

Speeches before the Security Council

# Speeches before The Security Council 1964



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## **Letter, dated January 16, 1964, to the President of the Security Council**

### ***EXCELLENCY,***

On behalf of the Government of Pakistan, I have the honour to request you to convene an immediate meeting of the Security Council of the United Nations to consider the grave situation that has arisen in the State of Jammu and Kashmir.

This situation is the direct consequence of the unlawful steps that the Government of India is continuing to take in order to destroy the special status of the State in arrogant disregard of the resolutions of the Security Council more specifically of those of March 30, 1951, and January 24, 1957, and the resolutions of the United Nations Commission for India and Pakistan of August 13, 1948, and January 5, 1949.

This sinister design of the Government of India to obliterate the special status of the State of Jammu and Kashmir was fore-shadowed by Bakhshi Ghulam Mohammad, the then Premier of the Indian occupied part of the State on October 3, 1963.

He then announced that a directive had been issued (by the Government of India) to bring Kashmir closer to the rest of India, and that as a first step it had been decided to change the designation of 'Sadr-i-Riyasat' to Governor, and 'Prime Minister of the State' to Chief Minister, and to bring the State in line with the other States (Provinces) of India. Bakhshi Ghulam Mohammad added that the necessary constitutional formalities to give effect to this change would be carried out by the State 'assembly' when it meets in March, 1964.

This contemplated move was brought to the attention of the President of the Security Council by the Permanent Representative of Pakistan to the United Nations in his letter of October 9, 1963, as it involved a gross breach of India's commitment to the principles of the resolutions of the United Nations Commission for India and Pakistan and of the Security Council.

In reply to this letter the permanent representative of India in his letter of November 12, 1963, made the outrageous claim that Jammu and Kashmir is a constituent State of the Indian Union and, therefore, Indian Union territory. In other words, he challenged the basic position of the Security Council as set forth in the aforementioned resolutions.

A few weeks later Bakhshi Ghulam Mohammad was replaced by a new Puppet 'Premier' Shamsuddin, one of whose first acts was, under order from Delhi to install in office a Cabinet in which as many as seven out of 12 Ministers and Deputy Ministers were Hindus even though the State of Jammu and Kashmir is overwhelmingly Muslim.

He then proceeded to dismiss over 100 officers of the State Government, who were to be replaced by persons with a more secular and nationalistic outlook. In other words, the administration of the State was being purged of Muslims officers whose only fault was that they were in some small measure conscious of the special status of their homeland and their right to self-determination. Both the change in the composition of the Cabinet and this purge had been carried out at the behest of the Government of India as part of India's design to annex Indian-occupied Jammu and Kashmir to India.

That 'Premier' Bakhshi Ghulam Mohammad had merely foreshadowed in his announcement of October 3, 1963, what the Government of India had already planned and was very soon

confirmed by the Minister of Home Affairs of the Indian Government, Mr. Gulzarilal Nanda. On November 27, 1963, Mr. Nanda outlined in the Indian Parliament the further measures of annexation of the Indian-occupied part of the State that the Government of India had decided on. He specifically mentioned the following:

- 1) An order of the President under Article 370 of the Constitution was issued on September 25, 1963; applying to Jammu and Kashmir State entry 26 of the Concurrent List (List III) in the Seventh Schedule in respect of legal and medical professions and other consequential provisions of the (Indian) Constitution.
- 2) A proposal to apply to Jammu and Kashmir entry 24 of the Concurrent List insofar as it relates to welfare of labour in the coal mining industry, is under consideration.
- 3) It has been decided that representatives of Jammu and Kashmir in the Lok Sabha should be chosen by direct election as in other States. Effect will be given to this after the termination of the present emergency.
- 4) It has also been decided that the Sadr-i-Riyasat and Prime Minister of Jammu and Kashmir should be designated as Governor and Chief Minister respectively. Legislation to give effect to the proposal is expected to be taken up during the next session of the State Legislature.
- 5) Article 370 of the Constitution occurs in part XXI of the Constitution which deals with temporary and transitional provisions. Since this Article was incorporated in the Constitution many changes have been made which bring the State of Jammu and Kashmir in line with the rest of India. The State is fully integrated to the Union of India.

Government are of opinion that they should not take any initiative now for the complete repeal of Article 370. This will, no doubt, be brought about by further changes in consultation with the Government and the Legislative Assembly of Jammu and Kashmir State. This process has continued in the last few years and may be allowed to continue in the same way.

This statement of the Indian Home Minister was endorsed immediately thereafter by the Indian Prime Minister. In the Indian Parliament Pandit Jawaharlal Nehru explained that Article 370 of the Constitution of India which envisages a quasi-autonomous status for the State of Jammu and Kashmir will be subjected to a process of gradual erosion.

It is clear from these declarations that the Government of India is deliberately set on defying the Security Council and on integrating the Indian-occupied part of Jammu and Kashmir with the Indian Union. This is being done in flagrant repudiation of India's commitment to the principles contained in the two resolutions of the United Nations Commission for India and Pakistan, which enjoin that the question of the accession of the State to India or Pakistan will be decided through the democratic method of free and impartial plebiscite, conducted under the auspices of the United Nations.

The members of the Security Council will recall the assurances repeatedly given in the past by Indian representatives to the effect that the Government of India would not act contrary to its commitments to the principles of the United Nations Commission's resolutions. Among those which are now being violated are the resolutions of the Security Council of March 30, 1951, and January 24, 1957. The former resolution states inter alia in its preamble:

“Affirming that the convening of a constituent assembly recommended by the General Council of the All Jammu and Kashmir National Conference and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, would not constitute a disposition of the State in accordance with the above principles.”

The resolution of January 24, 1957, after reminding the governments of India and Pakistan the authorities concerned, of the resolutions of the Security Council and of the United Nations Commission for India and Pakistan of August 13, 1948, and January 5, 1949, lays down the following in its operative paragraphs:

“Reaffirms the affirmation in its resolution of March 30, 1951, and declares that the convening of a constituent assembly, as recommended by the General Council of the All Jammu and Kashmir National Conference, and any action that assembly may have taken to determine the future shape and affiliation of the entire State or any part thereof or action by the parties concerned in support of any such action by the ‘assembly’, would not constitute a disposition of the State in accordance with the above principle.”

In a second letter addressed by the Permanent Representative of Pakistan to the President of the Security Council on January 3, 1964, the Permanent Representative has invited the attention of the Security Council to the above quoted statement of November 27, 1963, by the Indian Home Minister and has pointed out that the steps contemplated by the Government of India are patently designed to consolidate India’s hold over the bulk of Jammu and Kashmir, to demoralize its people and interpose further obstacles in the establishment of conditions for the exercise of their free choice in regard to their future, and therefore,

constitute a defiance of the Security Council and the Principles of the Charter of the United Nations.

On December 14, 1963, the Government of Pakistan also addressed a note of strong protest to the Government of India against the proposed measures. The Government of India have rejected that protest and termed it as an unwarranted interference in the internal affairs of India.

My Government for its part, has never admitted and will never recognize India's fictitious claim to the territory of Jammu and Kashmir in disregard of the right of self-determination of the people of the State as pledged to them in the resolution of the Security Council and the United Nations Commission for India and Pakistan to which India also is a party.

The persistence of the Government of India over the last 15 years in a policy of trampling under foot the basic and inalienable rights of the people of Jammu and Kashmir, and its illegal and arbitrary legislative and administrative measures to annex the State have created a vicious climate in the State. It is this climate in which the political, religious and cultural rights of the people of the State are treated with scorn by their Indian rulers, that has made possible such criminal acts of sacrilege and vandalism as the recent theft of the sacred hair of the Holy Prophet Mohammad (Peace be upon Him) from the Hazratbal Shrine near Srinager and the attempt to set fire to a Muslim Shrine in Kishtwar in Jammu province.

The sacrilege committed in the Hazratbal Shrine has served to provide a spark to the bitter discontent and indignation which had been mounting in Kashmir as a result of India's policies and which are now rampant amongst the people of Indian-occupied Jammu and Kashmir

against recent Indian moves to 'integrate' that part of the State with the Indian Union.

Since the theft of the Holy Relic on December 26, 1963, the Muslim population of Jammu and Kashmir has given vent to its anguish and anger through massive demonstrations for more than 10 days paralyzing life in Srinagar and many other parts of the State. This sacrilege as pointed out by their leader, Sheikh Abdullah from his prison, would tragically complete the process of disintegration of the political, moral and spiritual life of the people.

According to foreign newspaper reports (New York Times of December 30), hundred of thousands of Muslims kept marching in mourning processions day after day through the streets of Srinagar. Despite the bitter cold of winter they could not be deterred from giving expression to their anger even by police bullets and baton charges.

What took place in those days can perhaps be best described by quoting from the dispatches of impartial foreign correspondents.

The evening Star of Washington carried the following dispatch from Mr. Richard Critchfield filed from Srinagar on January 2:

"Between 300,000 and a half million deeply grieving Muslims plodded doggedly in seemingly endless processions for the sixth straight day here yesterday, mourning the theft of the Prophet Mohammad's sacred hair on December 26. Virtually the entire population of this Himalaya - rimmed capital abandoned their homes to open the day-light hours marching through the cobbled streets and demanding in enraged voices that their holy relic be returned to its Shrine."

"Yesterday afternoon, the processions converged in a human mass stretching as far as the eye could see before the Khanyar mosque in the centre of the city to hear religious leaders. In thunderous shouts,



Srinagar's people demanded that the processions and virtual stoppage of normal life here will go on until the sacred hair is found."

"A funeral dirge of thousands of voices echoed through the city, expressing the sorrow that could turn into violent rage at any time."

"Most of the Srinagar men spent a sleepless night on Tuesday praying for the holy relic's return. Many already are shouting demands that Sheikh Abdullah, Kashmir's popular former Prime Minister, be released after a decade of imprisonment by India."

"Bitter resentment is rampant against Hindu India's recent moves to integrate Kashmir fully into the Indian Union."

Again, in a second despatch from Srinagar sent on January 6, the same correspondent wrote:

"In Srinagar's Red Square, where India's Prime Minister Nehru promised Kashmir self-determination 16 years ago, thousands today thunderously demanded the release of their former Prime Minister, Sheikh Abdullah, who was jailed by Mr. Nehru in 1953."

"In a scene of pandemonium, an immense gathering proclaimed Sheikh Abdullah as the only man who could be trusted to identify the recovered sacred hair of the Prophet Mohammad. The hair was stolen from a Muslim Shrine here on December 26 and was 'recovered' on Saturday."

"As the All-India Radio was broadcasting descriptions of public jubilation here following the recovery of the holy relic by an Indian investigation team, Srinagar's people grimly sat for hours amidst falling sleet. Their leaders announced that public mourning and a general strike would continue until Sheikh Abdullah was released."

"What began as a religious demonstration now clearly is an open rebellion against the Bakhshi Government and India itself."

“The massive impact of the grief and protest of the people of Jammu and Kashmir has been so momentous and unprecedented that even Indian newspaper correspondents have been compelled to acknowledge something in the nature of an ‘open rebellion against the Bakhshi Government and India itself.”

Writing in the Hindustan Times, a leading Delhi newspaper, on January 8, under the heading “What now after Kashmir’s 10-day nightmare?”, a celebrated Indian correspondent states that the 10-days between the purloining of the Prophet’s hair and its accidental re-appearance, have shaken a great deal in Kashmir.

“It was a situation of complete administrative break-down. The Government offices were at a standstill, the hospitals were unmanned, the post offices had ceased to function, and the shops were closed.”

“The only way that the Government showed its presence was to order some indiscriminate arrests which only worsened the situation because some of those arrested were the very people who were trying to contain the anger of the crowds.”

The question now is where do we go from here? The myth of the Bakhshi family hold on the people of Kashmir, sustained by electoral fraud, is completely exploded. It is unthinkable that the Government of Kashmir can be handed back to men so thoroughly exposed as without popular allegiance.

It may here be pointed out that India’s representatives have in the past repeatedly urged before the Security Council that the “elections” held in Jammu and Kashmir since 1948 under the twin domination of Indian military occupation and the Bakhshi regime, were “fair” and “free” and that the verdicts of the fraudulently elected assemblies in favour of accession and annexation to India, must be accepted as valid.

These demonstrations and the general strike are not only an expression of the resentment of a long-suffering people against the outrage perpetrated against their deepest religious sentiments.

They are also an expression of their intense frustration and bitter discontent at the move of the Government of India forcibly to annex their homeland.

The Guardian (Manchester) of December 31, writes as follows:

“The past few days’ disturbances in the state capital Srinagar, over the disappearance of a sacred relic, are different in kind from previous communal clashes in State’s farther south, but are probably nonetheless worrying the Indian Government. The anger of the demonstrators seems directed primarily not against the local Hindus but against the Kashmir State Government, the members of which are Muslims. The buildings they set fire to were Government offices, a police station and two cinemas belonging to a former Chief Minister (Bakhshi Ghulam Mohammad).”

“It is widely assumed – even by many Indians – that in a plebiscite more Kashmiris would opt for Pakistan than for India. That is one reason why Mr. Nehru long ago withdrew his agreement to a plebiscite, and why elections in Kashmir, unlike those in the undisputed parts of India, hardly have been the crudest appearance of being free and democratic. But citizens not able to express their political feelings by vote often (at least in non-totalitarian countries like India and Kashmir) find even more violent ways of demonstrations.”

The Economist (London) in its issue of January 4, has also underscored this aspect of the events which have overtaken Indian colonial rule in the State:

“Tension within and over Kashmir had risen since the resignation three months ago of the former Prime Minister Bakhshi Ghulam

Mohammad. One of his last acts was to announce certain constitutional changes (the State Legislature will vote on them shortly) that would serve to integrate the State more closely with India. Pakistan promptly protested, and there has since been a series of border incidents. Simultaneously there has been pressure in New Delhi which the Indian Government has resisted, for the abrogation of that Article in the Indian constitution which ensures Kashmir's special status."

"This idea has been vigorously supported in Jammu, the southern and largely Hindu part of Kashmir State by the Hindu opposition party there. When the new Prime Minister Mr. Shamsuddin and his colleagues arrived for the winter in Jammu town, they were met by a storm of brickbats in which 90 people were injured. The effect has been both to arouse those in Kashmir who dislike the idea of even closer links to India and to stir up religious hostility from which the valley on the whole has been remarkably free. The theft of the holy relic was spark to the powder."

The open rebellion, against the Bakhshi Government (and his nominee, Shamsuddin) and India itself, continues. Despite the intensification of terror and repression by the Indian occupation authorities the people of Jammu and Kashmir are determined to wage their heroic, peaceful struggle until Sheikh Abdullah is released and liberation from Indian rule is won.

Despite the alleged recovery of the holy relic, the situation inside India-occupied Jammu and Kashmir remains extremely tense and explosive.

An awesome blanket of secrecy has enveloped the state. Foreign correspondents have been shunted out of Kashmir and civil communications suspended. Very little news is allowed by India to trickle through.

All that is known is that the administration is still paralysed. A reign of repression and terror has been let loose. The Indian army has been reinforced. Nevertheless, the people are determined to continue their struggle.

The All-Parties Action Committee has called on the people to keep all normal activity suspended until the Government accepted its demand, including the release of all those arrested during the 10 days and an impartial judicial inquiry was held into the sacrilege.

Ever since the Hazratbal and Kishtwar outrages and the subsequent reign the repression in Indian-occupied Kashmir, the feelings of the people of Azad Kashmir and of Pakistan have been incensed. Tension has mounted dangerously. It found expression in some regrettable incidents in the Khulna and Jessore districts of East Pakistan on January 3, against the Hindus minority. However, these were promptly suppressed and order was restored.

In the annual session of the ruling Indian National Congress, held only a few days ago, inflammatory statements about the situation in Khulna and Jessore were made by its leaders. The Indian Minister of Home Affairs, Mr. Gulzarilal Nanda, threatened from the party's platform on January 9, to take "appropriate action to deal with the situation created by the communal riots at Khulna and Jessore in East Pakistan". Within hours after those speeches, violence and death were let loose against the Muslim minority in the city of Calcutta and in the West Bengal districts of 24 Parganas, Hoogly, Howrah, Burdwan and other areas.

There have since been wide-spread killing of Muslims and various cases of arson and looting and destruction of Muslim Property. Within three days, according to a foreign news agency report, the number of the dead added up to 200. On January 12, in one day alone 14,000

terror-stricken Muslim refugees crossed into East Pakistan from West Bengal. By the following day, the figure mounted to over 20,000.

On the same day, the President of Pakistan issued a strong appeal to the people of Pakistan to maintain calm, emphasizing the supreme need for maintaining communal peace despite the anxiety and provocation that the tragic events in West Bengal must have caused them.

The President also sent an urgent appeal to the President of India to take immediate and effective steps to restore order and peace in riot-torn Calcutta and other areas of West Bengal and create a sense of security in the minds of the Muslim minority and enable the Muslim refugees to return to their homes in the larger interests of both India and Pakistan. He added that he could not help feeling that in taking the law into their own hands with a view to driving the Muslims out of West Bengal into East Pakistan certain elements in the majority community in West Bengal have drawn encouragement from the policy that the Government of India has been following over two years despite our protests and appeals to drive out Indian Muslims living in districts bordering East Pakistan.

The number of such refugees who have registered themselves with East Pakistan authorities had by the end of December already reached 95,613. To this number have now been added 20,000 terror-stricken Muslims who have crossed over into East Pakistan from the riot-affected areas in West Bengal.

To the great regret and anxiety of my government, the situation in Calcutta and West Bengal has not yet been brought under control. Senseless acts of killing, arson and looting continue to take place. The toll of the dead is mounting, in Calcutta alone there have been 500 cases of arson. As many as 75,000 Muslims have been rendered homeless in Calcutta and are stranded in parks and on the roads. The

disturbances have spread to yet another district in West Bengal. Thousands continue to escape into East Pakistan.

The communal fury in Calcutta and West Bengal and the grim situation in Kashmir are the outcome of the same deep-rooted malady – disregard of human rights by India. The present communal riots are not the first of their kind. There have been, since the great riot of 1950, well over 500 outbursts of communal frenzy against Muslims in India.

The Government of India's action since Bakhshi Ghulam Mohammad's announcement of October 3, to carry further the process of 'integration' of Jammu and Kashmir with the Indian Union, the Hazratbal and Kishtwar outrages, the subsequent regime of Indian repression in the State concealed from the world by a wall of secrecy, followed by widespread killings, looting and arson in Calcutta and in other districts of West Bengal, have created an extremely tense and explosive situation in Azad Kashmir and throughout Pakistan.

Pakistan's relations with India have been dangerously strained. Unless it can be demonstrated that the peaceful procedures of the United Nations are capable of halting the highhanded and dangerous policy that India is following in regard to the State of Jammu and Kashmir, and of inducing her to respect the rights of the Muslim population of the State and in the Indian Union, the people of Azad Kashmir and Pakistan may in desperation, turn to other courses.

I have the honour, therefore, to request on behalf of my Government that Your Excellency convene an immediate meeting of the Security Council to consider the grave turn that the situation in Indian-occupied Jammu and Kashmir has taken and the danger that it poses to peace in the region.

Accept, Your Excellency, the assurance of my highest consideration.

**Address at the One Thousand Eighty-Seventh Meeting of the Security Council, held on February 3, 1964**

***MR. PRESIDENT,***

The Government of Pakistan has requested this meeting of the Security Council to draw attention to the serious deterioration in the relations between Pakistan and India and to the far-reaching and incalculable consequences of this situation if it is not improved. Considering that one sixth of the human race is involved, we cannot continue in this way without, in the end, inviting an eruption which will be catastrophic to both.

When we requested this meeting, the permanent representative of India is reported to have said at a press conference that "all that can come out" – presumably referring to this meeting – "is a little more mud throwing". Whether this remark anticipated his government's attitude, I do not know. But if it came from any other quarter, this remark would strike me as either flippant or extremely callous. No, sir, the stakes are too high, the issue too vital, the number of people involved too great for us to seek through "mud throwing" the resolution of a dispute that carries the seeds of a major international upheaval. It is our contention that justice and not "mud throwing" will ultimately resolve this issue, and we are here to place before you the justice of our complaint.

We have come to his distinguished body to obtain its assistance in an impartial examination of the existing situation and to urge upon it the uncontestably vital necessity of remedying it – not exclusively in the interest of the peoples of Pakistan and India, but also in the larger interest of world peace, stability and prosperity.



The situation to which I refer was brought to the attention of the Security Council in my letter of January 16. I am sure that the members of the Security Council have informed themselves of what has recently happened in Kashmir and in our two countries and the heavy toll these events have taken in human lives and property, the suffering they have caused, the bitterness they have engendered, the great scars of hate they have reopened. Accounts of the rioting and the consequent uprooting and displacement of large populations bring an ugly and shameful reminder of those unbelievably tragic events which occurred in the two countries in 1947. Nearly seventeen years have passed since then. Is there to be no end to this madness?

For my part, I must place on record my government's deepest anguish at the occurrence of these recent tragic events, whether they happened in India or in Pakistan. In bringing these events to the attention of the Security Council, it is not my intention to present a charge sheet against anyone. No purpose would be served by that. Our endeavour should be to determine the root cause of these tides of violence and to see what it is that makes Pakistan and India such uneasy neighbours and so bedevils their relations.

It is in this spirit that Pakistan comes once again before the Security Council to plead the cause of the people of Jammu and Kashmir at the bar of the world organization.

The government and people of Pakistan are totally committed to the liberation of their Kashmiri brethren. They will not tire; neither will they falter in the long and bitter struggle until the right of self-determination, as pledged to them in the resolutions of the Security Council and the United Nations Commission for India and Pakistan, has been implemented.

It is our firm belief that in waging this peaceful struggle, we are striving to uphold the high purposes and principles enshrined in the Charter of the United Nations – to avert the danger to international peace in Asia and the world and to promote respect for human rights. At this moment, both stand in peril.

As set forth in my letter of January 16, addressed to you, Mr. President, the reasons for my government's request for an urgent meeting of the Security Council, briefly, are as follows. An extremely tense situation has arisen in Kashmir and throughout Pakistan and relations between my country and India have become strained over the Government of India's policies toward the State of Jammu and Kashmir and more specifically its recently declared intention to "integrate" the State of Jammu and Kashmir with the Indian Union. India is doing this in open violation of its own pledges to the Security Council and in disregard of the rights of the people of the state. As a reaction to Indian policies, the long-suffering people have once again risen in what has been described by foreign observers as "open rebellion against the Bakhshi government and India itself".

This rebellion continues. Despite the intensification by Indian occupation authorities in the state of measures of terror and repression, the brave people of Kashmir are determined to continue their struggle against Indian rule until liberation is won.

A wall of steel separates India-occupied Kashmir from the outside world. India is trying desperately to conceal what is happening there under a massive blanket of censorship. But enough leaks through to show that India's colonial hold over Kashmir is disintegrating.

In my letter, I have quoted excerpts from the despatches of impartial foreign correspondents to give some indication to the Security Council and the world of the upheaval that has taken place inside Indian-

occupied Jammu and Kashmir during the last few weeks. It has paralyzed the puppet government of Shamsuddin and the Indian occupation authorities. These despatches show that the massive demonstrations and the paralyzing general strike in Kashmir are not only an expression of the resentment of a long-oppressed people against the outrage perpetrated in the Hazratbal shrine against their deepest religious sentiments; they are an expression also of their indignation against continued domination. As the Economist of London, in its issue of January 4, point out, "The theft of the Holy Relic was spark to tinder."

The "incredible drama of religious passions and political rebellion" of the people of Jammu and Kashmir against Indian rule – as a foreign observer puts it – has not ended as the result of the proclamation of the alleged recovery of the Holy Relic and the intensification by India of repressive measures. In an eye-witness account dated January 19, of the happenings of the past few weeks in Indian-occupied Jammu and Kashmir, the correspondent of the Washington Evening Star, the only foreign reporter to visit the area during the recent uprising, stated as follows:

"For two weeks I was the only outside witness in Kashmir to an incredible drama of religious passions and political rebellion . . . for the last eight days Srinagar was cut off from the outside world by landslides, snowstorms and tight press censorship . . . When I left Srinagar on Monday, the general strike that has paralysed Kashmir's economy was in its 18<sup>th</sup> day, though stores had opened for half days last week allowing a slight resumption of business."

"The successor government of 'Premier' Shamsuddin, a long-time Bakhshi henchman, has virtually ceased to function. For three weeks no government or ruling National Conference Party official dared to appear before the public. Instead they remained indoors guarded by police with

fixed bayonets.”

“On January 5, the week of growing demonstrations was climaxed when 300,000 Muslims gathered in Srinagar’s Red Square, where Mr. Nehru promised Kashmiris self-determination fourteen years ago. On January 7, Indian army troops supported by rifle carrying police occupied

Srinagar’s streets . . . As the troops patrolled Srinagar, Government buildings were lit up and fireworks exploded in a bizarre travesty of public celebrations. The sullen and angry population listened to All India Radio broadcasting patently false reports of widespread rejoicing and public speeches by Government leaders.”

“During the past fourteen days hundred of Kashmiris have rushed up to me in Srinagar’s streets begging me to tell their story to the world. Their story is that they are desperately unhappy after decades of rule by Bakhshi’s iron-fisted and corrupt police state. India is also blamed for installing and supporting a tyrannical regime which suppressed any dissent with police ‘interrogations’, secret informers and sadistic ‘peace brigades’.”

The correspondent then goes on to say: “After two weeks it is impossible for an outsider, even one deeply sympathetic towards India, to believe that India can continue to hold to Kashmir, much less fully integrate it into India without maintaining a police State backed by army troops. India’s fifteen-year attempt to win over Kashmir is ending in tragic failure. When humble peasants in Kashmir are asked ‘Who is your leader and what do you want?’, the answer invariably is, ‘Sheikh Abdullah and plebiscite’.”

There were renewed disturbances on January 25 and 26, in Srinagar, Anantnag and Baramula, all major towns of the State. Black flags were hoisted and a general strike was observed despite police threats to have shops looted if they were found closed. The Indian police employed baton

and tear-gas charges and, when these failed to quell the demonstrators, resorted to indiscriminate firing. A despatch in the Baltimore Sun of February 1 reports that "estimates of the number dead in these firings have risen to about thirty".

The Indian authorities have prohibited even peaceful demonstrations and processions in major towns of the state. Arrests of Kashmiri leaders continue, the latest being that of Maulana Mohammad Yasin, member of the People's Action Committee. Maulana Masoodi, leader of the People's Action Committee, has been ordered not to leave Srinagar. Kashmiri men and women crossing the seven bridges which connect the two parts of the city are required to do so with hands raised above their heads on the pretext that they may be carrying bombs to blow up the bridges.

According to the Indian Express of February 1, complete hartal, that is general strike, was declared in Srinagar on January 31 when the leaders of the people publicly charged that agents provocateurs of the National Conference had on Wednesday attacked the inmates of a hospital, most of whom were victims of the weekend rioting. According to this despatch, the general strike will be observed every Friday until the people's immediate demands are satisfied.

A despatch in the Times of India of Delhi, of January 28, 1964, is significant. It says: "The orderliness and discipline witnessed during the days of the hartals" – that is general strike – "processions and meetings were remarkable. There was hardly any case of disobedience to the order of the People's Action Committee. In Srinagar, the Government appeared ineffective and there was almost a parallel administration."

It goes on to say:

"Three battalions of the Rajasthan, Punjab and Central Reserve Police had to be rushed to Kashmir, and the Indian army authorities were requested to help in taking up guard duties at strategic points."

According to a despatch in the Washington Sunday Star of January 19, India's Home Secretary "warned that future demonstrations would be put down with a heavy hand". This is to be read with a Reuters despatch in the Washington post of January 5 according to which a mass meeting in Srinagar "passed a resolution charging that recent incidents were an attempt to incite Kashmir Muslims so that, if they protested, India would have another excuse to suppress the freedom movement."

The fear expressed by the people of Kashmir is now confirmed by the news reported in the Baltimore Sun of February 1 that "the Indian Army rushed reinforcements to riot-torn Srinagar." This despatch adds that "mobs shouting anti-Government slogans marched through Srinagar and drew fierce police reprisals". The Indian Army has also been called out to assist the police in suppressing the people.

This despatch from Delhi mentions "private admission that additional military strength is needed to keep internal discipline in Kashmir". The Minister of the Indian government, Mr. Shastri, who visited Kashmir, as reported by the Hindustan Times. Delhi, of January 31, "drove through almost desolate streets". A Hindu leader of Jammu, Mr. Premnath Dogra, is reported to have sent telegrams to the President of India complaining of "mass suppression".

The background of these recent happenings in Kashmir is explained by the Christian Science Monitor of January 22 as follows:

"Since last year, tension in that part of the territory administrated by India has grown with the hitherto quiescent Muslim majority apprehensive about moves to integrate Kashmir more closely with India."

The upheaval in the state has gathered further political momentum. The target of the mass movement is the regime of India's

puppets and quislings and the whole National Conference Party, which is India's political prop in the state.

The truth is that the people are no longer prepared to tolerate India's hold over the state which began when it marched into Kashmir in October, 1947.

The situation in Kashmir is exemplified by the imprisonment of Sheikh Abdullah since August, 1953. The Security Council will recall that when the Kashmir case was first brought before the Council, India justified the despotic maharajah's accession on the ground that it had been supported by the "most popular" leader of Kashmir, Sheikh Abdullah. Sheikh Abdullah has been described by the Prime Minister of India, Pandit Nehru, as "the lion of Kashmir, beloved of the people in the remotest Valleys of Kashmir" around whose personality "numerous legends and popular songs have grown". Mr. Nehru also has paid tributes to Sheikh Abdullah's "strength and vision which have endeared him to Muslims, Hindus and Sikhs in Kashmir". Mr. Nehru has called him "the biggest and most popular leader in Kashmir" and "a brave man who has led his people through weal and woe".

It was this same leader who was arrested in 1953 at the behest of Mr. Nehru himself and who has since then, with one brief interval of three months, remained incarcerated. For five years from 1953 to 1958 he was held without charge and trial. In October, 1958, he was brought before an Indian court for a mock trial which is still going on.

The prosecution has filed a list of 322 witnesses of which only 81 have been examined during the last five years. I repeat, out of a list of 322 witnesses, only 81 have been examined during the last five years. The end of the trial is nowhere in sight. This judicial farce, staged on trumped-up charges, must for ever remain a blot on the administration of justice in India. The occasion of his arrest in August, 1953, provided

the Indian Military with the opportunity to resort to indiscriminate shooting of protesting Kashmiris. Over a thousand men, women and children were mown down. In Sheikh Abdullah's own words, the people of Kashmir "were given a blood bath unparalleled in the annuals of Kashmir's history".

The traumatic experience of the people of Jammu and Kashmir under Indian rule moved Sheikh Abdullah to write recently to the President of India from goal, calling upon him to revise Indian policy with regard to Jammu and Kashmir. May I be permitted to quote from this letter:

"During the last three centuries, though Kashmir witnessed long periods of misrule and lawlessness, never before has such a tragedy befallen the people and no one has ever had the audacity to touch the Sacred Relic, much less conceive the profane idea of its removal from the shrine. The present tragedy is the greatest ever blow in this Islamic centre known to history."

The Sheikh continues:

"It is our considered view that this sacrifice is not an isolated incident unconnected with the happenings in the recent past in Kashmir. Of late, Kashmir has been going through a process of dehumanization. Respect for moral and spiritual values is cast to the winds, without the slightest qualms of conscience. This process was actually, so to say, initiated in August, 1953, when the unashamed murder of democracy was committed in Kashmir. Thereafter, flagrant disregard of moral values was publicly demonstrated with the sanction and backing of the rulers of Kashmir. Scant respect was shown to law and justice and common man's life and honour were at the mercy of wanton hooliganism. No attempt was made to arrest the process of degradation. On the contrary, crores" – that is, millions – "of rupees of Indian



Exchequer have largely been utilized to corrupt the people of Kashmir and almost kill their very soul, so as to 'drug them away' from any possible resistance against the onslaught of their basic human rights."

"The present sacrilege would tragically complete the process of disintegration of the political, moral and spiritual life of the people of Kashmir who could then be dealt with as dumb, driven cattle."

The Sheikh concludes with the following appeal to the President of India:

"In this connection I would draw your attention to the reported indiscriminate arrests recently effected in the valley as also to the use to the use of force which has taken the toll of some valuable human lives. You can appreciate the depth of sorrow and anguish in the minds of Kashmiris, and if even expression of such anguish is gagged, it may lead to grave consequences. It is time that we realize that bullets and lathi (baton) charges and indiscriminate arrests do not help in easing such situations. An early action in the direction of revising the Kashmir policy is equally important, to which I have made a reference earlier. It is the root cause of the evils, which has culminated in the present tragedy."

That is a part of the letter written by Sheikh Abdullah recently from gaol to the President of India. Despite India's policy, according to Sheikh Abdullah, of "dehumanization", the flame of freedom has continued to burn ever brighter in the hearts of the people of Jammu and Kashmir. I recall the statement Sheikh Abdullah made in 1961 in the course of his farcical trial by an Indian court. I quote:

"It is a small matter as to what happens to me. But it is no small matter that the people of Jammu and Kashmir suffered poverty, humiliation and degradation. It has been no small what they have endured for more than a decade and what they are enduring now. In fact, the state has become a vast prison camp . . . Hundreds of

Kashmiris have suffered incarceration for years since 9 August, 1953, under these lawless laws; many were shot by the army and the police; hundreds were maimed and disabled for life; hundreds again were involved in fictitious criminal cases in order to silence their voices . . .”

