125. Today our problem is the problem of people of either faith coming into India because of better economic conditions, because of the secular conditions, and so on. In case the Foreign Minister challenges me on that, I shall ready a very short extract from the statement by his own Prime Minister of today. Mr. Suhrawardy questioned a member's statement during a discussion in the Pakistan National Assembly in October 1956 with regard to the treatment of peoples in their own country and why people of non-Muslims faith should be loyal. this is what he said:

"You tell me today what signs have they"- that is, the non-Muslims-" shown of loyalty to Pakistan. My answer is clear. What have you done for them to get their loyalty? In what way have you shown them that you treat them in the same manner in which you have treated the Muslims? How many posts, offices, jobs, positions of honour and positions of responsibility have you given them?"

126. That is the statement of the present Prime Minister of Pakistan. In East Pakistan they have been government regulations in the way of official circulars asking firms not to employ people who are not of the Muslim faith and for the exclusion of non-Muslims from the cloth trade, which is held 80 percent by them, and official instructions to all foreign oil companies for the exclusion of non-Muslims. There is an increase in the number of crimes against this particular section of the community, and the whole system of education is being placed on a religious and non-secular basis. What is worse, there is the wholesale cancellation of licences for fire-arms for the non-Muslims population, while there is a free distribution of them to other side.

127. Those are are changed conditions that exist. In view of those changed conditions, how can the security council consider that the position that existed in 1949 exists today? If there were a possibility of the total withdrawal of all these forces and the restoration of law and order and peaceful conditions, that would be different. This is what has happened.

128. The repercussion of all these matters in India is very considerable. The instability that will be created in our part of the world is such that any attempt to inflict any hardship on the minorities in Pakistan is bound to have equal repercussions in spite of a very stern policy of our government in regard to racial or religious offences. In spite of that, it will create trouble. When violence breaks out, it will break out in a very large way.

129. In dealing with changed conditions in the State, I must also refer to the economic and social position in the Indian-administered area.

130. In the first five-year plan, the state laid out 9 million; in the second five-year plan, 32 million. It has abolished what used to obtain in the old, feudal days, the compulsory levy of grain on the peasants. Debt conciliation boards have scaled down rural debts by 80 per cent. An area of over 50,000 acres has been brought into cultivation. About 3.5 million pounds of fertilizer are distributed each year. During the last two years, 100,000 acres of land have been reclaimed. Electric power has begun to go into the villages. Local installation of power plants and the purchase of bulk electricity from neighbouring India contribute a very considerable part of the light and power in the area. Four hundred and twenty-five miles of new roads have been built, and a large number of the old roads have been improved. New bridges have been built. The customs duties between India and Kashmir have been abolished. Factories have been opened for the processing of minerals, the tanning of leather, and so forth. An industrial revolution is taking place in the area.

131. The most important change, however, in so far as it affects the other factors which have been mentioned, relates to the visits of foreigners to Kashmir. During the days of the trouble, when actual hostilities were going on, we restricted, for security reasons, the entry of

foreigners into Kashmir. In 1944, which was before the days of the trouble and peak year for tourists, 27,000 people went to Kashmir in the tourist season; last year, 62,000 people went there, out of which 9,000 were non-Indians-that is, European and American tourists.

132. I turn now to the field of education. Over 500 new primary schools have been established; 126 secondary schools, and seven colleges. Thanks to the operation of the United Nations children's Fund, there has been an extensive campaign to improve health conditions, particularly as regards tuberculosis, which is one of the troubles in Kashmir.

133. In this connexion, I should like to read a few brief comments made by foreign observers. This is what a special correspondent of the "Manchester Guardian"- a United Kingdom newspaper - had to say:

"In Srinagar, rations have gone up from 18 to 24 ounces'- of course, this may sound very small to representatives of Western countries-"and the price has gone down by 10 per cent. The import duty on salt has gone, water rates have been lowered, Government servants' wages raised; and, to silence anti-bureaucratic feelings, peoples' tribunals to examine corruption and nepotism are being set up.... co-education is to go and education is to be free for all".

134. A Special representative of the "Sunday Times", one of the organs of British conservative opinion, said the following- which I quote because of Foreign Minister of Pakistan made references to suppression of the Indian-administered area of the State:

"The Prime Minister (of Kashmir) moved unescorted among crowds who garlanded him, and peasants showered lumps of sugar, signifying a sweet welcome, on this car, while everywhere there were shouts of 'long live' and women sang 'our bread-winner has come'.

