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K. Subrahmanyam

I

Attempt at Balkanisation of India

The origin of the problem of Kashmir can be traced to two sources which shared a common objective. Some sections of the British establishment and the Muslim League wanted to break up India into several sovereign states. The British felt that these resulting weak states of India would remain tied to Britain as Independent dominions. The Muslim League aimed at fragmenting India in such a manner that Pakistan would emerge as the preeminent state of the subcontinent. The struggle of the people of India ensured that the subcontinent would be divided only into two dominions and not into a large number of sovereign states each having a relationship of dominion status with the British Crown. Subsequently with India becoming a Republic the British Empire (including the already self-governing dominions) became the Commonwealth—a free association of sovereign states. Pakistan not only did not become the most preeminent state of a shattered subcontinent but could not even keep its two parts divided by one thousand miles of India, united as one nation.

The British attempt to Balkanise India became explicit in the British Cabinet Committee paper transmitted by Lord Ismay to Lord Mountbatten in his telegram no. 6043 of 9 May, 1947 (Pp 723-728. *The Transfer Power Vol x*). The scheme envisaged that representatives of each province in the case of Madras, Bombay, U.P., Bihar, Central provinces, Orissa, Delhi, Ajmer-Merwara and Coorg would be asked to confirm that it was their wish to remain in the existing Constituent Assembly. In Bengal, the Legislative Assembly would be required to sit in two parts, one representing the Muslim majority districts and the other the rest of the province, so would be in the case of Punjab and in the case of Assam, the representatives of Sylhet would be divided from others for similar voting. Each of these voting units would be asked to decide whether it would like to have a Constitution for itself, framed in collaboration with the existing Constituent Assembly, jointly with other parts of India or separately. In the case of North West Frontier province there would be a referendum whether they favoured the partition of India or not. In the case of Sind the representatives of the Legislative Assembly would vote on the choice among the three

alternatives mentioned. In respect of Baluchistan the members of *Shahi Jirga* and the nonofficial members of Quetta Municipality would exercise similar option. It was also stipulated that there would be negotiations between successor authorities arising out of above voting procedures and the British Government for treaties in regard to matters arising out of the transfer of power.

In regard to the Princely States when paramountcy lapsed all rights surrendered by the States to the paramount power would return to the States. They were free to arrange by negotiation with those parts of British India to which power would be demitted, whatever measure of association they considered to be in best interests of their people.

This was a plan aimed at Balkanising India into well over 500 sovereign units. Lord Mountbatten showed this plan informally to Jawaharlal Nehru on 10th May, 1947. Predictably Nehru reacted violently to the plan and totally rejected it. At the same time it became apparent what would be the extent of mischief the departing British Raj could inflict on India. The Partition plan of June 3, 1947 accepted by the Congress, the Sikhs and reluctantly by Jinnah and the Muslim League was a damage-limitation operation against this attempt at totally Balkanising India.

Though the June 3, Plan envisaged division of British India into two dominions it still retained the provision in regard to lapse of paramountcy and giving the princes the option to accede to either of the two dominions or to become sovereign. The pleas of the leaders of the Indian National Congress that all Princely States must accede to one dominion or the other were not accepted by the British Government. Section 7 (b) of the Indian Independence Act of 18th July 1947 laid down :- "The suzerainty of His Majesty over the Indian states lapses, and with it all treaties and agreements in force at the date of passing of this Act between His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian states or the rulers thereof and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date or in relation to Indian States by treaty, grant, usage, sufferance or otherwise."

Mr. Jinnah was also of the view, as expressed by him on 13th June, 1947 the States were entitled to say that they would join neither Constituent Assembly. According to him the Indian States were sovereign states for every purpose except in so far as they had entered into treaties with the Crown. British India could do nothing to them. (*Document 175, Vol XI, Transfer of Power*). While the Congress in its meeting of 14th June 1947 protested against the theory of lapse of paramountcy Mr. Jinnah in a statement issued on 18th June 1947,

unequivocally declared that constitutionally and legally, the States would be independent sovereign states on the termination of paramountcy and they would be free to adopt any course they liked. When a policy of accession on "defence, external affairs and Communications" was decided upon to be offered to the States, Mr. Jinnah told Lord Mountbatten that it was utterly wrong and he publicly announced that he would guarantee the independence of the states in Pakistan. He reiterated this stand on 13th July 1947. (P. 128, Vol. XII, *Transfer of Power*).

In pursuance of this policy Mr. Jinnah and the Muslim League leaders offered to Maharajah of Jodhpur, and Maharaja of Jaisalmer a blank sheet of paper signed by the former and told them they could fill in all their conditions. It was obvious that in attempting to wean away these Hindu Princes of the Hindu majority states, Mr. Jinnah and the Muslim League were not being faithful to their own "two nation theory" that Hindus and Muslims were two different nations and hence Pakistan must secede from India. (*Transfer of Power* Vol XII, p. 767, V.P. Menon, *The Story of Integration of the states* P 116-118.) Their aim appeared to have been to reduce the number of states acceding to the Indian Union. In line with this approach was Mr Jinnah's threat to Lord Louis Mountbatten on 12th July 1947 that "if the Congress attempted to exert any pressure on Hyderabad, every Muslim throughout the whole of India, yes, all the hundred million Muslims would rise as one man to defend the oldest Muslim dynasty in India" (P 121 *Transfer of Power* Vol XII.) Similarly inspired was Mr Jinnah's objection to allot Andamans and Nicobar islands to India (Pp 938-939 *Transfer of Power* Vol XII).

In spite of all these attempts by the Muslim League and section of the British establishment, by August 1947, the division of India was only between two dominions-except for Kashmir, Hyderabad and Junagarh. Though Pakistan accepted Nawab of Junagarh's accession in violation of its own "two nation theory" that was reversed when the Nawab fled the State as a result of a mass uprising and his State Council handed over the administration on 9th November 1947 to the Regional Commissioner of Rajkot. With the merger of Hyderabad in September 1948 the Indian Union's fragmentation was finally frustrated .

Today there is much justifiable admiration for the largely peaceful change that is sweeping over Eastern Europe, the exception being Rumania. This historic process pales when compared to the peaceful revolution in India in 1947-48 when over 500 sovereign entities (mostly autocratic, feudal and ruled by dynasties tracing hundreds of years of lineage) merged with the Indian Union. Khrushchev admiringly

described it as a process of elimination of rulerships without eliminating the rulers. The credit for this must go to the people of India, particularly of the States, the patriotism of the rulers themselves, Sardar Patel and V.P. Menon, the architects of this peaceful revolution. It must be acknowledged that Lord Mountbatten too played a cooperative role for which he was abused by Winston Churchill and disliked by a section of the British establishment. When subsequently the British establishment played a negative role on the Kashmir issue in the UN and dishonoured the commitment of the British Governor General of India (Mountbatten) who accepted Kashmir's accession it was obvious they could not forgive the foundering of their "Plan Balkan".

II

Raids on Kashmir

Contrary of tendentious references in the Pakistani and western literature, recorded evidence shows that the Indian leadership was prepared to apply the same set of principles it was advocating to other States to Kashmir as well—namely that the ruler should accede to one of the two dominions on the basis of geographical contiguity and will of the population. Philip Ziegler's biography of Mountbatten quoting Lord Birdwood's article in *International Affairs* Vol. XXVIII, No. 3, July, 1952 states that during his visit to Srinagar in mid-June, 1947 Mountbatten made it clear to the Maharajah that if the choice of the people of Kashmir were to be for Pakistan, Sardar Vallabhai Patel had assured Mountbatten that the Indian Government would not object to accession of Kashmir to Pakistan. This is also confirmed by Mr. V.P. Menon in his book *The Story of the Integration of the States* (P. 394). This is further supported by Mr. Rajendra Sareen's interviews with Mr. K.H. Kurshid, formerly private secretary to Mr. Jinnah and Sardar Shaukat Hyat Khan, formerly a minister in Punjab Government. According to the latter the offer made by Sardar Patel through Lord Mountbatten after the raid on Kashmir began, was that if Pakistan would keep out of Hyderabad, India would leave Kashmir alone. This, according to Sardar Shaukat Hyat Khan provoked the following rejoinder from Prime Minister Liaquat Ali Khan when the former suggested acceptance of this offer :- "Sirdar Sahib, Have you gone out of your mind? Why should we leave a province larger than Punjab and settle for some mountain rocks?" (*Pakistan, the India Factor* Rajendra Sareen, p 217-218, p 432). Lending credibility to this approach of Sardar Patel, Philip Ziegler quotes a statement of Lord Mountbatten early in October 1947 in a discussion which both Prime Ministers Nehru and

Liaquat Ali Khan attended that India would never try to force a state to join it against the wishes of the population. Quoting the book *"The Partition of India"*. Ed. C.H. Philips and Mary Wainwright, Ziegler records "Pandit Nehru nodded his head sadly : Mr. Liaquat Ali Khan's eyes sparkled and there is no doubt that the same thought was in each of their minds "Kashmir!". From the above it would appear that in October 1947 the Pakistani strategy was to get Kashmir, even while attempting to support Nizam's efforts to become independent and sovereign. Pakistan was prepared to take a risk on Kashmir in order to promote Balkanisation of India.