“These very events have demonstrated the justice of the demand for the immediate implementation of the pledge of the plebiscite given to the people of Kashmir by India, Pakistan and the United Nations.”

He concluded with these memorable words:

“My voice may be stifled behind the prison walls but it will continue to echo and ring for all times to come. It can never be stopped. It is the voice of human conscience.”

Sheikh Abdullah’s voice is only an articulation of the feelings in the hearts of the millions of Kashmiris who have again risen in a mighty protest against Indian occupation and domination.

Even Bakhshi Ghulam Mohammad who helped to put him in prison and, under the protection of Indian bayonets, usurped the government of state has been compelled to admit the failure of India’s policy in Kashmir to crush the spirit of the people. According to the Press Trust of India, an Indian news agency, Bakhshi Ghulam Mohammad told reporters on his arrival in New Delhi from Srinagar on January 17 this year, that:

“There are three slogans being raised in Kashmir now: Firstly, an inquiry should be held into the events of 1953 which led to the arrest of Sheikh Abdullah; secondly, Sheikh Abdullah should be released; and thirdly, the demand for the plebiscite should be conceded.”

When called to order by the Indian authorities for making such a damaging admission, Bakhshi Ghulam Mohammad obediently issued a “clarification” that “what he had exactly said was that some disgruntled elements, who were opposed to the regime, had raised these slogans.”

“The disgruntled elements who were opposed to the regime” let it to noted, were, in the words of the correspondent of the Evening Star “virtually the entire population of this Himalayan-rimmed capital of Srinagar” who “abandoned their homes to spend the daylight hours marching through the cobbled streets and demanding in enraged voices that their Holy Relic be returned to its shrine.”

It is this surging mass of humanity which shouted “demands that Sheikh Abdullah, Kashmir’s popular former Prime Minister, be released after a decade of imprisonment by India”. The “disgruntled elements” are the people of Srinagar who, according to the correspondent, grimly sat for hours amidst falling sleet to express their bitter resentment against “India’s recent moves to integrate Kashmir fully into the Indian Union.”

These recent moves that precipitated a situation in which, in the words of the Economist “the theft of the Holy Relic was spark to tinder” have been set forth in my letter for you, Mr. President, of January 16.

The sinister design of the Government of India to obliterate the special status of the State of Jammu and Kashmir was foreshadowed on October 3, 1963, by Bakhshi Ghulam Mohammad, the then puppet “premier” of Indian-occupied Jammu and Kashmir. He announced that “a directive had been issued to bring Kashmir closer to the rest of India” and that, “as a first step”, it had been decided to change the designations of “Sadr-i-Riyasat”, to “Governor” and “Prime Minister” of the state to “Chief Minister”, to bring the state in line with the provinces of India. He added that the necessary “constitutional” formalities to give effect to this change would be carried out by the State Assembly when its meet in March, 1964.

The Government of Pakistan protested at once to the Security Council through its Permanent Representative. As stated in his letter of

October 9, the proposed step involved yet another breach of India's commitment to the principles of the United Nations Commission for India and Pakistan's resolution of August 13, 1948 and January 5, 1949.

In reply to that letter the Permanent Representative of India, in his communications of November 12, made the outrageous claim that Jammu and Kashmir is a constituent state of the Indian Union and therefore Indian territory.

Soon afterwards Bakhshi Ghulam Mohammad was replaced by his own nominee, Shamsuddin, as the new puppet "premier" of Indian-occupied Jammu and Kashmir. One of the first acts of that hitherto obscure figure was to install in office, under orders from Delhi, a cabinet in which as many as seven out of twelve ministers and deputy ministers belong to the minority community, even though the population of the state is overwhelmingly Moslem. Shamsuddin then proceeded to dismiss over 100 officers of the state government who were to be replaced by, as he put it, "persons with a more secular and nationalistic outlook". Thus, at one stroke, he purged the state administration of officers whose only shortcoming was that they were, perhaps, in some small measure, psychologically and emotionally resistant to India's policies in respect of their homeland.

Subsequently, on November 27, 1963, the Indian Minister for Home Affairs, Mr. Nanda, announced in the Indian Parliament the following measures to "integrate" the state with India:

- (1) An order of the President under article 370 of the (Indian) Constitution was issued on September 25, 1963, integrating the state's legal and medical professions with those of India;
- (2) A similar proposal in respect of welfare of labour in the coal mining industry was under consideration;

- (3) Representatives of Jammu and Kashmir in the Lok Sabha would be chosen by direct election as in the Indian provinces. Effect will be given to this after the termination of the present emergency;
- (4) The Sadr-i-Riyasat and Prime Minister of Jammu and Kashmir would be designated as Governor and Chief Minister respectively. Legislation to give effect to the proposal would be taken up during the next session of the state legislature.

Mr. Nanda continued – and I quote:

- (5) "Article 370 of the Constitution occurs in part XXI of the Constitution which deals with temporary and transitional procedures. Since this article was incorporated in the Constitution many changes have been made which bring the State of Jammu and Kashmir in line with the rest of India. The State is fully integrated to the Union of India. Government are of opinion that they should not take any initiative now for the complete repeal of article 370. This will, no doubt, be brought about by further changes in consultation with the Government and Legislative Assembly of Jammu and Kashmir. This process has continued in the last few years and may be allowed to continue in the same way."

The Indian Prime Minister, Mr. Jawaharlal Nehru, endorsed this statement the same day. He went on to explain that article 370 of the Indian constitution would be subject to a process of "gradual erosion".

The Government of Pakistan protested to the Government of India against these unlawful and outrageous measures. In a note handed to the Indian High Commissioner to Pakistan on December 14, the Government of Pakistan pointed out that the contemplated measures were deliberately aimed at destroying the basis of agreements on the

State of Jammu and Kashmir as embodied in the resolutions of the United Nations Commission for India and Pakistan of August 13, 1948 and January 5, 1949; they also violated the resolutions of the Security Council of March 30, 1951 and January 24, 1957. The Government of Pakistan made it clear to the Government of India that in view of these resolutions, whatever measures the Government of India had taken or might take, whether legislative or administrative, could have no legal effect whatsoever since such measures contravened the pre-existing international legal obligations that India had accepted in respect of the State of Jammu and Kashmir. Those obligations cannot be negated unilaterally by India through any device, however camouflaged. This protest note also made it clear that all Indian actions of this nature, already taken or contemplated, were illegal and ultra vires because of the provisions of the resolutions of the United Nations Commission for India and Pakistan, to which India is a party, that the future of the State of Jammu and Kashmir can be determined only by the people of Kashmir themselves through a free and impartial plebiscite conducted under United Nations auspices.

Furthermore, in a second letter addressed by the Pakistan Permanent Representative to the President of the Security Council on January 3 the attention of the Security Council was invited to the above-quoted statements of the Indian Home Minister and the Prime Minister of India. It was pointed out in the letter that the steps contemplated by the Government of India were patently designed to consolidate India's hold over the bulk of Jammu and Kashmir, to demoralize its people and to interpose further obstacles in the establishments of conditions for the exercise of their free choice in regard to their future, and that, therefore, they constituted a defiance of the Security Council and the principles of the United Nations Charter.

The Government of India, I regret to state, rejected the protest of the Government of Pakistan and termed it "an unwarranted interference in the internal affairs of India".

May I remind the representative of India that Pakistan has never admitted and will never recognize India's false claim to the territory of Jammu and Kashmir in disregard of the right of self-determination of the people of the state, as pledged to them in the resolutions of the Security Council and the United Nations Commission for India and Pakistan.

It is perhaps necessary here to recapitulate, briefly, the background against which the integration measures of the Government of India should be viewed. I need not now recall the story of the circumstances in which India procured the "accession" of the maharajah of Jammu and Kashmir. The Security Council is familiar with that history. Suffice it to say that the genesis of the dispute is that India obtained the signature of the despotic maharajah on an instrument of accession at a time when the people of Jammu and Kashmir had risen in rebellion against the maharajah and ousted his authority from the State. But apart from the fact that this "accession" lacked a legal sanction ab initio, how did the Government of India itself represent this accession to the Government of Pakistan or to the United Nations?

According to their statements, the so-called "accession" was, first, conditional upon the results of a plebiscite of the people of Jammu and Kashmir to be held under international auspices, which would decide whether Jammu and Kashmir should accede to India or to Pakistan; and, second, that it was limited only to the three subjects of defence, communications and foreign affairs. There are innumerable statements to this effects made by the representatives of India from time to time. I shall here quote only three. Immediately after the so-called accession

by the maharajah, the Prime Minister of India, informing Pakistan of it, said in his telegram of October 27, 1947, addressed to the Prime Minister of Pakistan:

“I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the state to accede to India.” I repeat: “is not designed in any way to influence the state to accede to India”. He went on:

“Our view, which we have repeatedly made public, is that the question of accession in any territory or state must be decided in accordance with the wishes of the people and we adhere to this view.”

The members of the Security Council will note the words: “is not designed in any way to influence the state to accede to India.”

When the Government of India brought the question to the Security Council in January, 1948, the representative of India said, at the 227<sup>th</sup> meeting: “We desire only to see peace restored in Kashmir and to ensure that the people of Kashmir are left free to decide, in an orderly and peaceful manner, the future of their State.

We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established.”

Members of the Security Council will note the words: “we have no further interest”.

Later, the representative of India reaffirmed his government’s position thus:

“The Indian Government was careful, even though the request came from both, to stipulate that it was accepting the accession only on the condition that later, when peace had been restored, the expression of the popular will should be ascertained in a proper manner.



It was on that condition and that condition alone, that the Indian Government accepted accession . .”.

Members of the Security Council will note, again, the words: “It was on that condition and that condition alone, that the Indian Government accepted accession”.

These statements shows that India’s intervention in Jammu and Kashmir, according to its own declaration, was not intended to make the accession final and that a plebiscite had to be held in Kashmir to decide its future. It might be pertinent to refer here to the summation made by the President of the Security Council, at its 236<sup>th</sup> meeting. He said: “. . . the documents now at our disposal show agreement between the parties on the three following points:

1. “The question as to whether the State of Jammu and Kashmir will accede to India or to Pakistan shall be decided by a plebiscite;
2. “This plebiscite must be conducted under conditions which will ensure complete impartiality;
3. “The plebiscite will therefore be held under the aegis of the United Nations.”

He continued:

“The terms in which the three ideas I have just mentioned are expressed and the consequences to be deduced from them may be matters for discussion, but I think I can say that the three ideas are not themselves disputed between the parties.”

I believe that these references – and it is only to avoid undue length that I do not add the many more which are on record – are enough to indicate the position taken by the Government of India before the Security Council, according to which the principle that Jammu and Kashmir would decide its accession by a plebiscite was undisputed, as

noted by the President of the Security Council. It was on the basis of this agreement between India and Pakistan, which transcended all other question in dispute, that the two resolutions of the United Nations Commission for India and Pakistan were accepted by the parties. If they mean anything, they mean that Jammu and Kashmir cannot become part of either India or Pakistan except as a result of a plebiscite conducted under the auspices of the United Nations.

In additions to affirming the provisional and conditional nature of the so-called accession, the representatives of India were at pains, at meetings of the Security Council, to explain that Jammu and Kashmir retained its autonomy within the Indian Union and that, in fact, India had very limited jurisdiction over it. In fact, at one meeting, the representative of India conceded that the determination of the future of Kashmir was a matter over which neither India nor Pakistan had any jurisdiction and that this point was common ground between the two countries. Even later, in 1951, Sir Benegal Rau, then India's representative, explained to the Council that the scope of Kashmir's autonomy was limited only by a few matters having been taken over by the Government of the Indian Union.

This was the way in which India first represented its relationship to Jammu and Kashmir. It was supposed to be a relationship limited in scope and subject to a plebiscite. Then, in spite of these solemn declarations and agreements, on October 27, 1950, the so-called "All Jammu and Kashmir National Conference" adopted a resolution to convene a constituent assembly for the state to determine its "future shape and affiliation". The significance of this manoeuvre was all too plain: it meant that India was arranging, through the coterie sponsored by it in Kashmir, to by-pass the United Nations, and to have the so-called accession rubber-stamped by a complaint agency. Pakistan

protested and brought the situation to the attention of the Security Council.

After due deliberation, the Council adopted a resolution on March 30, 1951, whose preamble stated:

“Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of August 13, 1948 and January 5, 1949, and have reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite, conducted under the auspices of the United Nations.”

“Observing that on October 27, 1950, the General Council of the ‘All Jammu and Kashmir National Conference’ adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the ‘future shape and affiliation of the State of Jammu and Kashmir”.

“Observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly will be elected is only a part of the whole territory of Jammu and Kashmir.”

“Reminding the Governments and authorities concerned of the principle embodied in the Security Council resolutions of April 21, 1948, June 3, 1948 and March 14, 1950 and the United Nations Commission for India and Pakistan resolutions of August 13, 1948 and January 5, 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed in the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.”

“Affirming that the convening of a Constituent Assembly recommended by the General Council of the ‘All Jammu and Kashmir National Conference’ and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle . . .”.

During the debate preceding the adoption of this resolution, the Indian representative gave assurance to the Council that the proposed “constituent assembly” would not prejudice the issue before the Council or come in its way. This meant that the question of the accession was to be decided by a plebiscite and India was bound to that commitment. The representative of India said at the 536<sup>th</sup> meeting of the Security Council:

“Accordingly, provision was made in the Indian Constitution for a constituent assembly for settling the details of the Kashmir constitution. Will that assembly decide the question of accession? My Government’s view is that, while the constituent assembly may, if it so desire, express an opinion on this question, it can take no decision on it.”

Again, he said at the 538<sup>th</sup> meeting of the Security Council:

“Some members of the Council appear to fear that in the process the Kashmir constituent assembly might express its opinion on the question of accession. The constituent assembly cannot be physically prevented from expressing its opinion on this question, if it so chooses.

But this opinion will not bind my Government or prejudice the position of this Council.”

Despite these assurances, the Indian-sponsored authorities in Kashmir continued to declare that the assembly would decide the future affiliation of the State. When the Council met again on May 31, 1951,

the President of the Security Council addressed a cable-gram to the Foreign Ministers of India and Pakistan which said:

“Members of the Security Council, at its 548<sup>th</sup> meeting held on May 29, 1951, have heard with satisfaction the assurance of the representative of India that any constituent assembly that may be established in Srinagar is not intended to prejudice the issues before the Security Council, or to come in its way.”

“On the other hand, the two communications to me, as President of the Council, from the representatives of Pakistan contain reports which if they are correct, indicate that steps are being taken by the Yuvaraja of Jammu and Kashmir to convoke a constituent assembly, on function of which, according to Sheikh Abdullah, would be a ‘decision on the future shape and affiliation of Kashmir’.

“It is the sense of the Security Council that these reports, if correct, would involve procedures which are in conflict with the commitments of the parties to determine the future accession of the State by a fair and impartial plebiscite conducted under United Nations auspices.”

“It seems appropriate to recall the request contained in the resolution of March 30 that the parties create and maintain ‘an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement’. The Council trusts that the Governments of India and Pakistan will do anything in their power to ensure that the authorities in Kashmir do not disregard the Council or act in a manner which would prejudice the determination of the future accession of the State in accordance with the procedures provided for in the resolution of the Council and of the United Nations Commission for India and Pakistan . . .”.

Undeterred by the resolution of the Security Council and the admonition of its President, the so-called constituent assembly in Kashmir was convened through rigged elections as an instrument of India's design, first, to by-pass the United Nations – that is, to avoid the plebiscite – and second, to extend the terms of the so-called accession – that is, to consolidate India's hold over Kashmir.

It was at this stage that Sheikh Abdullah proved to be an impediment in India's path because he began to stress that the accession was provisional and, even as such, was limited to a restricted number of subjects. It became an urgent necessity for the Government of India to eliminate him as a factor in the equation. This was done by his arrest and imprisonment. Bakhshi Ghulam Mohammad who was installed in his place undertook to facilitate the steps which were contemplated by the Government of India for tightening its hold over Jammu and Kashmir. By an order promulgated in 1954, as amended from time to time, the Government of India has sought to reduce, step by step, the status of Jammu and Kashmir to a province of the Indian Union. The integration of the state's services with the rest of India and the extension of the jurisdiction of the Comptroller and the Auditor-General and of the Election Commissioner and the Supreme Court to the state were some of the steps in this process. Each of these measures could be made to appear as minor and innocuous in nature, but taken together they compel the functioning of Jammu and Kashmir as a unit of the Indian Union.

These measures, all taken in violation of international agreement and in defiance of the Security Council's resolution which I have quoted, eventually led to the adoption, in November, 1956, of a "constitution" by the "constituent assembly" in Kashmir. This "constitution" declared: "Kashmir is and shall be an integral part of the Union of India". Pakistan

again brought the matter to the Security Council's attention, and on January 24, 1957, the Council adopted another resolution, which states: "The Security Council . . ." "Reminding the Governments and authorities concerned of the principle embodied in its resolution of April 21, 1948, June 3, 1948, March 14, 1950 and March 30, 1951 and the United Nations Commission for India and Pakistan resolution of August 13, 1948 and January 5, 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."

"Reaffirms the affirmation in its resolution of March 30, 1951, and declares that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle . . .".

Again, undeterred by this resolution and despite Pakistan's repeated protests, the Government of India has continued to adopt measures usurping increasing power and authority over the State of Jammu and Kashmir. The taking over of responsibility for the administration of highways, telegraphs, telephones, income tax, broadcasting and customs, the subordination of the Accounts and Audit Department of the state to the Auditor-General of India, the abolition of the customs barriers and the permit system for entry into and out of the state, the subjection of its economic plans to the authority of the Indian Planning Commission, the imposition of the authority of the Supreme Court of India over Kashmir, and the arrogation by the President of

India of powers to promulgate laws in Jammu and Kashmir by executive fiat – all these, among other things, are links in the chain with which Jammu and Kashmir has been shackled.

The latest measures show that India is determined to continue to flout the Security Council by reducing the state to the level of a mere administrative unit of India.

It is manifest that the people of Indian-occupied Jammu and Kashmir would have none of this so-called “integration” with India. I have quoted sufficiently from foreign observers, from the moving letter of Sheikh Abdullah written from behind prison bars, and from the admission of Bakhshi Ghulam Mohammad himself, to show that the “incredible drama of religious passions and political rebellion” is directed against any kind of political association with India.

The people of Jammu and Kashmir demand self-determination. They demand a plebiscite.

The indictment in Sheikh Abdullah’s letter speaks for itself. He has stated that in his considered view the Hazratbal sacrilege “is not an isolated incident unconnected with the happenings in the recent past in Kashmir” – a past in which ten of millions “rupees of the Indian exchequer have largely been utilized to corrupt the people of Kashmir and almost killed their very soul so as to ‘drug them away’ from any possible resistance against the onslaught on their basic human rights.” Sheikh Abdullah has demanded a revision of India’s policy in regard to Jammu and Kashmir, a policy which, according to him, “is the root cause of all the evils which have culminated in the present tragedy.”

What is India’s response? Has the present upheaval in Kashmir made it pause and reflect? Is the Government of India prepared to pay heed to the anguished protest of the people of Indian-occupied Jammu and Kashmir against the denial of their inalienable rights?



There is no indication of any change of heart on India's part. It is determined to continue with its plan for the forcible annexation of the State. The Indian Home Minister's statement in the Indian Parliament on November 27 remains unretracted.

Indian newspapers are full of inspired reports that the panacea, the sovereign remedy for all the ills of Kashmir, is to complete the process of annexation at one stroke. To this end, India's agents in Kashmir have been summoned to Delhi to take counsel with the legal sophists of the Government of India.

Officers of the Indian government are being planted in key administrative and police posts in the state. The Indian bureaucracy is being superimposed on the Shamsuddin government. These insidious measures designed to tighten India's own grip on Kashmir, are presented to the world as steps to "strengthen" and "clean" the state administration.

This is the grave situation that I have to bring to the attention of the Security Council. Pakistan is directly concerned and involved in the fate of the people of Jammu and Kashmir. Pakistan is pledged to ensure that the people of Jammu and Kashmir exercise their right of self-determination as spelled out in the resolutions of the Security Council and United Nations Commission for India and Pakistan. The Security Council has twice adopted resolutions reaffirming that the final disposition of the State of Jammu and State will be made only in accordance with the will of the people exercised through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Consequently, the Government of Pakistan honour bound, in duty and good faith, to request the Security Council to call upon India to cease and desist from any action contrary to that decision to which

India itself is a party. That decision must be urgently implemented. The situation inside Kashmir and in the Indo-Pakistan sub-continent demands it.

As stated in my letter of January 16, India's iniquitous policies in Jammu and Kashmir have led to upheaval in that state. The present rebellion has further aggravated relations between Pakistan and India and led to communal riots in the two countries.

To the deep regret of my government, the tension over the Hazratbal and Kishtwar outrages and the subsequent regime of repression in Indian-occupied Kashmir found expression in some regrettable incidents on January 3 against the Hindu minority in the Khulna and Jessore districts of East Pakistan. The disorder was promptly suppressed and normal life restored in the two districts.

Exaggerated reports of these incidents in East Pakistan were published in the Indian Press. Indian political leaders made inflammatory statements from the platform of the annual session of the ruling Congress Party of India at Bhubaneshwar. Within hours of those speeches, the existence of the Muslim minority in the city of Calcutta and in a number of other districts of the Indian state of West Bengal was placed in direct jeopardy. Widespread act of killing, arson, and destruction of property took place. A large number of innocent men, women and children have been done to death. Over 75,000 were rendered homeless and shelterless in Calcutta alone. More than 60,000 terror-stricken Muslim refugees have fled into East Pakistan for sanctuary.

Confronted with this human tragedy, the President of Pakistan made an appeal on January 13 to the people of Pakistan to maintain calm, emphasizing the supreme need for preserving communal peace

despite the anxiety and provocation that the tragic events in West Bengal has caused them.

The President of Pakistan also sent an urgent appeal to the President of India to take immediate and effective steps to restore order and peace in Calcutta and other areas of West Bengal, such as would create a sense of security in the minds of the Muslim minority and enable the Muslim refugees to return to their homes. He emphasized that this war in the larger interests of both India and Pakistan.

He observed that he could not help feeling that: "In thus taking the law into their own hands, with a view to driving the Muslims out of West Bengal into East Pakistan, certain elements in the majority community in West Bengal may have been encouraged by the policy that the Government of India has been following over the last two years, despite our protests and appeals, to drive out Indian Muslims living in the districts bordering East Pakistan."

Nearly 10,000 Indian Muslims had thus been pushed out into East Pakistan by the end of 1<sup>st</sup> December, prior to the latest communal disorders and disturbances. Since then, as stated earlier, over 50,000 more refugees have fled into East Pakistan as a result of these disturbances.

The Indian President's reply to this appeal was unhelpful. In a message to the President of Pakistan on January 16, he sought to put the entire blame for the killings and destruction in Calcutta and West Bengal on the Khulna incidents in the East Pakistan. He went on to accuse the Pakistani leaders and the Pakistani press of doing "everything to rouse communal passions to an uncontrollable pitch".

Refraining from engaging in a controversy over facts, the President of Pakistan replied: "It would, I think, be most unfortunate if

you and I should get involved in an exchange of recrimination. This would deflect attention from our real purpose.”

“This purpose is that the lives and property of the minority community must be fully protected; that communal peace must be maintained and that the minority community must not be looked upon as a hostage.”

“But blaming and thus impliedly condoning communal killings and destruction in one country on similar instances in the other, we might unwittingly lend encouragement precisely to these evil forces which it is Government’s duty to curb.”

The President of Pakistan went on to say: “What is really needed is that whatever steps are necessary should be most urgently taken to restore law and order and meet out deterrent punishment to the criminals who have been responsible for killing innocent men, women and children.”

“We are Mr. President, faced with a grave human problem. It will not be solved by shutting our eyes to it, as for example, Mr. Nanda’s statement that on January 14 ‘absolute communal harmony prevailed in Calcutta’. Nor can we solve this problem by blaming others for creating it. Let leaders in each country look into their own hearts and resolve to put their own house in order. The rest will follow.”

In his message the Indian President made a suggestion that the President of Pakistan should join with him in an appeal to the peoples of the two countries to maintain communal peace and harmony. In reply, President Ayub Khan pointed out: “As you know, Mr. President, I have already issued an appeal to my people. I took the earliest opportunity to do so. I do not see how a second appeal by me would have any greater effect. What is required is that stern measures are taken against those miscreants who are responsible for recent incidents in Dacca and

Narayanganj – that is in Pakistan – and prevent the trouble from spreading. This is what the Government of East Pakistan are doing, with the full backing and support of my Government.”

In order to restore communal peace and harmony in East Pakistan. We had to resort to firing on our own people.

Mr. President, this reply rose above the level of controversy. It was filled with a human concern and compassion for the sudden and tragic fate that had overtaken tens of thousands of innocent men, women and children for no fault other than that they belonged to a minority community.

It is a matter of the deepest regret to my government that the contagion of rioting in Calcutta and other parts of West Bengal spread subsequently to Dacca and Narayanganj and certain other districts of East Pakistan. However, the East Pakistan authorities, with the full support of the Government of Pakistan, took stern and deterrent measures to suppress the disorders and the situation has, I have the satisfaction to say, returned to normal.

Nevertheless, the communal situation in the affected areas of both countries remains tense and needs continued vigilance.

It is the paramount duty of any civilized government to protect the basic human rights of all its citizen regardless of their faith and belief.

The reason why I have referred to the recent communal riots in India and Pakistan is not to engage in an apportionment of praise or blame. It is axiomatic that the safety of all their peoples, regardless of faith or persuasion, is the responsibility of the governments concerned.

The Indian case on Kashmir is always presented with a great deal of rhetoric about the secular nature of the Indian state. The reality is that the denial of the right of self-determination to the people of Jammu

and Kashmir is embittering the relations between India and Pakistan, a direct result of which is the poisoning of relations between Hindus and Muslims in the two countries.

The denial of this basic right to the people of Jammu and Kashmir and the persistence of communal tension and unrest are part of the same deep-seated malady – the refusal by Indian leadership to break with the unhappy past of this sub-continent, to accept the reality of Pakistan’s existence, and to live with it in friendship.

We have always pleaded with our neighbour that we must finally settle the dispute over Kashmir if our peoples are to enjoy the blessings and benefits of peace. One now hears it said from the Indian side that this feeling of conflict between the two countries is due to something mysterious in the minds and hearts of our people, some primordial animus which can never be eradicated. Such statements are either counsels of despair or pretexts for evading a settlement of the major problem that has plagued the two countries since their independence. When the Kashmir dispute was first brought before the Council, the representative of India said: “We hope to be able to convince the Security Council that once we have dealt with the Kashmir question, there will probably not be anything of substance which will divide India and Pakistan”.

We entirely agree. But what has happened, in fact, is that the Kashmir dispute has been allowed to fester for sixteen years. The theft from Hazratbal was a spark to the powder barrel. To quote from a despatch of the London Observer of January 26: “It is not really surprising that the theft of the sacred hair of the Prophet Mohammad in a Srinagar mosque should have started the chain reaction that ended in the blood-bath of Calcutta.”

The dispute has poisoned Pakistan-India relations, heightened tension between them to a grave pitch, and poses a serious threat to peace and security in South-East Asia. What is developing is a situation pregnant with manifold dangers which can be averted only if a just and honourable solution is urgently found. Thus alone can Pakistan-India relations be established on a good-neighbourly basis and a climate created in both countries wherein the minorities may live in peace and security.

When the Kashmir issue last came up before the Security Council two years ago, the Government of India's stand was that the United Nations Commission for India and Pakistan resolutions of August 13, 1948 and January 5, 1959, calling for a plebiscite in Kashmir, could not be implemented because Pakistan, according to India, had not carried out its part of the obligation under those resolutions.

Pakistan Permanent Representative then proposed to the Council that Pakistan would be agreeable to any method that may be suggested: (a) to determine the obligations of the parties under these resolutions; (b) to determine what was holding up progress and implementation; (c) to determine whether either of the parties was in default with regard to the fulfillment of its obligations; and (d) what was needed to be done by either side to move the matter forward towards implementation. The Permanent Representative of Pakistan further declared that if a determination of these questions disclosed that Pakistan was in default in any of these respects, the default would be rectified through the speediest method, at the earliest possible moment, so that the way may be opened towards full implementation of the resolutions. This was an undertaking that he submitted to the Security Council on behalf of the Government of Pakistan.

India refuses to submit its differences with Pakistan in regard to these matters either to mediation or to arbitration, limited merely to such questions of fact. In other words, India arrogates to itself the role of both the accuser and the judge.

India's contention has been that the so-called accession of the State of Jammu and Kashmir to India is final and complete. In the Indian view, therefore, there is nothing that remains to be done in regard in Kashmir.

Clearly this is not a view which Pakistan can or will ever accept. It is not a view that the Security Council can accept. Above all, this Indian attitude rules out any prospect of a settlement of this inflammable issue through peaceful means.

Indian spokesmen have claimed that since three elections have taken place to the state assembly in Kashmir which has supported "the state's accession" to India, it is no longer necessary to hold a plebiscite to determine whether the people of Jammu and Kashmir wish their state to accede to India or to Pakistan.

Quick apart from the fact that elections to a legislature can never be the equivalent of a plebiscite on the specific issue of accession, these elections were held to a so-called constituent assembly and its successor assemblies in Indian-occupied Kashmir. I have already referred to the assurances given by India, the solemn statements made before the Security Council and in correspondence between the governments of India and Pakistan, that this assembly would not decide the question of accession or come in the way of the Security Council. Even if these elections had been fair and free, therefore, they were not, on India's own admission, capable of bringing about a resolution of the problem regarding the disposition of Jammu and Kashmir.



But the facts of the situation are that these elections were farcical, entirely farcical. In 1951, all of the 45 nominees of the National Conference which is the clique in Kashmir sponsored by the Indian government for the 45 constituencies in the Kashmir valley and Ladakh were declared to have been returned unopposed; and no polling took place on the date fixed for the ballot. In 1957, only 8 out of the 45 seats for the Kashmir valley and Ladakh were contested and in these the opposition was a token opposition. The Economist of London, on April 6, 1957, described this as a "solemn farce".

The New York Times of March 8, 1957, commented: "This is not an 'election' in any sense of the word. The term election means a choice. The Kashmiris have had done." "What happened is no credit to India, no reflection of sentiment among the Kashmiris and no contribution to a solution of this thorny problem."

In 1962, the Times of London of February 5 reported that "the field is just left clear for political supporters of India". Even a pro-Indian group, the Democratic National Conference, as reported in the statesman of Delhi, on March 23, 1962, said that "the whole election is false". The Guardian of February 16, 1962, reported that these elections would "once again provide no test of the popular will". It added that the opposition was being eliminated by the permit/license-raj – meaning that those who opposed the governing party get no industrial license or import permit – and there is a peace brigade to deal with recalcitrants. The Organizer of New Delhi of March 12, 1962, described these elections as a "sordid scandal". The Hindustan Times of Delhi commented editorially on February 12, 1962, that it was extraordinary that in 32 out of 42 constituencies. Bakhshi Ghulam Mohammad has left no work for the Election Commissioner, and asked: "Is it that the policies of his Government are so universally accepted that we might as

well replace in his domain the process of election by the process of acclamation?"

This, in brief, gives us a glimpse of the so-called elections in Kashmir which are alleged to have accorded popular consent to the annexation of the state by India. It is small surprise that an article in the Hindustan Times of Delhi of January 8, 1964, should have described the Indian-sponsored regime in Kashmir as "sustained by electoral fraud" and "so thoroughly exposed as being without popular allegiance". It is pertinent to quote here the view expressed by the Guardian of December 31, 1963: "It is widely assumed – even by many Indians – that in a plebiscite more Kashmiris would opt for Pakistan than for India; that is one reason why Mr. Nehru long ago withdrew his agreement to a plebiscite, and why elections in Kashmir, unlike those in the undisturbed parts of India, hardly have even the crudest appearance of being free and democratic."

This explosive issue will not be resolved by India claiming it to be a domestic affair. It will not be resolved by putting forward disingenuous arguments in support of a fictitious Indian claim to the state's territory. It will certainly not be resolved by shutting our eyes to its existence.

On the other hand, the situation could conceivably grow worse, as indeed it has been growing worse over the years and in the last few weeks.

During the last Security Council meeting on this issue two years ago, the majority view, as expressed in the statement of the Council members and in the Council's draft resolution, was that India and Pakistan should enter into bilateral negotiations to find a just and honourable settlement of this dispute.

In November, 1962, through the good offices of the United States and Great Britain, the President of Pakistan and the Indian Prime

Minister agreed to undertake bilateral talks to seek a solution of the Kashmir problem. I had the honour to represent the Government of Pakistan in those negotiations. They started in the last week of December, 1962, and continued till May, 1963. They ended in complete failure. The negotiations failed because of India's intransigent stand against any just and honourable settlement of the dispute and its refusal to move from its rigid position.

The Governments of the United States and Great Britain which throughout the course of bilateral negotiations strove to encourage and assist both parties to reach an agreement then offered their good offices in another form. They proposed that the two countries agree to the appointment of a mutually acceptable mediator to assist them in arriving at an early settlement of this dispute. While Pakistan was still engaged in seeking certain clarifications from the United States and British Governments on the mediation proposal, the Prime Minister of India effectively sabotaged it by the statement in the Indian Parliament on August 13, 1963.