135. This is what the special correspondent of "The Times" of London had to say:

"More than Rs.20 million of debts have already been reduced to Rs.3,500,000... Irrigation is being extended, and improved seed and artificial fertilizer supplied at cost

price... Electric power is being increased, and industries...improved and expanded".

136. Similar accounts were contained in "The Economist" of London, "The New York Times" Swedish Newspapers, Egyptian newspapers, and so forth. Statements to the same effect have been made by ordinary visitors to Kashmir.

137. I have now described the changed conditions on our side of the State, that is, the Indian-administrated side. These changed conditions have a bearing on the council's consideration of the present problem. The council must view the resolution adopted in 1949 in the light of all the changed conditions and circumstances to which I have referred.

138. I turn now to conditions in the Pakistan-occupied part of Kashmir. In this connexion, I shall quote from our annex III (S/PV.762/ADD.1, ANNEX III) , which, like the other documents to which I have referred and shall refer, I ask to be received as an official document of the United Nations.

139. First, I shall read excerpts from a memorandum to the members of the Pakistan Constituent Assembly from the All-Jammu and Kashmir Muslim Conference- that is, the large national organization of "Azad" Kashmir to which the commission referred as wishing to accede to Pakistan.

"For the last few years the people of "Azad Kashmir" in general, and those of Poonch (the sword-arm of Pakistan and 'Azad' Kashmir) in particular, have been subjected to great torture and terrorization. Account of this terrorism is very heart-rending. The 'Azad' Kashmir Government, acting on the advice of the Military of Kashmir Affairs, is primarily and mainly responsible for the conditions that prevail in Poonch today."

140. The memorandum then goes on to describe these conditions as follows:

"Martial law was imposed in Poonch last time without any justification... At least a dozen houses were blasted with dynamite, a number of poor families rendered homeless. Ruthless and random firing by mortar guns took place, resulting in many deaths,

"Arrests of men, women and in some cases of children were effected. About 400 persons are still under detention in the concentration camp at Pullandri."-these statements are interesting in the light of the reference which has been made to persons detailed by the Kashmir government in the Indian administered area of Kashmir.-"....The people have been arrested without any warrants of arrest, on mere suspicion or personal vendetta... They are rotting in the concentration camps at Bagh, Bari, Pullandri and Sarsawah. They are forced to live under sub-human conditions... in Pullandri jail 340 persons are detained in two rooms which have been built to accommodate only thirty-six persons. Eighteen hundred gallons of water are required daily in this prison, but only 800 gallons are supplied.

".....There is a concentration camp at Muzzaffarbad also.... The face of Ghazi Feroze Ali, Secretary of the Pullandri Muslim Conference, was blackened. He was dragged through the bazaar, garlanded with shoes"- that is a form of insult in our part of the world"- and the police spit upon him and hissed and hooted him for hours... The same treatment was meted out to Abdul Aziz Maloti. Women were arrested and subject to unbecoming and insulting treatment"-- and there follows a description of cases of molestation which I do not wish to read out.

141. The memorandum then refers to the collection of arms, and states that persons practising legal professions in the part of the world have been terrorized. I continue to quote from the document:

"Arrest and detentions without trial are a common feather of public life now.."

"For the last six years, people of "Azad" Kashmir have not been allowed to elect a government of their own. The refugees of Jammu and Kashmir, half million of whom are on this side of the cease-fire line, are living in sub-human conditions, Their rehabilitation has been entrusted to unpopular, callous and unsympathetic so-called leaders who serve the personal purposes of the officers of the Kashmir Affairs Ministry..."

"To say that 'Azad' Kashmir has been developed economically is to deceive the world and yourselves..."

142. The submission is not meant for propaganda purposes. It was sent to the Pakistan Constituent Assembly by a political party seeking some redress. The following quotation from the memorandum is very important to the Council's consideration of this case:

"The Kashmir affair's Ministry (Pakistan) are the actual rulers of 'Azad' Kashmir... People of 'Azad' Kashmir are stunned to see what Pakistan means to them and those in Indian-held Kashmir have become hesitant in their blind love for the Crescent..."

143. The memorandum then demands the recall of all Punjab constabulary from 'Azad' Kashmir immediately and the recall of most of the non-Kashmiri officers, the appointment of courts of inquiry, and the establishment of a legislative assembly.