It is no longer deniable that Pakistan with the full approval of Mr. Jinnah and the Government of Pakistan initiated the attack on Kashmir in October 1947. This was evident from Mr. Jinnah's offer to Lord Mountbatten to pull out the Pathans if the Indian troops were removed. According to Ziegler, Mountbatten commented drily, "I expressed mild astonishment at the degree of control that he appeared to exercise over the raiders" (P. 448 *Mountbatten*). Stanley Wolpert, in his biography of *Jinnah of Pakistan* (p.352), quotes from "Mountbatten's Personal Report" when Mountbatten made it clear to Jinnah during his conversation on Nov. 1, 1947 that the Maharajah was most anxious to remain independent and "nothing but the terror or violence could have made him accede to either dominion and the violence had come from tribes for whom Pakistan was responsible".

Stanley Wolpert, the sympathetic biographer of Mr Jinnah admits that on October 23, British (*sic*) trucks and jeeps of the Pakistan Army loaded with some 5000, armed Pathan, Afridi, Waziri and Mahsud tribesmen of the Northwest Frontier crossed the Kashmir border. It is necessary to recall the pattern of behaviour of Pakistan in 1947 October since it was to be repeated in August 1965 and again currently in 1989-90. Sending in the raiders and its own army personnel and denying its involvement has become the standard *modus operandi* of successive Pakistani Governments.

That Pakistan committed aggression when it crossed the boundary of the State of Jammu & Kashmir in October, 1947 was one of the findings of Justice Sir Owen Dixon, one of the UN Representatives. In his report to the Security Council submitted on 15th September 1950, he observed that Pakistan violated the international law by crossing the boundary (S/1791 *Own Dixon Report*).

In the book *The First Round* Air Marshal Asghar Khan, the former Chief of Air Staff of Pakistan and Mr Altaf Gauhar, the former Secretary, Ministry of Information and Broadcasting confirm that "Operation Gibraltar" was deliberately planned by Pakistan on three

assumptions (i) *widespread support would be available within "occupied Kashmir"* (quotations and emphasis mine) (ii) India would restrict its offensive to the "Azad Kashmir" territory (quotations mine) (iii) There was no possibility of India crossing the International border. This is also confirmed by General Mohamad Musa, then Chief of Army Staff of Pakistan Army in his book *My Version*.

Yet President Ayub Khan in his telegram to the UN Secretary-General dated 5th September 1965 talked of the people of Kashmir having taken to arms against Indian tyranny. According to him "the freedom fighters who have challenged the might of the Indian Army are not raiders but sons of the soil of Jammu and Kashmir, ready to make the supreme sacrifice for their cause". Even after having failed twice to achieve their purpose by sending in raiders into Kashmir and calling them the sons of the soil the Pakistan government appears to be once more resorting to the same kind of tactics in 1989-90.

According to a research report published in the *Indian Defence Review* of July 1989 (pp 39-49) General Zia ul Haq conceived of 'Op Topac' in April 1988. Outlining his plan for Kashmir in an address to his commanders he said, "We plant our chosen men in all the key positions; they will subvert the police force, financial institutions, the communication network and other important organisations. We whip up anti-Indian feelings amongst the students and peasants preferably on some religious issues, so that we can enlist their active support for rioting and anti-government demonstrations. Organise and train subversive elements and armed groups with capabilities initially to deal with paramilitary forces located in the Valley. Adopt and develop the means to cut off lines of communication between Jammu and Kashmir and within Kashmir and Ladakh by stealth without recourse to force. In collaboration with Sikh extremists create chaos and terror in Jammu to divert attention from the valley at a critical juncture and discredit the regime even in the Hindu mind".

That Pakistani Generals had been dreaming of seizing Kashmir since 1980 is evident from what Professor Cohen of the University of Illinois, noted specialist on Pakistan Army recorded of his conversations on the issue of Pakistan going for nuclear weapons. According to him the Pakistani officers argued during his visit to the country in 1980 that a nuclear capability would provide the umbrella under which Islamabad could reopen the Kashmir question. "A Pakistani nuclear capability paralyses not only the Indian nuclear decision but also Indian conventional forces and a brash, bold Pakistani strike to liberate Kashmir might go unchallenged if the Indian leadership was weak and indecisive". (*"Nuclear issues and security policy in Pakistan"*. Paper

presented at the Annual Meeting of the Association for the Asian Studies, Washington, March 1980).

Earlier a consistency in Pakistani *modus operandi* was pointed out—sending in raiders and denying it and allege that they are local people. Yet another factor of consistency in Pakistani pattern of behaviour is their tendency to launch such operations when they consider the Indian Government is likely to be weak or indecisive. In 1947 October they presumably thought that with a British Governor-General in India and British Officers at the helm of affairs and India, beset with problems of refugees and integration of states would not react if they sent in raiders into Kashmir. In 1965 Field Marshal Ayub Khan perhaps felt that a puny Lal Bahadur Shastri, who was described as ‘prisoner of indecision’ in the Indian Parliament and a demoralised Indian Army in the wake of 1962 debacle in Kameng would not strike back. Similarly in 1970 December -1971 March with a minority Indian Government preoccupied with elections and in the eyes of *macho* generals of Pakistan with a woman Prime Minister in charge and Pakistan having gained the political support of US and China, General Yahya Khan unleashed his genocide in East Bengal presumably hoping that India would not be able to act. Once again with a minority government in charge in Delhi and India having problems in Punjab and Jammu and Kashmir yet another attempt to intervene in Kashmir valley appears to be in progress.

III

The UN Resolutions and Kashmir Issue

Pakistan makes much of the UN Resolutions on Kashmir. The following are the UN Security Council Resolutions on Kashmir issue and are reproduced in Annexure I:

1. Resolution 38 (1948) of 17th January, 1948 (S/651)
2. Resolution 39 (1948) of 20th January, 1948 (S/654)
3. Resolution 47 (1948) of 21st April 1948 (S/726)
4. Resolution 51 (1948) of 3rd June, 1948 (S/819)
5. Resolution 80 (1950) of 14 March 1950 (S/1469)
6. Resolution 91 (1951) of 30 March 1951 (S/2017/Rev 1)
7. Resolution 96 (1951) of 10 November 1951 (S/2392)
8. Resolution 98 (1952) of 23 December 1952 (S/2883)
9. Resolution of Security Council on 24th Jan, 1957
10. Resolution of Security Council of 21 Feb, 1957
11. Resolution of Security Council of 2 December, 1957

There are Security Council Resolutions in 1965 and 1971 dealing with the hostilities between India and Pakistan. They are not particularly relevant to the Kashmir issue. Texts of these resolutions are in the Annexure II.

The first resolution of 17 January, 1948 called on the two countries to take immediately all measures within their power calculated to improve the situation and also asked them to report immediately any material change in the situation. General Cariappa took over from General Russel, a British Officer on January 20, 1948 since the latter believed that regular Pakistani troops were fighting and he did not want to get involved in a war between Indian and Pakistani regular armies. But Pakistan admitted that it inducted regular troops into Kashmir only in May, 1948. There was no satisfactory explanation about involvement of General Akbar Khan, a regular officer of Pakistan Army in the fighting in Kashmir from the very beginning.

The second resolution of 20 January 1948 established a three member Commission to proceed to the spot and report to the Security Council.

The third resolution increased the membership of the commission to five, asked Pakistan to secure the withdrawal of the tribesmen and Pakistani nationals who had entered the State for the purpose of fighting and to prevent any intrusion into the State of such elements, any furnishing of material aid to those fighting in the State.

It asked India to put into action a plan in consultation with the Commission for withdrawing their own forces from J&K and reducing them progressively to minimum strength required for the support of civil power in the maintenance of law and order. It also stipulated holding of a plebiscite, and appointment of a plebiscite administrator.

The fourth resolution just directed the Commission to proceed without delay to the disputed area.

The fifth resolution appointed Admiral Nimitz as the Plebiscite Administrator and called on two countries to carry out demilitarization. It also appointed a UN Representative (Sir Owen Dixon).

The sixth resolution dealt with Sir Owen Dixon's report, appointed a successor representative to Sir Owen Dixon.

The Seventh resolution took note of the report of UN representative Dr Frank Graham and instructed him to continue his efforts to obtain agreement of the parties on a plan for effecting demilitarisation.

The Eighth resolution received the third and fourth reports of the UN representative and urged the two Governments to carry out demilitarisation-Pakistan to reduce its troops to a number between

3000 to 6000 on its side and India to a figure between 12000 to 18000.

The Ninth resolution declared that convening a Constituent Assembly by the National Conference in J & K would not constitute a disposition of the State in accordance with the principles in earlier UN resolutions.

The tenth resolution requested the President of the Security Council, Mr. Gunnar Jarring to visit the subcontinent and examine with India and Pakistan proposals likely to contribute towards the settlement of the dispute.

The eleventh resolution of the Security Council received the report of Mr Gunnar Jarring, requested the Governments of India and Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation. It also asked Dr Frank Graham to make further recommendations with a view to making progress toward the implementation of the resolutions of the UNCIP (United Nations Commission for India and Pakistan) of 13 August, 1948 and 5th January, 1949.

On 22 December 1971 the Security Council referred to the ceasefire line in Kashmir while adopting a resolution on ceasefire following the Bangladesh liberation war.