This was followed on October 3, as I have stated, by the announcement of India's plans to proceed with the integration of State of Jammu and Kashmir, first by the Bakhshi Ghulam Mohammad Government and later by India's spokesmen, with the disastrous consequences that are taking place in Jammu and Kashmir at present.

I would appeal to the members of the Security Council to undertake steps which would carry this dispute towards a speedy and peaceful solution.

This situation that I have described to the Security Council demonstrates beyond all doubt that the passage of time will not – and I repeat, will not – help to reconcile the people of Jammu and Kashmir to Indian occupation and domination. It must be borne in mind that

unarmed as they are, muffled as their voices are by the barrier flung between them and their kith and kin in Azad Kashmir and Pakistan, unrepresented as they are, consigned tragically to oblivion as they are, they are persisting in the eternal struggle of the oppressed peoples of freedom. Their struggle is heroic. All the more so because, in terms of brute force, the odds against them are exceptionally heavy. India has one soldier in Kashmir for every ten men. I wonder how in human justice, by all the considerations that govern the morality of nations, Pakistan can be expected to remain a spectator if the people of Kashmir continue to be suppressed by force.

Though sixteen years have passed without the agreement regarding Kashmir being carried out, there has never been any time when there has been any acquiescence on the part of Pakistan or the people of Kashmir in India's occupation of the major part of Kashmir. There has never been any time when we have abated or abandoned our rightful claim. There has never been any time when a search was not pending for a peaceful solution of the problem consistent with the basic principle agreed between the parties. And there has never been a time when the strain of the dispute in the entire India-Pakistan situation has shown any sign of being eased or when the tensions that it has caused have relaxed.

I venture to submit here that if the doctrine of the passage of time resulting in an advantage to one party in an international dispute is upheld, then it would be just as well if we consider the Charter of the United Nations to have been abrogated. Certainly, no one must then demand the end of any colonial regime because there is no colonial regime which has not behind it the sanction of time much longer than that commended by the Indian occupation of Kashmir. If the Security Council was exercised over Kashmir in 1948, why should it not be

exercised over it in 1964? If it be said that the circumstances have changed, they have changed only in this respect that in 1948 the people of Kashmir were engaged in armed fighting against India in Kashmir, and in 1964 they have only recently risen in rebellion again. If this change is supposed to operate to the disadvantages of those who laid down their arms on the pledge given by the United Nations that their rights would be peacefully secured, is it not a virtual inducement to them to resume hostilities? Assuming that it is not the purpose of the Security Council or of any member to proffer such an inducement, how can the passage of time be considered as a ground for the continuance of India's possession of the greater part of Kashmir?

If this question is realistically faced I am confident that the members of the Security Council will perceive that the issues involved here are the issues of the rights of the smaller states against their domineering neighbours and of the sanctity of international agreements. There is no conceivable situation where the passage of time will not operate to the advantage of the party that is stronger in physical force, though it may be weaker in human right and natural justice. The world has witnessed two global wars in this century which were fought ostensibly for the preservation of the rights of smaller states. If a precedent is now established in Kashmir which allows the rights and the claims of a smaller state to be over borne by a stronger party, aided by the passage of time, and an international agreement to be disregarded, then the principles of the Charter and of all other statements, like those issued recently by Chairman Khrushchev of the USSR and President Johnson of the United States regarding the renunciation of force in the settlement of territorial disputes, lose their meaning.

I have come before this august body earnestly to urge, in the name of my government and, above all, in the name of humanity, that

the Security Council take appropriate action to ensure that the Kashmir dispute moves rapidly towards an honourable and just solution in the interest of the well-being of the people of the India-Pakistan sub-continent and in the interest of peace in Asia. The people of Kashmir have unmistakably risen in open rebellion and unless we refuse to hear their voice, we can no longer doubt that they are unreconciled to Indian occupation and domination. Any passage of time notwithstanding I am confident that the Council will consider it urgent to ensure that India refrain from aggravating the situation by proceeding with any measures to annex the state in violation of the international agreement and the right of the people of Jammu and Kashmir to decide their future for themselves.

I said at the outset that one sixth of the human race is involved. To those people, most of whom live in deep and measureless poverty, the alleviation of their condition presents a challenge, the enormity of which has, perhaps, no precedent in human history. Both our countries confronted with urgent and compelling problems. How utterly wrong and wasteful it is that we should dissipate our national energies and engage in conflict with one another.

We, the peoples of Pakistan and India, sought and won our freedom in order to fashion our lives with dignity and self-respect, free from privation and fear, to remove the suffering that our peoples have endured since human memory can recall. After seventeen years where do we find ourselves? We find our horizons darkened by the clouds of conflict and hate; we find ourselves facing the dark prospect of a fearful and a dreadful storm. Is it not a most dreadful prospect? Is it not a most lamentable situation? But it lies with us, with this distinguished body and with Pakistan and India, to change this course of events. It is

within our power, Mr. President, to find the means to live in peace provided there is a will to live in peace.

Freedom can be delayed by oppression, but it cannot ultimately be denied. The course of history is relentlessly so set. And so I say that the people of Kashmir will one day be free. Whether this freedom will come through violence or upheaval, or whether it will come through peaceful means and civilized conduct, depends largely on the decisions this body makes and the respect we show for its decisions.

**Address at the one Thousands Eighty-ninth Meeting of the Security Council, held on February 7, 1964**

***MR. PRESIDENT,***

In the first paragraph of his statement of two days ago, the Education Minister of India uttered the admonition that the Security Council is not intended as a platform for propaganda against any member state. The members of the Council will have had time to study the statement of the representative of India and to judge in what manner he followed his own dictum.

From the beginning to the end the representative of India, consistently refusing to face the facts and issues, resolutely ignoring the arguments presented by Pakistan, devoted himself to hurling irresponsible and vile charges against Pakistan and accusing it of the most unbelievable crimes. First, the very fact that Pakistan has dared to come before the Security Council, an organ charged with the primary responsibility for the maintenance of peace, is, in the eye of India, a misdemeanor on Pakistan's part and evidence of its "agitational" approach.

Then Pakistan was accused of being a theocratic state while India, which has witnessed 550 communal riots since it became independent, is a secular state. India, he said, has a modern, rational and secular attitude while Pakistan is reactionary. Pakistan's philosophy, according to him, is that in the very nature of things, Muslims must hate the Hindus and the Hindus must hate the Muslims. Pakistan's policy is based on communal hatred and fanaticism and the Pakistan Government, he stated, "deliberately and for set purpose created an atmosphere that riots should break out in East Pakistan". Then turning from accuser to



judge, he delivered judgement: "The Pakistan Government cannot be absolved of its responsibility for the deaths of these innocent people".

He went on to say that the real reason why Pakistan was insisting on a plebiscite was: ".....to try and see whether it cannot inflame communal passions in Kashmir by appealing to the inhabitants of that State that their religion is in danger and to bring about the recurrence of the terrible events of the partition of India in 1947, bloodshed, migrations, untold human miseries."

Then again, Pakistan was, in the view of the representative of India, playing "the Chinese game of weakening India internally and under-ming its defence against China" in order to prevent India from fulfilling its self-appointed role of saving the whole world from China. The Permanent Representative of India had promised on the eve of the meeting of the Security Council that there would be a good deal of mud-throwing at this meeting. Members will agree that the Minister of Education of India has not disappointed the expectations of his Permanent Representative. I reject, with all the emphasis at my command, the false and absurd charges that he has hurled against my government.

On Kashmir itself, what the representative of India had to say was not new. Members who have studied the case will be familiar with all his arguments on Pakistan's alleged aggression, the absolute right of the despotic maharajah to sign away the rights of the people of Kashmir, the acquisition by India of the imperial mantle of paramountcy, the three elections held in Kashmir under the surveillance of the four Indian divisions stationed there. These arguments are as contradictory as they are unconvincing. I must nevertheless, for the record, correct the misstatements and distortions with which the

Minister of India has sought to confuse and distort the simple issue of self-determination involved in the Kashmir dispute.

But before I do so, may I be permitted to deal briefly with the grave accusations and charges leveled against my government and my country by the representative of India.

It is with the utmost reluctance that I turn to the matter of communal riots which recently broke out in my country and in India. In my early submission to the Council I refrained from dealing at length with the communal situation in order not to worsen the existing grave situation. The Minister of India, by making irresponsible, unfounded and provocative charges against my country, has in effect added fuel to the fire and I must regret that he should have chosen the path of calumny and slander to bolster India's bad case on Kashmir. I would be failing in my duty if I did not put the record straight on the treatment of minorities in "secular, modern, rational" India.

The Education Minister of India said: "If we are left to ourselves we will have no communal trouble whatsoever". How does he reconcile this statement with the fact since the Minorities Agreement concluded between the Prime Ministers of Pakistan and India in April, 1950, there have been more than 550 riots in India? In fact, hardly a Muslim festival has passed in India since 1950 without the Muslim community being subjected to attacks of communal frenzy in one part of India or another. In contrast, there has been complete communal peace in Pakistan, but for two or three riots, until the recent disturbances broke out.

In March, 1961, scores of Muslims were killed in Jubbulpore and the Chief Minister of Madhya Pradesh was reported to have said that the city "looked like a cremation ground". Was not India being left to itself then? In October, 1961, the Home Minister of the State of Uttar Pradesh admitted that behind the then current anti-Muslim riots, there was a

wide and deep-laid conspiracy. He declared: "This can go on record that a common pattern is discernible behind all these incidents. Murders were committed in individual knife attacks by young people coming from the section of our society whose members would faint at the sight of blood."

He goes on to say: "This showed that these people have received training in the art of killing. One would not be surprised, as days pass, if communal incidents increase in number and in intensity."

Did this Indian official say that Pakistan was training these murderers? Could he say that Pakistan was behind the deep conspiracy? Was Pakistan inciting the Hindus of India to kill Muslims? Was not then India being left to itself?

Speaking in the Indian Parliament, Mr. Syed Badrudozza, a veteran of the Indian struggle for independence, expressed the agony that the Indian Muslims were suffering soon after the gruesome atrocities of Jubbulpore and Malda were perpetrated: "Even in this secular democracy, Mussulmans and all the minorities of India have suffered terribly. We apprehended that minorities would have no quarter, no shelter, no opportunity for self-expression. Politically, socially, culturally, economically and even physically they would be at the mercy of forces of reaction. That is exactly what has happened."

Continuing, this member of the Indian Parliament said: "Mussulmans have been pursued to the bitter end. They have been tortured with every refinement of cruelty and barbarous savagery. In malignity, in cruelty, in savagery, in criminality, the records of Jubbulpore and Malda surpass any records during the British regime."

This systematic massacre of Muslims followed a pattern which was particularly noticeable during the recent riots, when the attacks were aimed at driving the Muslims out of West Bengal, forcing them to seek

shelter in East Pakistan. Although a large number of men, women and children were killed, the emphasis was on setting fire to their houses, looting and destroying their shops and industrial establishments so as to deprive them, at once, of their shelter and their means of livelihood. The fact that there have since been open demands by militant Hindu organizations tends to support my government's fear that the real intention of those responsible for the riots is to drive the Muslims out of West Bengal into East Pakistan.

The Minister of India accused Pakistan of having incited the recent riots. I do not wish to harrow the Council with a recital of the blood-curdling headlines and reports carried on in the Indian West Bengal press on the regrettable incidents which occurred in Khulna and Jessore. Let us turn instead to the testimony of impartial foreign observers.

As regards the recent riots in Calcutta, here is a report from Calcutta by James Mitchell, correspondent of the Observer of London, published on January 25: "While rioters made no great secret of their plans, the police force in the first days seemed always to be everywhere except in the streets attacked."

He blames what he calls "the black week of Calcutta" on "police laxity" and says that the authorities "let the situation get completely out of hand" and that the result was that about 500 people were killed. According to this report, tens of thousands lost their homes because, after the riots started, interested people paid big sums of money to keep them up, so that landlords would clear their land of poor tenants. Did Pakistan inspire this cold-blooded design?

We hear a great deal about the secular outlook in India. A Calcutta daily, the New Age, of January 19, 1964, said: "Unfortunately, the secular parties could not take proper initiative in the matter and the so-called nationalist papers fanned up communal hatred. The Jan Sangh

and Hindu Mahasabha were already in the field whipping up frenzy. All these contributed to the rapid deterioration in the situation.”

I had no intention to bring out these gruesome facts had I not been compelled to do so by the Indian allegation leveled against my government before this Council. I was shocked to note that the Education Minister of India fell victim to the temptation of quoting highly exaggerated figures of deaths during the recent troubles in East Pakistan on the basis of a Reuters despatch. The sources in Dacca quoted by the correspondent of Reuters have themselves contradicted the wildly exaggerated figures that were given out. I regret that the Minister of India had to resort to the use of unverified reports which he should have known were contradicted. The Pakistan High Commission in New Delhi issued an immediate contradiction on January 24. The irresponsibility of the Indian government’s news media in giving circulation to such false and inflammatory reports earned the well merited stricture of the London Times. In its issue of January 23, its Delhi correspondent observed: “The Indian government’s seriousness in discouraging circulation of news about communal violence in Pakistan was put into doubt today by All India Radio’s treatment of the Reuters correspondent’s report from Dacca. The midday news broadcasts made that report their first item and it still figured prominently in bulletins later tonight. All India Radio is a completely subservient agent of the government and its treatment of the report must suggest that Delhi is not as apprehensive about the dangers of repercussions in West Bengal as its recent experience should have made it.”

My government firmly believes that communal peace and security is an essential condition of civilized life and my government mobilized all its resources to bring this situation under complete control in Pakistan.

I had to go into this question at some length, not only to disprove the false allegations made by India, but to emphasize one central fact.

It is that the denial of the right of self-determination to the people of Jammu and Kashmir is a constant source of tension. It is embittering the relations between India and Pakistan. As a result of this festering dispute, recurring brutal attacks on the Muslim minority have been taking place in India ever since its independence in 1947.

It is this attitude of the Government of India which has created a vicious climate in Kashmir and in certain parts of India, to which I invited your attention in my letter of January 16, I quote: "It is this climate, in which the political, religious and cultural rights of the people of the State are treated with scorn by their Indian rulers that has made possible such criminal acts of sacrilege and vandalism as the recent theft of the sacred hair ..... from the..... shrine near Srinagar and the attempt to burn a Muslim shrine in Kishtwar in Jammu Province."

It is this same climate which encourages militant organizations in India to stage frequent communal attacks and outrages on the Muslims and call for their expulsion from India in exchange for the Hindu Minority in Pakistan. It is this disregard of human rights which is the root cause of the existing upheaval in Kashmir and of the grave communal tension in West Bengal. It all flows from the fact that the Kashmir dispute has been allowed to fester for sixteen years.

While speaking about the eviction of Indian Muslims from Tripura, Assam and the border districts of West Bengal, the Education Minister of India took shelter behind a massive array of census figures. He named the districts of Noakhali, Comilla, Sylhet and Bakarganj, where the relatively slow growth of population is attributed to the migration of Muslim population to India. Of these, Bakarganj has no common border with any part of India and can have no relevance to the issue.

It is interesting to note that only three border districts are named by him; whereas Mymensingh, Rangpur, Dinajpur, Rajshahi, Kushtia and others are also border districts but he carefully left them out. The reasons are not far to seek. The West Bengal districts in which a relatively high increase of Muslim population was shown by him are not contiguous to the Pakistan districts where a slow rate of increase of Muslim population was recorded. Obviously, therefore, there can be no possible connection between these trends of population growth. It is possible to refute the arguments that he has advanced by quoting extensively from the census reports of India and Pakistan to prove that the case he wants to establish is based merely on jugglery of figures. Even without going into a detailed examination of the census reports, one can draw certain obvious conclusions from commonsense.

A system of passport and visas was introduced in 1952 to regulate comprehensively the movements of Indians and Pakistanis across the border. The Indian authorities introduced a strict system of border checkpoints to prevent the entry of non-Indians through unauthorized routes into Indian territory. These restrictive measures resulted in almost complete stoppage of entry to Assam, Tripura and West Bengal.

Apart from these restrictions, one has to remember the communal feelings and tensions existing at the time of partition of the India-Pakistan sub-continent to appreciate the improbability of large-scale Muslim migration from Pakistan to India. With memories of incredible sufferings, of loss of human lives and destruction of property, it is unconceivable that hundreds of thousands of Muslims, as alleged by India, would surrender the safety and security of their homeland in Pakistan to migrate with their women and children to the uncertain perils awaiting them in a hostile land beyond the frontier.

But let us not get involved in a pedantic controversy, for we deal here not with cold statistics but with human tragedy. The fact of the matter is that hundreds and thousands of innocent men, women and children have been driven across the border like cattle as part of a premeditated and cold-blooded plot to get rid of Muslim citizens from Indian territory bordering East Pakistan. The special correspondent of the Times of London in his despatch of December 5 carried a vivid eye-witness account of his experience: "In camps and compounds in the Comilla district of Pakistan there are thousands of Muslims who have been forcibly evicted from their homes in India and driven into East Pakistan.

The pretext for the eviction is that these people had illegally entered the Indian territory of Tripura and that they have now simply been sent back; but the evidence available from them shows that most were long settled in Tripura, even for generations."

Continuing he said: "The long-settled Muslims who are expelled come into East Pakistan as broken refugees with nowhere to turn and the government here now has about 47,000 of them on its hands. The evictions began in the middle of last year and continued at the rate of hundreds each week, the flow being augmented now by those Muslims who flee from the inimical climate apparently created in Tripura by the mass evictions. Putting it at its best, the established residents of Tripura, Indian citizens by right, who have been uprooted and dumped over the border with no formality or only the sketchiest, are the victims of local authorities in that territory whose excesses are not fully appreciated in Delhi. They may be acting in response to local forces of communal enmity and greed for land, but they are acting with injustice and inhumanity."

The special correspondent of the Times went on to say: "Some received 'show cause' notices warning them that they would be expelled



unless they could prove that they had been in India before 1952. They say that they went to court with their papers and were told that the magistrate would make further investigations – but that a day or two later the police and lorries came to their villages and they were forced into the lorries and driven to the border. Others received no notices, no warning before the police vehicles arrived.

Some of their papers were kept by the court or destroyed by police who expelled them.” And yet the Minister of India waxed eloquent about the respect for the processes of law in his country. He said: “I also wish to point out that no one is evicted out of India without complying with the provisions of the rule of law.”

In view of what impartial observers have to say about the compliance with the rule of law, I believe further comment is superfluous. Concluding his despatch, the correspondent of the Times said: “It is deniable that a great wrong is being done to the Indian Muslims in Tripura. In considering what it regards as the problem of Muslims settled in that territory who have no legal right to be there, the Indian government might consider the analogous problem in Ceylon, where the government would like to get rid of a million Indians.”

That is what an impartial observer of a leading British newspaper has to say about the brutal and inhuman methods adopted for the mass eviction of Indian Muslims from Assam, Tripura and West Bengal. The President of All-India Hindu Mahasabha, Mr. V.J. Deshpande, declared on January 15, 1964, that an exchange of population on government level was the only way to ensure the safety of minorities in India and Pakistan. He said: “They” – the Hindus – “must be brought to India and the Muslim Population in Assam and West Bengal must be sent to East Pakistan.”

Exchange of population was demanded in public meetings and newspaper editorials in many parts of India. All these point towards one conclusion, that there is a move to expel Indian Muslims by illegal and inhuman methods from Indian territory bordering East Pakistan for no fault of theirs but the fact that they happen to be Muslims.

The Education Minister of India claimed that all these tens of thousands of Indian Muslims who were forcibly evicted from their hearths and homes and pushed across the border into East Pakistan are not Indian nationals. If that be so, India should have no objection to having the facts verified by an impartial inquiry. Speaking on this matter before the General Assembly of the United Nations on September 30, 1963, I said: "I would declare here before you that the question whether these people are being evicted or whether they are infiltrators can be tested by a United Nations inquiry commission, by an international inquiry commission or by any third party agreed to by India and Pakistan.

These are ascertainable facts. It can be ascertained by any inquiry commission whether these unfortunate, helpless people, driven, at the point of Indian bayonets, into Pakistan are Indians or Pakistanis."

We stand by this declaration even now. We are prepared to have the matter examined by an international commission of inquiry. If India's hands are clean, as it claims, let it come forward and agree to an international commission to verify the facts. The truth in this case is that India is guilty of inhuman and brutal treatment of its own citizens on the ground of their religion. It is indeed a sad commentary on its secularist pretensions.

The Minister of India has stated that the President of Pakistan refused to issue a joint declaration with the President of India to our respective peoples appealing for peace and harmony and that Pakistan,

in effect, also rejected the proposal of the Government of India that the Home Ministers of the two countries should meet and visit scenes of disturbances and suggest what further steps should be taken to prevent such happenings.

I have already dealt in my statement of February 3 with the subject of a joint declaration by the two Presidents. The President of Pakistan pointed out that he had already appealed to the people of Pakistan to maintain communal peace and harmony and what was really needed was to take deterrent measures against communal elements and criminal elements which were responsible for the riots in both the countries and to re-establish conditions of security for the refugees of the minority communities to enable them to return to their homes. This action, the government, for its part, took at once and the flames of communal disturbances were stamped out in my country.

Pakistan did not reject the proposal of the Government of India for a meeting between the Home Ministers of the two governments. We have made a possible and constructive response. This is that once order has been restored, the two Ministers could meet in Rawalpindi in Pakistan or Delhi in India to discuss measures necessary to enable the refugees of the communal disturbances, as well as those who have been evicted by India from Assam, Tripura and West Bengal for the last two years, to return to their homes.

It is the policy of my government to encourage the refugees to return to their homes. My government is pledged to ensure the security of their lives and property such as will restore their confidence. The Indian Home Minister's statement of January 29, that conditions in East Pakistan have become such as to make the migration of Hindus inevitable and that conditions for the granting of migration certificates to them in East Pakistan would have to be eased is bound to have an

unsettling effect on them and to encourage their exodus. We regret this statement all the more because communal harmony has been fully restored in East Pakistan. My government is apprehensive that if a new influx of Hindus into India takes place as a result of the Indian policy to facilitate migration, the position of the Muslim minority in West Bengal, Calcutta and for that matter, in all other parts of India will be further imperiled.

The Pakistan High Commissioner in Calcutta was besieged during the communal riots in that city by thousands of Muslims demanding emergency certificates to migrate to East Pakistan. We did not respond. In spite of the carnage which took place in Calcutta, no Pakistani leader made any statement or offered encouragement to Muslims in West Bengal or India to move into Pakistan.

In our view, the solution of this problem, I must reiterate once again, lies in bringing about peace and security such as would restore a sense of confidence to the minorities and to take energetic measures for their rehabilitation and resettlement. We seek the co-operation of the Government of India in enabling the refugees to return to their homes.

The representative of India permitted himself to make disparaging remarks about the democratic institutions of Pakistan. May I remind him that each country must fashion its self-governing institutions according to its own genius. It is not necessary for me to cite examples of modern and progressive, countries which have found, as a result of their experience, that the system of indirect elections and electoral colleges best meets their political and constitutional requirements. Pakistan is not the only country which elects its President and Parliament by an electoral college. The parliamentary form of government is not the only form of democratic government. Many countries, particularly those of Asia, Africa and Latin America, and even of Europe and the United

States, have found the presidential system to be necessary to ensure their stability and economic progress.

The Education Minister of India has called Pakistan “a theocratic state”. May I ask him whether we are governed by a hierarchy of priests? The official name of our state is the Islamic Republic of Pakistan. Does this nomenclature make us a theocracy? Several Muslim countries, members of the United Nations, have the same description or have given recognition to Islam as the official religion of the state. Then are they all priest-ridden? There are also Western European and Latin America states, the constitutions of which provide a place for Christianity as the established state religion. The representative of India, I am certain, would not on that account classify them as theocracies.

We have often been told that in the Indian Union fundamental rights are guaranteed. This is surely not a unique phenomenon. All member states of the United Nations are pledged to respect human rights, and it is their general practice to ensure its observance. The Constitution of Pakistan is no exception, and we see no reason to claim any special credit for treating all the citizens of our multiracial, multi-religious and multi-lingual republic as equals before the law. We do not, therefore, consider it in the least anomalous that the head of the judiciary of our Islamic Republic should be a Pakistani Christian. The Chief Justice of the Supreme Court of Pakistan is a Pakistani Christian belonging to the Roman Catholic denomination who, under our Constitution, is the final authority in the interpretation of all laws, including the personal and religious laws of the Muslims who constitute the majority in Pakistan. We have given representation in the highest service of our state to the minority communities whose leaders have publicly borne testimony to the percept and practice of toleration in Pakistan.

We are told that India is more democratic than Pakistan. Comparisons are odious. But in this context let me take the liberty of quoting the President of India himself, as reported by the Indian Express of Bombay of October 4, 1962. President Rajendra Prasad is reported to have said: "What we have in India today is not real democracy but only a phony democracy. If we are true democrats, which I may say we are not" – the President observed – "there would not have been so much of discontent and ill will. Then they would not have any kind of nepotism, corruption and communal prejudice which have brought down the country to degradation."

The representative of India then went on to attack the philosophical and spiritual foundations of Pakistan. He admitted that India and Pakistan are two nations but rejected the two-nation theory. The basis of this theory is that because Hindu society is organized on the religions of the caste system of antiquity, in which personal status is determined by birth in a particular caste in an ascending and descending series of work and dignity, we the people of Pakistan willed to be established a state of our own in the contiguous Muslim majority areas in the north-west and the north-east of the sub-continent, wherein we could live our own way of life governed by the principles of equality which are enshrined in the religion of Islam. The caste system is by its very nature exclusive. It governs those within its fold from the cradle to the grave. Notwithstanding the fundamental rights spelled out in the Indian Constitution, the caste system has not been made illegal, though untouchability has been outlawed at last – but only in law. The distinguished philosopher of history had established that exclusive societies invite disintegration from within. This is what happened in the sub-continent in 1947. But we cannot understand that whenever a dispute is involved, India seeks to make reference to its democratic and

secular character, although Indian society is steeped in the caste system, in a venal system, to the exclusion of all other people belonging to all other minorities. It is a system confined to the Hindus.

Anyone outside the pale of the caste system is worse than an untouchable, a sub-human.

So I say that with this society, with this situation, with this mentality prevailing in India, with the treatment it has accorded to its minorities, with the manner in which it has held Kashmir in bondage, there can really be no peace between our two countries. Remove the dispute of Kashmir and you will find that we can live in peace, and we must live in peace, because it is Kashmir alone that divide us.

It is no use making ultra virus references to democracy. India displays its democracy like a senile soul displaying its false teeth. Its democracy is as false as the teeth of a senile person who carries false teeth and parades them everywhere. There is democracy in the United Kingdom. Does the United Kingdom always make mention of its democratic institution when it comes into the Security Council? We have old and established democracies in France and in the United States of America. Is reference always made to the democratic character of their societies in seeking the adjudication and settlement of disputes? The United Nations Charter is wedded to the principle of the equality of all nations irrespective of their internal systems. What has the internal system of Pakistan to do with the settlement of the problem of Kashmir and the dispute of Kashmir?

Let me, therefore, now turn to the main question before the Security Council. The Minister of India made no attempt to explain the declarations of the Government of India which quoted in my last statement to the Security Council that the so-called accession was only provisional, conditional and subject to ratification by the people of

Jammu and Kashmir through the plebiscite under international auspices. Instead he chose to dismiss my submissions as "a mixture of misstatement, omissions of material facts and refusal to face up to the clear provisions of the Indian Independence Act." A case is not proved by glossing over or ignoring inconvenient facts.

In our previous representations before the Council, we have endeavored at ample length to explain the position regarding the accession of states to India or to Pakistan. Of course, there was no controversy regarding those states where the ruler and the people were of the same view, and no conflict was possible between India and Pakistan. In all those cases, naturally, the ruler signed the instrument of Accession to one or the other country and no trouble ensued either between him and his people or between India and Pakistan. The question arose regarding those states where there was disagreement between the ruler and his people in regard to accession. On this question, the Indian Minister made three statements, and I shall invite the Council to examine them not in relation to our arguments, but in the light of the position internationally advanced by the Government of India. I shall take each of those statements separately. The first statement is: "It is significant that there was no provision for consulting the people of the princely states concerned. Nor was there any provision that the accession had to be ratified by ascertaining the wishes of the people of the acceding states."

Contrast this statement with the following, which is from the White Paper of the Government of India issued on August 10, 1948. It says: "The Government of India are firmly of the view that whatever sovereign rights reverted to these states on the lapse of paramountcy, they vest in the people, and conditions must be created in every state for a free and unfettered exercise of these rights."



Or with this solemn statement made by the Indian representative at the 227<sup>th</sup> meeting of the Security Council: "On the question of accession, the Government of India has always enunciated the policy that in all cases of dispute the people of the state concerned should make the decision."

These are clear words: the position is not only that the people have to be consulted; it is they who have to make the decision.

And how can the statement now made by the Education Minister of India be sustained by the one made by the Indian representative at the 264<sup>th</sup> meeting of the Security Council? He said: "No doubt the ruler, as the head of the state, has to take action in respect of accession.

When he and his people are in agreement as to the Dominion to which they should accede, he applies for accession to that Dominion. However, when he takes one view and his people take another view, the wishes of the people have to be ascertained. When so ascertained the ruler has to take action in accordance with the verdict of the people. That is our position."

"By our position" he means the position of the Government of India. The words are to be noted, "That is our position". This is not the position now advanced by the Minister of India.

And what would he make of this statement of the Prime Minister of India himself, his Prime Minister, made at a public meeting in New Delhi and reported in the Times of India of Bombay, of July 7, 1952: "In any event, from the start, India was committed to the principle of letting the final word regarding accession rest with the people of the princely states and" – let us mark these words - "there could be no getting away from that commitment. In fact, that was why India had accepted Kashmir's accession only provisionally in 1947, pending the expression of the will of the people."

That is the statement of the Prime Minister of India. I could elaborate this argument, but the statement of the Prime Minister of India should at least suffice to take care of the thesis that the Education Minister of India now seeks to foist upon us.

The second statement of the Minister of India is: "There was no question whatsoever with regard to the religious complexion of the population of the princely states. The question whether one princely state should accede to India or Pakistan was left to the determination of the ruler of the state."

I ask, was there no question whatsoever with regard to the religious complexion of the population of the princely state? Is that true? The Education Minister of India says, No. But how was the question answered by his Prime Minister in the telegram of November 8, 1947, addressed to the Prime Minister of Pakistan? He said: "But it is essential, in order to restore good relations between the two Dominions, that there should be acceptance of the principle that, where the ruler of a state does not belong to the community to which the majority of his subjects belong, and where the state has not acceded to that Dominion whose majority community is the same as the state's, the question whether the state has finally acceded to one or the other Dominion should be ascertained by reference to the will of the people."

And then, again, if there was no question whatsoever with regard to the religious complexion of the population of the princely states, why did the Government of India protest regarding the accession of the State of Junagadh, which had a Hindu majority, to Pakistan? What did it actually protest about? They said, and I quote from the telegram of the Governor-General of India addressed to the Governor-General of Pakistan on September 22, 1947: ". . . Pakistan Government have unilaterally proceeded to action which, it was made plain, Government

of India could never and do not acquiesce in. Such acceptance of accession by Pakistan cannot but be regarded by the Government of India as an encroachment on India's sovereignty and territory and inconsistent with friendly relations that should exist between the two Dominions. This action of Pakistan is considered by the Government of India to be a clear attempt to cause disruption in the integrity of India by extending the influence and boundaries of the Dominion of Pakistan in utter violation of the principles on which partition was agreed upon and effected."

"The possibility of Junagadh's accession to Pakistan Dominion in the teeth of opposition from its Hindu population of over 80 percent has given rise to serious concern and apprehension to local population and all surrounding states which have acceded to Indian Dominion."

And, finally, if there was no question whatsoever with regard to the religious complexion of the population of the princely states, how does one understand the following account – given by no other person than Mr. V. P. Menon, the eminent official of the Government of India who was handling the accession of the princely states to India? On page 117 of his book, *The Story of the Integration of the Indian States*, Mr. V. P. Menon states: "Lord Mountbatten made it clear that from a purely legal standpoint there was no objection to the Ruler of Jodhpur acceding to Pakistan; but the Maharajah should, he stressed, consider seriously the consequences of his doing so, having regard to the fact that he himself was a Hindu, that his state was predominantly populated by Hindus and that the same applied to the states surrounding Jodhpur. In the light of these considerations, if the Maharajah were to accede to Pakistan, his action would surely be in conflict with the principle underlying the partition of India on the basis of Muslim and non-Muslim majority areas,

and serious communal trouble inside the state would be the inevitable consequence of such affiliation.”

If a Hindu state wanted to accede to India, India invoked the principle of partition, namely, religious composition and geographical contiguity. When it is a question of a Muslim state acceding to Pakistan, India says that the principle of partition does not apply to princely states. Surely some measure of consistency is essential in all human relations, whether individual or international. If so, how does the distinguished Education Minister of India expect us to regard his statement now that there was no question regarding the religious complexion of the population of the princely states? He states: “The question of religion did not come into play at all”.

Did it not come into play with respect to Junagadh? And Jodhpur? And Hyderabad? It did. So, why should it not come into play with respect to Kashmir?