144. I repeat that this memorandum is not meant for purposes of agitation or propaganda. It was sent to members of the Pakistan Constituent Assembly by the All-Jammu and Kashmir Muslim conference.

145. I should now like to read out some excerpts from an appeal made to the members of the Pakistan Constituent Assembly by important representative of the people of 'Azad' Kashmir. This appeal is also worthy of the Security Council's attention.

"For the last seven years the people of 'Azad' Kashmir and the Jammu and Kashmir refugees have not been given a chance to elect their own government. Governments have been imposed upon them.... The Ministry for Kashmir Affairs wields totalitarian control over the administration of 'Azad' Kashmir".

146. The people who signed this appeal are all responsible persons in terms of Pakistan political life, according to their designations. They made this submission on the 'Azad' Kashmir side. I have said nothing about the local conditions in the northern area, because it is very largely inaccessible, but the people live under very primitive conditions and the developments that have taken place in these areas are of a military character, to which I shall refer later.

147. In his statement, the Foreign Minister of Pakistan referred to conditions of repression and imprisonment in the heart of the Kashmir state which is not occupied by foreign forces. He read out a large number of names, and said that these people were in prison at the present time. I should like to say, because this will go out to India, that some of the persons he mentioned are not in prison now; they have been out of prison for a long time. He said that Prem Nath Bazar, a Hindu was in prison. He is not in prison. He was imprisoned for a year, and was released a long time ago. The people were detailed on the orders of the Kashmir government. It was stated that Mr. Ghulam Ahmad Ashai is now in prison, but he was released in 1954. Another person mentioned, Mr. Pir Maqbool Shah Gilani, was released about a year ago. Mr. Abdul Ghani Goni was released on parole in the middle of last year. Mr. Ghulam Mohammed Dar was released towards the end of last year and Mr. Sadruddin Mujahid was released on 5 October last year.

148. I am putting all these facts before the Security council because an attempt has been made to show that there is a reign of terror in our part of this country. Last summer 62,000 people entered Kashmir as visitors, and 9,000 of them were non-Indians, they were foreigners. A great many of them were newspapers correspondents, cinema-men - because it is a great place for taking photographs - tourists and writers. They traveled all over the country, and that fact is a sufficient indication that there is not an 'iron curtain'.

149. Reference has been made to Sheikh Abdullah. I have already read from his statement to the constituent assembly to show what his political position is. Sheikh Abdullah was placed under detention by the Government of Kashmir. There is a detention law in Kashmir, just as there is a detention law in India. This is a piece of legislation which, in spite of our desires to maintain an abstract liberty, we found to be necessary in view of subversive movements in the country. Today, under this law, there are forty-nine people under detention in the whole of Kashmir, a good many of them for acts which have nothing to do with political crimes.

150. What is the procedure under this law? First of all, their offences must be stated in the 'detenus'. A man cannot just be detained, he must be told why. They have access to a tribunal of high level, to judicial persons who

have to investigate the cases. Objection might be taken to this legislation, and there are some people in India who seriously object to it. The cases are examined by the judicial tribunal, which can order the release of a 'detenu', and the government cannot refuse that release. The 'detenus' are not brought to public trial because there are reasons which may affect relations between states, not only with the state of Pakistan, but with other states. You have already heard, when I read from a document this morning, that my colleague from the United Kingdom quite rightly felt very concerned. I was more concerned, but I did not get any remedy for my concern, though he did for his. That is how the world is, Mr. President. If some of these men were brought to trial, the Government could not withhold any evidence under our system, whoever that evidence might affect. It would create an enormous number of difficulties, but I do not want to ask the council to go into all the details. I simply wish to say that, even taking the quantum of it, there are forty-nine persons under detention, some for short period, some for longer.

151. It is quite true that the former Prime Minister of Kashmir is under detention, but may I say, without any offence whatever, that the present Prime Minister of Pakistan was arrested in 1948. It is one of those things that happen in times of social changes. My Prime Minister was under detention for a long time, and he has said that he learned a great deal during that period. The present Prime Minister of Pakistan was a prisoner of the former Pakistan government, but I must say that he has not retaliated in the same way.

152. With regard to Sheikh Abdullah, in a document which I am now going to put in, there are at least five or six extracts from testimonials to Sheikh Abdullah given in previous times by Pakistan publicists and ministers, and there is no name that was too bad for Abdullah at that time. The Question is, at which time did he turn quisling.