It could be seen from the above analysis the central emphasis of the UN resolutions are on the two resolutions of the UNCIP of 13 August, 1948 and 5th January, 1949. Before we analyse those recommendations in detail Pakistan's record in observance of the UN resolutions deserves to be noted.

The third resolution dated 21 April, 1948 asked Pakistan to secure withdrawal of tribesmen and Pakistani nationals who had entered the State for fighting. Pakistan admitted when the UNCIP arrived there on 4th August, 1948 that its regular troops had been operating in Kashmir from May onwards. Pakistan did not inform the UN between May and August about its induction of troops.

The eleventh and last resolution specifically addressed to the Kashmir issue was the one passed on 2nd December, 1957 which specifically enjoined India and Pakistan to refrain from doing or causing to be done or permitting any acts which might aggravate the situation. "Operation Gibraltar" of August 1965 was a flagrant violation of this UN resolution. It is a pertinent question whether a party which flagrantly violated the last of the Security Council resolution on Kashmir has any moral or legal right to talk of other party having to implement provisions of UN resolutions passed earlier which have in any case not been accepted by that party as binding upon it.

IV

The Resolutions of UNCIP

The two resolutions of UNCIP; of 13th August 1948 and 5th January 1949 are in Annexure III.

Part II A-1 stated that since the presence of Pakistani troops in the territory of J & K constituted a material change in the situation since it was represented by the Government of Pakistan, that Government agreed to withdraw its troops from the State. This provision was not altered by the UNCIP resolution of 5th January, 1949. This was tinkered with in subsequent proposals of General McNaughton who introduced concepts of "progressive reduction of armed forces on either side of the cease fire line, disbandment of local forces including on one side the armed forces and militia of the State of Kashmir and on the other the Azad Forces, and Northern area should be subject to UN supervision and continued under local authorities". In other words the earlier recommendations of UNCIP were sought to be diluted by the resolution of 14 March 1950. However even that resolution did envisage modifications of McNaughton principles as may be mutually agreed. India abstained from voting on this resolution.

The last of the Security Council resolutions of 2nd December, 1957 clearly recognised that the two resolutions of the UNCIP (13th August, 1948 and 5th January, 1949) had been accepted by both India and Pakistan. The Party that has failed to implement the very first step of the process leading to plebiscite which was to be conducted only after implementation of Parts I & II of the UNCIP's resolution of 13th August, 1948 when peaceful conditions had been restored to the State, is Pakistan. That process has been blocked by Pakistan for the last forty two years.

It is in this context the observation of Mr Gunnar Jarring in his report that led to the last resolution on Kashmir by the Security Council on 2nd December, 1957 is of great relevance. He recorded, "In dealing with the problem under discussion as extensively as I have during the period just ended, I could not fail to take note of the concern expressed in connection with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing patterns of power relations in West and South Asia". "The council will, furthermore, be aware of the fact that implementation of international agreements of an ad hoc character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to

change". While this observation was very valid in 1957 it has gained in further validity after a lapse of another three decades.

V

India's response to UN mediation

In the Security Council meeting of January 1957 Foreign Minister of Pakistan Mr Feroz Khan Noon charged India of having rejected the various proposals made for the demilitarization of the State as a prelude to holding the plebescite. Mr Krishna Menon gave a detailed item-wise reply :

Charge 1 Pakistan offered a plan for withdrawal of forces to the UN Commission but India refused.

Answer India did not agree with the premises on which Pakistani plans were based. India wanted that a basis for agreement on the premises should be reached before it could submit a comprehensive plan. The UN Commission had already rejected the principles on which Pakistan's plan was based.

Charge 2 It was proposed that differences arising from the interpretations of two resolutions on troop withdrawals by India should be submitted to arbitration of Admiral Nimitz. This was endorsed by President Truman and Prime Minister Attlee. India rejected the proposal.

Answer The arbitrator in this case was to have the authority not only to arbitrate on the issue given to him but also, if necessary, to determine the points on which he should arbitrate. Mr Menon challenged the representatives of UN Security Council to show him one instance in the whole law of arbitration where the arbitrator was asked to say what he was going to arbitrate on. (In this meeting the Colombian delegate revealed that in UNCIP Colombia had urged for a "neutral" Plebiscite Administrator as that was the only way to induce India to abide by the offer which had been obtained with difficulty. Other delegates had explicit instructions to press for an American citizen. Dr Urrutia, the Colombian delegate added "If at that time we had accepted the Plebescite administrator proposed by India, the President of the International Red Cross, the plebescite would already have been held (S.C. O.R. 768 meeting 1957).

Charge 3 India rejected General McNaughton's proposals and Pakistan accepted them.

Answer General McNaughton's proposals tried to equate Jammu and Kashmir Government with "Azad Kashmir" a recognition which even Pakistan Government had not extended to it at that stage.

Charge 4 Pakistan accepted Sir Owen Dixon's proposals. India rejected them.

Answer While India did not accept Sir Owen Dixon's equation of J & K Government with 'Azad Kashmir' as though it were a *dejure* Government India was prepared to examine his proposal for compartmental plebiscite. Pakistan rejected the proposal.

Charges 5,6 and 7 The Commonwealth Prime Ministers proposed in January 1951, that Australian and New Zealand troops should replace the troops of two parties to conduct an impartial plebiscite. They also proposed as an alternative that a joint India-Pakistan Force should operate in J & K. A third proposal was that the Plebiscite Administrator should raise substitute troops locally. All these proposals were accepted by Pakistan but rejected by India.

Answer India did not approve of the issue being discussed in any forum other than the Security Council. However the notes kept of the Prime Ministers' conference by Prime Minister Nehru showed that while he drew attention to Sir Owen Dixon's compartmental plebiscite proposal that was rejected by Mr Liaquat Ali Khan. The Indian Prime Minister drew attention to the dangers of bringing in religion into politics during plebiscite and the Australian Prime Minister agreed with them. Both Australian and the British Prime Ministers agreed that while matters connected with plebiscite could be dealt with by the Plebiscite Administrator there was no need to push aside or suspend the State Administration. The Indian Prime Minister pointed out that was what Pakistan was pressing for.

Charges 8 and 9 In March 1951, Ambassador Muniz of Brazil, the President of and the Security Council in a resolution proposed arbitration in regard to interpretation of two UNCIP resolutions. Pakistan accepted and India rejected them.

Answer These proposals were another version of arbitration one dealt with in charge 2.

Charge 10 Dr Frank Graham put forward a number of proposals, each one of these was accepted by Pakistan but rejected by India.

Answer This is incorrect. India accepted some proposals while Pakistan rejected them. Mr Menon illustrated this with two specific instances in regard to criteria for fixing the quantum of military forces on each side of the ceasefire line and in respect of "Azad" forces that could be kept on Pakistan side. In these cases India accepted Dr Graham's proposals; Pakistan did not.

Charge 11 Related to Security Council Resolution of 23 December, 1952 which urged India and Pakistan to enter into negotiation under

the auspices of UN representative about the number of forces on each side at the end of demilitarization. India did not accept the figure suggested -12000 to 18000.

Answer India felt that it should be the judge of what forces were required for security in this large area. India entered into negotiations with Dr Graham on this issue.

It is to be noted after 1957 the Kashmir issue as such did not come up before the Security Council and any specific resolution passed. In 1964 a debate was held at the instance of Pakistan but there was no resolution. When the "Operation Gibraltar" launched by Pakistan escalated the matter came up before the Security Council as part of the overall issue of Indo-Pakistan hostilities though Pakistani raid into Kashmir was the root cause of the escalation.

It was no accident that all personalities nominated by the Security Council except Mr Jarring were all either from the NATO or the ANZUS alliance (General McNaughton from Canada, Admiral Nimitz from the US, Sir Owen Dixon from Australia, and Dr Frank Graham from the US). Their approaches were largely coloured by the British and the American views. Ziegler in his biography of Mountbatten, cites Kingsley Martin's view that the Americans believed that Pakistan was staunchly anti-communist and hence deserved to be supported as against India which was at best ambivalent. From Prof. Venkataramani's book, *American Role in Pakistan 1947-50* it is obvious that from its very birth Pakistan had been attempting to negotiate with the US a support in exchange for bases policy and the US was disappointed with the Indian policy of nonalignment. Subsequently Pakistan entered the CENTO and SEATO alliances and gave US the use of Peshawar Airbase and Badber electronic monitoring station. As early as January 1947, John Foster Dulles commented with reference to the Soviet support to the Indian complaint to the UN on the issue of racial discrimination in South Africa that "in India Soviet communism exercises a strong influence through the interim Government" (*The New York Herald Tribune*, 18 Jan, 1947). In 1952, according to the *Pentagon Papers* the US assessment was that, if the Asian dominoes started falling, Turkey and Pakistan and not India had the capability to resist. (*The Pentagon Papers* New York, Bantam books, p. 27). This was their assessment when India had to deal with the Communist insurgency at home and Soviet and the Chinese communist denunciations of Indian leadership. Philip Ziegler records Winston Churchill's tirade against the Congress Party, the Hindus and Lord Mountbatten who was alleged to be supporting them. Meeting Mountbatten in November