The third statement of the distinguished Minister of India is: “. . . there is no substance in the suggestion that the accession of Jammu and Kashmir was not complete and absolute because the people of the state had not been consulted nor been given opportunity to express their choice”.

He adds later: “Jammu and Kashmir became an integral part of India when the Instrument of Accession was signed and accepted, and from that day till today it continues to occupy the same position vis-à-vis the Indian Union and no question can possibly arise of annexing Kashmir or further integrating it into the Indian Union. You cannot make more complete what is already complete.”

I repeat: “You cannot make more complete what is already complete”. It sounds very nice. The key words here are “complete” and “absolute”. Contrast these with the adjectives employed by the

representative of India said at the 463<sup>rd</sup> meeting of the Security Council, referring to the so-called accession of Kashmir to India: "It acceded tentatively in October 1947." The word here is "tentative", which is far from "absolute" and "complete". Then, again, if the accession was "complete" and "absolute" what did the Prime Minister of India say when he wrote to the Prime Minister of Pakistan on October 28, 1947 – just after the so-called accession? He said: "In regard to accession also, it has been made clear that this is subject to reference to the people of state and their decision."

It was either absolute and complete or it was subject to reference to the people. The distinguished Minister of India says it was the one; the Prime Minister of India says it was the other: Whom is the United Nations to believe? Whom are we to believe? What does one make of this statement made by the Prime Minister of India on November 2, 1947: "Let me make it clear that it has been our policy all along that where there is a dispute about the accession of a state to either Dominion, the accession must be made by the people of that state. It is in accordance with this policy that we have added a proviso to the Instrument of Accession of Kashmir."

If Kashmir is an integral part of India, what question is left to be adjusted and adjudicated between India and Pakistan? What is it that we have been negotiating about, and what is it that we can negotiate about now? May I here refer to the joint communiqué issued by the Government of India and Pakistan at the conclusion of the bilateral negotiations which I conducted on behalf of Pakistan and which were held at the ministerial level between India and Pakistan from December, 1962 to May, 1963, for six months. The communiqué said, at the conclusion of the six months of talks on the Kashmir dispute, as follows:

“The two Ministers recorded with regret that no agreement could be reached on the settlement of the Kashmir dispute.”

If Kashmir is an integral part of India, and if this integration is absolute and complete, what is this “Kashmir dispute”, and what were we trying to settle? What agreement is there for us to reach? The distinguished Minister of India says, referring to Azad Kashmir, that it is “a part of territory which by international law is as much a part of Indian territory as Bombay or Delhi is”. Nor for the purpose of polemics but for the purpose of illustrating what the attitude behind this statement signifies for establishing peace in the region of India and Pakistan, let me quote another statement of the Prime Minister of India made in the Indian Parliament on June 26, 1952. The Indian Prime Minister said in his Parliament. “In Kashmir, we have to deal with a very difficult and delicate situation, the decision on which ultimately lies with a few million people in Kashmir, not even with this Parliament.”

“India is a great country and Kashmir is almost in the heart of Asia. There is an enormous difference, not only geographically, but in all kinds of factors there. Do you think you are dealing with a part of the United Provinces, or Bihar or Gujarat.”

The United Provinces or Bihar or Gujarat are Indian states, and the Indian Prime Minister emphasizes that there is an “enormous difference” between these states and Kashmir. The position taken by the distinguished Minister of India here is that there is no difference and he states that Kashmir is as much a part of India as Bombay and Delhi.

In the context of the question of accession, the distinguished Minister of India stated that when India was partitioned, “a part of the country seceding” constituted itself into Pakistan, and he claimed: “. . . the present Government of India was the successor government to the

Government of the . . . United Kingdom. Pakistan was a new state which came into existence.”

May I remind him that Pakistan came into existence on the partition of the sub-continent not as a new state but as a co-successor state, together with India, to the Government of the United Kingdom. The same excerpt which he has quoted from the Cabinet Mission’s memorandum of May 12, 1946, speaks of “the successor Government or Government of British India”. This memorandum was published more than a year before partition. At that time, it was not certain that the sub-continent would be partitioned into two states; but this was a clear possibility. The Cabinet Mission’s memorandum provided for this possibility and hence the reference to more than one successor government in British India.

It is true that Pakistan was admitted to the United Nations and other international organizations as a new state, but this was done by virtue of its express consent under the Indian independence (International Arrangements) Order of 1947.

In all other respects the same order provided, as for instance, in regard to the rights and obligations devolving from treaties and international agreements to which undivided India was a party, that both India and Pakistan were to inherit these rights and obligations as successor state of the British Government of India. I would not like to take up the time of the Security Council to adduce further arguments in support of this submission. A reference to the preamble and the various sections of the Indian Independence Act of 1947 will make it clear that the Act speaks of “two Independent Dominions” to be set up in India to be known respectively as India and Pakistan as from August 15, 1947.

In passing, may I observe that paramountcy which ended with the entering into force of the Indian Independence Act of 1947 was not a

doctrine of International Law, but sui generic and, according to British legal authorities, peculiar to the constitutional development of the British Indian Empire.

In pass over the account given by the Minister of India of the circumstances in Kashmir which formed the genius of the dispute. I do so because the truthful and balanced account of these circumstances is on the record of the Security Council, set forth at length in its proceedings. I also do so because it is irrelevant whether one or the other account is true. In terms of the Charter and in terms of moral and legal obligations of states, the controversies which existed before the acceptance of an agreement cannot be revived in connection with the implementation of the agreement. Once the agreement is reached you cannot revive the controversy which lead to the agreement. The controversy closes as soon as there is the agreement. In the Kashmir dispute, the allegations of aggression by the two parties against each other were debated in the council and with the commission before the resolutions of UNCIP were adopted. The adoption of these resolutions and their acceptance by the two parties evidently disposed of the contentious issues which existed prior to them. You cannot enter into an international agreement and then refuse to implement the agreement on the basis of the issues which the agreement closes. The assumption that the UNCIP resolutions could not be repudiated by either party without dishonoring an international agreement and committing an act inimical to peace was confirmed repeatedly by numerous declarations made on behalf of the Government of India. The Indian representative, at the 608<sup>th</sup> meeting of the Security Council, said: "We cannot be a party to the reversal of previous decisions taken by the United Nations Commission with the agreement of the parties."



At the 769<sup>th</sup> meeting of the Security Council, the representative of India said the following: "I said the other day that this engagement bound our two countries .....I should like to say that there are three parties in this whole process. The Security Council is a party to the resolution of August 13, 1948....."

The same representative stated the following at the 773<sup>rd</sup> meeting of the Security Council: "The resolution of January 17, 1948, and the resolutions of the United Nations Commission for India and Pakistan, the assurance given, these are all resolutions which carry a greater weight – that is because we have accepted them, we are parties to them, whether we like them or not."

This, in brief, has been the status of the agreement arrived at between India and Pakistan through the effort and authority of the United Nations. The obligatory character of these resolutions arose not only from the consent of the parties, but also from the fact that the agreement enshrined the principle of self-determination which is integral to the concepts of the Charter. It was further enhanced by the fact that it was only on the basis of the acceptance of the two resolutions that the cease-fire agreement was reached between India and Pakistan and the people of Kashmir who were fighting against the Indian army were persuaded to lay down their arms.

Now the representative of India affirms that the – ".....two resolutions of the Security Council dealing with plebiscite were conditional contingent on Pakistan vacating its aggression and condition has not been complied with. It is really more than a condition. It was the very basis on which these two resolutions were founded and that condition not having been complied with, and the basis having disappeared, these resolutions are no longer binding on us. In any case,

by the passage of time and various factors intervening.....they have become obsolete.”

I have dealt, I hope sufficiently, in my statement to the Security Council on February 3 with this theory of passage of time to show how untenable it is. I shall not, therefore, dwell on the subject any further, apart from adding that to characterize the decision of the Security Council as obsolete shows what little importance India attaches to this extremely important organ of the United Nations.

The Government of India accepted the resolutions of the United Nations Commission of August 13, 1948 and January 5, 1949, providing for a cease-fire, a truce agreement, and a plebiscite in Jammu and Kashmir to determine the question of its accession to India or to Pakistan after this question of aggression had been considered. The question of a conditional and contingent acceptance of those two resolutions, therefore, does not arise. The Security Council is fully aware that Pakistan is not required by the terms of the two resolutions to make a unilateral and unconditional withdrawal of its military forces from the state. The withdrawals have to be reciprocal and synchronized in such a manner that at the end of the process, while all the armed forces of Pakistan have left the state, the bulk of the Indian armed forces have also vacated the state. The obligation of Pakistan to withdraw comes into force and operation only after the conclusion of a truce agreement under the resolution of August 13, 1948, which provides for a synchronized withdrawal in the manner and to the extent stipulated.

Who is responsible for the deadlock with respect to the truce agreement, that is, with respect to the demilitarization of the state? India balked at the synchronization of the withdrawal of the forces on the two sides. India withheld its co-operation in formulating a truce

agreement. India refused to help in establishing conditions which would involve the complete withdrawal of the Pakistan forces from Kashmir. India rejected the proposal for stationing a United Nations force for the purpose. After doing all these things, India began to complain that the Pakistan forces had not withdrawn. Certainly it requires no deep knowledge of law, to quote the expression of the Education Minister of India, to understand that a party cannot challenge the binding character of an agreement by pleading its own failure to perform it.

India has always charged Pakistan with this responsibility for the deadlock, but has always refused to submit its assertion to an impartial investigation of facts, mediation or limited arbitration. In my statement of February 3, I repeated the offer made by Pakistan to the Security Council in 1962, that if an impartial determination should show that Pakistan is in fact responsible for the situation, my government would rectify the default through the speediest method, at the earliest possible moment, so that the way may be opened towards full implementation of the resolution. The fact that India has rejected this offer shows that its accusation against Pakistan is only a pretext for continuing its unlawful occupation of the state and refusal to implement the right of self-determination of the people of Jammu and Kashmir.

But even if we might suppose for a moment, for the purpose of argument, that there is some strength in this allegation of non-compliance by us, what is its effect? Any infraction by Pakistan cannot be allowed, in fairness, to rob the people of Kashmir of the right to decide their future which has been assured to them by the UNCIP resolutions. Surely, the people of Kashmir cannot be penalized for the faults of Pakistan.

If this consideration is pondered, it will be realized that the entire case of the Education Minister of India rests on the exclusion of the

rights and interests of the people of Kashmir. He wants to convert the whole issue into a pseudo-legal one between India and Pakistan and make it void of all human and moral significance. I say "pseudo-legal" advisedly because, if the representatives of India were serious in formulating the legal issues implicit in the dispute, then they would also be prepared for their determination by a competent authority. But they merely try to give it a legal character in order to confuse issues and to divert attention from the rights and interests of the people of Kashmir. This reflection is sustained further by their repeated allegations of aggression against Pakistan.

What is there in this allegation which can be at all relevant to the solution of the problem from a human point of view? The question whether Pakistan did or did not commit aggression in Kashmir can be answered only by the people of Kashmir. For, if Pakistan did commit aggression in Kashmir, then evidently it was the people of Kashmir who were its victims. Surely, then, India should be insistent on an unfettered plebiscite in Kashmir which would enable the victims to return an overwhelming verdicts against the aggressor. That it is Pakistan which seeks this plebiscite, and India which rejects it, shows how much truth the Government of India feels there is in its contentions. It proves which of the two parties bears the burden of guilt. Pakistan has nothing to hide; it is prepared to stand the light of day, which will be a clear and open ascertainment of the will of the people of Kashmir. It is India which seeks to ensure that light should never dawn. But the light will dawn.

In regards to the measures of annexation of the State of Jammu and Kashmir, to which I drew attention in my letter to the President of the Security Council of January 16, 1964, and in my statement of February 3, the distinguished Minister of India has extolled the alleged

benefits that those measures would confer upon the people of Jammu and Kashmir. The point that I have the honour to make in regard to these measures is not whether they are a blessing to the people of Kashmir but that they are being imposed by an unlawful authority, in disregard of the injunctions of the Security Council, as set forth in the resolutions of the Council of March 30, 1951, and January 24, 1957. I would request the Security Council to note that the Government of India remains impenitent in regard to the further extension of such measures; and, on the contrary, as declared by the Minister of India, it is set on imposing them.

This brings us to the heart of the problem with which, in our submission, the Council is faced in regard to the India-Pakistan question. On the one hand, the Minister of India says that "Pakistan has no locus standi whatsoever to make any complaint with regard to what India is doing in Kashmir", that "no amount of declamation from Pakistan will deter the Government of India" from proceeding to further implement its design of annexation of the State, that the resolutions of the United Nations Commission for India and Pakistan "have become obsolete" and that the Government of India will "under no circumstances agree to the holding of a plebiscite in Kashmir".

On the other hand, he makes an offer to "discuss with Pakistan all our outstanding differences". The question is: How can the offer be taken at all seriously if the position of the Government of India is as the Indian Minister describes it? How can these differences be resolved if the Government of India maintains its rigid position, as it did during the bilateral negotiations of 1962-1963?

These negotiations failed, as did all other negotiations before. The Government of India says that mediation will not help. Now, the Minister

of India adds that: "The passing of resolutions by the Council will not be helpful because it is likely only to aggravate feelings."

There is the further position rigidly taken by the Government of India that it will not agree to submit to limited arbitration the points of difference over question of fact between the parties in regard to the implementation of the international agreement on Kashmir.

I would like to put the question before the Council: If negotiations have repeatedly failed and it is impossible for them to bear any fruit, if the Government of India averse to mediation, if it rejects limited arbitration, if it warns against the Security Council's passing any resolutions, then is it not the position that all avenues of peaceful settlement are barred and close to us?

This brings me to India's offer of so-called "no-war declaration". We have said again and again that we have already signed a "no-war declaration" when we pledged our adherence to the United Nations Charter. The Minister of India asks if we have any mental reservations. Did India have mental reservations when it signed the Charter of the United Nations? If not, what is the necessity of a "no-war declaration". What is needed is not another declaration but to devise specific methods for the settlement of the Kashmir dispute. This would remove the sole cause of conflict between the two countries.

We have been trying to impress this point on the Government of India since 1950, when we proposed a "no-war declaration" which would contain provisions for negotiations between India and Pakistan, and, in the case of the failure of negotiations, for recourse to mediation, and, in the event of the failure of mediation, for the submission of the points of dispute to either an appropriate arbitration or judicial determination. To our regret, and to the misfortune of our two peoples and, above all, the people of Kashmir, the Government of India has persistently refused to

accept our offer and to recognize that a "no-war declaration" is a mere platitude unless it is accompanied by a simultaneous commitment to the use of methods for a specific settlement of disputes.

While our position has been greatly misrepresented in the past, it is gratifying that the principles for which we have sought to gain acceptance are now finding expression in the dialogue between the heads of Government of the United States and USSR. In his recent statement regarding the peaceful settlement of territorial disputes, Chairman Khrushchev said: "Life shows that the majority of territorial disputes are fraught with the danger of complication of relations between the parties with the possibility of a serious armed conflict, and consequently constitute a potential threat to universal peace."

He added: "Is it that the Soviet Union proposes to cross out with one stroke all territorial issue between states, to abandon all attempts to settle them as if these issues do not exist at all? No, this is not the point. We realize that some countries have weighty reasons for their claims."

He continues: "A peaceful settlement of territorial disputes is also favoured by the fact that in the practice of international relations there already exists a store of improved methods of peaceful settlement of outstanding issues; direct negotiations between the states concerned, use of good offices, request of assistance from international organization, etc."

On this basis, Chairman Khrushchev proposed an agreement which should include "an undertaking to settle all territorial disputes exclusively by peaceful means, such as negotiations, mediation, conciliatory procedure and also other peaceful means at the choice of the parties concerned in accordance with the Charter of the United Nations".

Let us take this statement of the Chairman of the Council of Ministers of the USSR and apply it to the Kashmir dispute, even though this dispute hinges on a people's right to self-determination. According to this statement, it is not at all justifiable to abandon all attempts to settle the dispute, as if it did not exist at all. But that is precisely what India seeks to have the Council do. According to this statement, there is to be an undertaking to settle the dispute by peaceful means. But after the failure of one of these means, that is, negotiation, India blocks the other means. And still India proposes a "no-war declaration".

Let us now refer to the statement of the President of the United States made in his letter of January 20, addressed to Chairman Khrushchev of the USSR, in which President Johnson proposes the following "guideline" to implement the principle of the renunciation of the use of force for the solution of international disputes: "The parties to any serious dispute shall seek a solution by peaceful means – resorting to negotiation, mediation, conciliation, arbitration, judicial settlement, action by a regional or appropriate United Nations agency or other means of their own choice."

How does this apply to the question before us? Since negotiation between India and Pakistan has failed, is India prepared for limited arbitration or judicial settlement of those points of difference between the parties which are either arbitrable or capable of being judicially determined? India has rejected these means again and again. India is even rejecting today the assistance of the United Nations in the settlement of this dispute. And yet India proposes a "no-war declaration".

The President of the United States adds in his statement: "The prevention of wars over territorial and other disputes requires not only general principles but also the growth and improvement of the



machinery of methods for peaceful settlement. The United States believes that the peace-keeping processes of the United Nations – and specifically its Security Council – should be more fully used and strengthened.”

It is these peace-keeping processes of the United Nations which India spurns with regard to Kashmir. When it came to the question of how the force of India and Pakistan could be withdrawn from the State of Jammu and Kashmir, and the security of the state preserved, we proposed the stationing of a United Nations force which would be impartial to both, India and Pakistan. India rejected the proposal and threatened that any country which would attempt to inject a United Nations force in Indian-occupied Kashmir would be regarded as unfriendly to India. We went further and conveyed our acceptance to the United Nations representative in 1958 of his suggestion that the possibility of stationing a United Nations force on the Pakistan side of the Jammu and Kashmir border be examined to ensure the security of the area after the withdrawal of the Pakistan forces. India said that it would “regret” the stationing of such a force in the territory of Pakistan. Thus India made it impossible to have recourse to the peace-keeping machinery of the United Nations for a solution of the Kashmir dispute. What is more, India obstructs even a resolution of this Council. And yet India proposes a “no-war declaration”.

There is another important consideration involved here with respect to this offer of India to “sit with us to resolve our ‘differences’.” Any impartial observer will note that the word “differences” is being advisedly used here. Its intent can be nothing but to confuse the issues. For, after all, what “differences” are there? There might be many minor differences between India and Pakistan, as there would be between any

two neighbouring countries, but non of them has presented a major obstacle.

There is the question of the minorities, but it is evident that it is within the scope of the domestic responsibility of each government. The minorities in India can be protected only by the Government of India, and the minorities in Pakistan can be protected only by the Government of Pakistan. What room is there for any international mediation to bring about any tangible improvement in this regard? Apart from each government taking firm action to give its minorities the fullest sense of security, what is required here is co-operation between the two countries to enable the refugees to return to their homes. Even more, there should be an over-all improvement in the relation between India and Pakistan and the growth of fraternal spirit between Hindus and Muslims in the two countries.

But a lasting improvement in the climate can take place only with the settlement of the Kashmir dispute. India would evade this settlement and yet talk of resolving "differences". Its position is, I am constrained to say, so transparently disingenuous that it cannot possibly delude anyone.

The Minister of India professes not to believe the sentiments I expressed the other day regarding the peaceful settlement of international disputes. He accused Pakistan of indulging in threats of violence. The Kashmir dispute has been before the Council for sixteen long years. Numerous efforts have been made during these years to reach a peaceful solution of the problem. No less than twenty different proposals have been made at one time or another by eminent personalities, including the President of the United States and the Prime Minister of the United Kingdom, in order to bring about agreement between India and Pakistan. Every one of these proposals was accepted

by Pakistan. Every one of them was rejected by India. If this does not constitute proof of Pakistan's willingness to seek peaceful settlement of disputes, then I am at a loss how to satisfy India.

It was the Defence Minister of India who declared in the General Assembly of the United Nations that India had not abjured the use of armed force and that it reserved the right to resort to force when its interests so demanded. It was the same Defence Minister who publicly described Pakistan as India's "enemy number one". We have come here not with a threat, but with an appeal – an appeal to you to remember that this organization was established "to maintain international peace and security..... to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace". We appeal to you to remember that the history of mankind has been marked by war and violence that if this organization in which men have placed their hopes for future peace turns a deaf ear to the pleas of the down-trodden, then what hope is there for peace in our time? For India, the situation is simple. It is in possession of the major part of the State of Jammu and Kashmir and would like nothing better than to be left alone. But we, seeing our kith and kin, our flesh and blood, suffer tyranny and oppression, shall we remain silent spectators? We, who can see and feel the surge of a people determined to be free, shall we not warn of the consequences and dangers of letting the situation drift like this?

The Minister of India has sought to put the blame on Pakistan for the failure of the bilateral talks which took place between our two countries in 1962 and 1963 because of the conclusion of the Sino-Pakistan boundary agreement. He goes on to charge that the talks were finally broken off by me in spite of all efforts on the part of his

government to keep them going. Let me place the relevant facts before the Security Council.

In pursuance of the policy of the Government of Pakistan to promote friendly relations with all nations of the world, and in particular with those which are its neighbours, we concluded boundary agreements with Iran, Burma and to some extent even with India.

It was in pursuance of this policy that the Government of Pakistan formally proposed to the Government of the People's Republic of China in March, 1961, that the two governments should enter into negotiations to reach an understanding on the location and alignment of the undemarcated border of the Chinese province of Sinkiang and the contiguous areas, the defence of which is the responsibility of the Government of Pakistan.

The Government of the People's Republic of China made an affirmative response at the end of February, 1962, and a few months later, in May, a joint communique was issued by the two governments stating that they had decided to enter into negotiations to reach an understanding on the boundary question on the basis of mutual accommodation and in the spirit of friendly relations between neighbours.

The negotiations commenced in Peking a few weeks before the outbreak of the Sino-Indian border conflict, in October, 1962. That was a conflict between two powerful nations of the East. That was a crisis which was not of our making. We could neither prevent it nor influence its course.

When the joint communiqué of the President of Pakistan and the Prime Minister of India was issued on November 29, 1962, agreeing to make renewed efforts to resolve the Kashmir dispute on a just and honourable basis, India knew fully well that Pakistan and China had

commenced negotiations on a boundary agreement in Peking much earlier. On the eve of the commencement of the bilateral talks in Rawalpindi, on December 27, 1962, complete agreement in principle between Pakistan and China on the alignment of the boundary between Sinkiang and the contiguous areas, for the defence of which Pakistan was responsible, was announced. We took this course before the bilateral negotiations with India commenced. Had we not done so, the Government of India would have accused us of withholding this information and thereby acting contrary to the spirit of the joint communiqué of November 29, 1962. The Peking negotiations took their course. I signed the agreement in Peking on March 2, 1963.

The Minister of India calls the conclusion of this boundary agreement a "provocation" and gives credit to his government for not breaking off the Kashmir negotiations with Pakistan. He accuses me of this action. In May, 1963, during the last round of talks, I repeatedly told the Indian Minister, Sardar Swaran Singh, the leader of the Indian negotiation team, that I would be willing to stay on in Delhi if he was at all prepared to consider the Pakistan suggestions to break the complete deadlock that had been reached since the third round. I got no response. Therefore the negotiations ended.

The Minister of India has thought it fit to accuse us for "flirtations with China" and that "Pakistan does not want India to be strong; it wants to weaken her both internationally and domestically". Mr. President, was this remark of "flirtations with China" meant for your ears? Was it meant for the ears of everyone in this Council? Obviously not. It is supposed to be a dialogue, but I should like to state here that no one in this Council is so innocent as not to know the difference between an ally and the opportunist. We are allies, we are committed in two defence alliances with our friends, and we stand by those

commitments and alliances. We take the advantages and the disadvantages of alliances. We take the benefits and non-benefits of alliances. We are willing perhaps to face nuclear annihilation for a common cause and common destiny and common values. Perhaps one of the reasons why no progress has been made in the settlement of the Kashmir dispute is because we are committed firmly to our alliances. No one then can delude anybody that Pakistan is flirting with Communist China. We have a boundary agreement with all countries, with Burma, with Iran. China happens to be our neighbour as well and, like all others, we have concluded a boundary agreement with them in the interests of peace and security and stability to remove all possible sources of friction so that peace is consolidated, so that there is not a repetition of the conflict that India is involved in with so many countries. This was in the interest not only of our alliances, this was in the interest of world peace. We have recognized reality; many countries have recognized the reality. Have they been accused of flirting with Communist China? May we remind the representative of the Government of India of the ten years of seduction that took place between the Government of India and the People's Republic of China?

We here in this Council are accused of flirtations with a neighbour merely because we have normal relations, but no one in this Council is so naïve as to be taken in by this propaganda of the Government of India, and those friends and allies of our, whom we stand by firmly and resolutely, know it better than anyone else.

What is this flirtation, pray? When the Panchshila was proclaimed by India after it reached agreement with China over Tibet in 1951, as the magic formula which would ensure peace in the world in our time, that was not flirtation. Its slogans of "Chini Hindi Bhai Bhai" rent the Indian skies for years, that was not flirtation. But no sooner does

Pakistan conclude the boundary agreement with China in the interest of peace and tranquility in Asia, that becomes a flirtation. It is obvious that India has a double standard of international conduct, one for India and quite another for Pakistan.

We are accused of weakening India domestically and internationally. I have dealt sufficiently with the domestic aspect. How have we weakened India internationally? Must we remain on unfriendly terms with India's neighbours because India's relations with most of them are unfriendly? It is not alone with Pakistan that India has differences. India has differences with almost all its neighbours. If it were only with Pakistan, then perhaps there may be some fault, some blame which could be apportioned or put on Pakistan. But apparently India is right in every case and the rest of the world – and in particular its neighbours – is wrong in every case.

We have accused of having giving away to China as a result of the boundary agreement 2,000 square miles of Kashmir. I thank the Minister of India for reducing the charge to this more modest dimension. Immediately after the conclusion of the boundary agreement, the Prime Minister of India stated in the Indian Parliament on March 5, 1963, that Pakistan had "surrendered" 13,000 square miles of territory to China. Now we come down to 2,000 square miles. The fact is that Pakistan did not surrender a single inch of territory to the People's Republic of China.

The Chinese People's Republic relinquished to Pakistan in a spirit of mutual accommodation some 750 square miles of territory beyond the main axis of the Karakoram range – which constitutes watershed – that was in its de facto possession.

In the context of this debate, let me quote to you from Article 6 of the Sino-Pakistan Boundary Agreement:

“Article Six: The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will re-open negotiations with the Government of the People’s Republic of China on the boundary, as described in Article Two of the present Agreement, so as to sign a formal boundary treaty to replace the present Agreement, provided that, in the event of that sovereign authority being Pakistan, the provision of the present Agreement and of the aforesaid Protocol, shall be maintained in the formal Boundary Treaty to be signed between the People’s Republic of China and Pakistan.”

This article is sufficient refutation of the Indian charge that Pakistan has altered the status quo in regard to the State of Jammu and Kashmir, it speaks for itself.

We now hear a new argument as to why Kashmir must be held in bondage by India regardless of the right of self-determination, the solemn international agreement to which India is pledged. This is that Kashmir has now assumed vital importance to India’s defence against China. Here, then, is a new doctrine. Self-determination and the sanctity of the international agreements must give way to consideration of military strategy. The distinguished delegate of India would have us believe that a single glance at the map would be sufficient to establish the validity of this doctrine. I would invite the members of the Security Council to respond to the distinguished Education Minister’s invitation. It is not through Ladakh or the Vale of Kashmir that the security of India can be seriously threatened. In the name of defence, India seeks to negate the Charter by invoking the doctrine of real politick.

Then we are accused of carrying on a virulent propaganda against India in favour of China. Why? Are we expected to brand every country which has a dispute with India as guilty of aggression against India?



India is one of the largest countries of the world. it ill becomes so large a nation to suffer from a victim-complex.

We ardently desire that India would compose her quarrel with her neighbours peacefully through meaningful negotiations. We have repeatedly urged that a peaceful, honourable and amicable solution of the border dispute between our two colossal neighbours should be reached. Our own self-interest dictates it. War between India and China would inevitably produce most serious and direct consequences for Pakistan.

The Representative of India has also asserted that the people of Kashmir were perfectly happy under the benevolent rule of India and should not, therefore, be given the right of self-determination. He told the Council that the revenue of the State of Jammu and Kashmir had increased; so had food production. There were more schools, more hospitals, better roads, electricity and so forth, than there were ten years ago. This glowing report, permit me to say, reminded one of nothing so much as an account given by a colonial power of its administration before the Trusteeship Council. The argument that the people are well fed and happy under foreign rule, that the benevolent ruler knows what is best for the people and that those who speak for freedom are disgruntled agitators is one with which this world organization is all too familiar. How many times have we not heard the Foreign Minister of South Africa stand at the rostrum of the General Assembly and extol, in terms of hospital beds, school rooms, roads, kilowatts, and the megawatts the benefits brought about by this government to the indigenous people of South West Africa? Like the Minister of India, the Foreign Minister of South Africa too feels that if only his government were left alone, all would be well. He too would like the world to believe that those who decry the denial of human rights to

the people of South Africa and South West Africa are agitators uninitiated in the ways of Christianity and democracy and secularism, and involved in an international conspiracy against South Africa and the peace of the world.

The number and diversity of reasons put forward by the Representative of India for not fulfilling the pledge given by his government are so great that it is not easy to follow the thread of his argument.

We have always considered Kashmir to be a vitally important question because it is, above all, a human question on whose just and honourable solution depends the fate and future of nearly 600 million people who inhabit the Indo-Pakistan sub-continent. It is the Indian pretension that Kashmir is a symbol and guarantee of their secularism. I venture to submit that Kashmir is a test of the ability of the world community to resolve disputes through peaceful means. If Kashmir is to be a symbol and guarantee, let it be the symbol of the willingness of nations to solve disputes through peaceful means and a guarantee that justice will be done to all states and all peoples, big and small.

The Kashmir dispute has dragged on for many years. The complexities that surround it are the complexities of politics and power. The issue involved is simple and clear: the right of a people to self-determination and the obligation of the states to honour international commitments. We heard a scholastic discourse the other day from the Education of Minister of India on the meaning of the word "self-determination". To those of us in these halls who fought and struggled for this right, to those of us who symbolize by our presence here the triumph of this principle, the meaning of self-determination is quite clear. Pakistan is not playing with the idea of self-determination when it talks of Kashmir any more than we play with the idea when we speak of

self-determination for Angola, Mozambique, Rhodesia and South West Africa. "What is self-determination?" asked Mr. Chagla the other day, as if he were aware of the commitments given by his government to the people of Kashmir, to Pakistan, and to the Security Council. This is how the Prime Minister of India, his Prime Minister, answered the question on these three different occasions.

In 1947, in a broadcast to the Indian nation, Mr. Nehru said: "We have declared that the fate of the State of Kashmir is ultimately to be decided by the people of Kashmir. That pledge we have given not only to the people of Kashmir but to the world. We will not and cannot go back on it."

In 1951, in that unfortunate city of Srinagar in which blood is flowing at this very hour while we gathered here, he declared: "I want to repeat that the Government of India will stand by that pledge, whatever happens. That pledge itself stated that it is for the people of Kashmir to decide their fate without external interference."

Then, in the Indian Parliament, in February, 1951, the Prime Minister of India declared: "We have given our pledge to the people of Kashmir and subsequently to the United Nations. We stood by it and we stand by it today. Let the people of Kashmir decide."

The words are simple, their meaning clear – "Let the people of Kashmir decide". There is no equivocation here, no quibbling about what is self-determination, no fear that the unity, solidarity and integrity of India was at stake.

Yet, now we are told that the right of self-determination is something the countries of Africa and Asia ought to fear. In his short lesson on the history of the United States, the Representative of India recalled for us the bloody Civil War fought in the United States to prevent the South from seceding. The analog is inaccurate since

Kashmir is not a part of India trying to secede, nor a slave-owning society attempting to retain slavery. Kashmir is an entity and a people, and to quote Mr. Nehru, it is a people with a soul of its own and an individually of its own to whom the promise was made sixteen years ago that it would be free to decide its own future. The interesting and revealing feature of the analog drawn by the Minister of India is that he obviously sees the situation in Kashmir as one in which an unwilling people have, by force of arms, to be held within the Indian Union for the fulfillment of some high and noble purpose of which India is the self-appointed instrument.

Mr. President, Pakistan has come here not to seek your support for the right of a minority to secede from the Indian Union. It comes to seek a reaffirmation of the pledge given to all the people of Kashmir that they will be enabled to decide the future of their land. The people of Kashmir are not an Indian minority. They will never be an Indian minority. Kashmir is not the property of either India or Pakistan. It belongs to the people of Kashmir, and the people of Kashmir alone will decide as to what their future affiliation and course of action will be. The words I have just spoken once again are the words of the Prime Minister of India.

The Minister of India tried to raise the specter of fragmentation of the states of Africa and Asia, many of which have minorities within their borders, if the principle of self-determination were to be applied. On previous occasions, Indian spokesmen have made a transparent bid for African sympathy by comparing Kashmir with Katanga. It would be naïve for me to enter into this game, but let me say that if Kashmir is Katanga, then its despotic Maharajah, whose forefathers purchased the valley and its people from the British for a handful of silver, is the Tshombe of Kashmir. The Minister of India was outraged when I

referred to the colonial nature of India's hold over Kashmir. Yet when we hear him hold forth on the complexities and dangers of self-determination, when we hear him extol virtues of multi-racialism, do we not hear echoes of the sentiment expressed by President Salazar of Portugal in his declaration on Africa?