153. The letter of the former Prime Minister, Sheikh Abdullah, has been put in as a document by Mr. Khan Noon, and I am sure that he will agree with me that the only way to understand correspondence is to put in both the letter and the reply. Therefore, I have assisted him by providing technical assistance in putting in the reply of Mr. Sadiq, the President of the Kashmir Constituent Assembly. The

letter of Sheikh Abdullah, which was put in as a criticism of the Government and against accession and so on, was sent to the President of the constituent Assembly in order to make certain protests. The President of the constituent assembly as elected. He sent a reply; so if the Security Council looks into one letter it must look into the other. Therefore, in the annexes to my statement (S/PV.762/Add.1, annex VII) we have put the two together.

154. I have a great many more notes here about which I wished to talk, but I think you have heard me long enough. I shall only deal with the essential point that remains. I have no time to contradict every paragraph that appears in the statement of the Foreign Minister of Pakistan. There is, however, a misquotation from a commission document which gives a totally erroneous impression of its meanings. I think that in saying that I am being moderate enough.

155. The present series of meetings are being held because of the letter dated 2 January 1957 from the Minister for Foreign Affairs of Pakistan to the President of the Security Council. In presenting his case, the Foreign Minister of Pakistan has done two things. First, he delivered what amounts of threats. He indicated that trouble would brew. We have had an opportunity of comparing some of these statements with the statement made in 1947. They have, shall I say, a very close family resemblance, especially if you read them parallel to the other statements I read out a while ago, that is to say, if this was a beginning, then this would not end with the Security Council; Pakistan would propose to do something itself, and so on.

156. Then Mr. Khan Noon said:

"Here I would like to say that it is sometimes argued by India that everything is peaceful"- we have only said it is peaceful now on the Indian administered side; on the contrary, we have said it is not on the other side-"so why bother about Kashmir? But I warn you,"- he warns the Security Council-" that is a calm before the storm"(761st meeting para 105).

Now I ask you gentlemen whether this is the language of the Charter: "But I warn you, that is a calm before the storm. Everything is peaceful"?

157. Mr. Khan Noon continued:

"We have just seen a telegram which states that on 11 January, our Minister for information, Mr. Amir Azam Khan, made statement in Karachi that the Indians have massed their troops on our border. The Excuse that Mr. Nehru gives is that he fears an attack from Pakistan, whereas we have not sent one soldier to our border. The fact that he is afraid of a war breaking out because of the Kashmir problem should assure the Security council and the world that it is peaceful on the surface, but if the security council closes the door on a peaceful settlement we cannot say what will happen. If the Indian troops are there because India fears war between India and Pakistan, that should be a sufficient answer to those people who say that 'all is quite in the Kingdom of Kashmir"- it is not a kingdom anymore-" and India and Pakistan and the Security council need not take any action".

158. Then he gives some advice to the Security Council:

"Please do not be misled by the fact that we are peaceful and that we want a peaceful solution."- The security council has had sufficient evidence adduced before it by me to show the nature these intentions.-"we are looking to the security council to do justice to these poor and poverty-stricken people"- I have also read to you the conditions on either side-" of Kashmir to whom it has promised a free and fair plebiscite under the auspices of the security council, which plebiscite has been denied to them for the last eight years."

That is a denial of fact because what has been promised is what is under part III of the agreement.

159. I shall first deal with this statement. There is an allegation here which is of a serious character and I say with the highest respect to the Foreign Minister of Pakistan this should have been a subject of protest to my Government. That is the normal practice between two neighbouring governments if either masses troops on its border. Now what is the position? In actual fact we have reduced the military strength in Kashmir recently. I referred this to my own Prime Minister and this is the truth. There is no truth whatsoever in the statement made by the Pakistan Minister for Information on 11 January. Of course, the Minister for Information, as you know, in

peacetime is the reincarnation of the Minister of Propaganda in wartime.

160. The United Nations observer teams are located all along the cease-fire line in Jammu and Kashmir. If there had been any massing of troops in that area, as alleged by Pakistan, the matter would have been immediately dealt with by the chief military observer of the United Nations Group. That is with regard to the cease-fire line.