1947, Churchill launched" such a tirade against the Congress and my government as would have seemed quite incredible if his views on the subject were not fairly well known. He said the Muslims were Britain's friends and it was terrible that an Englishman and a cousin of the King should now support Britain's enemies against them. He accused me of having planned and organised the first victory of Hindustan (he refused to call it India) against Pakistan by sending in British trained soldiers, British equipment to crush and oppress the Muslims in Kashmir. His considered advice to Mountbatten was to get out quickly and not involve the king and my country in further backing traitors" (P. 467, *Mountbatten*). Given this kind of bias and ignorance' it is not surprising that US and UK and a United Nations dominated by them bent over backwards to support Pakistan. This made the Indian delegate B.N. Rao to say in anguish "It is incomprehensible to us why pressure should always be brought to bear on India to acquiesce in the wrong and why, for a change, some pressure should not be brought to bear on the other side to acquiesce in the right on the same grounds" (S.C.O.R. 463 meeting, 1950). When Lord Mountbatten attempted to set the facts straight on the Kashmir issue and gave a brief to the visiting junior Minister, Patrick Gordon-Walker, the Commonwealth Secretary, Noel-Baker asked Lord Ismay to warn Mountbatten that this was an improper way for a constitutional Governor General to behave (P450, Ziegler in *Mountbatten*). The British Foreign Secretary, Ernest Bevin, attached importance to Pakistan's role in his strategy of organising "the middle of the Planet" and promoting cordial relations with the Arab States (*Jawaharlal Nehru*, by S. Gopal, Vol. II, p. 33). Thus Kashmir became entangled in the cold war rivalry and the UN failed to discharge its role in condemning the aggressor and reversing the consequences of aggression.

VI

The Negotiations of the sixties

Following the Chinese attack on India in 1962 and the promise of Western military assistance to India, US and UK applied pressure on India to negotiate a settlement with Pakistan on the Kashmir issue. A series of meetings took place between the delegations of the two countries. The Indian delegation was led by Sardar Swaran Singh and the Pakistani delegation by Mr Z.A. Bhutto, then the industries Minister. India at that stage was prepared to make some territorial concession to Pakistan and to adjust the ceasefire line in its favour. A detailed account of the meetings and negotiations has been given by the then

Commonwealth Secretary, Mr Gundevia in his book *Outside the Archives*. The Indian delegation had prepared five alternative maps ranging from a minimum to a maximum concession. The one with the maximum concession was to be as follows: From the Northeast (north of Zojila) to Tithwal the border would run along the Kishenganga river, then southward, cross country over the Kazinag range to the mouth of the Jhelum Gorge just west of Baramula; Southwards from there the line kept west of Gulmarg but gave away the valuable tillages of Poonch, Mendhar and Jhangar. The 'maximum' line conceded to Pakistan some 3500 sq km of territory more than they held under the Cease Fire agreement. (Details are from General D.K. Palit's forthcoming book *War in the Himalay* (manuscript). General Palit was a member of the delegation and as the then Director of Military Operations prepared the maps.). In the discussions at Karachi in February, 1963 Mr Bhutto proceeded to claim the whole of J & K including Jammu, Udhampur, Kishtwar, the valley and Ladakh leaving only a small pocket of a few hundred square miles around Kathua for India.

During the course of these talks the US and UK came up with a joint proposal which would give substantial portion of the Kashmir valley to Pakistan and a soft international boundary between the two halves of a largely self-governing people, in the valley. India did not agree to these proposals. The US and UK also sent a high powered team including US Secretary of State, Dean Rusk, British Defence Secretary Duncan-Sandys and Lord Mountbatten in May, 1963. They made it clear that unless India came to an agreement with Pakistan they could not agree to arms aid because they were not prepared to alienate their ally, Pakistan. This stand was very strange because by that time Pakistan had concluded a border agreement with China ceding it some territory of Jammu and Kashmir. India was able to withstand this pressure, since in any case no worthwhile military aid was forthcoming from the West, especially the US. However the pro-Pakistani stand of US and UK in the years 1962, '63 and '64 perhaps misled Pakistan into assuming it could count on Western support when it unleashed 'Operation Gibraltar' in 1965.

VII

The Tashkent Agreement

The Tashkent Agreement liquidated the military consequences of the 1965 war. The text of the declaration is in annexure IV. Though in the initial years Pakistan tried to propagate that the 1965 war was a victory for it since it frustrated India's attempt to invade Pakistan, over

the years Pakistanis have come to realise the truth, that having started the war, through "Operation Gibraltar" it was Pakistan which lost the war. At Tashkent India was generous and returned all captured territory, including the Haji Pir Pass, the return of which was strongly resisted by the Indian military establishment. The war of 1965 began with 'operation Gibraltar' in Jammu and Kashmir. As already pointed out this was a deliberate violation by Pakistan of all UN Resolutions passed between 1947 and 1957. At the end of the war Pakistan had to subscribe to the Tashkent declaration which stated, "They (President of Pakistan and the Prime Minister of India) considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed and each of the sides set forth its respective position". This is an implied rebuke to the party which initiated the conflict through 'Operation Gibraltar'.

VIII

Simla Agreement and after

Mr Bhutto himself has acknowledged in his death cell testimony that at Simla in 1972 he was able to get back the occupied territory as well as the release of prisoners of war without making any significant concessions. He was right; but he could do it because Mrs Gandhi decided to be generous in order to establish durable peace in the subcontinent. The text of the Simla Agreement is in annexure V.

The spirit of Simla Agreement was to restore and normalise relations between the two countries and the steps had been spelled out in Article III of the Agreement. For reasons not quite clear Mr Bhutto delayed the reestablishment of diplomatic relations between the two countries till 1976 and by July 1977 he himself was overthrown by the military junta. An opportunity to build on Simla Agreement and to develop a structure of durable peace was lost by one of the signatories of the agreement-Mr Bhutto.

At Simla, according to those who participated in the conference, Mr. Bhutto pleaded with Mrs Gandhi to give him time to settle the Kashmir issue bilaterally as per the agreement. He indicated that he would be taking steps gradually to absorb the Pakistan-occupied Kashmir and integrate them into Pakistan and thereafter the line of control could be converted into an international border. Mrs Gandhi agreed.

Unfortunately Mr Bhutto could not carry through with his plan because of domestic compulsions. Till 1973 he was busy framing the first democratic constitution for Pakistan twenty seven years after it came into existence. Then there was an assertion of ethnic identity in Baluchistan which was put down by the Pakistan Army and that took some time. The Baluchistan problem had also a spill-over effect into Iranian Baluchistan and hence there was an involvement of Shah's Iran. There were problems in Sind on the language issue. Though the 1973 Constitution came into effect, the various states and the central government could not settle down to operate under the spirit of the Constitution.

During this period with the hike in oil prices and the consequent financial clout of some of the orthodox Islamic countries Islamic fundamentalism got a boost. It had its impact on Pakistan not only in terms of strengthening the rigid and orthodox religion-oriented parties but even on a person with secular education and conditioning like Mr Bhutto. He introduced prohibition in Pakistan and legislated that Ahmediyas, who believe they are part of muslim community, cannot be considered muslims. Mr Bhutto also decided to ride the Islamic wave. He became the Chairman of the Organisation of Islamic countries and he also decided that the Islamic civilisation should have its nuclear weapon just as the Christians, the Communists, the Jews and the Hindus. Mr Bhutto also expanded Pakistan's armed forces by seventy percent and procured for them one billion dollars worth of arms as gift from China and another billion dollars worth of arms with Arab financial support. In a sense he turned his back on the subcontinent, concentrated on intensifying Pakistan's relations with West Asian Islamic countries. Having himself, as Minister of Atomic Energy, built up the scientific manpower of Pakistan Mr Bhutto presumably felt that with the best brain power available in the Islamic world he could lead it. He also promoted the manpower export to West Asia, especially the military man-power export.

While he neglected to build on Simla Pact, settle the Kashmir issue and improve relations with India, he also kept his relations with India relatively tension free. Kashmir did not become a focus of disputation during the Bhutto period. However, because he encouraged the religious fundamentalism, expanded the Armed Forces and his aspiration to become the leader of the Islamic world provoked the jealousy of other Islamic rulers, according to his own statement, written in his death cell while awaiting execution he was overthrown by the combined force of the Pakistan military and orthodox religious parties supported by money from some Arab countries.

General Zia ul Haq's Islamisation led to greater tensions within the Pakistani polity. The sectarian rivalries within Islam were accentuated. In order to balance the rising assertion of Sindhi identity General Zia encouraged the *Muhajirs* (the emigres from India). It only proved that just as Islam could not bind Bengali muslims and Punjabi muslims it could not help in the process of absorption of urdu speaking muslims of India among the Sindhis in a nation on which urdu, a language of India was imposed as the sole national language. As a reaction to Zia's Islamisation the people of Pakistan voted a woman Prime Minister into office, an extremely rare happening for an Islamic country, one the legitimacy of which is being questioned by the orthodox clergy even now. All that Zia's Islamisation did was to polarise Pakistan, accentuate the cleavages among various religious sects, linguistic and ethnic groups and make Pakistan a more fragile state than it was before.