In his broadcast of August 12, 1963, Mr. Salazar asked the following question: "If self-determination aims fundamentally at verifying the assent given to the form of state or of government under which populations live, it is not understood how there can be a single method of achieving this purpose or of determining that assent, the single method being a plebiscite following the illegitimate demands of the United Nations."

According to Mr. Salazar, Angola and Mozambique are an integral part of Portugal because Portuguese law says so, and any attempt to ascertain the wishes of the people of Angola and Mozambique is to be viewed as a dangerous negation of the noble and high minded policy of multi-racialism which Portugal has been attempting, for the last 500 years, to follow in Africa.

The Minister of India considers that the future of the world depends on the evolution of multi-racial nations and states in different parts of the world. Perhaps, they may be so; it is not a contention with which we quarrel in principle. Pakistan itself is a country in which live people professing different faiths, speaking different languages, belonging to diverse racial origins.

Our differences on this matter with India – as with Portugal – is that we believe that the evolution toward multi-racial states and societies should come about not by force, not on the basis of legal fictions, but on the willing consent of the people. If this is a reactionary policy, then we plead guilty.

The Minister of India sought to enlighten us about India's crusade against imperialism and colonialism. His claims, I venture to submit, would have been far more convincing if, in the same statement, he had not built his whole case regarding Kashmir on the rights of the ruler, a feudal chief, a tyrant who had been protected from his own people only under an imperialist dispensation. It is unfortunate for the Indian Minister's claims about India's anti-imperialist mentality that when he wants to prove Kashmir's affiliation with India, he cites the evidence that Kashmir was a part of the empire of Emperor Asoka.

Surely, not only Kashmir but the whole of Pakistan and most of Afghanistan were included in the empire of Asoka. And it is fatal for the thesis of the Minister of India that the political thought of modern India should have been articulated in different terms by her most prominent writers and authors. "The small national state is doomed" – these are not anti-colonialist words: they are the words of Mr. Jawaharlal Nehru in his book, *The Discovery of India*. And India's ambitions are well expressed by the distinguished Indian author and diplomat, the late Mr. K. M. Panikkar, who was India's ambassador and a very eminent Indian authority: "Our vision has been obscured by an un-Indian wave of pacifism. Ahimsa (non-violence) is no doubt a great religious creed, but this is a creed which India rejected when she refused to follow Buddha. The Hindu theory at all times, especially in period of her historic greatness, was one of active assertion of the right, if necessary through the force of arms. To the Indian ocean, we shall have to turn, as our ancestors did, who conquered Socotra long before the Christian era, and established an empire in the Pacific."

The quotation is from this book, *India and the Indian Ocean*, page 16. Surely the attitude that is projected here is one of expansionism, an attitude that would extend India's hegemony from Somalia to Indonesia,

and from the Hindu Kush to the Mekong River, that is, over all countries and territories touched by the waters of the Indian Ocean. It is, I submit, hardly an anti-colonialist attitude. Who has not heard of the epic freedom struggle of the peoples inhabiting the sub-continent? For long years, all of us fought side by side, although even while the struggle continued, the present leadership of India opposed, tooth and nail, the right of Pakistan to be a free and independent country.

It pains us, therefore, that a country so recently liberated from foreign rule should itself now employ the arguments and manoeuvres associated with colonial powers to deny the priceless gift of freedom to the people of Kashmir. The Representative of India stated that democracy, like charity, must begin at home. I would remind him that this is true of all virtue and that self-righteousness is no substitute for righteousness. He asserted that India has fought unceasingly in the United Nations for the cause of freedom in Asia and Africa. I do not think that it is even necessary for me to remind the members around this table of the humble contribution that Pakistan itself has tried to make to the struggles of the peoples of Asia and Africa to free themselves from foreign domination. We take no credit for this. We seek no credit for it. It is our duty. It is our responsibility to world peace and to anti-colonialism. It is a natural thing; it is not unnatural. It is a normal thing; it is not a phenomenon. Nor do we wish to suggest that Pakistan's impact has been of a singular or decisive nature. The credit must go in every case to the peoples themselves and to their leaders who fought and struggled, even as the people of Kashmir are doing today.

How can India reconcile its record in Kashmir with the role it sees for itself as the leader, the prime mover, and the inspiration of freedom movements all over the world? Those of us who have worked in the

United Nations on these problems know fully well the equivocations and hesitations of India whenever the question has come up of self-determination in any part of the world.

I am afraid that, in his zeal to contradict my statement, the distinguished representative of India forgot to read it carefully. He attributes to me some paeans of praise with regard to Sheikh Abdullah. Actually, though I cannot fail to admire the suffering and sacrifice of Sheikh Abdullah since 1953, the laudatory phrases about him that were contained in my statement were not mine: they came from the Prime Minister of India and they were all within quotation marks. If the distinguished representative of India contradicts them, he contradicts his own Prime Minister and does not contradict me. Then, he claims that the trial of Sheikh Abdullah has been with due process of law. This claim can be judged from the following report published in the Times of London: "In June, the senior prosecuting counsel, Mr. Pande, retired from the case. He said that the money for his fees could be better used. The trial, he said, could go on for another five to seven years."

It can also be judged from the letter addressed to the Prime Minister of India by fifty members of the Indian Parliament in September, 1963. The report of this letter, published in the Times of London, on September 30, said: "In view of the adverse effect which the trial of Sheikh Abdullah and his associates was having overseas and of 'the colossal and abnormal amount believed to have been spent' on the case, this was the 'opportune and favourable time' for the withdrawal of the charges, the members argued."

"If the Government of India could find a graceful and politically safe way of withdrawing the charges against the Sheikh they would need no urging by the opposition. Although the interminable proceedings in Jammu lend themselves to forgetfulness, they sit



uncomfortably on Delhi's political conscience and, quite apart from the fate of the Sheikh himself, there are many who deplore the effect of this transparently political trial on the independence and self-confidence of the Indian judiciary."

"If Sheikh Abdullah could be brought to bind himself not to take up again the cause of an independent Kashmir or of a plebiscite to decide its future, Delhi might be pleased to release him. The Sheikh himself has said that he holds the key to his prison but will not give the assurance that are demanded. But the Sheikh released and calling for a change in the present status in Kashmir would be an upsetting influence, to say the least."

This, as I said before, is a report of the letter addressed to the Prime Minister of India by fifty members of the Indian Parliament.

The representative of India stated in his opening remarks that "no new situation has arisen to aggravate the existing conditions in Jammu and Kashmir". There is a no alien power occupying a territory against the wishes of its people which will ever admit the existence of a new or troubled situation in that territory. It would require high statesmanship and unusual admission of facts for India to acknowledge the present situation. What has actually be taking place in the last several weeks in the Indian-occupied area has been, in the words of President Muhammad Ayub Khan, "a spontaneous referendum of the people" in which the people returned an overwhelming verdict against India. Let me quote some further testimony on the new situation in Kashmir. The correspondent of the Times of London wrote from Srinagar, on February 2: "Whenever crowds gather – and the sight of foreign correspondents, of whom there are only two just now, can be enough to attract a clamouring mob – shouts are raised for Sheikh Abdullah, for a plebiscite, and even for Pakistan....."

He adds: "..... but the affair of the hair has brought to the surface all the stored resentment of the Kashmiris and crumbling of the local regime and its replacement by administrators and police from outside – 'from India' as a Kashmiris would say – have made it likely that the resentment will now be focused on Delhi. Discussion of the Kashmir problem in the past has always been comfortably informed with the belief that at least it would not be complicated by violent expressions of their own will by the Kashmiris. When the matter is before the United Nations against this week, it may have to be noted that there is a new factor in the old equation, the self-assertion of the Kashmiris."

There is a foreign observer talking of a "new factor in the question", but here we have the representative of India saying that there is no new situation.

Then there is the dispatch in the New York Times written from Srinagar on February 5: "The Government of India described today as 'completely out of touch with the real sentiments' of the people of the disputed State of Jammu and Kashmir."

"This was the view of several Kashmiris business leaders, including Hindus, in this predominantly Moslem region."

"According to these man, who asked not to be identified, 'since 1954 the Moslem majority of Kashmir has been pro-Pakistan'.

"Their view was completely different from that expressed yesterday by Mr. Lal Bahadur Shastri, the Indian minister, after his return to New Delhi. Mr. Shastri said that the feeling in Kashmir was 'definitely pro-Indian'."

"The Kashmiris business leaders, however, insisted that most of the people here were pro-Pakistan."

Here is a record in the opinion in Kashmir which serves to refute the Indian representative's suggestion that the unrest is directed solely against the local administration.

The correspondent of the Sunday Star, Washington wrote on January 26: "For four weeks now the Kashmiris, in an impressively disciplined non-violent rebellion, have demonstrated their hostility toward closer links with India and their determination to decide their destiny."

"India's peace-making overtures and righteous indignation are not for the probably only lasting solution – finally granting the Kashmiris self-determination."

He added: "The United States cannot now commit itself to a long-term arms aid to India within the next few weeks, as it has planned to, without seriously questioning the possible repercussions of what amounts to indirectly supporting India's virtual colonial over lordship of Kashmir."

In the same dispatch the correspondent says that "the Indian Government has not chosen to reveal a true picture of events in Srinagar". Considering that remark, it is not all surprising to hear the denial by the Representative of India that there is no new situation in Kashmir.

There are further statements of foreign observers, for example, the report in the Baltimore Sun of February 5, which says "the hair, which Muslims believe came originally from the Prophet, is not a symptom of the problems in the Indian two-third of Kashmir", but I am forced to content myself with these in order to avoid undue length.

The representative of India has tried to make it appear that the theft of the Holy Relic was an isolated incident, and, with the alleged recovery of the Relic, the incident is closed.

While the Government and the people of Pakistan were gravely perturbed over this theft and take no position regarding the genuineness of its recovery, I must make it clear that it is the revelations brought about by this incident, rather than the incident itself, to which we are seeking to draw the Councils attention.

There is a significant report in the Times of India relating to the situation after what purported to be the exposition of the Holy Relic.

According to this dispatch from Srinagar, the President of the Action Committee said that the ban imposed by the Committee on the opening of shops on Fridays would continue until their demands had been conceded. It was after the recovery of the Holy Relic, again, that Maulana Masoodi, according to a Reuters dispatch, said that India-held Kashmir was "too much a police state with every Minister moving around with police protection", and not only did he demand the release of Sheikh Abdullah but also criticized the expulsion of Ghulam Abbas and Yusuf Shah, two Kashmiris leaders, who, since 1947, have led the movement for the accession of Jammu and Kashmir to Pakistan. It is also after the recovery of this Holy Relic that reports continue of strikes in Srinagar, of the movement gaining momentum in other towns of Kashmir besides Srinagar, and of indiscriminate arrests.

In this connexion, I must mention some recent utterances of Bakhshi Ghulam Mohammad who for ten years since 1953 was the so-called "Chief Minister" of Jammu and Kashmir and, therefore, India's main prop in the state. I have already quoted his statement of January 17, that the demands of the people of Kashmir were for the release of Sheikh Abdullah and the holding of a plebiscite. This statement was later "clarified" in a manner which furnished strong grounds for the belief that the "clarification" was made under pressure. We haven now a

statement from him, which, according to reliable reports, still uncontradicted, was circulated in Delhi; the statement says:

“Consequent upon the dismissal and arrest in 1953 of Sheikh Mohammad Abdullah because he had asked India to withdraw troops from Kashmir preparatory to holding of the promised plebiscite, I accepted premiership of the state as it was my honest conviction then that the majority community of Kashmir could be brought round to staying on with India and that they would really be better off and more secure with secular India than with communal Pakistan.”

“For a full decade, I did all I could towards this end, but year after year I became wiser by observing that events in India reflected on the psychology of Kashmiris.”

He goes on to say: “The recent episode of the Holy Relic at Hazratbal has extremely shocked sensitive Kashmiris Muslims who now openly declare that even their religion and culture is not safe with India. They also say that Pakistan is on more a Muslim State than India is a Hindu State, and the very fact that everything that befalls Hindus in Pakistan retaliates all the more severely on Muslims in India belies the claim of India to be a secular state – a state above religion. They fear their fate tomorrow will be no different from or not better than that of Calcutta Muslims.”

“Of their three immediate demands, namely, the release of Sheikh Abdullah, the holding of a plebiscite and the inquiry into affairs that led to the events of 1953, I have already apprised the Press.”

He goes on to say: “I frankly admit that what Sheikh Abdullah said in 1953, I say today after a further ten years experiment. Even today I am honest and faithful to India and if it comes to a plebiscite, I might vote for India; but to keep the Indian Government and the Indian

people in the dark about the inner working of the mind of Kashmiris Mussulmans is a sin and disservice.”

“Many people may well call this statement of mine black-mail, but I make it clear, once and for all, that I am by no means eager or willing to become Premier of Kashmir again, and even if I am asked to, I will never accept that post; nor do I oppose the change of the present government in the state, nor for that matter the establishment of President’s rule or Sadr-i-Riyasat rule, or whatever the Government of India and the people of Kashmir desire.”

Bakhshi Ghulam Mohammad has up to now been one of the main instruments of India’s designs in Jammu and Kashmir. A statement of this nature, coming from India’s chief agent in the state, acquires a singular importance. We have reports that currently he is under extreme pressure from the Indian government and that he is either to be arrested and imprisoned – like his predecessor, Sheikh Abdullah – or forced to rescind his statements. A strong suspicion that the Government of India will mete out severe punishment to him for his audacity in confessing the facts about Kashmir is created by the statement of the former members of his government, Shamlal Saraf and Girdhari Lal Dogra, charging him with damaging the interests of India.

These are some of the facts which give an indication of the present situated in Indian-occupied Kashmir. If killing by police firing of scores of people, general strikes paralyzing whole cities and towns, massive demonstration by virtue the entire adult population of a capital city, sullen resentment spontaneously expressing itself before foreign observers do not constitute a grave situation, then what will, except an outbreak of hostilities?

That it is the restraining hand of the Pakistan government alone which preserves peace in Kashmir – all the charges against us leveled

by the Indian representative notwithstanding – is apparent from the repeated demands made by the Azad Kashmir Government and the Jammu and Kashmir Muslim Conference for the abrogation of the cease-fire agreement. These demands are not lightly made. They are the spontaneous expression of the tension in Azad Kashmir which is a direct result of the repression under which the Indian-occupied and Indian-dominated area of Jammu and Kashmir groans.

The Indian representative denies the gravity of the situation and flings epithets at us of narrating “a horror story” and of being a victim of a “vivid imagination”. If the evidence we have offered is not sufficient, let the Security Council employ whatever machinery is feasible for a thorough and impartial fact-finding of the situation in the Indian-occupied area of Jammu and Kashmir which should include taking the evidence of all political prisoners in the area. We do not see how the truth can be established except by an impartial inquiry; in fact, we do not see how the Security Council can prevent a danger to international peace and security except by keeping the situation in Indian-occupied Kashmir under its constant and independent scrutiny.

We have drawn the Council’s attention to the present situation in the State of Jammu and Kashmir and to the serious deterioration in the relations between India and Pakistan which is the direct consequence of that situation. In doing so, we believe we have done the duty that the Charter has imposed on us, the duty of seeking assistance of this world organization in ameliorating the situation, in arresting the deterioration, in preventing an accentuated conflict. Upon the assistance that the Council, in its wisdom and in its sense of the collective responsibility of mankind, will render us, rest the hopes for a peace in our region. We pray that these hopes may not receive a setback.





**Address at the One Thousand One Hundred Fourth Meeting of the Security Council, held on March 17, 1964**

***MR. PRESIDENT,***

I am grateful to you and to the other members of the Council for convening this meeting to resume the Council's consideration of the situation in Jammu and Kashmir and its grave repercussions on the relations between India and Pakistan. At the 1093<sup>rd</sup> meeting of the Council, I requested postponement of a few days in the Council's proceedings. My government deeply appreciates that this request was granted by the Council.

My purpose in addressing the Council again is, first, to give a brief account of the situation in Kashmir as it has developed since our last meeting and, secondly, to clarify my government's position in relations to the perspectives that emerged during the Council's discussion in February.

It will be recalled that the situation which we brought to the Council's attention had, as its immediate background, the announced intention of the Government of India to integrate Jammu and Kashmir with the territory of the Indian Union in violation of the international agreement regarding the state – an agreement binding upon both parties to the dispute. The announcement of this policy of the Government of India evoked the utmost resentment of the people of Jammu and Kashmir. The result was an outbreak of open rebellion against India in Kashmir.

After the Council had heard both parties, every member expressed deep anxiety for a prompt and peaceful solution of the dispute. An appeal to the two parties to refrain from measures which might

aggravate the situation was clear in the statements made by the members of the Council without exception. It is my painful duty to report that this appeal has not been heeded by the Government of India. On the contrary, the Education Minister of India, in a statement of February 24, made in the Indian Parliament, even tried to distort the statements on the members of the Security Council and interpreted them as conveying a tacit acceptance of further measures of integration of the State of Jammu and Kashmir into India.

Thus three facts have emerged during the interval since our last meeting. First, the movement of protest in the State of Jammu and Kashmir has continued. Secondly, India has shown no signs of relenting in its policy of repression against the people of the State. Thirdly, the Government of India has shown itself to be bent on adopting those very measures towards the annexation of the State against which Pakistan had specifically protested to the Council. Thus, during the interval, there has been no mitigation of the gravity of the situation between India and Pakistan.

Let me cite some important developments that have occurred since our last meeting. On February 20, India's Home Minister, Mr. Gulzarilal Nanda, indicated in the Indian Parliament that – "the special constitutional provisions that differentiated Jammu and Kashmir from other states of the Indian Union would soon disappear."

He added that "conditions as they had developed called for speedier action now."

On the same day, a correspondent of the London Times, reporting from Srinagar, said that Delhi would "cobble some arrangement" in Kashmir. The arrangement that was cobbled was the installation of a new puppet premier in Indian-occupied Kashmir on February 28. It is significant that this was done in defiance of the warnings given by saner

elements within India itself. A prominent member of the Indian Parliament, Mr. M.R. Masani, stated on February 26, that – “replacing Mr. Shamsuddin with Mr. G.M. Sadiq as Prime Minister could not stabilize the situation in the State for long”.

Indeed, the new puppet was installed even though the London Times reported on February 25 – “resentment against Delhi’s insistence on imposing him had increased considerably in Kashmir”.

It is evident that Mr. Sadiq was nominated to head the Indian-sponsored regime in Kashmir because he had been demanding complete integration with the rest of India and the ending of Kashmir’s special status. He fulfilled the expectations of his patrons by announcing on March 1 that his government would remove all barriers to the territory’s integration with “the rest of India”. To this end, the new Indian-sponsored regime in Kashmir introduced a bill in the so-called state assembly on March 10, which seeks to change the designation of the head of state and the head of government of Indian-occupied Kashmir, and provides for replacement of the state flag by the flag of India.

India’s new agent in Kashmir has gone even further and has called for the appointment of the governor of Indian-occupied Kashmir by the President of India instead of his being elected by the state “legislature”. The new cabinet includes a minister belonging to an extremist Hindu organization, whose avowed object is to convert Kashmir into a Hindu-majority area by violence and by large-scale immigration from India. Furthermore, key posts in the civil and police administration of Indian-occupied Kashmir have been turned over to non-Kashmiris officials. These include the post of chief secretary, to which an official of the Government of India has been appointed with full powers to fill other sensitive posts by the officials of the Government of India.

It is hardly necessary to explain at length the effect which these measures are designed to have. Their meaning is unmistakable. They are designed to carry out the annexation of the State of Jammu and Kashmir to the Indian Union. They are designed to destroy the identity of the people of Jammu and Kashmir. As I said in my statements in February, the question at issue is not what provision India should retain in, or eliminate from, its constitution. The question at issue is whether India intends to facilitate the exercise of their free choice by the people of Jammu and Kashmir or works to prevent it. Inasmuch as India, at any early stage, sought to give a symbolic recognition to the identity of the people of Jammu and Kashmir in Article 370 of its constitution, the abrogation of this article can be understood in no other light than India's intention to present the United Nations with a fait accompli and to try to close all avenues of escape for the people of Jammu and Kashmir.

We have protested to the Security Council against India keeping in goal the accredited leaders of the people of Jammu and Kashmir. But what we are witnessing now is the wholesale imprisonment of an entire people and an attempt at reinforcing and multiplying the bars of steel behind which they have been encaged. Permit me to say that no act of the Government of India could be more calculated to serve as a grave provocation to Pakistan and to demonstrate complete defiance of the wishes of the United Nations for an amicable settlement of the dispute. Considering the timing and the rapidity of the execution of these measures for the integration of Indian-occupied Kashmir with India, how is it possible, I ask, for us to understand them except as evidence of India's determination to bring matters to a head and stage a showdown? This is the situation that we are bringing to the Council's attention.

It will be recalled that, when we drew the Council's attention to the upsurge of popular feeling in Kashmir against India, the Indian representative emphatically replied that "the demonstration in Kashmir were aimed at the local administration" and had no bearing upon Kashmir's relation with India or Pakistan. The question, naturally, arises: What is the truth?

The truth could be found out by an independent fact-finding agency of the Security Council, if one existed, and my government would be under no necessity to elaborate the point further. In the absence of such an agency, however, one can only turn to the reports of impartial foreign observers. Out of the many which have appeared recently, I shall quote only a few. The Times of London, of February 13, for example, reported: "Intense feeling in the Valley against the ruling party in the State has been projected against Delhi as well, and feeling there has probably never been more strongly against integration with India than it is now."

I might recall here that in my statement before the Council in February, I had said that it was the revelations brought about by the Hazratbal incident, rather than the incident itself, to which we were seeking to draw the Council's attention. All subsequent developments in Kashmir have borne out the truth of our submission. Here, for example, is a report in the New York Times of February 29, which says: "The riots that followed the theft from a mosque of a hair reversed as a relic of" – the Prophet – "Mohammad brought to light strong anti-Government feeling in Kashmir . . ."

"New Delhi was alarmed by the pro-Pakistan sentiments of the people, which continued to be expressed after the relic has been restored."

Here is another report in the Evening Star of Washington of March 14, which says: "India maintaining that the popular uprising was directed against the local puppet government and did not expressed resentment against India itself. Weeks after tens of thousands of Kashmiris demonstrated in the street of Kashmir's capital, Srinagar, demanding a plebiscite, independence or to join Pakistan. Prime Minister Nehru's new deputy, Lal Bahadur Shastri, told Parliament that the people of Kashmir welcomed full integration with India."

The correspondent then talks of "the cloud of gloom and despair" in the Kashmir Valley because of "a combination of armed police and imported Indian administrators", and then he adds: "India now seeks a breathing spell to regain its shaky hold on Kashmir and wants time to absorb it gradually into India."

The testimony about the facts of the situation in Kashmir is further strengthened by reports in the Indian press itself. According to the Times of India on February 20, most of the shops in Srinagar remained closed on February 19 in response to a call given by the Action Committee for observance of a general strike as a mark of protest against the convening of the state assembly which "was not a true representative body". An article entitled "Inside Kashmir" by a columnist, Nandan B. Kagal, in the same newspaper on February 26, said: "Whether one likes it or not, the Action Committee set up by Maulana Masoodi after the Hazratbal theft has, within a space of few weeks, seemingly become the voice of the people of the Kashmir Valley . . . It appears to have a wider popular base than any other political group in Kashmir today . . . It has called for Sheikh Abdullah's release and also for Choudhury Ghulam Abbas's return to Kashmir. When these demands are coupled with the allegation that the State assembly does not truly reflect the will of the people of Jammu and Kashmir, the political

objectives of Maulana Masoodi and the Action Committee become quite clear. Once the representative nature of the Kashmir Assembly is challenged, though its action might remain legally valid, their meaningfulness in terms of democratic principles is reduced.

Maulana Masoodi in effect says that Kashmir's accession to India is neither final nor irrevocable. . ."

Then the Times of India on February 21, said that: "it is now quite plain that Maulana Masoodi and his colleagues on the Action Committee want to reopen the accession issue".

What clearer refutation, I ask, could emanate from India itself of the thesis advanced by the Representative of India here that "the demonstrations in Kashmir were aimed at the local administration".

As a matter of fact, the latest reports leave one in no doubt about the nature of the popular movement in Kashmir. According to the statesman of Delhi of March 17, the Action Committee in Srinagar, which has elsewhere been described as "the voice of the people", affirmed in a resolution of March 15 that the people of the State would not accept any solution of the Kashmir issue which is not based on the freely expressed will of the people, and called for immediate implementation in full of all pledges given to the people. They demanded the resolution of the dispute once and for all on the basis of a free and fair vote. The Kashmir Political Conference issued a statement on March 16 demanding that an appropriate atmosphere be established for the meeting of the leaders of India and Pakistan to solve the Kashmir question in accordance with the wishes of the people of Jammu and Kashmir.

The truth is that India knows fully well the reality of the people's movement in Kashmir and the caused of the continued crisis there. Yet, what is the response of the Government of India? It is to proceed with

greater speed to integrate Kashmir into the Indian Union. It is to threaten stern action against anyone in Kashmir who stands in the way. When the Government of India threatens dire consequences for the people of Jammu and Kashmir taking the stand that they are entitled to decide their own destiny, it brings out the explosive nature of the present situation more clearly than it can be described. It shows that India, which is the member of the United Nations, a signatory to the Charter, pledged to respect the authority of the Security Council, is prepared to persecute a people for no other act than their making manifest the demand that a principle of the Charter, and the decisions of the Security Council based on it, should be implemented in their case. Even if there had been no other disquieting factors in the present situation, this attitude of the Government of India would in itself be enough justification for Pakistan to seek the Council's intervention.

Actually, there are other disquieting factors which I have already reported. They emphasize the critical, cancerous nature of the present situation between India and Pakistan. The situation on the cease-fire line, always uneasy, is today more troubled than ever before. Serious incidents have taken place in recent weeks, leading to heavy exchanges of fire, resulting in a number of deaths. The urgency of the situation is as pronounced as it is poignant. There is no international agency but the Security Council which can meet it and thus help to avert the danger to peace which otherwise is being dangerously augmented by the day.

The danger to peace is indicated by the statements of responsible Indian spokesmen. On March 15, only a few days ago, India's Minister for Works and Rehabilitation, Mr. Khanna, said that "Pakistan is India's enemy number one" and urged Indian students to follow "the path of Shivaji and Govind Singh". There were war lords in Indian history who fought against the Muslims and who were defeated by the Muslims.



There were the war lords to which the Indian referred during the Sino-Indian conflict. The Defence Minister of India has added to this statement that India will be "Pakistan's graveyard". Those are the words spoken by the Defence Minister of India the other day, that India will be "Pakistan's graveyard". While Pakistan, of course, remains unafraid of these threats, it is evident that they cannot be disregarded in an appraisal of the present situation.

The Council's consideration of the question in February helped to bring out again those aspects of the issue which, we believe, must not be obscured if a just and peaceful settlement is to be achieved. The pronouncements made by the members of the Council showed again that the United Nations is not insensitive to those principles upon which alone a structure of peace can be enduringly built.

The problem, however, remains that those pronouncements have to be brought to bear concretely on the situation which confronts us. One of the trends of the Council's debate has been to emphasize the necessity of resuming negotiations between India and Pakistan. I need hardly remind the Council that this advice is not, and could never be, unwelcome to Pakistan. Throughout the exercise of the dispute, the Government of Pakistan has been anxious to utilize all reasonable methods for its peaceful and equitable solution. When member states of the Council talk of negotiations between India and Pakistan, I would merely ask them to take into account our long experience of this particular method of trying to resolve the dispute.

There were conversations between the Prime Ministers of India and Pakistan even before the issue was brought to the Council in 1948. There was a long correspondence in 1950 and 1951, punctuated by personal contacts between the Prime Ministers of both countries, about formulating the principles which should govern the settlement of

disputes between the two countries. There were negotiations again between the two Prime Ministers in 1953 and 1954. There were some direct talks in 1955. From 1958 to 1961 the President of Pakistan made sustained endeavours to secure a just and peaceful settlement of the dispute by direct negotiation. Then again, as the members are well aware, six rounds of talks were held between India and Pakistan from December, 1962, to May, 1963. It can, therefore, hardly be said that we have failed to explore the possibilities of this method, far less spurned it.

Since all direct negotiations between India and Pakistan so far have failed, we believe that it is necessary to bear in mind the reason for their failure. When one party refers to the governing principles of the case and the other relies on its might, when one seeks the reality of negotiation and the other wants only to contrive its semblance, when one seeks to expedite the process and the other is determined to stall it, what is the result? The inevitable result of that the parties talk at cross purposes with each other. There is then nothing to prevent negotiations from not only being wasteful but through their futility, from worsening a tense situation. Even mediation does not help greatly in such a case, unless the mediator is in a position to direct the negotiations and to relate them to a framework which is reasonably precise. That alone can give the negotiations some coherence and purpose. To ask a mediator to assist in achieving a solution without a defined basis is to place an unfair burden to him.

It was said in this Council in February that the negotiations required in this debate should be constructive and sincere. But the problem is, how do we make the negotiations with India constructive and sincere, if the Indian position is that which was stated in the Council? What promise of success can we discern when the Education

Minister of India, reporting the Council's proceedings to his Parliament on February 24, said: "I think we have laid the ghost once and for all for the holding of a plebiscite in Kashmir."

This kind of statement is probably an apt reminder to the Security Council that no formula for negotiations can help if it is vague and if it lends itself easily to distortion. Given the authority of the United Nations and his personal standing, the mediator's good offices will certainly be a positive element. But this element, in order to be constructive, needs a foundation and a base. It needs precise terms to reference that can be objectively commended.

What point of departure can be more objectively commended than the principles of the Charter and the international agreement which has been solemnly accepted by both parties? This agreement was not imposed by the Council. It is based on the common denominator between the declared standpoints of the parties and in itself, embodies a compromise between their respective claims. It is an agreement to which the Security Council itself is a party and to whose clarification it has devoted the thought and effort of scores of its member states and the eminent individuals who have served as United Nations representatives in the Security Council.

That the agreement embodied the pledge given by India and Pakistan to the people of the State is a fact which has been constantly affirmed and reaffirmed by the Security Council. Thus, the agreement has had behind it the recognition of all members of the United Nations. If anything was wanting in making this recognition universal, that too, has now been done.

I must, in this context, stress before the Council that plebiscite in Kashmir is not just a slogan of Pakistan. It is not any consideration of prestige which attaches us to the international agreement on the State

of Jammu and Kashmir, that is the two UNCIP resolutions. We invoke the principle of self-determination because it is the only basis – I repeat, the only basis – on which a solution of this problem can endure. Let us keep in mind the nature of this problem. It is not the problem of a border. It is not a dispute over a piece of territory. It is not a clash of economic interests. It is not a rivalry between two systems. It is the problem of the life and future of nearly 5 million people who inhabit a territory six times as large as Switzerland. In this day and age, how can we possibly dispose of this problem without impartially consulting the wishes of these people? Whether from an ethical or from a political point of view, there is no getting away from the fact that no solution of this question will be viable if it is arbitrary and if it is not based on, and sanctioned by, the freely-expressed will of the people concerned.

Suppose, in a mood of real politik and mindful only of the changing expediencies of politics and power, we were to try to hustle through what is called a political settlement. Is it a likely proposition that this settlement will be conducive to peace if it is opposed by the people involved? It is natural that some men of goodwill should feel the need for a fresh approach to a problem that has persisted for sixteen years. But – and here is the cold fact of the matter – no fresh approach is likely to be anything but perverse if it does not have the support of the people of Jammu and Kashmir. That is why we remain unshaken in our conviction that any deviation from the principles of the two UNCIP resolutions will result not in an easement of the problem, but only in its aggravation.

We have grappled with this question all these years and one thought abides with us. Suppose the slate were sponged clear and you were to consider the problem as if it had arisen now, not in 1948, but today. What would happen? In your search, however pragmatic, for an

equitable settlement, you would be driven to the conclusion that there is only one sure way – the way of finding out what the people of Jammu and Kashmir themselves want. You would thus be driven to write again the substance of the UNCIP resolutions.

At the Council's meetings in February, it was one of the stark statements of the Indian representative that the UNCIP resolutions are obsolete. I would like to raise two questions. The first is general. If these resolutions are obsolete and that their right of self-determination is also obsolete? The second question is one of even more urgent implications and it needs to be concretely answered by the Security Council, on the one side, and by India, on the other. This question is this: if we accept the position of the Government of India that it regards these resolutions as obsolete, then does it not follow that the cease-fire in Kashmir is also obsolete, because there is no other sanction behind the cease-fire than the validity of these resolutions and their acceptance by India and Pakistan? It is evident that this is not a rhetorical question and we do not ask it in order to score a point. On the contrary, consequences of an extremely practical nature will flow from the answer that will be given to us by the Government of India.

We have been gratified by the references made in the statements of the members of the Security Council to the realities of the situation. We welcome the suggestions that a solution must pay due regard to these realities. So the people of Jammu and Kashmir are not any less of a reality today than they were in 1949. Will this statement be contested? The primary reality of the situation is the fact that, all passage of time notwithstanding, these people are not reconciled to Indian occupation. The primary reality is their frustration and discontent. The primary reality is their revolt. And the direct consequence of this reality is the fact that the dispute over Kashmir has

brought about a threatening confrontation between India and Pakistan. The reality is that there has never been a time when the strain of the dispute in the entire India-Pakistan situation has shown any sign of being eased or when the tensions that it engenders have relapsed.