161. If the complaint is that we are massing troops on the Indo-Pakistan border, along the Indo-Pakistan border in the Punjab, that is in the western area, there has been no increase in the strength of our troops. The Prime Minister at the moment is Minister of Defence as well as Prime Minister, so he ought to know. If at all, the strength of troops deployed on the border has decreased as the majority of border posts have been handed over by the army to the Punjab armed police at the local police, not of the state government. I do not know why and where the information came from; it may be that some observation from the air miscarried. Observers probably mistook Pakistan troops for Indian troops; they look alike. That is quite possible, but I think the interesting part of it is that on this day, when we were supposed to be making all these great troop movements in preparation for war, the great majority of our generals were taking part in a polo tournament in Calcutta. that is not the way to wage war. Therefore, there is no substance whatsoever to it. This is part of propaganda of the Minister for Information. The Foreign Minister has only relayed what his Minister of Propaganda put out.

162. As against that, we have to take the position that not merely are there Pakistani troops in Kashmir-and all of you sitting around this table representing independent states realize that the security of a country is a vital concern-but all the Pakistan military concentrations of any importance are on our border. Abbottabad is sixteen miles from the Kashmir border. It is one of the main military concentrations. Rawalpindi, which is the General Headquarters, is thirty-one miles from the Kashmir border. Murree, where another concentration of the 12th Infantry Division of the Pakistan army is located, is fifteen miles from our border. Jhelum is four miles from our border. Kharian is thirteen miles from our border. Sialkot is six miles away, so that we were ringed a round by Pakistan concentrations the whole time. In annex II of my statement

(S/PV.762/ADD.1.), which has been distributed, there is a map which shows how this encirclement is carried out, so that when we talk about security we are not just producing an argument.

163. If you want any further details, since the Minister for Foreign Affairs of Pakistan has taken the liberty of making a public statement about the disposition of our troops which turns out to be inaccurate. I take the liberty of telling you how their troops are deployed in the Kashmir area. I did not ask the Pakistan government where they got their information. I only pointed out that it was inaccurate. This happens to be accurate. Scouts in the northern area of Pakistan occupied Kashmir- that is the Gilgit area-number 3,000. they are officered by Pakistan Regular Army officers. Formerly, there was a distinction between the A and B categories of the "Azad" battalions, but now it has almost disappeared, meaning thereby the local militia has now become a regular army. All 'Azad' Kashmir battalions and their training and equipment are on a par with Pakistan regular troops. Regular Pakistan army officers with PAKISTAN forces and scouts in Pakistan-occupied Kashmir are more than sixty. The commanding officer and adjutants in most 'Azad' Kashmir battalions are from the Pakistan Regular army. There is a sprinkling of regular Pakistan officers also in all 'Azad' Kashmir battalions and in the scouts organization.

164. As far as the deployment of troops is concerned- because it affects our security, as I give the distances- there is one corps in the Rawalpindi area, one armoured division in the Rawalpindi area, the 12th Infantry Division under the operational control of the 15th Infantry Division, three infantry brigades in the Sialkot area, and this division is under its operational control. In other words it is these nerve centres that control the entire territory of Kashmir under Pakistan occupation. Kharian and Jhelum are being developed as big base, only four miles from us and a new component for the armoured division is to be used as a base for supplies of the new military equipment coming in under American aid. "Bashkars" are being trained for military operations in the 'Azad' Kashmir territory. Personnel is drawn from the 'Azad' Kashmir battalions and is trained by Pakistan personnel.

165. Here is another important part of it. Most of the airstrips and landing-grounds are being widened and

improved to take the latest type of jet aircraft. We have the length of these air trips and the increases this- we have been made recently and we are quite satisfied that the increase in the length of these runways is for the purpose of taking the jet planes which they could not have taken before.

166. The 12th and 15th Infantry Divisions have been under the operational control of the part of Kashmir. Formerly this was the responsibility of the 12th Infantry division. The former armed forces personnel is being organized by ex-Major-General Akbar Khan and others, to raise a volunteer corps to liberate Kashmir. This is the same Akbar Khan who was not supposed to be in Kashmir but appeared under the name of general Tariq and who was prosecuted by the Pakistan government for conspiracy against the Pakistan government, and now, I suppose, a new patriotic phase has emerged and he is going to liberate Kashmir. So the former insurrection leader has also been put into this thing. I would like the Security Council to take note of this position.