General Zia's Islamic international policy too had very high costs. The Soviets have withdrawn from Pakistan, the PDPA (Peoples Democratic Party of Afghanistan) Government continues to be in power in Kabul, three million refugees continue to stay in Pakistan, the country has been flooded with Kalashnikov rifles and heroin. The Zia loyalists attempt vainly to claim the Soviet withdrawal was a great victory for them. If so why are the refugees still in Pakistan and why is it there is no "*Mujahideen*" Government on Afghanistan soil? Why is it the US Assistant Secretary Levitsky finds it necessary to warn the so-called *Mujahideen* leaders about their drug trafficking operations and why is narco-power talked about so much in Pakistani Press? One can also contrast the severe penalties imposed on drug traffickers in Iran and the drug barons flaunting their wealth and influence in Pakistan.

During this period when Islamisation was talked about in Pakistan and Islamic fundamentalism was preached by orthodox clergy more muslims were killed by their co-religionists than at any other time in twentieth century. More than half a million were estimated to have been killed in Indonesia during 1965-66. Between one and two million muslims were slaughtered in East Bengal in 1971 by their fellow non-Bengali Pakistani muslims. A million casualties occurred in the war among the Islamic Iran and Islamic Iraq. Hundreds of thousands of Afghan muslims got killed by other muslims. Civil war among different sects continues to rage in Lebanon, Muslim Kurds were slaughtered by their co-religionists. North and South Yemen fought a brief war. More Palestinian muslims have died in the hands of muslims in Jordan, Syria and Lebanon than in those of Israelis. No two Islamic countries could federate or confederate over a period of time. It was tried between Egypt and Syria, Libya and any number of other Islamic countries.

The above analysis would tend to indicate that nationalism, ethnicity, language and even sectarian loyalty are stronger than just common adherence to a religion. In this connection it is worth quoting the findings of a Court of Inquiry appointed in Pakistan following the anti-Ahmediya disturbance in Pakistan in 1953. The court had Mr Justice Mohammad Munir and Mr Justice Kayani as members. The learned judges discussed in depth the issue of Islamic State and the consequences of religious fundamentalism after examining a number of learned *ulemas* including Maulana Maudoodi and Mian Tufail Muhammad. The Judges quoted extensively from *Quaid-e-Azam's* speech to the Constituent Assembly of Pakistan of 11th August 1947. They pointed out that in the speech there were repeated references to the bitterness of the past and an appeal to forget and change the past and to bury the hatchet. The future subject of the State was to be a citizen with equal rights, privileges and obligations, *irrespective of colour, caste, creed or community* (emphasis author's). The word 'nation' was used more than once and *religion was stated to have nothing to do with the business of the State and to be merely a matter of personal faith for the individual.* (emphasis author's).

The judges observed, "According to the *Shiahs* all *Sunnis* are *Kafirs* (non-believers) and *Ahl-i-Quran*, namely persons who consider *Hadith* to be unreliable and therefore not binding are unanimously *Kafirs* and so are all independent thinkers. The net result of this is that neither *Shiahs*, nor *Sunnis* nor *Deobandis* nor *Ahl-i-Hadith* nor *Barelvis* are muslims and any change from one view to the other must be accompanied in an Islamic State with the penalty of death if the Government of the State is in the hands of the party which considers the other party to be *Kafirs*. And it does not require much imagination to judge of the consequence of this doctrine when it is remembered that *no two ulama have agreed before us as to the definition of a Muslim* (emphasis author's). If the constituents of each of the definitions given by the *Ulama* are given effect to and subjected to the rule of 'combination and permutation' and the form of charge in the Inquisition's sentence on Galileo is adopted *mutatis mutandis* as a model, the grounds on which a person may be indicted for apostasy will be too numerous to count."

The judges went on to observe, "After propounding the theological doctrine the Maulana (Maulana Shabbir Ahmad Usmani who later became *Sheikh-ul-Islami Pakistan*) had made in the document (a pamphlet produced by him) a statement of fact that in the time of Caliph Siddiq-e-Akbar and the subsequent Caliphs vast areas of Arabia became repeatedly red with the blood of apostates".

The judges explain the perception underlying this approach, "The Phantom of an Islamic State has haunted the Musalman throughout the ages and is a result of the memory of the glorious past when Islam rising like a storm from the least expected part of the world-wilds of Arabia—instantly enveloped the world, pulling down from their high pedestal gods who had ruled over man since the creation, uprooting centuries old institutions and superstitions and supplanting all civilisations that had been built on an enslaved humanity. What is 125 years in human history, nay in the history of a people, and yet during this brief period Islam spread from the Indus to the Atlantic and Spain, and from the borders of China to Egypt, and the sons of the desert installed themselves in all old centres of civilisation—in Ctesiphon, Damascus, Alexandria, India and all places associated with the names of the Sumerian and the Assyrian civilisation. Historians have often posed the question: what would have been the state of the world today if Muawiya's siege of Constantinople had succeeded or if the proverbial Arab instinct for plunder had not suddenly seized the *mujahids* of Abdur Rahman in their fight against Charles Martel on the plains of Tours in Southern France. Maybe Muslims would have discovered America long before Columbus did and the entire world would have been Moslemised; maybe Islam itself would have been Europeanised. It is the achievement of the Arabian nomads, the like of which the world had never seen before, that makes the Musalman of today live in the past and yearn for the return of the glory that was Islam. He finds himself standing on the crossroads, wrapped in the mantle of the past and with the dead weight of centuries on his back, frustrated and bewildered and hesitant to turn one corner or the other. The freshness and the simplicity of the faith, which gave determination to its mind and spring to his muscle, is now denied to him. He has neither the means nor the ability to conquer and there are no countries to conquer. Little does he understand that the force, which are pitted against him, are entirely different from those against which early Islam had to fight, and that on the clues given by his own ancestors human mind has achieved results which he cannot understand. He therefore finds himself in a state of helplessness, waiting for some one to come and help him out of his morass of uncertainty and confusion. And he will go on waiting like this without anything happening. Nothing but a bold re-orientation of Islam to separate the vital from the lifeless can preserve it as a World Idea and convert the Musalman into a citizen of the present and the future world from the archaic incongruity that he is today."

"It is this lack of bold and clear thinking, the inability to understand

and take decisions which has brought about in Pakistan a confusion which will persist and repeatedly create situations of the kind we have been inquiring into until our leaders have a clear conception of the goal and of the means to reach it. It requires no imagination to realise that irreconcilables remain irreconcilable even if you believe or wish to the contrary. Opposing principles, if left to themselves, can only produce confusion and disorder, and the application of a neutralising agency to them can only produce a dead result. And as long as we rely on the hammer when a file is needed and press Islam into service to solve situations it was never intended to solve, frustration and the disappointment must dog our steps. The sublime faith called Islam will live even if our leaders are not there to enforce it. It lives in the individual, in his soul and outlook, in all his relations with God and men, from the cradle to the grave, and our politicians should understand that if Divine commands cannot make or keep a man a Musalman, their statutes will not."

The above report clearly brings out the confusion in the minds of Pakistani rulers, which led them into the adventurisms of 1947, 1965, 1971 and the present one in respect of Kashmir, which resulted in declaring Ahmediyas a nonmuslim minority and which makes them neglect all principles on which a modern state has to be built—the principles enunciated by the founder of Pakistan in his speech of 11th August 1947.

IX

Pakistani claim to Kashmir

Pakistan's claim to Kashmir is not based on the Indian Independence Act of 1947, nor on the legal stand Mr Jinnah and his colleagues took on the issue of lapse of paramountcy. It is not based on ethnic or linguistic affinity. The only ground advanced is the population of the Kashmir Valley is muslim. Kashmiris are ethnically and linguistically separate from the various population groups in Pakistan. Their history too is separate and it can be linked up with the history of the territories of Pakistan only through a Delhi centred history or a Lahore centred one under the Sikhs.

The *Mujahirs* in Pakistan are larger in number than Kashmiri muslims and have much closer affinity and even blood ties with millions of muslims of India. Would it be rational under those circumstances for the Indian muslims to lay claim to the areas in Pakistan where *Mujahirs* constitute a majority today? There are more muslims in India than there is population in Pakistan and will that

justify the Indian muslim community, backed by other Indians to demand that Pakistan should be merged with India? The Punjab dominated Pakistan Army was not prepared to accept the majority rule of Bengali muslims and allow Sheikh Mujibur Rahman to become the Prime Minister of Pakistan. Mr Bhutto also did not permit it. Nor have the Pakistanis accepted the stranded muslim Biharis in Bangladesh who were erstwhile citizens of Pakistan. The Pathans from Afghanistan are ethnically, and linguistically closer to the Pakistanis than the Kashmiris. Will it then make sense to say that the refugees from Afghanistan need not go back since they are kith and kin of Pakistani Pathans. Even the simplistic argument used by Pakistanis that India was divided in 1947 on religious basis and hence Kashmir should go to them has no legal or rational basis. First the Indian Independence Act and Jinnah's address to Pakistani Constituent Assembly of 11th August 1947 make no mention of division on the basis of two nation theory. Secondly if that theory had been accepted there was no need to hold a referendum in the North West Frontier Province with its overwhelming muslim majority. Most importantly both the British Government and Mr Jinnah argued that the division into two dominions applied only to the British India and not the Indian States which according to Mr Jinnah, as quoted earlier were sovereign and the Princes were free to accede to either dominion or stay sovereign. Further Mr Jinnah in total contradiction of the two nation theory attempted to entice Jodhpur and Jaisalmer into Pakistan and failed. Lastly the Muslims of the subcontinent today are spread over three countries, Bangladesh, India and Pakistan and whatever argument were advanced by Mr Zafarullah Khan in late forties and early fifties have lost all their relevance today—not that they had much relevance even then.