It is to these realities that the efforts towards the peaceful solution of this problem have to be oriented if they are to bear any fruit. No so-called fresh approach can discover a substitute for a people's right to self-determination. No fresh approach can improve upon the substance of the UNCIP resolutions, which is the ascertaining of the popular will in Jammu and Kashmir without coercion, corruption, or interference from outside.

These are the considerations that must govern any endeavour towards a settlement, if that endeavour is really a serious one. While there is no doubt that they have been implicit in the thoughts expressed here in the Council, the situation in Jammu and Kashmir demands suitable international action based on them. When I say that this action has been lacking, it will, I hope, be understood that I am not unappreciative of the efforts made by the members of the Security Council during the series of meetings in February to bridge the gulf between the parties. It is, however, discouraging that the spokesmen of the Government of India should have lost no time in distorting the expressed views of the Council members and in questioning the very basis of a consensus. This attitude underlines the necessity of the Council to adopt a precise and concrete formula for setting in motion a process that will result in an amicable and honourable settlement of the dispute. We do not deny the value of appeals and exhortations. But it is essential that an appeal should constitute an adequate response to the urgent demands of the present situation. A suggestion to the two parties to negotiate is nothing more than an exhortation, unless some

insurance is provided for the negotiations to be meaningful. I am certain that there is no member of the Security Council who will be satisfied by the parties merely going through the motions of negotiations and, as a result, increasing a dangerous feeling of futility in Jammu and Kashmir and in India and in Pakistan.

We have come here again to offer our co-operation to the Council for the betterment of the situation between India and Pakistan. While we appreciate the spirit of the agreed opinion of the members of the Security Council and endorse its content, we beg to remind the Council that this opinion needs to be clothed in such form and conveyed in such terms as will tangibly help to move the problem towards a just, a peaceful, and an honourable settlement of the dispute of Jammu and Kashmir.

**Address at the One Thousand One Hundred and Twelfth Meeting  
of the Security Council, held on May 5, 1964**

***MR. PRESIDENT,***

Since the present series of meetings of the Security Council began in February, I have had the occasion from time to time to apprise the Council of the situation prevailing in the State of Jammu and Kashmir. When the Council adjourned on March 20, at the request of the Indian representative, members of the Council made an appeal to both parties to refrain from any measures that might aggravate the situation.

The very fact of the question being before the Security Council has had some restraining effects on various forces that would otherwise have made the situation in Kashmir even more explosive than it is today. Yet the melancholy fact remains that the Government of India has not made any positive response to the pronouncement made here in the Security Council. Thus the situation in Kashmir remains highly disquieting and disturbed. In my statement to the Security Council on March 17, 1964, I stated that three striking facts had focused world attention during the preceding thirty days: "First, the movement of protest in the State of Jammu and Kashmir has continued.

Secondly, India has shown no signs of relenting in its policy of oppression against the people of the state. Thirdly, the Government of India has shown itself to be bent on adopting those very measures towards the integration of the State against which Pakistan had specifically protested to the Council."

The statement of mine is as true today as it was when we met six weeks ago, notwithstanding the release since then of Sheikh Abdullah.



On April 8, Sheikh Abdullah was released from jail. The conspiracy case against him was withdrawn. It will be recalled that after some five years of incarceration without any trial whatsoever, Sheikh Abdullah and his principal lieutenant, Mirza Mohammad Afzal Beg, and twenty-four others, were brought to trial in May, 1958, on trumped-up charges of conspiring with Pakistan to bring about the secession of the State of Jammu and Kashmir from India. The trial dragged on drearily.

The fact that these charges had been fabricated and were totally false is now sufficiently known. The very withdrawal of the case against Sheikh Abdullah implies a clear admission that the charges were utterly baseless. Public opinion throughout the world has been outraged by this high-handed attempt to destroy the Kashmiris leadership politically. It was a part of a policy of terror and oppression to deny to the people of Jammu and Kashmir their right of self-determination.

A prominent Indian journalist, writing in the Hindustan Times of Delhi of April 8, has this to say of the Abdullah trial: "Sheikh Abdullah, on trial on charges which everyone recognized were bogus, had become the totem figure of the long, dark night of the Indian rule. The night has ended. Much had changed since then. Much more was changing, but so long as Sheikh Abdullah remained in jail, there was no promise that what the horrible night was giving place to was a clear day."

To those who have followed the course of what foreign observers have called an "open rebellion" by the people of Kashmir against Indian domination, especially after the Hazratbal incident of December last, the acquittal of Sheikh Abdullah has come as no surprise. Whatever the reason for this belated action, there is no evidence that it signifies a change of heart on the part of the Government of India. Neither does this appear to have been animated by a desire to seek a peaceful and honourable solution to the Kashmir dispute.

It is quite to the contrary. The rebellion of the people of Jammu and Kashmir under the leadership of the People's Action Committee, the Plebiscite Front, and the Political Conference had reached such a dimension and intensity that it had become impossible for the puppet government of Indian-occupied Kashmir and the Government of India to control the course of events in the State.

This is borne out by a correspondent of the Daily Telegraph of London of March 31: "There (in the Vale of Kashmir), the Action Committee, which demands a plebiscite for Kashmir, has shown itself virtually in control of the population while the National Conference, whose election to office is said by India to obviate the need for a plebiscite, looks on helplessly."

The same correspondent goes on to say: "More dangerously, it does not seem to worry the Government (of India) that Mr. Sadiq, who has shown himself a loyal pro-Indian, does not control the Vale of Kashmir."

Members of the Security Council would doubtless wish to know why I maintain that the Government of India has shown no signs of relenting from its policy of oppression against the people of the State of Jammu and Kashmir.

In my statement to the Security Council on March 17, I invited the attention of the Security Council to the historic resolution of the People's Action Committee, adopted two days earlier in Srinagar, affirming that the people of the State would not accept any solution of the Kashmir issue which is not based on the freely expressed will of the people of Jammu and Kashmir.

Let me quote from this momentum resolution of the Action Committee: ". . . the promises made to the people of Kashmir should be

fulfilled by holding a free and impartial plebiscite so that the problem of Kashmir is solved once and for all.”

“We declare that it is the firm and unshakable decision of five million inhabitants of the state that this is our country; we will decide its future on the principle of self-determination through a free and impartial plebiscite. We are not prepared to accept any other solution. Now, the time has come that without any further delay steps should be taken to decide the future of the people of the State through a free and impartial plebiscite . . .”

“Again, when the problem of Kashmir is now under discussion in the Security Council, the people of the State, with one voice, demand that, in accordance with the previous resolutions, immediate steps should be taken so that five million people of the State may exercise their birthright of self-determination.”

The Kashmir Political Conference issued a similar statement the following day, urging that an appropriate atmosphere be created for the meeting of the leaders of India and Pakistan to solve the Kashmir question in accordance with the wishes of the people of Jammu and Kashmir. Maulana Masoodi and Maulana Farooq, two important leaders of the Action Committee, endorsed these demands. These caused consternation in political circles in India because they signified a categorical rejection of India’s claim that the State had finally acceded to India.

After eleven long years of imprisonment, the Government of India has released Sheikh Abdullah. Abdullah is a free man because it was the universal and uncontrollable demand of the people of Jammu and Kashmir. Abdullah is out of prison because the political organizations in the State, voicing the will of the people of Jammu and Kashmir and articulating their aspirations, forced the Government of India to open

the prison gates. Abdullah has been set free because the National Conference, the corrupt and discredited ruling political party, collapsed completely. Abdullah is with his people again because of the virtual repudiation of the authority of the puppet Sadiq regime and the consequent administrative paralysis in the State of Jammu and Kashmir. The compulsion of events and forces drove the Indian government to withdraw the fake case against Sheikh Abdullah and his colleagues. No, it was not out of magnanimity or out of free will that the Government of India released Sheikh Abdullah from his eleven long and tragic years of imprisonment. Since last December, two demands have resounded throughout the state: "Release Sheikh Abdullah", and "Hold plebiscite in Jammu and Kashmir". Unable to stem this flood-tide of public opinion and increasing unrest in the state, the Sadiq regime had no option but to open the prison gates, and set Abdullah – that Lion of Kashmir – free. The Hindustan Times, Delhi, of April 22, reports Mr. Nehru as saying that circumstances in Kashmir were such that there was no alternative to releasing Sheikh Abdullah.

The statesman of New Delhi wrote editorially on April 15: "A movement to demand the release of the Sheikh was already building up a few weeks ago. In the first few days of this month it became clear that it would gather greater momentum, would command much broader allegiance. If the movement had become a fact, the only alternatives would have been either to yield to it – much worse than anticipating it – or to crush it without qualms of conscience and take a road leading to wholly unlikable ends."

The economist of London of April 4, commented as follows: "Sheikh Abdullah, the former Prime Minister of Kashmir, has spent longer in prison under Mr. Nehru rule than the latter did under the British. The Indian Government has not had a sudden rush of liberalism

to the head; it has been forced by events to take a political risk for fear of worse; a risk which has happened so often to the British, it may no regret not having taken it sooner.”

“Effective civil authority in the Kashmir Valley has been assumed by an unofficial ‘Action Committee’ which moved from demanding Abdullah’s release in February to openly demanding a plebiscite by the Middle of March. There is no question of Abdullah at liberty creating a popular demand for a plebiscite if he chose to. It exists whether he wants it or not.”

Sheikh Abdullah’s voice, silenced for more than a decade, speaks again. It echoes the demand of the people of the State for self-determination, for a plebiscite, for negotiations between India, Pakistan and the Kashmiris leaders to restore communal harmony, peace and amity between the peoples of the sub-continent by settling the dispute of Jammu and Kashmir. This voice has disturbed the recalcitrant elements in India. Within a few days of his release, threatening statements were issued by the leaders of India, both inside and outside the government, that if Sheikh Abdullah does not deist from this demand, his days of personal liberty may be numbered.

Let be quote some of the statements of the Ministers of the Government of India, Members of the Indian Parliament, leading public men and newspapers on this subject. Mr. Lal Bahadur Shastri, Minister without Portfolio, stated in the Indian Parliament on April 11: “There could be no freedom for preaching some kind of independence or secession from India.” He repeated this threat on April 27.

Addressing a news conference at Patna on April 13, the Minister of Education for India, Mr. Chagla – who is sitting opposite me – declared: “The law will take its own course if Sheikh Abdullah preaches secession of Kashmir.”

Mr. C.G. Deshpande, President of the Hindu Mahasabha, a fanatical Hindu political organization, considered that Sheikh Abdullah's release and the pronouncement which he made were a threat to India's integrity and security.

Mr. Deen Dayal Upadhaya, the General Secretary of the Jan Sangh, a militant Hindu organization, accused Sheikh Abdullah of playing the game of Pakistan and called upon the Government of India to adopt a firm policy in regard to Kashmir.

Mr. V. K. Malhotra, another Jan Sangh member, referring to Sheikh Abdullah's speeches, declared that anyone who said Kashmir was not a part of India should be treated as a traitor.

Mr. N. C. Chatterjee, a Member of the Indian Parliament, asked: "When an Indian citizen is charged with high treason and under trial for five or six years is released, where stands the rule of law?"

Turning now to the Indian press, the Times of India of Bombay, in its leading article of April 11, wrote: "The Government of India cannot hope to maintain its claims to the State as an integral part of India and, at the same time, allow men with a martyr's halo around their heads to carry on a campaign rejecting the claim."

In a second editorial comment on April 16, the same newspaper wrote: "Sheikh Abdullah is now a demagogue at large and he is plainly engaged in secessionist political activity. Mr. Shastri and Mr. Chagla have done well to warn Sheikh Abdullah on behalf of the Government of India that if he continues to challenge the validity of the accession he will be dealt with under the law of the land like any other citizen of this country. If he chooses to ignore the warnings – and he has already described it as a threat which he will not submit to – and continues to adopt a secessionist posture, the Government of India must not hesitate to arrest him again."

Again on April 27, the Times of India, in its panic, commented editorially: "If Sheikh Abdullah is not silenced after his meeting with Prime Minister Nehru, he should be dealt with under the law."

The Patriot of New Delhi, in its issue of April 15, even went to the extent of demanding that to deal with the situation created by Sheikh Abdullah's pronouncements, the President of India should declare an emergency in the State of Jammu and Kashmir and assume to himself all powers of government, all dictatorial powers; in other words, the State of Jammu and Kashmir should be annexed outright by India.

Sheikh Abdullah's rejoinder is characteristic of him. Speaking to a gathering of 100,000 people in Anantnag on April 27, he asked: "If I am re-arrested and put in prison again, will the Kashmir issue be solved?" The audience of 100,000 people all shouted in unison: "No, never." This is from the Statesman of New Delhi of April 29.

In a score of speeches that he has delivered since his release on April 8, the Sheikh and his close comrade, Mirza Mohammad Afzal beg, have dealt with all the issues which lie at the heart of the Kashmir dispute. Emphasizing the need for a peaceful settlement of the Kashmir dispute between India and Pakistan at a press conference and a public meeting in Jammu on April 9, the Kashmiri leader made a number of important points: First, that the only alternative, a clash of arms between India and Pakistan, would be suicidal, especially for Kashmir, because said, "bombs will fall here, not in Madras or Karachi."

Secondly, he argued that, apart from other irritants, the continuance of the Kashmir dispute was a source of bitterness which lay at the root of every communal conflagration which threatened to destroy both countries. At the same meeting Mirza Afzal Beg asked:

“If Mr. Swaran Singh and Mr. Bhutto could sit down for six months to solve the Kashmir dispute, why should he or anybody else be branded as a traitor for saying that the dispute existed?”

On the right of the people of Jammu and Kashmir to self-determination, Sheikh Abdullah has been forthright and uncompromising. Speaking to more than 20,000 people in Jammu on April 9, he declared emphatically that it would be wrong to claim that the people of Jammu and Kashmir had already exercised their right of self-determination through three general elections, when the truth was that all three elections had been rigged. This charge, he said, was not only by him but also by all opposition parties in Jammu and Kashmir, including the Jan Sangh, an extremist Hindu organization, led by Mr. Prem Nath Dogra., speaking in Doda, a town in the province of Jammu on April 15, Sheikh Abdullah said that the argument that the people of Kashmir had exercised the right of self-determination by electing a constituent assembly was besides the point because elections were not held on the issue of accession. He added that the elections were rigged, even according to Premier Sadiq when Mr. Sadiq was the leader of the Democratic National Conference.

On April 17, the Kashmiri leader declared before the gathering of over 100,000 people in Anantnag that there should be no doubt that the Kashmiris would not rest content until their right of self-determination was conceded. Neither with the help of the army nor by repression could the people's determination be crushed or their right to demand a plebiscite be suppressed, according to the Sheikh Abdullah as reported in the Hindustan Times of Delhi on April 18, and not the Pakistan Times.

On April 18, Sheikh Abdullah stated at Pampore that India's claim that Kashmiris have decided their future was fantastic. They had never exercised the right of self-determination.



He asked the United Nations, which he termed as the world's conscience, why it had not helped the people of Kashmir to secure the right of self-determination after India and Pakistan and other world powers had pledged themselves to allow the Kashmiris to exercise it?

In statements and speeches on April 23 and April 24 in Srinagar, Sheikh Abdullah repeated that the people's demand for self-determination must be met. And, the important point to note is that wherever he spoke of this demand, his Kashmiris listeners endorsed it with acclamation and the highest enthusiasm.

On India's claim that the accession of the State of Jammu and Kashmir to India is final and irrevocable, Sheikh Abdullah was categorical. "With reference to the Indian contention that the constituent assembly of Kashmir had ratified Kashmir's accession to India, he stated in Jammu on April 10, that this was not correct.

The constituent assembly had taken a decision on accession, he said, after he, its founder, had been imprisoned with his comrades, and other members had been bribed or coerced."

Sheikh Abdullah added that he was hurt that the country of Buddha and Gandhi relies on false arguments, and even argued that, since circumstances had changed, basic principles should also change. (Statesman, New Delhi, April 12).

Speaking in Doda, another town in Jammu, on April 14, Sheikh Abdullah, in a sharp rejoinder to the Education Minister of India, Mr. M. C. Chagla, said that the Indian constitution recognized the provisional character of Kashmir's accession. He further pointed out that the constituent assembly, according to the late Sir. B. N. Rau's statement in the United Nations Security Council, had no right to decide on the accession issue.

On April 17, he declared before a crowd of 100,000 people in Anantnag: "The eyes of the world are seeing that the Kashmiri people reject the Indian claim that Kashmir's accession to India is final."

"To repeat that Kashmir is an integral part of India is utter nonsense."

On April 20, speaking in Srinagar to a mass meeting of over 150,000 people, Sheikh Abdullah said: ". . . we challenge the Indian assertion that the question of Kashmir's accession has been settled 'once for all and Kashmir is as good a part of India as Madras or Punjab'."

Reminding Mr. Nehru of his promise in 1947 that "Kashmir's future is the concern of Kashmiris alone," Sheikh Abdullah said: "This is a promise given to us by the Security Council as well and we want its implementation."

On the question of holding a plebiscite in Jammu and Kashmir as pledged to the people of the state, Sheikh Abdullah has also defined his stand: "On April 18, he said at Pampore that the demand of the people of Kashmir was an 'impartial plebiscite'. No one could deprive them of this right. He added that India, Pakistan and the United Nations were committed to an impartial plebiscite and the people of Kashmir could not be cowed down by suppression." (Hindustan Times, Delhi, April 19.)

On April 20, Sheikh Abdullah's prominent comrade, Mirza Afzal Beg, when asked in Srinagar whether the plebiscite demand had lost its importance, disagreed and said that the plebiscite was a human right which must be respected.

On Indian's contention that passage of time had rendered the principles of the UNCIP resolutions obsolete, Sheikh Abdullah had this to say on April 9, in Jammu, the very next day after his release from

prison: "Principles could not change merely on account of passage of time . . ."

Turning to the measures taken by the Government of India to "integrate" the State of Jammu and Kashmir with India, Sheikh Abdullah warned: ". . . the demand for closer integration with India would not help preservation of unity in the State". He added that "the Kashmiri Muslims do not want to be integrated. Even the Indian army could not force them to do so".

These statements of Sheikh Abdullah reflect the will of the people. Sheikh Abdullah is right when he says that there will no be acceptance of the status quo by Pakistan or by the people of Kashmir. And he is right when he says that the future of the state must be decided in accordance with the wishes of the people of the state.

Urging the solution of the Kashmir problem, Sheikh Abdullah said in Jammu on April 9 that: "Kashmir continued to be a dispute poisoning India-Pakistan relations. It should be settled by the two countries through negotiations having regards to the wishes of the Kashmiri people."

On April 17, he said at Anantnag that he would like to meet the Pakistani leaders and also know their mind.

On April 24, he declared in Srinagar that he would like to have an opportunity to meet Kashmiri leaders like Choudhury Ghulam Abbas, Mir Waiz Yusuf Shah, and others in 'Azad Kashmir'.

On the eve of Sheikh Abdullah's release, I made a statement hoping that it would be possible for the Kashmiri leader to hold discussions with the President of Pakistan. Referring to this suggestion, Sheikh Abdullah stated in Jammu on April 12 that since India and Pakistan were both parties to the Kashmir dispute, what I had said "was reasonable".

It might be recalled that when Pakistan asked for a meeting of the Security Council on Kashmir, we reported that a grave emergency had arisen in Kashmir, with the people having risen in open rebellion against Indian occupation. It was contended then on behalf of India that demonstrations in Kashmir were only the expression of a feeling of grief over the loss of the Holy Relic. But these demonstrations continued menacingly after the restoration of the Holy Relic, and so this contention became untenable. Then the Indian representative was forced to shift his ground.

He would then have us believe that the demonstrations signified only a protest against the local administration. Subsequent events, which have been abundantly reported in the press, some of which I have cited, have exposed the hollowness of this contention also. And so the position is now being taken that the unrest in Kashmir relates to the details, the nuances of Kashmir's accession to India, and not to its very basis.

But again this position has forcefully been challenged throughout the length and breadth of Indian-occupied Kashmir. The fact is now beyond dispute that the people of Kashmir have challenged the validity of the accession to India of their homeland. They have made it plain that they demand their future to be settled by the plebiscite which has been pledged to them by India and Pakistan and the United Nations. "Our demand – plebiscite" – these words have been seen and heard all over Kashmir. There is nothing else that the people of Kashmir demand and there is nothing else that Pakistan wants the Security Council to arrange.

The developments that have taken place have clarified the situation. The people of Kashmir have joined ranks against Indian occupation. But the Government of India, according to its own

spokesmen, is not prepared to change its stand that the occupation should continue to be foisted upon the people of Jammu and Kashmir.

Could there be a clearer confrontation directing posing the danger of a head-on clash? I believe that we need to ponder this question carefully. We need to visualize the situation that has arisen now in Indian-occupied Kashmir.

On the one side we see the entire population of the Indian-occupied area making manifest their demand for an early plebiscite to determine their status. On the other side we see the Government of India showing no signs, whatsoever, of relenting from its opposition to this democratic and popular demand of the people of Jammu and Kashmir.

What are the clear affirmations in Sheikh Abdullah's statements which have been acclaimed by the people at large? These affirmations are: (1) that the accession made by the maharaja in 1947 was provisional and subject to a plebiscite; (2) that any solution of the problem based upon the cease-fire line or its adjustment or rectification is completely unacceptable; (3) that India, Pakistan and the United Nations are committed, wholly committed, entirely committed, to enabling the people of Kashmir to exercise their right of self-determination; (4) that the elections in the State of Jammu and Kashmir were rigged, spurious and fraudulent; and (5) that the steps taken or contemplated by India to integrate the state into the Indian Union are null and void now and for all time.

Confronted by an outright challenge to its stand, the Indian government is trying to deal with the people of Kashmir through Sheikh Abdullah by the dual method of cajolery and threat. The threat of re-arresting Sheikh Abdullah, as I have shown, has not been too subtle; nor has any secret been made of the hope that he might be lured into

accepting an arrangement falling short of a free and unfettered plebiscite. One can expect that should this manoeuvre succeed, we shall again hear the claim from the representatives of India that the acknowledged leader of the people of Kashmir has accepted India's occupation of Kashmir.

But the issue that we are concerned with is not whether any political manoeuvre by India will succeed or fail. The issue is not what resources India will deploy to sidetrack the demand of the people of Jammu and Kashmir. The issue is the demand itself. The issue is whether the opposition of the people of Kashmir to Indian domination in its demonstrated unanimity is something which can wisely be ignored by the United Nations. It has created a situation now which cannot possibly be left to take care of itself.

Yesterday's press reports tell us of widespread demonstrations by the students in Srinagar in support of the demand of self-determination. The student demonstrators declared that nothing short of a plebiscite would satisfy their demand, and asked the Chief of the United Nations Observer's team to convey their demand to the Security Council. A curfew was imposed on several towns and many people were injured as a result of police baton charges. The ferment in Kashmir continues, replete with grave possibilities of serious trouble. And there is ferment among the people of Pakistan. I must enter the caveat here, and I should not be misunderstood as uttering a threat to India, when I say that if the Indian authorities again resort to a suppression of the people of Kashmir by force, the people of Pakistan may find it extremely difficult to stand aside and may demand of its government whatever measures are necessary for the amelioration of the situation in Indian-occupied Kashmir.

This, I trust, will give the members of the Security Council an idea of the perils facing us of the situation is made subject to a laissez-faire attitude on the Council's part. A situation where an occupation authority is in direct confrontation with the mass of the people united in opposition to it is a situation pregnant with dangers. Should the very sharpness of the situation, with no fluidity and no outlines blurred, evoke a statesmanlike response, a just and honourable solution may yet be achieved. The peril of a direct clash which cannot fail to disrupt the fabric of peace in the sub-continent can still be overcome by the initiative of the Security Council. For, to put it plainly, it is a situation which has to be brought under the control of the United Nations so that it will not jeopardize international peace and security, and peace in the sub-continent.

The urgency of the situation to which I have drawn the Council's attention cannot be appreciated unless we remember that there exists at present not even a truce agreement between India and Pakistan over Kashmir. All that there exists between India and Pakistan over Kashmir is the agreement embodied in the UNCIP resolutions of August 13, 1948 and January 4, 1949. The cease-fire arrangement in Kashmir is based upon these resolutions and in fact constitutes only a partial implementation of them. It has been authoritatively established by the Commission that the cease-fire order was meant to be linked – this was the exact expression used by the Commission – with the truce and with the establishment of the proper conditions for a plebiscite.

The agreement of July 29, 1949, which has been invoked by the representative of India in his letter of March 20, 1964, is merely an agreement for the demarcation of the cease-fire line and explicitly affirms that it is under the provisions of part 1 of the UNCIP resolution of August 13, 1948.

It is obvious that it is not an independent document or an independent instrument. If the UNCIP resolutions are regarded as obsolete by India, then the cease-fire order also becomes obsolete. Actually, however, regardless of what the representative of India might say here, a declaration by either party that the agreement embodied in the UNCIP resolution is obsolete does not deserve to be given any consideration unless that party is to be understood as denouncing the cease-fire also and contemplating a resumption of hostilities. I say this because the UNCIP resolutions embody an agreement of which any unilateral denunciation is inadmissible. It is inadmissible because the agreement, first, embodies undertakings of an international character by which the parties have assumed international obligations and, secondly, it constitutes an international engagement for the benefit of third party.

The people of Jammu and Kashmir are third-party beneficiaries of the UNCIP resolutions. The rights of these third-party beneficiaries cannot be extinguished by any unilateral denunciation of the undertaking by India. The objective of the resolutions was, and remains, that of ensuring to the people of the State the free and fair exercise of their basic right to a plebiscite. Such right vests in them as an actual judicial right under the well-established document of stipulation for the rights of others – stipulations pour autres.

It follows that these resolutions cannot be abrogated except by the agreement of India, Pakistan, the United Nations and the people of Jammu and Kashmir. I am drawing attention to this basic aspect of the case because it brings out the nature of the situation with which the Security Council is faced. Apart from defining the juridical position involved, it brings into sharp focus the explosive nature of the present situation where the inherent right of the people of Jammu and Kashmir,



recognized in a formal instrument, is denied by the Indian government which proclaims that any assertion of this right constitutes the high crime of treason. Surely, the other party to the agreement which gave recognition to these rights and pledged their fulfillment cannot remain unconcerned or inactive in the face of such an attitude.

I am aware of the impression which exists at present in some quarters that perhaps a loosening of thoughts is in process in India so that we should stand aside and let matters develop by themselves. I have no wish to ignore a salutary, though rather intangible, development. It is true that there are indications that the people of India, by and large, would wish to see the end of the Kashmir dispute which remained frozen for over a decade and constantly strained India's relations with my country. There have been statements from well-known Indian leaders, organizations and publicists which have stressed the need for the Government of India to do some re-thinking on the Kashmir issue and to realize that their attitude so far on this question has not done any good to India. Prominent among these are Mr. C. Rajagopalachari, the first Indian Governor-General of independent India and General Cariappa, the first Indian Commander-in-chief.

Mr. K. Santhanam, in an article in the Hindustan Times of April 14, entitled "The Alternatives in Kashmir", considers that the rejection by India of the idea of a plebiscite is wholly inexplicable. Talking of Kashmir and the Sino-Indian disputes, he goes on to suggest:

"The more I think of these problems in which India has got entangled, the more I am convinced that a frank and unconditional acceptance of international conciliation, arbitration and adjudication is the sole logical, wise and human policy."

According to the article in the Hindustan Times, Delhi, of April 15, the position is: "The real problem in Kashmir is not Sheikh Abdullah.

The real problem is that 17 years of (the) independence (of India and Pakistan) have not brought the people of Kashmir political stability, organic unity or security of status.”

“It has been assumed too easily that the search for overcoming these disabilities is necessarily inimical to India’s interests. Emotive slogans like integration have been allowed to distort the definition of our basic interests to the point where many of us have forgotten that there is such a thing as the people of Kashmir, four and a half million of them, whose wishes need to be taken into account. And whenever one talks about the wishes of the people of Kashmir in respect of ascertaining what they are precisely, we allow opportunist politicians who are only thinking of their own selfish ends, to raise the demon of Pakistani and assorted foreign conspirators at work.”

This trend, which is encouraging for peace, has found an apt expression in an article written by Mr. Jaya Prakash Narayan, a prominent Indian leader. Writing in the Hindustan Times of April 20, Mr. Jaya Prakash Narayan observes: “What, after all, is the substance of Sheikh Abdullah’s statements? This, that the future of Kashmir has to be decided by the people of Kashmir, and that it has to be done in a manner that the dispute about it between India and Pakistan is amicably ended. With a little imagination it was possible to see that this clear and principled stand of the Kashmiris leader opened for India a wonderful opportunity that could be exploited to the advantage of all concerned. What actually is happening, however, is a parrot-like reiteration of slogans that carry no conviction in any dispassionate quarters.”

“One of these slogans is that the accession of Kashmir to India is final and irrevocable. The Sheikh has questioned that, and it is for impartial lawyers to decide the issue.

But the vital point to keep in mind is that it is not by legal advocacy that a human problem like that of Kashmir can ever be settled. Indeed, it was such realization that had prompted the original promise of the Prime Minister Nehru to ascertain the wishes of the people.”

Mr. Narayan goes on to say: “At this point, two further slogans are raised: first, the people of Kashmir have already expressed their will at three general elections; secondly, if the people of Kashmir are allowed to express their will, it will be the beginning of the end of the Indian nations.”

Mr. Narayan continues: “Both, to my mind, are baseless slogans. The elections in Kashmir after Sheikh Abdullah’s arrest were neither fair nor free. If that has to be disproved, it can be done by an impartial inquiry and not just by official assertions. Delhi seems to believe that by auto-suggestion it can establish any fact it pleases.”

I am apt to agree with Mr. Narayan that Delhi does seem to believe that by auto-suggestion it can establish any fact it pleases. To go on with Mr. Narayan’s statement, he says:

“I may be lacking in patriotism or other virtues, but it has always seemed to me to be a lie to say that the people of Kashmir had already decided to integrate themselves with India. They might do so, but have not done so yet. Apart from the quality of the elections, the future of the State of Jammu and Kashmir was never made an electoral issue at any of them. If further proof were needed, it has come in the form of Sheikh Abdullah’s emphatic views, who, to put it at the least, is an representative of the people as any other Kashmiri leader.”

“Lastly, if we are so sure of the verdict of the people, why are we so opposed to giving them another opportunity reiterate it? The answer given is that this would start the process of disintegration of India. Few

things have been said in the course of this controversy more silly than this one. The assumption behind the argument is that the states of India are held together by force and not by the sentiment of a common nationality. It is an assumption that makes a mockery of the Indian Nation and a tyrant of the Indian states.”

“Threats have been held out that should Sheikh Abdullah misbehave, the law would take its course. The law had taken its course for eleven years and the issue remained unsettled. It is not likely to achieve more in the future. It is remarkable how the freedom-fighters of yesterday begin so easily to imitate the language of the imperialists.”

“The last and final slogan raised in the ballyhoo is that there is no Kashmir question at all, and that if there was one at any time, it has now been settled once and for all. Kashmir is a part of India and that is a fact of history, they say. That, I think, is the worst form of autosuggestion.”

“The slogan-raisers forget that less than half of the State of Jammu and Kashmir is under the occupation of Pakistan. Has that been accepted as a settled fact? If so, when and where? If not, how is the issue of Kashmir settled, except in the private thoughts of those who believe that we shall keep what we have and they shall keep what they have. Secondly, the issue is still pending before the Security Council and United Nations observers are still posted in Kashmir. Thirdly, here is a leader of the stature of Sheikh Abdullah, who clearly states that the issue has yet to be settled . . . therefore, as a humble servant of this country, I plead earnestly that instead of trying to take shelter in a fool’s paradise of our own making, let us have the courage to face facts and deal with them on the basis of the ideals and fundamental principles that guided our freedom movement.”

Mr. Jaya Prakash Narayan is no mean leader of India. He was a founder and an architect of the Indian independence movement. Mr. Narayan is by no means a voice in the wilderness. Fortunately, there are also other voices of reason in India which make themselves heard from time to time. The Chairman of the Praja Socialist Party, Mr. S. M. Joshi, stated on April 20 that the wishes of the people of Kashmir should be ascertained to solve the Kashmir problem, that India should honour her promises in this regard because it was agreed at the time of the cease-fire that the wishes of the people of the State would be ascertained. Mr. Joshi added, and I quote from the Times of India of April 21:

“It is said that we have not fulfilled the undertaking. Our position has been falsified in international politics.”

These developments are no doubt encouraging to all those who want to establish a climate of friendship between India and Pakistan. It is, however, important to appreciate that it is not something which can be left to grow by itself. A concrete improvement in the present state of affairs cannot thus be achieved. On the contrary, it is a trend which will develop only if it is nourished by the influence and activity of the United Nations and by the goodwill and earnestness that we believe is reflected here in the Security Council.