167. In regard to air bases in Northern Kashmir, Gilgit and Chitral are the two important airfields, they are on the Soviet-Chinese-Indian border and, according to the reports that we have, are being expanded and developed. Of course, equipment cannot be manufactured in Pakistan. Heavy machinery and radar are reported to have arrived there. The 'Azad' Kashmir forces have no air airmen of their own. Before November 1948, there were only two cross runway in the Gilgit airfield, one was 915 yards and the other 650 yards. They were for the small observation planes of the British days to come down on. But now the runways have been increased to 2,000 to 2,500 yards. I do not think I will read out the remainder because it is highly confidential information.

168. I have said, and I would like the delegations of the countries which are in military alliance with Pakistan-and particularly the United States-to accept my assurance, that in any observations I make, no reflection that such assistance as they give is intended to be used against us. But unfortunately, weapons of war have no magazine for intentions; their only magazines are for projectile power. You cannot decide beforehand which way they will fire.

169. I will not quote statements from the newspapers or from legislators or agitators, it is too serious a matter for that. But I will quote the present Prime Minister. The Prime Minister, speaking at Lahore on 2 December 1956, not long ago, defended Pakistan's policy of military alliances. He said that when the Government of Pakistan decided to remain neutral and weak there was no immediate danger to its own independence- it is quite obvious it was not its own security.

"I see no country that is prepared to attack, engulf or destroy us". That includes us, because Mr. Suhrawardy was formerly a member of our National Party-"I see no country that is prepared to attack, engulf or destroy us." I hope he will live with that statement. The immediate disadvantage to Pakistan, however, is that it will not be able to assert its rights. The Prime Minister continues:

"We may have to keep our rights on Kashmir, on canal waters or to bow our heads to a superior and more powerful neighbour".

170. Then he went on to refer to India's attitude towards Pakistan. It is not a defensive affair, and these alliances therefore are intended to negotiate "from strength", as it is called whatever that means.

171. The Foreign Minister said in Rawalpindi on 21 October: "There is only one country in the world inimical to Pakistan and that is Bharat"- that means us, as they do not like us, but this word occurs in our Constitution and we have no objection to it, we are not ashamed-"on account of its intransigent policy in Kashmir."

There is only one country inimical to Pakistan, but they have signed a trade agreement and we are always common sufferers under certain conditions.

172. Mr. Firoz Khan Noon said in Lahore the previous day, speaking in justification of Pakistan's adherence to military alliances, and specially the Baghdad Pact and the SEATO defended it on the grounds that:

"A powerful neighbour country which was inimical to Pakistan had in fact forced it to seek friendship elsewhere. That country had grave differences with this country and the two pacts have enabled Pakistan to ensure

its defence against aggression. The country's freedom could only be preserved with the help of those friends."

173. There are some of the most restrained statements on this subject. I could quote a great many more, but it is not my purpose to aggravate this matter because so many other countries are involved, in spite of all the reservations I have made, it would be bound to leave a feeling that we were extending this debate to other matters such as the general world policies of certain countries.

174. At this moment it is necessary for me, in a few minutes, to say what our position is. There are certain proposals made by the Pakistan Government. I had intended to deal with them this morning but it is not necessary for me to deal with them now because of the draft resolution which is before us (S/3778); no doubt they will be discussed at that time. But if I deal with more proposals briefly it should not be considered that we have exhausted our observations on this subject. The proposals are as follows:

"In view of this grave situation the government of Pakistan requests the Security Council to take action on the following lines:

"First call upon India to refrain from accepting the change envisaged by the new constitution adopted by the so-called Constituent Assembly of Srinagar..."(761st meeting, para 107 and 108).

175. I explained yesterday that this Constituent Assembly does not proceed from the resolutions of the Jammu conference or anything like that (763rd meeting para 132 ff); it has its origin in the proclamation of the Head of the State, the next of which I read out to you, and its purpose is the creation of a constitution for Kashmir itself. The relation of Kashmir to India, so far as we are concerned, is decided by the accession. Therefore, it is not the Constituent Assembly that should be attached and I do not see what restraint can be imposed upon the exercise of the sovereign rights of an independent country. How can the Security Council turn around to us and say that a constituent party to a federation cannot have its own constitution to order its own life in its own way? If anything is to be attached it must be the accession, as I pointed out yesterday, and I submitted that the Security

council is in no position under the charter to go into the legality of the accession, and so far as we are concerned it is incomplete.