Pakistani elite is attempting to wage a war against their own history and no country which does that can have peace with itself. Mr Bhutto and lately Ms Bhutto talk of thousand years of war. With whom did they have such a war? Their own ancestors, who were Hindus, against their own glorious culture, heritage and tradition? The history of people of Pakistan and the culture and civilisation of Pakistan did not begin with the arrival of Mohammed Bin Qasim in Sind. Acknowledgement of their ancient civilisational heritage including the Vedic period, the Buddhist period and that of Mohenjadoro and Harappa is essential if Pakistan is to survive as a united nation. Their obsessive emphasis on religion alone will lead to the kind of disastrous consequences highlighted by Justices Munir and Kayani. *Islamic Ummah* is like Christendom and is not and will never be a political community.

Intra-religious sectarian violence will be inevitable so long as a sense of tolerance and spirit of secularism does not prevail.

X

Pakistani perception about changes in East Europe

Many influential Pakistanis appear to derive satisfaction from the wave of democratic reform sweeping over Eastern Europe and the Soviet Union and the Soviet withdrawal from Afghanistan. They argue that this was a defeat for atheistic communism and the Soviet withdrawal a victory for the orthodox *Mujahideen*. Some leaders go as far as to see an analogy between the Eastern European situation and Kashmir. Once again one sees a pathetic self-delusion based on total misreading of the historic realities just as happened in 1947 (when they dreamt of Balkanising India by asserting the right of Princely states to stay out of both dominions) or in 1965 (when Field Marshal Ayub Khan and Mr Bhutto envisaged an easy victory). What is happening in Eastern Europe is the triumph of pluralism over rigid, stifling, ideological orthodoxy. When that wave spreads rigid religious orthodoxy will be swept away and replaced by pluralism and secularism. In Europe, nationalism has triumphed over ideological universal dogma. Similarly elsewhere in the world similar universalist dogmas, both ideological and religious are bound to be overwhelmed. More the essence of the spirit of Islam is neglected and rigid, orthodox dogmatism is emphasised it is bound to result in a backlash effect, as pointed out by Justices Munir and Kayani and fragmentation of orthodox and dogmatic clergy-dominated Islamic states into components asserting their sectarian, nationalist and linguistic identities. This is the lesson of Eastern Europe which sections of Pakistani elite overlook.

India can deal with the Kashmir problem in its internal dimensions as it dealt with similar problems in Tamil Nadu, Nagaland, Mizoram and earlier in Kashmir. As demonstrated in Punjab the externally supported terrorist campaign cannot overthrow the Indian state. Nowhere in the world a campaign of terrorism has succeeded in overthrowing a state. The problem facing the Indian security planners is not Kashmiri secession. The Pakistani military and sections of political leadership are taking Pakistan towards the edge of precipice with their Afghan policy, the Kashmir policy, permissiveness in regard to drugs, their religious orthodoxy leading to sectarian tensions and their politics resulting in subnationalist tensions among *Mujahirs*, Pathans and Sindhis.

The US is threatening action against drug traffickers. The PDPA's efforts at national reconciliation appear likely to yield at least some modest results. With such enormous failures both on the external and internal fronts looming large the issue that ought to worry the Indian decision makers, who see a vital stake in a stable, strong, viable and democratic Pakistan is the internal collapse of this regime under such stresses and a Rumanian type of wave sweeping over Pakistan.

Pakistanis are puzzled and angry at Yasser Arafat not supporting them. But they do not seem to have grasped the basic fact that the Palestinian cause was about different communities living amicably in a secular state. The two nation theory was espoused by the Zionists and the Pakistanis were only putting forth a thesis, with much less justification, analogous to that which led to the foundation of Israel. The Jews were separate people tracing their origin over several millenia. Jews rarely proselytise. According to the Pakistani two nation theory advocates a person by changing religion acquires a new national identity. In that sense the Pakistani two nation theory position is more extremist than the Zionist one.

Most of Islamic states have vulnerabilities in regard to assertion of separate identities of their minorities. Lebanon is witnessing a sectarian civil war. Iraq has its Kurds problem and Shiah-Sunni issue. The Ahlawis in Syria, though in power are in a minority and a few years ago the sectarian problem led to massive use of force against certain areas. Saudi Arabia has on one side Wahabi-Shiah division and on the other a significant Yemeni minority population. Iran has Azeris, Tajiks, Baluchis, Arabs and Kurds as minorities. The Gulf emirates have all Shiah-Sunni divisions. Afghanistan has Dari population, Pashtuns and Tajiks. None of these states can encourage a minority secessionism without its recoiling on themselves. The Soviet Union and China have muslim minority regions. They cannot afford to support any separatism based on religious grounds.

Within the subcontinent Sri Lanka and Bangladesh have Eelam and Chakma problems arising out of minorities professing different religions. Nepal has its Terai population as a minority and is now in a state of turbulence. The Pakistani ruling elite does not appear to understand the basic realities of the modern day international system. In the present international system application of self-determination is limited to colonial territories and to areas forcibly occupied such as Namibia and Western Sahara. The case of Baltic States are marginal cases since they had a brief independent existence between the two world wars. Kashmir has not been a sovereign state for last several centuries. Its accession to India was on the basis of principles laid down

by Mr Jinnah and the British. While the cold war rivalry lasted, the US need for bases in Pakistan and the then British establishment's objective to Balkanise India helped Pakistan in pursuing its untenable case in the UN in the forties and fifties. Today the situation has completely changed. No major power of the world is interested in the Kashmir issue. The cold war is over. The new generation British politicians and bureaucracy have no interest in Balkanising India.

The international system does not easily permit secession and breakup of nations. Biafra could not break away from Nigeria, nor Azerbaijan from Iran, nor Katanga from Zaire, nor Timor from Indonesia, nor Eritrea from Ethiopia. The Turkish Cypriot separatism is not internationally recognised, nor Tibetan aspiration for sovereignty is strongly supported though there is a lot of sympathy for the Tibetans. Of all nations of the world the most fragile one is Pakistan itself. The Pakistani elite is playing with fire as they did in 1971, this time with far greater risks to themselves.

XI

The Siachen issue

The kind of self-delusions which Pakistanis can entertain, and their tendency to flout international agreements taking uncalculated risks are exemplified by the Siachen issue. The Agreement between the military representatives of India and Pakistan regarding the establishment of cease fire line in the State of Jammu and Kashmir signed at Karachi on 27 July, 1949 is in annexure VI. The Article B(2) (d) of the Agreement makes it clear the cease fire line will follow the line of Chorbat La (Point 15700), Chalunka (on the Shyok river), Khor, thence *north to the Glaciers*. The line of control in J&K following the 1971 war was finalised between Lt. Gen. P.S. Bhagat of India and Lt. Gen. Abdul Hamid Khan of Pakistan at Suchetgarh on December 11, 1972. An account of the statement made by the Indian External Affairs Minister, Sardar Swaran Singh, in the Lok Sabha on December 12, 1972 and the delineation of the new line of control set out therein are in Annexure VII. Clause D therein states that from Chorbatia the line of control runs north eastwards to Thang (inclusive to India) and then *eastwards joining the glaciers*. The plural is of significance.

As early as August 1948 the issue of jurisdiction over the northern and unoccupied territory had been subject matter of correspondence between Prime Minister Nehru and Mr Josef Korbel, the chairman of the UNCIP. Both India and Pakistan claimed the entire State of Jammu & Kashmir and according to the instrument of accession the entire

territory acceded to India. Mr Korbel in his letter confirmed that the territory evacuated by the Pakistani forces and the tribals under their control would revert to the jurisdiction of the State Administration. By implication it is obvious that unpopulated and unoccupied territory continues to be under the control of J&K Government and hence part of India. In 1963 during the China-Pakistan boundary agreement, the Chinese had not accepted unreservedly the Pakistani jurisdiction over the area. They left it to be settled in the light of final sovereignty to be decided between India and Pakistan.

Yet Pakistan claims that the line of control is a straightline from Point NJ 9842 to the Karakoram Pass which is quite a distance to the east of the glaciers. The two Agreements signed between India and Pakistan leave one in no doubt as to the alignment of the line of control. When Pakistan attempted to lay claim to the area which clearly according to the agreements signed by that country with India lies on the Indian side of the ceasefire line and was uninhabited territory belonging to J&K state, India was left with no option but to enforce its claim by deploying forces in the area.

There have been discussions between the Defence Secretaries of the two countries on the issue of demilitarisation of the area and defusing of tension. The Indian stand is logically that an understanding on the demarcation of the line of control should precede withdrawal of forces. Pakistan, on the other hand, is apparently not willing to put forward a demarcation line. This continued refusal to abide by the spirit of the Simla Agreement cannot but have its adverse impact on the credibility of Pakistan's commitment to the Pact and to the prospect of achieving a final settlement of the Kashmir issue peacefully as envisaged in the agreement.