Perhaps this consideration needs to be put in plainer words. A voice like that of Mr. Narayan, whom I have quoted at length, in India is the voice of reason and of conscience. It is the voice that beckons India to the paths of peace. But if the Security Council which in this matter represents the reason and conscience of the world remains silent, this voice becomes a voice in the wilderness. It becomes lost in the din of the overweening and obdurate policies of the Indian government. One has only to consider the history of the Kashmir dispute to realize this truth. The elements in India which seek a just and honourable

settlement of the Kashmir dispute have existed all along but they have received scant encouragement from elsewhere. Impartial public opinion throughout the world has condemned the Kashmir policy of the Indian government both from the ethical and the political points of view but no effort has been made so far, no initiative taken at the international level which would bring about the required revision of the policy of the Government of India, a revision which is desired by the world at large.

During the recent weeks the struggle of the people of Kashmir has gathered momentum within the state. In ever-increasing numbers nations throughout the world are showing visible manifestation of their support to the people of Kashmir in their quest of self-determination. At the last session I informed the Council of the support of the 700 million people of China who are the immediate neighbours of the Kashmiri people, to a Kashmir solution based on the wishes of the people of Kashmir as pledged to them by India and Pakistan. Since then the President of Iraq has extended his support to the implementation of the United Nations resolutions on Kashmir. Earlier, in December, the Government of Ceylon publicly called for an early solution of the dispute in accordance with the wishes of the people of the state as envisaged in the resolutions of the Security Council which were accepted by both Pakistan and India.

More recently, on April 15 and April 18, the Governments of Indonesia and Philippines called for a settlement of the Kashmir dispute in accordance with the wishes of the people of Jammu and Kashmir. The hundred million people of Indonesia, through a joint communique signed by the Foreign Ministers of Indonesia and Pakistan on April 15, recalled with regret: "that the dispute between India and Pakistan over Kashmir has not been solved peacefully and might even constitute a threat to peace and stability in the region. They agreed that this dispute involved

the question of fundamental rights of the people of Kashmir and impaired the growth of friendly relations between Pakistan and India affecting also the development of Asia-African solidarity. The two Foreign Ministers, therefore, called for an early solution of this dispute in accordance with the wishes of the people of the State and other provisions as envisaged in the Security Council resolutions which were accepted by both India and Pakistan.”

The relevant portion of the joint communiqué signed by the Foreign Minister of the Philippines and Pakistan stated: “The Foreign Secretary of the Philippines and the Foreign Minister of Pakistan agreed that the Kashmir dispute between Pakistan and India involved the question of the fundamental rights of the people of Kashmir and that this dispute inhibits the establishment of friendly relations between Pakistan and India to the disadvantage of the development of solidarity between African and Asian countries. The two Ministers agreed on the need for an early solution of the dispute in accordance with the wishes of the people of Kashmir as envisaged in the resolutions of the Security Council of the United Nations which have been accepted by both Pakistan and India.”

Among the other nations of the two continents which in recent weeks have similarly emphasized to delegations composed of Kashmiri leaders which visited them the necessity for an early settlement of the Kashmir dispute in accordance with the principle of self-determination, as pledged to the people of Kashmir by India, Pakistan and the United Nations are: Morocco, the Ivory Coast, Nigeria, Sierra Leone, Guinea, Senegal, Sudan, Somalia, Algeria and Tunisia in the Continent of Africa and Ceylon, Iraq, Turkey, Syria, Jordan, Lebanon and Saudi Arabia in the continent of Asia.

I find it necessary in this context to quote from a recent statement issued by President Habib Bourguiba on March 19 after his meeting with the Kashmiri leader of a delegation which visited some of the countries of Africa and Asia last Month: "I remember the position I had taken some years ago on this very subject. My stand was not that of a Muslim supporting Muslims but that of a man who respects human dignity and the right of a people to decide for themselves – a principle that constitutes one of the noblest manifestations of respect for humanity. I remember also having publicly taken a clear stand against India's refusal to heed the Security Council resolution to hold a plebiscite in Kashmir."

"My stand does not mean that I support one party against another, Muslims against Hindus or Pakistan against India. We have made it clear that on this question our position is inspired by decisions taken in the Security Council."

"We have clearly explained in our correspondence to the Indian Prime Minister that we cannot approve of India's policy on this particular issue and that we remain firm on our stand that we have taken."

In the same vein, President Ben Bella has stated: "We have always been cognizant of the Kashmir case and have made our position clear, namely, that the people of Kashmir should have the right of self-determination and that the resolutions of the Security Council in this regard be fully implemented."

Needless to say, the people of Pakistan and the people of Kashmir shall remain ever grateful for these important and heroic statements of Africans who have pronounced so nobly and so boldly and in such an impartial way on a just and a righteous cause. Assurances of support by all these countries and by others also have been extended to the cause of the people of Kashmir, who have thus behind them, in their bitter



struggle against Indian chauvinism and neo-colonialism, the sympathy and support of all anti-colonialism peoples of Asia and Africa and indeed also of Latin America.

And yet the Prime Minister of India persuaded himself to declare in the Indian Parliament on April 13 that the Kashmir problem would have been solved long ago had it not been for Western support for Pakistan. Such myopia is truly tragic. May I remain the Prime Minister that the Kashmir problem would have been solved long ago had it not been for the infidelity of his government to the principles of international justice, and its repudiation of its own solemn pledges and international commitments? If the Kashmir problem has remained alive in spite of all the repression, the terror, and domination to which the Kashmiri people have been subjected for seventeen years, it is because the spirit of the Kashmiri people is indestructible and their resolve to secure their rights remains unshaken.

Members of the Security Council have supported the principle of self-determination as set forth in the two UNCIP resolutions. India and Pakistan are also parties to those resolutions. Having committed itself to the implementation of these resolutions of its own free will, India has sought to repudiate that obligation and even to deny the existence of the Kashmir dispute. And now the Prime Minister of India, with an air of injured innocence, bewails in effect that the Security Council, and particularly its Western members, have failed to execute a similar volte-face.

Let me also remind the Prime Minister of India that it is not only the West which has refused to betray the people of Kashmir. Since 1948, when the Security Council first become seized of the Kashmir dispute, some thirty countries of Latin America, Africa, Asia, Europe and North America which have at one time or another been non-permanent

members of the Security Council have also called for the implementation of the UNCIP resolutions.

Let not the Prime Minister of India nurse the illusion that the Kashmir dispute would have been solved according to his own wishes long ago, but for Western support to Pakistan. Let him remember that not only the West, but the countries of Asia, Africa and Latin America as well have clearly espoused the cause of the people of Kashmir and called for the implementation of the United Nations Commission's resolutions to resolve this dispute in a peaceful and just manner.

I have dealt so far in my statement with the new elements in the Kashmir dispute, the people's revolt against Indian domination, and the rapidly increasing international sympathy and support from Western Europe, from Latin America, and particularly from the peoples and the government of Asia and Africa, for their struggle to achieve a peaceful and just settlement of the dispute through the exercise of their right of self-determination as pledged to them by India and Pakistan and by the United Nations.

I have set forth the declarations of Sheikh Abdullah and Mirza Afzal Beg on the questions of self-determination, accession, plebiscite and integration, and on the procedures that should be adopted to bring about an amicable settlement of the dispute between India and Pakistan in accordance with the wishes of the Kashmiri people. I have also set forth the views of the men of peace and goodwill in India in regard to these basic issues.

But what is the response of the Government of India to the imperatives of the situation? Has there been any attempt on its part to reassess it and to revise its policies with a view to finding an amicable settlement of this dispute? Regrettably, this does not seem to be the case.

Speaking in the Indian Parliament on April 13, the Prime Minister of India dismissed Sheikh Abdullah's statements by merely describing them as "unfortunate". Mr. Lal Bahadur Shastri, Minister without Portfolio, thought it fit to reiterate in the Indian Parliament on April 12 that "the accession of Kashmir to India is irrevocable". Mr. Shastri even threatened the Kashmiri leader with serious consequences for expressing a contrary view. The Indian Home Minister, Mr. Nanda, pompously declared "certain facts of history cannot be undone. The accession of Jammu and Kashmir to the Indian Union was a fact of Indian history. It is a fact of world history. There can be no going back on that". Mr. M. C. Chagla, the Indian Minister for Education now sitting before us, laid down the limits of Sheikh Abdullah's freedom of speech and expression. He declared on April 10 that any discussion of the Kashmir issue between the Indian leaders and Sheikh Abdullah must be "within the context of Kashmir being an integral part of India". The Minister for Education also warned Sheikh Abdullah that if he did not change his mind on Kashmir's status, the "law should take its course". This is a threat by a former judge.

The new puppet "Prime Minister of Indian-occupied Kashmir, Mr. G. M. Sadiq, not to be outdone in the campaign of intimidation against the Sheikh, boasted on April 16: "No magician has yet been born who will just breathe, and our administration and forces will vanish". He echoed that Kashmir was as much a part of India as Bombay, Calcutta or Madras.

On the question of India's plans for integration of the state, Mr. Sadiq declared on April 19 that there was no question of the infamous bill for changing the nomenclature of the "Sadr-e-Riyasat" and "Prime Minister" of Jammu and Kashmir to "Governor" and "Chief Minister" being delayed. He promised that it would be taken up definitely in the

next session of the state assembly. On April 20, this puppet "premier" again advocated, in the capital of India, the early abrogation of Article 370 of the Indian constitution to make Kashmir's integration with India complete.

On April 15, Mr. G. L. Nanda, the Home Minister of the Indian government, said in the Indian Parliament that the accession of Jammu and Kashmir to the Indian Union was "complete, final and irrevocable", and that the policy of the government "is not going to be changed because somebody has said something somewhere".

On April 29, Mr. Krishnamachari, the Finance Minister, made a very revealing and rather picturesque statement in the Indian Parliament. He said that there was "no question of second thoughts" by the government on the status of Kashmir and that "the fundamentals of Kashmir's accession to India have already been settled, and only nuances remain to be discussed."

It seems – thoughts it is hard to believe – that this Indian minister is seeking to be reminded that the India-Pakistan question does not relate to what he has called the "nuances" of Kashmir's accession to India. The Security Council is not exercised over the "nuances" of accession. Pakistan's case is not directed to these "nuances". The international agreement between India and Pakistan concerning the disposition of Kashmir is not meant to settle these "nuances". It has been made clear by the people of Kashmir, in every way possible, that they are not agitated over how these "nuances" are to be determined. They, the people of Kashmir, Pakistan and the United Nations, all are concerned with the fundamental question of Kashmir's accession to India or to Pakistan, in accordance with the will of the people to be impartially ascertained. If any negotiations are to take place between India and Pakistan, the negotiations will deal with this fundamental

question and this fundamental question alone, and not with any “nuances”.

This is how the Indian government and its henchmen have reacted to the demand of the people of Jammu and Kashmir for self-determination and to the support that this demand has received throughout the world.

At this particular juncture the interests of the people of Kashmir, the interests of the people of the sub-continent, indeed of all Asia, demand that the Security Council take whatever steps may be necessary to move this dispute rapidly towards a peaceful and honourable settlement.

India claims that the people of Kashmir have already expressed their wishes on the question of accession. We maintain that the people of Kashmir have not so far been allowed to exercise their right of self-determination. We assert that they have yet to take a decision on the question of accession to India or to Pakistan. We, therefore, suggest that Sheikh Abdullah may be invited to appear before the Security Council as he should be able to give the Security Council information which will be of assistance in examining the question. I request that steps may be taken immediately to this end and that under rule 39 of the provisional rules of procedures this should be done. The precedent has been established by the Council of inviting persons under this rule without concerning itself with legal and constitutional questions. This, I believe, should assure a sympathetic consideration of my suggestion.

If I might use this occasion to transmit a message from the people of Pakistan to the people of India, it is this: For sixteen years, we have been in a quagmire of controversies and conflict. Perhaps such dismal phases are bound to occur in the long history of nations everywhere. But an end to them is also bound to come. The truth has been uttered

by wise men on countless occasions that there is a time for acrimony and there is a time for reconciliation. There is a time to wound and there is a time to heal. There is a time for assertion and a time for acceptance. For sixteen years, India has stalled and prevaricated; for sixteen years, Kashmir has been denied its inherent right to share in the freedom that came to India and Pakistan. The time to continue this state of affairs is now past. The time is over for India to be swayed by pique and to be dominated by narrow considerations of prestige. The time is over for violating the spirit of the age, which is that of freedom and self-determination. Now the time has arrived for atonement. The moment has come for removing the shackles which have bound the people of Kashmir. The moment has come when, with statesmanship and vision, a wrong will be redressed, a burden eased, a pledge fulfilled, and a word of honour kept. The time is now for placing the relationship of India and Pakistan on a footing of justice and tolerance and peace.

It might be that, through the mysterious workings of Providence and the will of Allah, a stage has been reached in the affairs of India and Pakistan which offers an unparalleled opportunity to both countries to open a new era of good neighbourliness and constructive endeavors. Kashmir is the crux of our relationship. If we settle this issue with due regards to the principles which we have both solemnly accepted and on which we have based our pledge to the people of Kashmir, we will move together to the uplands of sanity and peace. On the other hand, if we remain entangled in the cogs of bitterness, we will consign ourselves to the abyss of conflict and hate. A tide has come in our affairs which, caught at the flood, will lead us both to fortune. Omitted, it will bind our voyage to shallows and miseries. The moment has arrived which will decide whether India and Pakistan will justly settle their dispute and

fulfill their destinies or whether they will remain estranged from each other and thus lose their ventures in a challenging and expanding world.

**Address at the One Thousand One Hundred Fourteenth Meeting  
of the Security Council, held on May 11, 1964**

***MR. PRESIDENT,***

There was a good deal of invective and vituperation in the statement of the representatives of India. As my countrymen have read the statement, it is natural that many of them would want me to reply in kind. An eye for an eye and a tooth for a tooth is a primal human impulse and the resultant temptation is not always easy to resist. But my position is different from that of the representative of India. His concern is to avoid a solution of the problem before us; my duty is to urge that a just solution be effected speedily. Considering the human poignancy of the problem, considering the travail and suffering of the people of Kashmir. I cannot allow myself to be deflected from the path of seeking an end to the tragedy which has overtaken that unhappy land since 1947. The Indian representative enjoys abundant freedom to vilify us and to try to confuse the Security Council. My freedom, on the other hand, is greatly circumscribed by the duty to clear away the undergrowth, if I can, and again and again to emphasize to the Security Council, at the risk, perhaps, of wearying members, that the problem will not take care of itself unless the Council takes it effectively in hand. That is my primary aim, but while I have to keep it steadily in view, I am also confronted with the necessity of setting the record straight. It is not an agreeable task. But it is mandatory. For, where the life and future of millions are involved, where the honour and reputation of a country are concerned, it is not something from which one can, in conscience, abstain.



Beneath a rather transparent mask of righteous indignation, there was a note of desperation in the speech of the Education Minister of India. The desperation is understandable. It is caused by the fact that the overwhelming force of public opinion in Kashmir has removed every moral and political prop from under India's occupation of the State. Perhaps the Indian representative feels bound to voice this desperation. But the extraordinary thing about his statement was not so much its poverty of facts and arguments as a plethora of irrelevancies.

Members of the Security Council have doubtless noted that, in his statement, the Indian representative dwelt on the situation between India and China, on SEATO and CENTO, on the happenings in Djakarta, on the Christian minority in Bengal, on the culture and cosmology of Pakistan, on the menace of military alliances, on Bourbons and brothels, and on a variety of other topics. Indeed, he opened his speech by talking of the Chinese conflict with India, which has nothing to do with the present situation in Indian-occupied Kashmir. Assuming that it is not against Indian policy to maintain a sense of proportion and rational discourse, this injection of irrelevancies is not an accident. It is deliberate. Its design is obvious. It is nothing other than to make a debate on Kashmir in the Security Council so utterly confused as to choke off every constructive proposal.

In my earlier statement, I had deliberately refrained from referring to the communal situation in the region because the Home Ministers of India and Pakistan have met to find a solution of the problem of evictions of Indian Muslim nationals and to bring about the restoration of a sense of security and safety to the minorities in both the countries. I do not in any way wish to prejudice those efforts or to inflame communal passions.

The Education Minister of India, on the other hand, has recklessly tried to rake up the embers of religious passions by charges of murder, loot and worse alleged to have been carried out against the Hindus, Christians, and Buddhists in Pakistan. The world is aware that there has been a mass killing of Muslim men, women and children in certain parts of India, especially Eastern India, and the vandalistic destruction of their properties, homes and honour.

The single-mindedness with which the representative of India set about maligning my country led him to make the charge that Pakistan was founded on the principle of religious apartheid. This attempt to establish guilt by association is not only a calumny against my country but an insult to the struggle of the people of South Africa for equality, justice and freedom.

The Education Minister of India ought to know that the ideology of Pakistan is truly founded on Islam which admits of no apartheid, racial or religious. In history Islam has been a liberating force, up-holding the equality and dignity of man as an individual human person regardless of race, creed or colour. This revolutionary role of Islam is universally acknowledged and I can only deplore that Mr. Chagla should consider the ideology of Islam to be mediaeval and reactionary. Islam acknowledges no established church nor does it recognize priesthood. We, the people of Pakistan, for that matter those of Asia and Africa, who are the followers of Islam, recognize that all modern concepts of human equality in political, social and economic spheres are implicit in its teachings.

The predominantly Muslim countries which are Members of the United Nations recognize Islam in their constitutions as the official religion of the State. Does that make them mediaeval and reactionary?

Does the Education Minister of India consider them, by virtue of such a provision in their constitutions, as practitioners of religious apartheid?

I would have thought that a representative of India would take particular care to avoid using such expressions as religious apartheid, a unique form of intolerance, the only example of which is provided by the Indian caste system. Indian society for more than 2,000 years, notwithstanding the constitution of India, lives, moves and has its being in the caste system which is the negation of equality of man, the dignity and worth of the human person.

If, therefore, "religious apartheid" was involved in the creation of Pakistan, then the Muslims of the sub-continent were its victims and not its perpetrators.

The trouble with many Indian leaders is that they insist that Pakistan and its people should renounce the spiritual values of their faith which nurture the institutions and guide their way of life, before India can accept Pakistan's existence as an independent and sovereign state and as a fact of life. Such attempts at ideological aggression are contrary to the principles of peaceful co-existence between different political, social and economic systems in which alone rests the hope for world peace and the survival of human dignity.

In saying this, I have perhaps paid some tribute to the endeavors in India to make the Indian society a secular society, because if a Muslim from India is unable to appreciate the values, the principles and the guiding forces of Islam, he has surely become a secular citizen.

There is another matter on which I must set the record straight, as the Education Minister of India has misquoted me. What I said in my intervention in Parliament, to which he referred, is that in relations between states and on the question of settlement of international disputes, the internal political and social regimes of countries are not

relevant. Amplifying this statement I said on that occasion, and on several others, that whether India has parliamentary democracy and Pakistan has the Presidential system, whether India has direct election and Pakistan has indirect ones, whether India has the caste system and Pakistan has not, are questions irrelevant to the question of a Kashmir settlement. What I said then and what I say now, is elementary international law, and it is also a principle of Panchshila. I am surprised that the Education Minister of India should have forgotten so readily the principles of Panchshila proclaimed so resoundingly by his country for so many years and which the world was never permitted to forget. And yet the Minister of India talks of the Bourbons.

Mr. Chagla has taken special pains to malign Pakistan in the eyes of the Christian world. May I inform the Council of the sentiments of the Pakistani Christians whose leaders in a joint statement on March 14 said: "We never sensed any feeling of communal hatred or misgivings from the members of the majority community towards us in Pakistan".

A prominent leader of the Garo tribe in East Pakistan, Kan Sangura, in a statement published in the press on April 7, 1964, stated: "We had never received any ill-treatment from anybody in Pakistan. We left our villages only out of fear as one day we suddenly saw a group of people belonging to the Bangshi and Hajang tribes leave Pakistan for India. We stayed there about a month, after which the Indian Officers started taking away the Christian Garos to far-off places. We were frightened at this and wanted to return to Pakistan. This infuriated the Indian officials who refused to let us go back to Pakistan".

Referring to the Garo exodus from Pakistan, the President of Pakistan, addressing a mammoth meeting on March 4, in East Pakistan, declared that Pakistan wants all the migrants to return to their homes and that the government would in this connexion make earnest efforts

to assist them, that their homes and their lands would be protected by the Government of Pakistan until they returned to Pakistan. In response to the President's declaration, these tribes are now gradually returning to Pakistan. So far, more than twelve hundred families of Garo Christians have returned to their homes.

As to the treatment meted out to Christian minority in Pakistan, let me quote from a statement made today by Mr. Joshua Fazluddin, a Christian leader who is a recipient of the Pope's Medal and Rosary and a versifier of Holy Gospels, I quote: "The Garos got direct inspiration, even aid, to leave Pakistan." "The exodus of Garos, even their number, is not at all a true index of the treatment of the Christian minority in Pakistan".

"In Pakistan the Christians enjoy perfect social freedom and security as evidenced by the growing number of Christian schools, colleges, hospitals and other institutions. That they enjoy perfect religious freedom is clear enough from the growing number of churches and convents as well as theological schools and colleges, and that there is no prejudice against Christian workers is amply proven by the advent of many new missionaries."

The representative of India painted a glowing picture of the condition of the minorities in secular India. Let me now place before the Council the views of a Christian Member of the Indian Parliament on the communal situation in India. Mr. Frank Anthony, let me say, is no publicist of Pakistan. He was heckled by frenzied interruptions and prevented from completing his speech in the Parliament of a country which, Mr. Chagla would have the Council believe, is the epitome of secular democracy. Mr. Anthony said on April 14, 1964, according to the official records of the Indian Parliament: "How will you ever attract their" – Indian Muslims – "loyalty and love for this country if every now and

then they are made the objects of recurring murder, if every now and then they have to walk in the shadow of death, of arson, of loot and of rape?"

According to Mr. Anthony, the ruling party in India is infected with communalism: "Look at some of the states, some of the leading members of the ruling party, indistinguishable in their thinking, in their approach from the worst communal elements in India."

About the militant Hindu organization in India, Mr. Anthony has this to say: "There are well-known communal parties in this country. There is no need to name them; they are already known. In spite of their protestations, their goals and their objectives are clear. The tragedy is that they not only have the political, but they have paramilitary aims."

This statement deserves to be carefully noted. It means that the Government of India permits militant communal organizations, whose avowed object is the expulsion or annihilation and termination of the minorities to maintain para-military forces to consummate their ends.

An English language newspaper of Calcutta, the Statesman of May 4, has this report from a special correspondent who had toured the riot-torn areas in Eastern India, in regard to the complicity of the administration in the riots: "They" – the Hindus – "had also learnt that one could get away with looting, arson, murder and other crimes if these are committed in an organized way."

Mr. Jai Parkash Narayan – whom the representative of India referred to as the infinitesimal voice in India representing a small body of public opinion, which I think we all know is not truly correct because Mr. Jai Parkash Narayan was one of the founding fathers of the Indian liberation movement and is still a very important force in the political life of India – wrote a letter to the presiding officers of both Houses of the Indian Parliament after visiting the riot affected areas. The text was

published in the Indian press on April 17: "I visited all the affected areas in the city (Jamshedpur) but did not have the stomach to visit more than two of the seventeen Muslim refugee camps."

He goes on to describe the extent of the disturbances of which the Government of India was apparently oblivious: "Terrible things have happened and on a scale that has not been realized by Delhi or the country at large."

The organized nature of these crimes has been emphasized in this letter also: "There is no doubt in my mind that there was an organization behind these dastardly activities which operated from a common centre, manufactured and spread rumors, planned and financed specific actions, provided the whole operation with a political and philosophical justification."

This is about the happenings in India – secular India, democratic India, and modern India. How and why the Indian administration failed to deal with this organized, militant force is also described in Mr. Narayan's letter: "It was further proved how inadequate and inefficient was the civil administration and how the forces of law and order were themselves infected considerably with the virus of communalism."

This virus of communalism, according to the letter, has also affected the political parties in India: "It is interesting to note that all the political parties" – chiefly three operate in the area: the Congress, PSP and CPI – "and the trade unions were rendered completely impotent in the face of the upsurge of organized criminality."

And finally Mr. Narayan's letter states:

"It was also proved that education" – this will be interesting to the Minister for Education – "including science and engineering education, was no guarantee against animality and criminality." – which was epitomized the other day.

In a joint statement issued in Calcutta, on Saturday, April 25, 1964, Mr. J. P. Narayan and seven other Indian leaders stated the truth about the communal riots in India. I shall quote some extracts of the statement: "Atrocities have been committed in India that are as bestial, shameful and unthinkable as any committed elsewhere."

It goes on: "Women and pregnant women at that, had been cut down, bludgeoned to death, babies thrown into the fire and young women raped to death."

In contrast, the Muslims in Pakistan risked their lives to save Hindu citizens, and this is also acknowledged in the Indian leader's statement: "There" – in Pakistan – "at least thirty young Muslims have laid down their lives in trying to protect their Hindu neighbours."

It is a noteworthy fact of Indian political life that organized political parties exist in India with their own paramilitary organization, or private armies, which are allowed to develop and flourish and which are dedicated to the mass expulsion of the 50-million-strong Muslim minority, or its annihilation as a separate religious and cultural group by force and by violence. I make this statement with all deliberation and due sense of responsibility, and I am prepared to substantiate it, if called upon, in this world forum, By way of instance, let me quote to you what Mr. Frank Anthony, an Indian Christian, member of the Indian Parliament, said in the Indian Parliament as reported in the London Times of April 14: "The heart of his speech" – as reported by the Times' correspondent – "however was a charge that communal killings this year had not been spontaneous outbreaks of Hindus maddened by reports of the sufferings of fellow Hindus in East Pakistan, but an organized expression of entrenched 'revivalist' political forces in this country (India). He asserted that men in the pay of these revivalists" – which can be taken to mean parties such as the Jan Sangh and the



Hindu Mahasabha – “had been responsible for the killing of Muslims and had incited the tribal peoples into attacking not only Muslims but, he” – Mr. Anthony – “implied ‘defenseless men, women and children’ of his own Anglo-Indian community.”

“For the entire official talk of the need for ‘exemplary punishment’ few, if any, murder charges have arisen from this year’s killings.”

And yet the representative of India talks of his country as a modern and secular state, believing in a multi-communal, multi-linguistic society and accuses my country of keeping up religious frenzy and religious fanaticism.

Recently Mr. N. M. Anwar, Congress Member from Madras, caused a stir in the Rajya Sabha when he bluntly admitted that the Muslims in the ruling Congress Party are “show boys”. Participating in the debate on the Finance bill Mr. Anwar dwelt on the problems of the Muslims minority in India and said that the problems of India’s 50 million Muslims were innumerable.

Speaking of the Indian Union Muslim League Mr. Anwar said that this organization “often interpreted the mind and soul of the Muslim community of this country”. He welcomed the release of Sheikh Abdullah and expressed the hope that Sheikh Abdullah, who is the real architect of Kashmir’s destiny, would bring about closer relations between India and Pakistan.

Mr. Anwar – a Member of the Indian Parliament, like the Indian representative here – said: “Certainly, where is the comparison? I tell you that Sheikh Abdullah is bringing home the lesson to the Hindu community of India that, if you want to look for real leadership of the

Muslims, do not go to show boys and charity boys. They are going to be not assets but liabilities to the Hindus society .....

“Under the present joint electorate system the Hindu society has no opportunity to get to know the real mind of the Muslim community because most of the Muslims whom the secular party has adopted have naturally got to be considered as show boys of the majority community.”

In my statement of February 7, I had apprised the members of the Security Council of the brutal evictions of the Muslims of India from the States of Assam and Tripura in Eastern India. The representative of the Government of India has claimed: “Hardly any Muslim of the 50 million Muslims in India wishes to leave the country.”

I challenge that statement of the Education Minister. After the communal killings in January last, over 100,000 Muslim refugees poured into East Pakistan from the neighbouring districts of West Bengal, a province of India. In Calcutta alone, nearly 2,000 families demanded migration certificates from the Deputy High Commissioner for Pakistan to seek asylum in East Pakistan.

In addition, 130,000 Muslims have so far entered East Pakistan, driven out of India, deprived of their belongings under an organized plan of the Indian authorities. It should be realized by the Government of India that the root of the problem in the present circumstances is its policy of eviction of Muslims. One hundred and thirty thousand displaced and destitute people have poured into East Pakistan over the last two years. The continuances of these evictions results in the creation of insecurity and uncertainty in the minds of the Hindu minority in Pakistan. The allurements that Indian authorities provide for the migration of Hindus from Pakistan add to the difficulties of the situation.

Members of the Security Council are aware that there is a substantial number of Buddhists living in Pakistan – some half-million of them. The Education Minister of India has said that we are treating our

Buddhists "abominably". Let us see what the Buddhist leaders in Pakistan have to say. The leader of the Buddhist delegation to the Asian Buddhist Conference has made this statement: "I take this opportunity to mention, by way of showing an example of mutual respect for different religions in Pakistan, as in other civilized countries, that our government have donated us a spacious plot of land in Dacca" – that is in East Pakistan – "for setting up an international

Buddhist University and other related institutions. Besides, the Pakistan Government is extending to us all facilities in the field of education, culture and development of general social life."

While the Education Minister has talked of the so-called ill-treatment of Christians in Pakistan, he has been silent about the systematic and brutal persecution of the Nagas, most of them Christians, which has been going on in East India for many years. Let me refer to the latest independent report about the Nagas, which appeared in the Observer of London in a dispatch from a special correspondent published in its issue of February 23, 1963:

"Reports from Nagaland reveal serious military repression both before and after the elections for the New Naga State Assembly on January 31."

The correspondent gives an eye-witness account, which I quote: "On December 4, three villages were burnt and the populations were badly beaten.

Women and children were not spared. A one-year old child was snatched from its mother and its hands broken in two."

This is not a statement by the Pakistan Government, but from the London Observer. It goes on: "Five people were beaten to death. Four others were shot. They were chosen because they were influential men in their society."

Brutalities of this kind have been perpetrated on the Nagas for a long time. Sixteen years of aggression and terror have been visited upon this small Christian fortress in the Eastern part of India. In spite of India's ruthless drive to crush the spirit of the Nagas, these brave people have fought and resisted all Indian inroads against their liberation movement.

"We have been witnessing with amusement, and also with a certain amount of disgust, the greatest tightrope act ever seen in international affairs. Pakistan has achieved this act with extraordinary skill by keeping one foot in SEATO and CENTO and other in the Chinese camp."

Apparently, India's amusement and disgust are reserved for Pakistan alone and not for the other members of Western alliances, who recognize China and desire to promote normal relations with that country in the interests of world peace.

May I ask the representative of India what his own country is doing? It has one foot in the Communist camp and the other in the Western camp. It is dancing to both tunes. While it proclaims non-alignment with both, it exploits both, and each against the interests of the other. India accepts arms aid from both the Communist and non-Communist camps. India's arms are very long: it takes both from the West and from the East. Today, reports in The New York Times show that it is asking for massive military assistance from the United States. Can India, then, still claim to be a non-aligned country? And yet it has persistently denounced Pakistan for being a member of SEATO and CENTO, both of which are defensive alliances.

Whatever the changing world situation, India claims the change in its favour. Whatever the change, India interprets it as another reason to reinforce its hold on Kashmir. When Pakistan accepted United States

military assistance, the situation in Kashmir underwent a change, according to India, in favour of India, so as to justify refusal to implement the right of self-determination of the people of Jammu and Kashmir. When Pakistan joined SEATO and CENTO, the situation in Kashmir changed, according to India, in favour of India, to reinforce its stand against the self-determination of the people of Jammu and Kashmir. When the world was divided into two cohesive camps, the situation in Kashmir, according to India, underwent a change in favour of India, to force the people of Jammu and Kashmir to remain bound to India against their wishes. Now, when India accepts military aid and has become aligned de facto, the situation, according to India, has changed in favour of India, foreclosing the right of the people of Jammu and Kashmir to determine their future freely and in accordance with their wishes. And today, when the patterns of alignment and non-alignment have altered radically, the situation, according to India, has changed in favour of India, permitting it to absorb and devour Kashmir as an integral part of India. Thus, whatever the change, one fact stands out changeless, and that is that the situation can never change except to the detriment of the people of Jammu and Kashmir.

To India, there is no such thing as the objective merits of claims. The Greeks of old had their sophists and the Middle Ages their schoolmen. The modern world has the practitioners of statecraft from modern, democratic secular India.

What the Preparatory Meeting of the sponsors of the Second Asian-African Conference, which was held recently in Djakarta, has to do with the present debate in the Security Council would, perhaps, bewilder all of us. It is, however, obvious to my delegation why the representative of India, who has been a jurist and has invoked the rules of evidence, which he loves so much, should yet disregard those very rules by citing

patent irrelevancies to the Security Council. He said: “.....Pakistan, China and a few other countries” – why does he not admit it, why does he not say Indonesia, why does he not have the courage to say “Pakistan, China and Indonesia?” – “ganged up to deny to the USSR a place in the Asian world and refused Malaysia admittance to the Asian-African Conference as an Asian country, to which they have an undoubted right.”

These statements are untrue; they are utterly untrue. They have been made in a blatant attempt to win favour for India in certain quarters by maligning and misrepresenting Pakistan.

I must state for the record and state most clearly what happened in the Djakarta meeting. It is well known that the Government of India made every endeavour to prevent the convening of a Second Asian-African Conference. When these attempts failed, the Representatives of India descended on Djakarta. Two days before the end of the Preparatory Meeting, without any consultation or notice, India proposed that the Soviet Union should be invited to the Second Asian-African Conference. All delegations were taken somewhat by surprise as the USSR had not participated in the first Bandung Conference. While acknowledging the great contribution made by the Soviet Union to the struggles of African and Asian peoples against imperialism and colonialism, several countries expressed doubts as to whether the Soviet Union is an Asian Power. Other delegations wanted time to seek instructions from their governments. I made it very clear on behalf of Pakistan that we were taking no position on the substance of the proposals, but that we needed time to consult Karachi and Rawalpindi. Therefore, it ill becomes the representative of India to say that Pakistan “ganged up” with a few other countries – he means Indonesia and Indonesia alone – “to deny to the USSR a place in the Asian world”.