176. The Second paragraph of the proposal reads:

"Secondly, under Article 37, paragraph 2, of the United Nations charter, spell out the obligations of the parties, under the terms of the international agreement for a plebiscite as embodied in the United Nations resolutions.(ibid .. para 109)

177. I think it would be repetition several times over for me to point out the fallacy in the last three lines. There is no international agreement for a plebiscite, there is international agreement on a plan for which there are certain pre-conditions. In these matters we must not jump from one thing to another, it does not mean the same thing. We are always willing to have the obligation of this body under the charter spelled out.

178. Then there are remedies proposed. I do not think I shall deal with these in detail, but so far as the remedies in paragraph 77 of the first report of the commission (S/1100), are concerned, before those who are applying their minds to it make their final decision, I would request them, particularly those who regard themselves as in close relations with us, to refer to the commission's report on this subject made nine years ago. It is a bad policy to subscribe oneself to courses of action for reasons that are not related to this subject. So far as paragraph 77 of the report is concerned, we reserve our comments, except to refer to the paragraph in the commission's report in regard to the introduction of other troops and forces in the area, and the answers that have been given. This was a Pakistan request, made by Sir Mohammed Zafrullah Khan nine years ago, it was reviewed and the commission turned it down. I want to submit also, for those who are very constitutionally minded, that this is a contravention of the charter.

179. I would like to say that the substance of my submission before the council is that the Government of India asked the council to carry out the provisions of the charter, which is what it will do. We, on the other hand - and I make a solemn declaration on the part of the

Government of India- shall not use force. We shall no desire- and we have never done it in the past-to change the status quo in regard to any of our difficulties on our frontiers by the use of force. The most understanding instance is the Portuguese colony of Goa on our Western side. It is Indian territory under imperial occupation. We have a moral duty as a national movement to bring about its liberation. There are our friends from the fourth Republic of France who have possessions of this kind in India. We patiently negotiated with them, as they did with us for over seven years; while if it were a question of force, it could have been decided one way or another before. Therefore we do not change the state of affairs by the use of force.

180. I have been asked by the Government of India to state, therefore, that not a gun, not a soldier will be used, not a shot will be fired by us. There will be no aggressive action taken so far as we are concerned. It is a little late in the day for Mr. Khan Noon to come and tell us about a no-war declaration-which sounds very well except when you read the conditions. A request was made by us to his predecessor when he was Prime Minister and Foreign Minister eight or nine years ago, and repeated time after time to his successors, including the Ambassador to Washington at the present time, for a no-war declaration. Therefore, while the present statement may have the same label, it has not got the same substance.

181. I am to assure you that so far as we are concerned, even in rider to redress our wrongs, even in order to restore our territories, to assert the sovereignty which this council has at no time challenged and, what is more, repeated time after time, and in order to pursue the purposes embodied in our constitution, and to establish the integrity of our land, we are not prepared to use force. But at the same time, in view of the threats that have been made, if our territory is violated, then we shall use the provisions of the charter to defend what is ours under the law and in terms of our possession. And this is merely a very humble statement of our position of the Government of India.

182. It has no relation whatsoever with our armed dispositions. I have with the utmost frankness told the council what our armed disposition is. Ours is perhaps the only country in the world which has reduced its military

budgets. We spent somewhere about 18 percent of our total revenues on military expenditures, as against 37 per cent of Pakistan's. Our army has gone down in numbers and in its offensive power, while the other army has gone up. But believing as we do that it is not possible to equate this position, especially in the context of these military alliances, by entering into an arm race, and that probably the risks of peace are no greater than the risks of war, we are taking this line.

183. The Security Council, composed as it is, in the circumstances in which we find ourselves of not having considered this question for five years, and, I hope in view of the submissions I have made, has a serious responsibility to pronounce on this question. I say that the fundamental question is whether the Security Council is prepared to say to itself, and whether each member State of the council is prepared to say to itself, that from an aggression, whatever may be the right of the other side, other consequences beneficial to the aggressor can follow.

184. That is the issue we are considering in another context and in other places. Therefore, to disregard all that has been said by the commission- and not in one paragraph, but in many-and, what is more, as I said this morning, to draft resolutions on this subject before another side has submitted its case, is not to proclaim the sense of justice and equity of this august organization.

185. Therefore, my government, in full faith, believing in the allegiance of the security council to the principles of the charter, believing in its rights in law, in morality and in ethics, and what is more, knowing what are the interests of the people of India and Pakistan, knowing the consequences of unsettlement, remembering the grim tragedy of 1947, knowing the passions that are aroused when there is a quarrel between neighbours, asks you to be careful. We ask for your prudence, we ask for your sound judgement in not jumping into a situation without taking all these facts into consideration.