XII

Kashmir issue today

There is no denying that in Kashmir valley certain serious political problems have arisen a result of various acts of omission and commission over a period of time and the responsibility for it has to be shared by the Central and State Administrations and various political parties. This is an internal problem for India as much as the tensions between the *Muhajirs* and others are in Pakistan. India has greater justification to take interest in the plight of *Muhajirs* who share blood relationship with millions of families in this country than Pakistan has in respect of the population of Kashmir Valley who are ethnically, culturally, linguistically, and in terms of historical memories have no relationship

with the constituent populations in Pakistan.

There is plenty of evidence of Pakistani meddling in the affairs of Kashmir. Annexure VIII gives the text of a speech which General Zia is reported to have made in April 1988. This was published in the *Indian Defence Review* of July 1989 long before the present turbulence in Kashmir began. The speech gives in advance a detailed plan of all the steps unleashed by the Pakistani introduced subversives into Kashmir. This Operation is a very sophisticated refinement of 'Operation Gibraltar' of 1965. The Government of India have given details of training camps for both Khalistani and J&K Liberation Front terrorists and statements from captured terrorists. (Annexure IX). The Pakistani reaction as is to be expected, was a repetition of their behaviour pattern of 1947-48 and 1965 namely to brazenly deny their involvement. The present denials of Pakistan Government have as much credibility as theirs on the previous two occasions which have been proved to be totally false.

The JKLF leader Amanullah Khan operates from Pakistan and was openly issuing instructions during the terrorist operation involving the kidnapping of Dr Rubiya Saeed, the daughter of the Indian Home Minister. He continues to threaten to raise and send commandos into Kashmir. If India were to go by the norms adopted by the US and supported by Western European countries India has every right to retaliate against the bases of terrorism and the country that sponsors the terrorism. Pakistani Prime Minister, and the Punjab Chief Minister are vying with each other in raising funds to support the terrorists who have perpetrated the murders of T.V. Station Director Mr Lassa Kaul, the former MLA Mir Mustapha, the Vice Chancellor of Kashmir University and the General Manager of the Hindustan Machine Tools. India has dealt with Naxalite and Khalistani terrorism and Naga and Mizo insurgencies. As a democratic country India keeps the door open for negotiations with dissidents even while using the security forces to contain violence. Kashmir is not an unmanageable problem for India.

There is no doubt that in Pakistan presently the highly charged internal political dynamics and the elections to be held in Pak-occupied Kashmir have been responsible to a large extent for the competitive support to Kashmir terrorism from different parties. Unfortunately the political instability in Pakistan is not a transient but a perennial problem and Kashmir is one of the issues on which each party is attempting one upmanship vis-a-vis its rivals. More dangerous is the involvement of the Army—especially the Inter Service Intelligence which has a notorious record for wrong and risky assessments leading Pakistan to disaster. It was the ISI which predicted to General Yahya

Khan that the 1970 elections would result in a 'hung national Assembly' which the Army could continue to manipulate. The ISI expected President Najibullah to fall in days after the Soviet withdrawal and was behind the disastrous assault on Jalalabad. The ISI masterminded General Tanai's defection and the abortive coup. The Pakistani intervention in Kashmir has all the fingerprints of the ISI and General Zia in his address of April 1988 talked of taking on Kashmir after his successful Afghan adventure. Pakistan has not succeeded in Afghanistan and is not going to in Kashmir.

The motivations underlying the Pakistani 'adventurism' are exceedingly complex and difficult to analyse. The late Prime Minister Bhutto, in his death cell testimony (Pp. 120-124 *If I am Assassinated*) has quoted General Ayub Khan's repeated claims to successive German leaders that Pakistan has the same traditions as Prussia. Mr Bhutto quoted the German saying "Prussia is an army with a country and not a country with an army." He pointed out that like Prussia, Pakistan had either (i) to expand or (ii) to reduce the Army (iii) or collapse under the weight of the large standing Army. Upto 1977 in the first three decades of its existence according to Mr Bhutto Pakistan had (a) two attempted military coup d'etats (b) two quasi-military coup d'etats and (c) three full fledged military coup d'etats.

Though Pakistan has an elected democratic Government it is a highly constrained one. During the recent military exercise '*Zarb-i-Momin*' with its religiously significant code name—"the Blow of the believer" General Beg described the military capability as a gift of the Army to the nation confirming the Bhutto comparison of Pakistan with Prussia as being an Army with a country. No professional soldier will talk in such patronising way of the Army making a gift to the nation and the political will having to match the military will (*Muslim* Dec 11, 1989, *Muslim* 25 Dec 1989, *Nation* Dec 19, 1989). The Pakistani Army Chief has also been talking of offensive-defence doctrine and repeatedly drawn attention to his perception that with the Soviet withdrawal from Afghanistan Pakistan does not face two fronts.

The militarism of Pakistan which has so far never scored a major success but was frustrated on three occasions (1947-48, 1965 and 1971) is a danger to peace in the region not only in the sense of its expansionist tendencies. Within Pakistan itself because of the Army having ruled the country for 24 out of 42 years of independent existence of Pakistan and having been the power behind the throne for a longer period there are acute tensions between the Army and civilian political parties. Some intellectuals in Pakistan are of the view that both in 1965 and 1971 Mr Bhutto encouraged the Army in its adventurism in the hope that it

that it would get defeated and in the process humiliated and the civilian politicians would be able to assert their authority. Following the 1965 war, initiated by Pakistan through 'Operation Gibraltar' and its getting frustrated, Mr Bhutto campaigned successfully against the Army general Ayub Khan by founding the Pakistan Peoples' Party. In 1971 following the surrender of Pakistan Army Mr Bhutto gained power. Some Pakistanis believe that one of the underlying reasons for Mr Bhutto going for nuclear weapons was his aim to cut down the Army under the cover of nuclear deterrence. The Army leadership forestalled him by overthrowing him. There are sections among Pakistani political elite who have a vested interest in instigating a war between Pakistan and India to ensure that Pakistani Army is defeated once for all and its role in politics totally eliminated. India has no intention to pull the chestnuts out of fire for the benefit of some sections of Pakistani politicians.

The present Kashmir problem is not and should not be an issue between India and Pakistan. Unfortunately given the unstable nature of Pakistani polity the politicians of various hues and the military in Pakistan are attempting to fish in the troubled waters of Kashmir, after having significantly contributed to making it so, in their internal struggle for power. It is to be earnestly hoped that they understand the limits of the Pakistani mischief India would tolerate. Pakistan cannot damage Indian integrity or unity without its splintering into Sind, Punjab, Baluchistan, Pashtunistan and other component parts. This is not because India wants to do it but any encouragement to Kashmiri secessionism will have such a backlash effect on Pakistan. The history of last three wars is before them. India does not want war. India considers a stable, strong, and united Pakistan is in its vital national interest as the Indian Foreign Minister proclaimed in his address to the Karachi Institute of International Affairs in 1981—a sentiment Pakistan is loath to reciprocate. If however Indian integrity is threatened India will do everything necessary to safeguard it. Let not Pakistan make a fourth disastrous mistake.

**Resolutions of the Security Council on the
India-Pakistan Question, 17 January 1948
to 2nd December 1957**

1. 38 (1948). RESOLUTION OF 17 JANUARY 1948 (S/651)

The Security Council,

Having heard statements on the situation in Kashmir from representatives of the Governments of India and Pakistan,

Recognising the urgency of the situation,

Taking note of the telegram addressed on 6 January 1948 by its President to each of the parties¹ and of their replies thereto,² in which they affirmed their intention to conform to the Charter of the United Nations,

1. Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

2. Further requests each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon.

Adopted at the 229th meeting by 9 votes
to none, with 2 abstentions
(Ukrainian Soviet Socialist Republic,
Union of Soviet Socialist Republic).

17 January 1948

**2. RESOLUTION 39 ADOPTED BY THE SECURITY COUNCIL
AT ITS 230TH MEETING, 20 JANUARY 1948 (S/654)**

(Original text: English)

The Security Council,

Considering that it may investigate any dispute or any situation

1. RDSC, 1948, p. 1.

1. See Official Records of the Security Council, Third Year, Nos 1-15, 226th meeting, pp. 4-5 (Document S/636).

2. Ibid., Third Year, Supplement for January, February and March 1948, Documents S/639 and S/640.

which might by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency,

Adopts the following resolution:

A. A Commission of the Security Council is hereby established, composed of representatives of three Members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected.

Each representative on the Commission shall be entitled to select his alternates and assistants.

B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the direction it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

C. The Commission is invested with a dual function:

(1) To investigate the facts pursuant to Article 34 of the Charter;

(2) To exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties; to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council, have been carried out.

D. The Commission shall perform the functions described in Clause C:

(1) In regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948; and

(2) In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.

E. The Commission shall take its decision by majority vote. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realisation of its mission and the reaching of its conclusions.

2. SCORS, 1948, Supplement for November 1948, pp. 64-5. 39 Draft resolution submitted by the representative of Belgium.

F. The Commission, its members, alternate members, their assistants and its personnel shall be entitled to journey, separately or together, wherever the necessities of their tasks may require, and, in particular, within those territories which are the theatre of the events of which the Security Council is seized.

G. The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may consider necessary.

20 January 1948

3. 47 (1948). RESOLUTION OF 21 APRIL 1948 (S/726)

The Security Council,

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir,

Having heard the representative of India in support of that complaint and the reply and counter-complaints of the representative of Pakistan,

Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger international peace and security.

