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LETTER DATED 16 JANUARY 1964 FROM THE MINISTER OF EXTERNAL AFFAIRS
OF PAKISTAN ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

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 30 March 1951 and 24 January 1957 and the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949.

This sinister design of the Government of India to obliterate the special status of the State of Jammu and Kashmir was foreshadowed by Bakhshi Ghulam Muhammad, the then "Premier" of the Indian-occupied part of the State, on 3 October 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 "Sadar-i-Riyasat" to "Governor" and "Prime Minister" of the State to "Chief Minister", to bring the State in line with the "other States (Provinces) of India". Bakhshi Ghulam Muhammad 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 9 October 1963 (S/5437) 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 12 November 1963 (S/5494) 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, Bakshi Ghulam Muhammad was replaced by a new puppet "Premier", Shamsuddin, one of whose first acts was, under orders from Delhi, to install in office a Cabinet in which as many as seven out of twelve 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, in his own words, 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 Muslim 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" Bakshi Ghulam Muhammad had merely disclosed in his announcement of 3 October what the Government of India had already planned was very soon confirmed by the Minister of Home Affairs of the Indian Government, Mr. Gulzari Lal Nanda. On 27 November 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 25 September 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, in so far 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 elections 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 Sadar-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 the 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 accession of the State to India or Pakistan will be decided through the democratic method of a 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 commitment to the principles of the United Nations Commission's resolution. Among those, which are now being violated, are the resolutions of the Security Council of 30 March 1951 and 24 January 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 principle."

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

"Reaffirms the affirmation in its resolution of 30 March 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; ...".

In a second letter addressed by the Permanent Representative of Pakistan to the President of the Security Council on 3 January 1964, the Permanent Representative has invited the attention of the Security Council to the above-quoted statement of 27 November 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 to interpose further obstacles in the establishment of conditions for the exercise of their free choice in regard to their future and, therefore, constituted a defiance of the Security Council and the principles of the Charter of the United Nations.

On 14 December, 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 resolutions 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 fifteen 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 from the Hazratbal Shrine near Srinagar and the attempt to burn 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 raging 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 26 December, the Muslim population of Jammu and Kashmir has given vent to its anguish and anger through massive demonstrations, paralysing 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 30 December) hundreds 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 despatches of impartial foreign correspondents.

The Evening Star of Washington carried the following despatch from Richard Critchfield, filed from Srinagar on 2 January:

"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 26 December.

"Virtually the entire population of this Himalaya-rimmed capital 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.

"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 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 Tuesday night praying for the holy relic's return. Many already are shouting demands that Shaikh 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 6 January, the same correspondent wrote:

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

"In a scene of pandemonium, an immense gathering proclaimed Shaikh 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 Moslem shrine here 26 December and was recovered 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 Shaikh Abdullah was released.

"What began as a religious demonstration now clearly is an open rebellion against the Bakshi 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 Bakshi Government and India itself". Writing in the Hindustan Times, a leading Delhi newspaper, on 8 January, under the heading "What now after Kashmir's Ten-Day Nightmare?", a celebrated Indian correspondent states that "the ten days between the purloining of the Prophet's hair and its accidental reappearance, 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 Bakshi 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 Bakshi regime, were "free" and "fair" and that the verdicts of the fraudulently elected Assemblies in favour of accession and annexation to India, must be accepted as valid.

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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 indignation at the moves of the Government of India forcibly to annex their homeland. The Guardian (Manchester) of 31 December, 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 States farther south, but are probably none the less worrying to 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 Moslems. The buildings they set fire to were Government offices, a police station, and two cinemas belonging to a former Chief Minister (Bakshi 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 even 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 even Kashmir) find more violent ways of demonstrating their opposition."

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

"Tension within, and over, Kashmir has 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 the article in the Indian constitution which ensures Kashmir's special status.

"This idea has been vigorously, indeed forcibly, supported in Jammu, the southern and largely Hindu part of Kashmir state by the Hindu opposition party there. When the new Prime Minister, Mr. Khwaja 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 tinder."

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

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

An awesome blanket of secrecy has enveloped the State. 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 Government accepted its demands, including the release of all those arrested during the ten days and an impartial judicial enquiry was held into the sacrilege.

Ever since the Muzrabtal and Kistwar outrages and the subsequent regime of 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 3 January, against the Hindu 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 9 January, 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 twenty-four Parganas, Hoogly, Howrah, Burdwan and other areas. There have since been widespread killing of Muslims and numerous cases of arson and looting and destruction of Muslim property. Within three days, according to a foreign news agency report, the number of dead added up to 200. On 12 January, 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, 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, in the larger interests of both India and Pakistan. He added 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 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 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 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 on the roads. The disturbances have spread to yet another district in West Bengal - Nadia. 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 riots of 1950, well over 500 outbursts of communal frenzy against Muslims in India.

The Government of India's actions since Bakhshi Ghulam Mohammad's announcement of 3 October 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. India-Pakistan relations have been dangerously strained. Unless it can be demonstrated that the peaceful procedures of the United Nations are capable of halting the high-handed 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.

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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, Excellency, etc.,

(Signed) Zulfikar Ali Bhutto
Minister of External Affairs,
Government of Pakistan