186. The Government of India here is not in the dock. We came here as complainants. A distinguished colleague of ours appears to have mentioned this today; why should we be so much on the defence? If it sounds of people that we are on the defence, it may be because we indulged in some understatements both in the past and in the present. We

are here not in order to ask for condemnation of anybody, but we are here, in order to state what are our rights under the charter. Have we the right for the security of our territory? have we the right to be free from threat? Have we the right to feel assured that the machinery of the security council and its resolutions are not going to be used as a smoke-screen for the preparation of aggression against us? Have we the right so far as the council is concerned- and I say that it cannot impose it-to live side by side with our neighbour, free from the threats of a holy war? Have we the right to enable our people, the great majority of whom are below subsistence levels, to devote their energies, their attention, our resources, our friendships, for their economical and political development?

187. These are the questions that face us. And while I have no desire to conclude in this way, I cannot but help referring-and I would have done this if it had come from any other representative of the government of Pakistan except our old friend Mr. Khan Noon- to what he told this council when he said that between the friendship of the India and Pakistan people stands Mr. Nehru. I ask the council to consider that statement, coming from a leading Indian personality only ten years ago, who is a family friend of most of what may be called the ruling families, if you like, the persons in government positions in India, who knows our intentions and who represented the government of India as a whole in many circumstances, and telling our people that between the two of us lies the personality of our Prime Minister.

188. If that is not incitement to revolt against the Government, I ask what is? It is the only part of that statement that has caused our delegation intense pain. That comes on top of the kind of thing that is written in Pakistan,

189. What I have here is from "Dawn". I am ashamed to read it, but it is my duty to do so. "Dawn" is a paper founded by the founder of Pakistan. It is still regarded as a kind of most important organ, I believe. It says:

"The Security Council will have barely ten days to decide upon some concrete, tangible, unequivocal and compelling step whereby the rapacious brigand of Asia, that hypocrite masquerading as an apostle of peace with his hand red with

the blood of Kashmiris as well as Bharati Muslims, that double-facing, double-talking and double-dealing Brahmin Janus who shamelessly woos both Moscow and Washington in order to have the best of both the worlds-can be prevented from accomplishing his designs.

"Will the United Nations this time act, or will it again temporize and shirk its responsibility?"

This is about the Prime Minister of India who, when he went to Pakistan - and I make no odious comparisons-was received with greater affection than any Pakistan, It goes on to say:

"Let us hope for the best, but be also prepared for the worst. The one thing certain is that Bharat shall not be allowed to grab Kashmir finally."- so there is no question of the plebiscite deciding-"If the United Nations fails, and those with whom we have thrown in our lot prove faithless"-those are the six military allies-"let the world take note that the prospect of a peaceful settlement will vanish forever. The inevitable alternative need not be spelled out-but come it will".

190. I do not say it is a statement of the Pakistan Government. But considering that while the security council is sitting here, demonstrations against our missions are asking place in Pakistan territory, and what is more, that those demonstrations are addressed and spoken to in cordial terms by the Prime Minister of Pakistan, I hope the Security council will pardon me if I make references to this. Even where there are hostilities, even when there are greatly strained relations, there are properties to be observed. We have also a very sentimental population, not different from theirs. We have a larger country; we have pockets of Muslims all over. I come from a part of India where a considerable Muslim population forms a pocket. We do not want the conditions to be created where they will be the victims of fanaticism and of passion. Therefore, no errors have been made in this.

191. The Security council regards this as a dispute. It is not a dispute for territory. There is only one problem before you-whether you will face it or not, and if you do not face it, I say with great respect it is a matter between yourselves and the instructed judgement of your Governments-and that problem is the problem of aggression.

My Government, when once that is resolved and when all these elements of aggression are withdrawn, will not be wanting, in its allegiance to the charter, in finding an arrangement by adjustment with our neighbours which will be of our common good. Any other procedures you may adopt will not only put off that day, but will aggravate the relations which we are trying very hard to make otherwise. It will also prove to those vast millions of the Indian people-and irrespective of all circumstances, they have many friends in this world, in all continents-to the masses of them, that the politics of power alignments, religious fanaticisms, personal antagonisms, take precedence over the fundamental principle of the charter.

192. The charter enjoins upon you, Mr. President, and your colleagues, an action consistent with the crime of invasion.

PART THREE OF THREE OVER

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