In regard to Malaysia, I expressly stated that Pakistan considered that Malaysia should be invited to the Second Asian-African Conference as soon as possible. I made this statement on April 14, in the presence of the Indian delegation and other delegations which were present at that meeting.

The representative of India has again accused Pakistan of handing over 2,000 square miles of territory "at other people's expense" to the People's Republic of China. Pakistan has not surrendered a single inch of territory to the People's Republic of China. The boundary negotiations, which took place in a spirit of mutual accommodation and compromise, resulted in the relinquishment of 750 square miles of territory by China in favour of Pakistan – territory which lies beyond the main axis of the Karakorum mountains which constitutes the principal water-shed between the Indus and the Tarim River basins. These 750 square miles of territory was in the effective possession of China prior to the boundary agreement and had always been under Chinese jurisdiction and control. From the end of the nineteenth century, when the British rulers of India acquired control of the Northern areas of the State of Jammu and Kashmir, never did they once exercise control or jurisdiction over the 2,000 square miles that Pakistan is accused of having surrendered to China or even over the 750 square miles of territory relinquished by the People's Republic of China to Pakistan. On the contrary, notes sent by the former British Government of India to the Chinese authorities acknowledge the latter's title and sovereignty over this area, and these notes exist in the archives of the British and Pakistan governments.

The representative of India ought to know that where frontiers are undefined, and territories have for centuries remained in the possession of the other side, it is fantastic to talk of "surrender" of the territory

which has never been in one's possession and to which it is not possible to put forward claims under the rules and customs known to international law. There has been a net acquisition of territory. What the Representative of India has said about the surrender of 2,000 square miles of Pakistan is another example of auto-suggestion to which his government is so susceptible.

The Sino-Pakistan Boundary Agreement has been hailed throughout the world by the governments and the press as a statesmanlike statement.

Let me reiterate that the Sino-Pakistan Boundary Agreement does not affect the status of the territory of Jammu and Kashmir. It does not derogate from the imperative of demilitarization of the State as required by the UNCIP resolutions. It does not detract one jot or tittle from the right of self-determination of the people of Jammu and Kashmir. Article 6 of the Boundary Agreement specifically safeguards all these matters. Let me quote from this article: "The two parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary, as described in Article 2 of the present Agreement, so as to sign a formal Boundary Treaty to replace the present Agreement; provided that in the event of that sovereign authority being Pakistan, the provisions of the present Agreement and of the aforesaid Protocol shall be maintained in the formal Boundary Treaty to be signed between the People's Republic of China and Pakistan."

It was not necessary for us to introduce this proviso, but we did it only because we knew that this dispute was in the Security Council and it had to be determined by this world organization. We left the proviso there that if the Security Council or if the plebiscite were to be



determined in favour of India, India would have an opportunity and a legal right and legal claim to re-negotiate the boundary agreement with the People's Republic of China.

The representative of India has again repeated the thesis which he put forward in the Security Council last February that: "In the context of what has recently happened in Kashmir, it is vital to India not only for recovering the territory which China has unlawfully occupied, but also for resisting future aggression by China. The defence of Ladakh, which is North-East Kashmir, against the continuing menace of China is impossible except through Kashmir."

Here we have yet another argument, conjured up by India as to why Kashmir must be held in bondage regardless of the right of self-determination and the solemn international agreement to respect that right to which India is pledged. The representative of India maintains that Kashmir has now assumed vital importance for India's defence against China. Here then, is a dangerous doctrine. Self-determination and sanctity of international agreements must give way to the considerations of military strategy and the neo-colonial avarice of India. The members of the Security Council have only to cast a glance at the map of the region to realize the hollowness of this contention. It is not through Ladakh or the Vale of Kashmir that the security of India can or will be threatened. There are easier and more obvious invasion routes to the heart of India. In the name of the defence of India, India seeks to negate the Charter of the United Nations by invoking the doctrine of real politick. Who is speaking the language of Hitler and Goebbels? Which country has taken a leaf out of the infamous pages of Mein Kampf?

You must hold the people of Kashmir in bondage because you fear that you cannot defend India adequately against China unless and until you Chain the people of Kashmir. Today you want to chain the people of

Kashmir. Tomorrow you will want to chain the people of Nepal, of East Pakistan and of West Pakistan in order for you to defend yourselves against Communist China. This is the most dangerous and most notorious doctrine that has been propounded in the Security Council.

For many years India has sought to project her image abroad as a country which is working to prevent war, to reduce world tension, to wipe out colonialism and to espouse the rights of small states against the great powers. But from time to time the reality behind this image becomes exposed. The representative of India, carried away by the violence of his diatribes against Pakistan, invokes doctrines which stronger states propound to impose their will on weaker ones. Imperialism has found no difficulty in clothing itself with philosophical justification for the evil that it inflicts. In 1962, in a diplomatic note addressed to the Chinese Government, the Government of India formally stated that it had a common border with the People's Republic of China right from the Pamir Mountains in the northwest to the borders of Burma, thereby claiming that not only Kashmir, but also Nepal, Sikkim, Bhutan and even parts of Burma were within the borders of India. This false and outrageous claim, like the one now made by the representative of India, was also a revelation of the inner thinking of the Government of India – that all the neighbouring smaller states and territories must remain within the Indian sphere of influence or domination because they are "necessary" to the defence of India against China.

You may usurp and devour all the smaller states, but you can never, never under any circumstances, dominate the spirit of the people of Pakistan. They shall always stand by the liberation of the people of Kashmir and all the smaller states in the name of the liberty and freedom of the peoples of those regions.

The world is perhaps not ignorant of the reasons why India strikes the posture of a nation bent on recovering by war territory from China. This instance is, of course, intended to impress the Western powers while, simultaneously, negotiations for a peaceful settlement are carried on by proxy through the Colombo Powers with the People's Republic of China. This dual policy – to talk publicly of war with China and at the same time to put forward privately proposals for a negotiated settlement of the Sino-Indian border dispute – is obviously pursued to obtain the best of both worlds and, in particular, to procure massive military assistance from the Western world while maintaining a façade of non-alignment. How long can the world be taken in by such double-faced conduct?

India looks upon the problem of Kashmir as a case in property law, a case of real property. In the revealing analog drawn by the Education Minister of India, his country's position in Kashmir is that of the rightful owner of a house, deed and title to which have been duly assigned and delivered to India by the previous owner, the Maharaja of Kashmir. The Minister of Education of India found it appropriate to describe Pakistan's role in Kashmir as that of a burglar. But Pakistan comes before the Council not as a burglar nor as a self-proclaimed proprietor nor as a feudal lord of Kashmir. We come here, and have come before you year after year, with the simple proposition that Kashmir is not a piece of property, that its fate is not to be sealed or signed away through any instrument of accession, deed of transfer or other such transaction that has to be registered in a court of law; that it is rather the free will of the inhabitants – Muslims, Hindus, Sikhs or Christians – and their free will alone, which has to be determined and decided. It is not real estate; it does not involve

property law and it does not have to be registered in a court of law. It is the will of the people that has to be determined.

Over the year, India has sought here, before this organ of international peace, and in the world at large, to establish its proprietary right over Kashmir. It has tried to spin a web of pseudo-legalistic arguments in which to entangle for ever the people of Kashmir. The voice of Kashmir, so long muted, is heard again, telling India clearly and unmistakably that Kashmir is not property, nor its four million people loot or booty; that the right of self-determination must prevail, and it must prevail in Kashmir as it has prevailed elsewhere. The Minister of Education of India complains that the Council's consistent support of this principle over the years is to be ascribed to nothing but the blindness of some and the indulgences of others. Let him not deceive himself in seeking to deceive the world.

It is too late, for India to seek sympathy for the doctrine which, in the last century, apportioned the countries of Asia and Africa among alien "owners". Today the world is on guard against attempts to appropriate territory on the basis of self-promulgated laws, for the self-appointed task of good governance, or on the pretext of national defence and strategy.

The Minister of Education of India addressed a set of questions to the members of the Council regarding the rights of Pakistan in Kashmir. The Council has, by word and deed, given clear answers to these questions. The Council may wish once again to remind the Education Minister of India of the resolutions adopted by it in the past on the question of Jammu and Kashmir.

The world-wide support given to the cause of justice and the people's right in Kashmir is not a certificate of good character to Pakistan. Pakistan seeks no such certificates; much less is it my

intention to follow the example of my colleague from India in myself giving a certificate of good character to my own country. I shall gladly leave to him the enjoyment of the solitary virtues of self-righteousness and self-esteem. I leave it to our friends in Africa and Asia to ponder over the invitation extended to them to "look askance" at Pakistan's support of Afro-Asian causes because of Pakistan's membership of SEATO and CENTO. I will refrain also from going into the nature of India's non-alignment, its expediency, its practical utility and profitability on which the world has gained new insights in the last few years. As for Pakistan's alignment and alliances, the truth is plain for all to see that they have not stood in the way of Pakistan in its pursuit of its policy of friendship with all countries of the world, irrespective of their ideology, political beliefs, or social systems. Nor have our engagements towards our allies prevented us from taking issue with them on question of principle. Our support of the freedom movements in Africa and Asia has never wavered.

As regards apartheid, we have opposed this evil doctrine since the beginning, side by side with all right thinking countries, not excluding India. Of Course, since Pakistan, like the vast majority of African and Asian countries, was not a member of United Nations in 1946, we are not in a position to claim the chronological honour of being the first to have raised the issue in the United Nations.

The representative of India was anxious to disclose that all trade relations between Pakistan and South Africa have not yet ceased. We are not here discussing apartheid or the question of sanctions against South Africa. These matters have been discussed in other forums and, as shortly after the present debate terminates, the Security Council will turn its attention to finding ways and means of compelling South Africa to end its intransigence and its persistent disregard of United Nations

resolutions on the matter. On the question of Pakistan's trade with South Africa, I would like to put on record – and this is of course already widely known through the letter addressed by Pakistan to the Secretary-General – that while imports and commercial relations of all kinds between Pakistan and South Africa have been completely banned, the question of stopping Pakistan's exports to South Africa is receiving the most active and urgent attention of my government. In passing, I would like to draw the attention of the members to document A/AC.115/L.55, dated March 5, 1964, which contains statistical tables of South Africa's foreign trade. A study of this document shows, India's so-called boycott notwithstanding, that India continues to trade with South Africa.

We have, in our previous statements before the Security Council, already dealt with the lack of legality in the Maharaja's accession to India and with the fact that the accession of Kashmir to Pakistan or to India can be decided only by the people of Jammu and Kashmir. By saying that the accession to India, effected by the Maharaja, makes Kashmir irrevocably a part of India, India knows, or should know, that India does not establish any link between India and Kashmir, because no link can be established by pseudo-arguments. But what India does by this kind of rhetoric is to bring into question the very basis of India's nationhood, to throw into doubt the nexus that holds the Indian nation together. Kashmir is no part of India: therefore, by allowing it to decide its own future, India does not suffer the loss or secession of a part of it, and the Indian nation as such remains inviolate. But by opposing Kashmir's act of self-determination, by equating Kashmir with the constituent states of India, like, say, Madras, by saying that if Kashmir goes, Madras will also go, India will not keep Kashmir but it might weaken its link with Madras. It is not by fulfilling a pledge solemnly given by its government in an international agreement

that India will lose its integrity. It is by opposing the fulfillment of this pledge that India runs a risk of disintegration.

Let the Indian representative pretend as much righteous indignation as he may, the fact remains that we do not seek the disintegration of the Indian Union. What we seek is a conformity to the principles of the Charter, a scrupulous discharge of international commitments, and a recourse to concrete methods and procedures for the settlement of international disputes. What we seek is a practical demonstration of the principle of the sovereign equality of nations in the sub-continent. What we seek is the restoration of that equipoise in the relations between India and Pakistan which will remove grievances and banish fear from the mind of each other. In sum, what we seek is the abandonment of those policies of the Indian government which, being contrary to the principles of organized international life, not only weaken India's moral fibre but also act as a drain on its strength and on ours.

There is one lesson writ large in the history of the post-colonial age. It is that when imperialist powers have gracefully renounced their colonies, they have not lost but gained in strength. They have gained in it, not only in moral terms, but in prestige; not only in greater coherence of national life, but also in concrete terms of economics. By maintaining the possession of a land which resents this possession, by stifling the personality of a people whose affiliation lie elsewhere, a country drains its resources and dissipates its strength.

I have been accused by the Indian representative of threatening a breach of the peace in the event that India again resorts to the suppression of the people of Jammu and Kashmir by force. We asked that the situation in Kashmir be brought under the control of the United Nations. Would a nation that intended to resort to force want a situation to be brought under the control of the United Nations?

The representative of India says that Pakistan is working for a breach of the peace. The peace plan for Kashmir, as embodied in the UNCIP resolutions, is not a breach of the peace. Is our consistent adherence to these resolutions a preparation for the breach of the peace? What prevents a final and definite settlement of the Kashmir problem? Our attitude or India's attitude? We ask for an impartial investigation of the situation in Kashmir. Is that a threat? We ask for negotiations which should be sincere and constructive and meaningful, and that attempts be made to bring about that negotiation. Is that a threat? We ask for mediation with such precise terms of reference as will give an impetus to negotiations and make them coherent and peaceful. Are we then threatening a breach of the peace? We declare ourselves as willing to submit certain points of difference to arbitration. Are we then working for a breach of the peace? We ask that the resources of the United Nations should not be left untapped for the resolution of the problem; we urge that its procedures be not rejected. Is that a threat of war from us? India prevents investigation; India impedes negotiations; India blocks mediation; India rejects arbitration; and, to crown it all, the Indian representative says that any assistance given by the United Nations, or its high personality, in the settlement of this dispute is intervention by third parties. The methods of peaceful settlement embedded in the United Nations system and prescribed by the Charter are the only alternatives to war. India blocks these alternatives. It is not then provoking war?

It was an Indian representative who, speaking in a different context, once charged that a certain foreign power had – and I quote: “consistently violated international law and the United Nations Charter which forced India to take action by barring all other avenues.....” Is that not precisely what India is doing in the Kashmir dispute? Is it not



“barring all other avenues” by rejecting every one of the methods of the pacific settlement of disputes? India protests even against the Security Council exercising its persuasive powers for the resolution of this dispute. What consequence would naturally follow from this attitude? It is one of our basic difficulties with India that India adopts a certain attitude and takes certain actions of which the consequences can be easily foreseen, but then it blames those consequences on others.

Of course, the Education Minister of India made the generous offer, towards the end of his speech, that India will find it possible to discuss with Pakistan our outstanding differences when a better atmosphere is established.

Here again, we are confronted with the basic malady in the relationship between India and Pakistan. India demands a better atmosphere, but blocks every move and every step that would bring about that better atmosphere. The question disturbs us and it should concern the Security Council. What does India mean by a better atmosphere? Does it not take two to establish a better atmosphere? Does it not require a sincere and constructive effort for the settlement of disputes? Does it not necessitate a recourse to the methods laid down in the Charter for the purpose? If not, are we supposed to undergo a catharsis which will qualify us for meaningful negotiations with India? And is this atmosphere a matter of subjective judgment by India?

By making a better atmosphere the condition for talks, when it can be only their result, India does something far worse than putting the cart before the horse; it is making it impossible for the two countries to make even a beginning towards the settlement of the dispute.

It has been our experience during the last seventeen years that, no matter how hard we try to establish an atmosphere of moderation between India and Pakistan, our attempts are undone by the lack of any

progress towards the settlement of the dispute over Jammu and Kashmir. This happened in 1950; it happened in 1953 and 1954; it happened in 1956, and it was what made the sustained endeavour of our President from 1958 to 1961 to place the relationship of India and Pakistan on a neighbourly basis a wholly one-sided effort by Pakistan. Now that the situation in Jammu and Kashmir is coming to a head, it would be fatuous to expect, and sheer hypocrisy to promise, a better atmosphere unless the dispute is moved rapidly towards a peaceful and honourable settlement.

Members of the Security Council will recall that, on numerous occasions, India's representatives have taken the line that Pakistan has no locus standi in the problem of deciding Kashmir's future. Now, the Indian representative informs us that, on this problem, Kashmir has no locus standi either, for he has taken the line that a leader of the people of Kashmir should have nothing to say on the problem.

It is to be borne in mind in this context that when India argues that the integration of Kashmir with the Indian Union is India's internal constitutional matter, it is saying in effect that, in this matter, the Security Council has no locus standi. So India robs us all of our locus standi. There exists an international agreement regarding the disposition of the State of Jammu and Kashmir. According to India, neither Pakistan – the other party to the agreement – nor Kashmir – the party that is most affected by the agreement – nor the Security Council – the organ under whose authority the agreement was concluded – has any locus standi. Only India has a locus standi in Kashmir. Could any country be more determined against a settlement of the dispute by peaceful means?

In regard to the opinions of Sheikh Abdullah on the central issue of the Kashmir dispute – namely, self-determination, accession,

plebiscite, passage of time, integration and negotiations for a peaceful settlement, which I quoted in my statement to the Security Council on May 5 – the representative of India tells us that these opinions are not admissible evidence and that only what the Kashmiri leader stated between 1947 and 1949 has any evidential value.

I am aware that the representative of India has long experience of the application of the Indian Evidence Act, but may I remind him that he and I are not engaged in proceedings in a court of law in either his country or mine. We are discussing Kashmir and the implementation of the right of self-determination of the people of Jammu and Kashmir in the forum of the Security Council. This is their inalienable human and political right, to be exercised as an act of their free and collective will.

As the representative of India is so wedded to rules of evidence and the Indian Evidence Act, may I remind him that the statements of Sheikh Abdullah before the Security Council in 1948 and 1949, as well as those which he made in 1952, were no part of the transaction of the so-called accession. Therefore, those statements are not admissible under the strict rules of the Evidence Act which he has applied in the Indian courts for so long. On the other hand, if the statements made by Sheikh Abdullah long after the accession, in 1948, 1949 and 1952, quoted by the representative of India, are relevant, then his most recent statements which I quoted on May 5, are even more relevant to the present situation in Jammu and Kashmir which is the subject of the series of Security Council meetings.

If the Representative of India considers that the rules of evidence should be applied strictly in this international forum, if he were presiding as a judge in the Security Council instead of you. Mr. President, why does he not agree to let Sheikh Abdullah appear to testify before the Council as to what exactly are his views on the central issue of the

Kashmir dispute? I request the Council again to invite Sheikh Abdullah to appear before it and hear from him directly what he has to say.

In my statement on May 5, I quoted extensively from Sheikh Abdullah's recent statements and summarized the affirmations contained in them. The point of my quoting these affirmations was that they have been massively acclaimed by the people of Kashmir. It is the acceptance and acclamation of these statements by the people of Jammu and Kashmir, as much as their content that furnishes a true indication of the situation existing in Jammu and Kashmir today. In fact, these statements are the most faithful reflection we have of that situation and therefore, they are an essential part of the record before the Security Council. Unable to face them the Minister of Education of India has attempted to negate their effects by two arguments. The first is that "the opinions of any person, however distinguished or eminent, cannot alter or affect the question of the status of a territory". The second rest on Sheikh Abdullah's previous statements made from 1947 to 1952. I shall deal with both these arguments.

As regards the first argument. It is evidently not applicable here. The affirmations made by Sheikh Abdullah are important because far from being the voice of one individual, they echo the unanimous demand of the five million people of Jammu and Kashmir. Moreover, these affirmations are made by the person who was cited by India itself as having supported the Maharajah's accession to India. The records of the Security Council will bear out that, in India's original representation to the Security Council made on January 1, 1948. Sheikh Abdullah was specifically mentioned as the leader who appealed for help to India. Surely then, Sheikh Abdullah should be able to throw a good deal of light on the terms and assumptions of this appeal. Indeed, even in the statement of the Indian representative on May 7, there is again a

recognition of Sheikh Abdullah's status. The Indian representative has said that the accession was "accompanied by the consent of the people expressed through Sheikh Abdullah who was the leader of the largest party in Kashmir". Surely, then, it is important to get a description of the nature of this consent from the person who is supposed to have expressed it.

As regards Sheikh Abdullah's previous statements made from 1947 to 1952, I am glad that the Indian Minister of Education brought them on record again. A juxtaposition of these statements with those that Sheikh Abdullah has made since and those which he is making now only helps one to realize how cruel must have been the disillusionment, how sharp the sense of betrayal, which Sheikh Abdullah suffered because of India's continued occupation of Jammu and Kashmir in breach of its commitments. Far from weakening Sheikh Abdullah's current stand, his previous statements reinforce it by demonstrating that this stand is not based on any prejudice or any preconceived notions, but is the result of experience.

During his statement, the representative of India quoted Sheikh Abdullah's statement of April 17, 1964, and, even in that statement, there occurs a sentence: "It is the Government of India which I feel has gone back from its commitments....."

This is Sheikh Abdullah's statement of April 17, 1964, being quoted by the Indian Minister. The Education Minister read the sentence and added: "that is another matter". The point here is, and Sheikh Abdullah would be the first to make it, that this is not another matter. It is the very heart and core of the Kashmir issue that India has gone back on its commitments.

Apart from this, there is another aspect of Sheikh Abdullah's statements which needs to be borne in mind. It has been brought out by

Sheikh Abdullah himself. According to the Indian Express, Bombay, of May 4, Sheikh Abdullah was asked whether it was not a fact that he had been responsible for the Maharajah's accession to India. The question, in fact, was how he could square his statements then with his statements now. His answer was: "Yes, I supported accession to India before 1953. But it is not bringing peace to the sub-continent. When it did not bring peace to the sub-continent, what value did it have?"

The representative of India also tried to take comfort from a recent statement of Sheikh Abdullah that a plebiscite was not the only method only method for ascertaining the wishes of the people of Jammu and Kashmir. But, unfortunately for the Indian representative, this statement has been clarified now by Sheikh Abdullah and, as explained by him, it does not lend the slightest support to India's argument against a plebiscite. According to the Hindustan Times of May 7, Sheikh Abdullah said that elections could be a solution of the dispute if they were fair and free and organized by a neutral third party so that nobody could point a finger at India. He added that India, being an interested party, should not be in Kashmir if and when elections were held and that the result of these elections must be acceptable to Pakistan; otherwise no purpose would be served. He further said that there should be a disengagement of the forces of India and Pakistan preceding these elections; otherwise present tension would continue.

I believe that this statement of Sheikh Abdullah should invite some reflection on the part of the Indian representative. Sheikh Abdullah lays down the following conditions for elections being a solution of the problem: first, they must be free and fair; second, they must be organized by a neutral party; third, Indian forces should withdraw from Jammu and Kashmir to enable those elections to be impartial; fourth, their result must be acceptable to Pakistan; and fifth,

they must be preceded by the disengagement of the forces of India and Pakistan in Jammu and Kashmir. What is this formula except a restatement of the principles of the UNCIP resolutions? These provide that a plebiscite should be preceded by the withdrawal of the forces of India and Pakistan from Jammu and Kashmir and should be held under the direction and control of the United Nations to ensure its fairness, freedom and impartiality. The condition cannot be avoided that a settlement must be based on the wishes of the people which are impartially ascertained and are seen so to be ascertained.

I must recall here that, in my statement of March 17, I said that it one were to consider the Kashmir problem as it has arisen now, not in 1948, but today, and would embark on a search, however, pragmatic, for an equitable settlement, one would be driven to the conclusion that there is only one way – the way of finding out what the people of Jammu and Kashmir themselves want. I added that one would thus be driven to write again the substance of the UNCIP resolutions. Sheikh Abdullah's statement about what conditions are essential for ascertaining the wishes of the people brings out the truth of my submission.

The representative of India tried to make much of the argument that Sheikh Abdullah's release establishes that there is democracy and freedom in India and that the Government of India is perfectly confident that the situation is normal in the State of Jammu and Kashmir. This argument has been anticipated by numerous statements made by the spokesman of the Government of India.

All of them expressed the hope that the release of Sheikh Abdullah would wash India of all the taint that it has borne for eleven years and would help its case in the Security Council.

Unfortunately, however, these statements only serve to strengthen the conclusion that – as I said in my last statement – this act of releasing Sheikh Abdullah was not a gesture of magnanimity on India's part. They corroborate the comment in the Economist, London, of April 4, - which I quoted in my last statement – that the Indian government has not had a sudden rush of liberalism to the head. There is no change of heart on the part of India and there is no ground for the members of the Security Council to feel that, by releasing Sheikh Abdullah, India might have made a gesture towards reconciliation with Pakistan and towards the resolution of the conflict in Jammu and Kashmir.

The Indian representative demonstrates before us that this act is purely a maneuver – the Prime Minister of India has called it a “calculated risk” – to prove normalcy where none exists. It is obvious that their hope, at the time of releasing Sheikh Abdullah, was that he would “blow off steam” and then subside and the situation in Jammu and Kashmir would thus simmer down. This hope is already being falsified by events. I referred to certain developments in Kashmir in my last statement. The Indian representative has vehemently denied my statement that a curfew was imposed last week in several towns in Jammu and Kashmir. Let me assure him that my statement was based on information obtained, not from our sources but from the Indian newspapers. According to the statesman of Delhi of May 9, there were demonstrations in Srinagar on last Friday, shouting, “Hold a plebiscite immediately”.

The Indian representative argues, “Well, there are demonstrations, so what?”. The answer is that these demonstrations do not signify merely a dissatisfaction with this or that policy of the Indian government; they are not in protest against this or that administration.



They signify a rebellion against India's occupation of the State. The Indian representative reminds us that demonstrations take place in all democratic countries. But he evidently runs away from the fact that there is a basic difference between normal demonstrations in democratic countries and those that are taking place in Jammu and Kashmir. If demonstrations are the expression of a specific grievance or if they protest against a specific policy, they are normal demonstrations. But, when they are held by the people of a territory whose status is in dispute, rejecting annexation forced on them and demanding that they be enabled immediately to decide their status by a plebiscite, what are they except a revolt?

Actually, the unspoken point in the Indian argument is that the revolt in Jammu and Kashmir is unarmed and that, if it goes on, India has an overwhelming military might in Jammu and Kashmir to suppress it. That is the root of the confidence that the Indian representative expresses here. But what does this point do except bring out the explosive nature of the present situation. When, in reality, India relies on her military might, India compels all those who sympathize with the revolt of the people of Jammu and Kashmir to conclude that nothing is so urgently desirable as effective resistance against the forces of suppression in Jammu and Kashmir.

In countering my statements about the revolt in Kashmir, the Indian representative supported his argument by the observation that there is complete inter-communal unity in Jammu and Kashmir. This is an astonishing reply. That the Indian representative should rely on this argument shows to what straits he has been driven in points of logic. If Hindus and Moslems live at peace with each other in Jammu and Kashmir – we are proud and gratified that they do – does it mean that they do not resent India's occupation of the State? What has inter-

communal unity to do with the demand of the people of Kashmir that they be enabled to decide their future for themselves?

Apart from this, it is obvious that it is not the ventilation of the people's demand in Kashmir, but its fulfillment alone that can bring about normalcy. Apart from suppressing the people by force for many years, the Indian government has been driven to the point where it feels that force is not enough. The present situation is merely that it is resorting to other means to frustrate the people's demand. It is not doing anything to meet this demand. As long as it does not do so, the protestations of freedom and democracy are not only baseless, but, in the face of the combined voice of the people of Jammu and Kashmir, utterly irrelevant.

The Indian representative harps on the differences of outlook between India and Pakistan. Let me tell him that he does not enhance his country's reputation by these assertions. We in Pakistan have our faults, and I suppose that, in the final analysis, they can be overcome only by greater education, enlightenment and economic advance. But whatever they are, they are open, perhaps even blatant and therefore, eradicable.

The Indian representative's statement is a demonstration of the fact that there is something in the Indian mentality which is insidious and, therefore, impenetrable. It is a mentality so wrapped in national conceit, so enfolded in a holier-than-thou attitude, that it is small wonder that we in Pakistan sometimes succumb to despair about the future of our relations with our neighbour. They know that fanaticism is stalking their land; they know that their democracy so far is not more than a façade because it is not yet based on the habits of tolerance, yet they come here treating us to sermons about the loftiness of their society and of their souls.

We do not claim Kashmir on the ground that we are a better society. The United Nations is not here to award Kashmir as a prize for better performance to either India or Pakistan. We say that whatever we are, and whatever the Indians are, ask the Kashmiris whom they want to join. Let India marshal all its arguments against Kashmir's accession to Pakistan, but let these arguments be addressed to the people of Jammu and Kashmir at the time of plebiscite, and let them decide. If India believed in democracy, it would have long ago accepted this challenge.

Members of the Security Council will have noticed how the Indian Minister for Education has reacted to the peace appeal that I made at the conclusion of my remarks on May 5. When I pleaded with India that an end must come to our bitterness, that there is a time for struggle and a time to settle, I meant every word of what I said. The Indian representative spurned and even ridiculed my appeal, but I must inform him that he has not provoked me into withdrawing it. I again transmit the message of my people to the people of India that it is within our power to transform the climate of our two countries, not by waving a magic wand, but by recourse to those concrete procedures which alone can rationally bring about the resolution of international conflicts.

We do not make it a condition for the settlement of our disputes that India must get rid of its caste system, we do not make it a condition that India should abandon its mythology, renounce its whole philosophy and reorientate its entire culture. We take India as it is and its outlook and aspirations as they stand, and we seek a modus vivendi with it which, once established might develop into a normal relationship.

We may be theocratic or mediaeval or backward, but we offer India those ways and means of establishing a rational relationship between our two countries which are eminently secular and modern.

What credit can be given to protestations of secularism and modernity if one is impervious to the counsels of mediation and conciliation and arbitration – all modern and secular ways of regulating international life? Let the Indian representative ponder this question and not be too preoccupied with the thought that I am putting it to him.

**Address at the One Thousand One Hundred Seventeenth Meeting  
of the Security Council, held on May 18, 1964**

***MR. PRESIDENT,***

With your permission I take this opportunity to place on record my government's appreciation of the efforts that have been made by you personally and by the other members of the Council during the last three months for at least helping to move the Kashmir dispute toward a settlement. Whatever the result, there is no doubt that these efforts have enlisted our gratitude. Personally, I feel much obliged to you and to all your colleagues for your unfailing courtesy.

Now that the debate has been terminated for the time being without any statement of agreed conclusions, I do not consider it necessary to comment on the summation which my delegation has just heard. Therefore the question of accepting it does not arise. However, we feel it our duty to stress what seems to us to be the constructive elements in the debate.

Taken as a whole, as this has to be done and has been done, and comprising the discussions we have heard in February, in March and in May, the debate contained two outstanding elements. First, it is evident that the members of the Council, without exception, have expressed the Council's deep concern with the situation in Jammu and Kashmir and have also made it clear that the Council has a real, continuing obligation to bring about a peaceful settlement of this dispute. Second, it has been a major theme in the pronouncements of the members of the Council that no settlement of the dispute will be genuine and durable if it does not take into account the wishes of the people of Jammu and Kashmir

as pledged to them by India, Pakistan and the United Nations. The axiomatic nature of these considerations does not detract from their substantive importance. We believe that their enunciation in the Security Council will serve as the background to further developments in the situation.

As regards negotiations, I have explained to the Council our long and not very encouraging experience of this particular process. We have tried this method over and over again – in 1950, in 1953, in 1954, in 1956, in 1959 to 1961, and most recently through intensive talks in 1962 and 1963. That all these efforts failed shows that it is not within our power alone to make negotiations sincere, constructive and meaningful, and further that they cannot be made so without the essential frame of reference of the wishes of the people of Jammu and Kashmir, which are paramount.

We asked for prompt and tangible assistance from the Security Council in the effort towards an early settlement, and it was our expectation that the Security Council would be a positive and material factor in the situation. We had hoped that the Council would firmly lay down the framework within which contacts between India and Pakistan should be carried on for a solution of the problem of Jammu and Kashmir. We would also have liked a definite role to be assigned to the Secretary-General to enable him to facilitate the progress and to ensure a fruitful result of these contacts. A settlement of the dispute is possible only in accordance with the wishes of the people of Jammu and Kashmir, as pledged to them by India, Pakistan and the United Nations.

Should we pay heed to the principles of the Charter, or should we base ourselves on power and aggrandizement? Should we work for a just and durable peace, or should we obey the expediencies of the

moment, and thus barter away the future tranquility of the four million people of Jammu and Kashmir?

The answer is plain, and it is stated fully in the UNCIP resolutions which remain valid, and in no other formulation or rostrum. This is what makes it essential to make these resolutions the basis of our efforts towards an honourable settlement.

As we go back, we can confidently state that since the situation in Jammu and Kashmir has now entered a phase in which it cannot be left to take care of itself, we take leave of the Council for the time being and we trust that the Council will keep the developments in the situation under its close and continued vigilance.

The summation by the President in neither a consensus nor a statement of agreed conclusions. As such, we consider it to be a purely descriptive and factual statement which the President of the Council has made, and not any kind of recommendation to the parties with any binding force. The question of our accepting or rejecting it, therefore, does not arise.