Reaffirms its resolution 38 (1948) of 17 January 1948;

Resolves that the membership of the Commission established by its resolution 39 (1948) of 20 January 1948 shall be increased to five and shall include, in addition to the membership mentioned in that resolution, representatives of...and..., and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian subcontinent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to

facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of plebiscite, by the two Governments, acting in cooperation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution; and, to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan:

A. Restoration of peace and order

1. The Government of Pakistan should undertake to use its best endeavours:

(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. *The Government of India should:*

(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

(c) When the Indian forces have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

(i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;

(ii) That as small a number as possible should be retained in forward areas;

(iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2 (a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilised for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B. Plebiscite

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the ministerial level while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should, at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its

functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

(e) The Administrator should have the right to communicate directly with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representative with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the plebiscite.

11. The Government of India should undertake to prevent, and to give full support to the Administrator and his staff in preventing, any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views, and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:

(a) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;

(b) There is no victimisation;

(c) Minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C. General provisions

16. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the task assigned to it herein.

Adopted at the 286th meeting.¹

The five members of the United Nations Commission for India and Pakistan were: Czechoslovakia (nominated by India on 10 February 1948); Belgium and Colombia (appointed by the Council on 23 April 1948. Argentina (nominated by Pakistan on 30 April 1948); United States of America (designated by the President of the Council on 7 May 1948, in the absence of agreement between Argentina and Czechoslovakia on the member to be designated by them).

1. The draft resolution was voted on paragraph by paragraph. No vote was taken on the text as a whole.

21 April 1948

4. 51 (1948), RESOLUTION OF 3 JUNE 1948 (S/819).

The Security Council

1. Reaffirms its resolutions 38 (1948) of 17 January, 39 (1948) of 20 January and 47 (1948) of 21 April 1948;

2. Directs the United Nations Commission for India and Pakistan to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by resolution 47 (1948) :

3. Directs the Commission further to study and report to the Security Council when it considers it appropriate on the matters raised in the letter of the Foreign Minister of Pakistan, dated 15 January 1948,¹ in the order outlined in paragraph D of Council resolution 39 (1948).

Adopted at the 312th meeting by 8 votes to none, with 3 abstentions (China, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

3 June 1948

5. 80 (1950), RESOLUTION OF 14 MARCH 1950 (S/1469)

The Security Council,

Having received and noted the reports² of the United Nations Commissions for India and Pakistan established by its resolutions 39 (1948) of 20 January and 47 (1948) of 21 April 1948,

Having also received and noted the report of General A.G.L. McNaughton³ on the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949,⁴

Commending the Governments of India and Pakistan for their

4. RDSC, 1948, pp. 8-9.

1. See Official Records of the Security Council, Third Year, Supplement for November 1948, Document S/1100, annex 6.

5. RDSC, 1950, pp. 1-3.

2. Official Records of the Security Council, Third Year, Supplement for November 1948, Document S/1100; *ibid.*, Fourth Year, Supplement for January 1949, Document S/1196; and *ibid.*, Fourth Year, Special Supplement No. 7.

3. *Ibid.*, Fifth Year, Supplement for 1 January through 31 May 1950, Document S/1453.

4. *Ibid.*, Fourth Year, Resolutions and Decisions of the Security Council, 1949, p. 7.

statesmanlike action in reaching the agreements embodied in the United Nations Commission's resolution of 13 August 1984¹ and 5 January 1949² for a cease-fire, for the demilitarisation of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and commending the parties in particular for their action in partially implementing these resolutions by (1) the cessation of hostilities effected 1 January 1949, (2) the establishment of a cease-fire line on 27 July 1949, and (3) the agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator,

Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarisation of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,

1. Calls upon the Governments of India and Pakistan to make immediate arrangements, without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarisation on the basis of the principles of paragraph 2 of General McNaughton's proposal³ or of such modifications of those principles as may be mutually agreed;

2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate:

(a) To assist in the preparation and to supervise the implementation of the programme of demilitarisation referred to above and to interpret the agreements reached by the parties for demilitarisation;

(b) To place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between two Governments in regard to the State of Jammu and Kashmir;

(c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission for India and Pakistan by reason

1. *Ibid.*, Third Year, Supplement for November 1948, Document S/1100, para. 75.

2. *Ibid.*, Fourth Year, Supplement for January 1949, Document S/1196, para 15.

3. *Ibid.*, Fifth Year, Supplement for 1 January through 31 May 1950, Document S/1453, p. 14.

of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948¹ and 5 January 1949;²

(d) To arrange at the appropriate stage of demilitarisation for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties;

(e) To report to the Security Council as he may consider necessary, submitting his conclusions and any recommendations which he may desire to make;

3. Requests the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;

4. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A.G.L. McNaughton for their arduous and fruitful labours:

5. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

Adopted at the 470th meeting by 8 votes to none, with 2 abstentions (India, Yugoslavia).³

14 March 1950

6. 91 (1951). RESOLUTION OF 30 MARCH 1951 (S/2017/REV. 1)

The Security Council,

Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan,⁴ on his mission initiated by Security Council resolution 80 (1950) of 14 March 1950,

Observing that the Government of India and Pakistan have accepted the provisions of the United Nations commission for India and Pakistan

1. *Ibid.*, Third Year, Supplement for November 1948, Document S/1100, para. 75.

2. *Ibid.*, Fourth Year, Supplement for January 1949, Document S/1196, para. 15.

3. One member (Union of Soviet Socialist Republics) was absent.

6. RDSC, 1951, pp. 1-4.

4. See Official Records of the Security Council, Fifth Year, Supplement for September through December 1950, Document S/1791 and Add. 1.

resolutions of 13 August 1948¹ and 5 January 1949² and have reaffirmed their desire that the future of the State of 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 27 October 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 affiliations 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 would 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 its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 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,

Affirming 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 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,

Declaring its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security.

Observing from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were:

(a) The procedure for and the extent of demilitarisation of the State preparatory to the holding of a plebiscite, and

(b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite.

1. *Ibid.*, Third Year, Supplement for November 1948, Document S/1100, para. 75.

2. *Ibid.*, Fourth Year, Supplement for January 1949, Document S/1196, para. 15.

1. Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

2. Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

3. Instructs the United Nations Representative to proceed to the subcontinent and, after consultation with the Governments of India and Pakistan, to effect the demilitarisation of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarisation of the State of Jammu and Kashmir;

5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the subcontinent; if, at the time of this report, he has not effected demilitarisation in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarisation, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarisation to be carried out;

6. Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above, such arbitration to be carried out by an arbitrator, or a panel of arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties;

7. Decides that the military observer group shall continue to supervise the cease-fire in the State;

8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

9. Requests the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution.

Adopted at the 539th meeting by 8 votes to none, with 3 abstentions (India, Union of Soviet Socialist Republics, Yugoslavia).

30 March 1951

7. 96 (1951). RESOLUTION OF 10 NOVEMBER 1951 (S/2392)

The Security Council,

Having received and noted the report of Mr Frank Graham, the United Nations Representative for India and Pakistan,¹ on his mission initiated by Security Council resolution 91 (1951) of 30 March 1951, and having heard Mr Graham's address to the Council on 18 October 1951,²

Noting with approval the basis for a programme of demilitarisation which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,³

1. Notes with gratification the declared agreement of the two parties to those parts of Mr Graham's proposals which reaffirm determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations.

2. Instructs the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarisation of the State of Jammu and Kashmir;

3. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference between them;

4. Instructs the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect.

7. RDSC, 1951, pp. 5-6.

1. Official Records of the Security Council, Sixth Year, Special Supplement No. 2 Document S/2375.

2. *Ibid.*, Sixth Year, 564th meeting.

3. *Ibid.*, Sixth Year, Special Supplement No. 2, Document S/2375, annex 2.

Adopted at the 566th meeting by 9 votes to none, with 2 abstentions (India, Union of Soviet Socialist Republics).

10 November 1951

8. 98 (1952). RESOLUTION OF 23 DECEMBER 1952 (S/2883)

The Security Council,

Recalling its resolution 91 (1951) of 30 March 1951, its decision of 30 April 1951 and its resolution 96 (1951) of 10 November 1951,

Further recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948¹ and 5 January 1949² which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite conducted under the auspices and the United Nations,

Having received the third report, dated 22 April 1952,³ and the fourth report, dated 16 September 1952,⁴ of the United Nations Representative for India and Pakistan,

1. Endorses the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

2. Notes with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals,⁵

3. Notes that agreement on a plan of demilitarisation of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

4. Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarisation, this number to be

8. RDSC, 1952, pp. 1-2.

1. See Official Records of the Security Council, Third Year, Supplement for November 1948, Document S/1110, para. 75.

2. *Ibid.*, Fourth Year, Supplement for January 1949, Document S/1196, para. 15.

3. *Ibid.*, Seventh Year, Special Supplement No. 2, Document S/2611 and Corr. 1.

4. *Ibid.*, Document S/2783 and Corr. 1.

5. *Ibid.*, annex 3.

between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952,¹ such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952;²

5. Records its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

6. Requests the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution;

7. Requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress.

Adopted at the 611th meeting by 9 votes to none, with 1 abstention (Union of Soviet Socialist Republics).³

23 December 1952

9. RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 765TH MEETING, ON 24 JANUARY 1957, CONCERNING THE INDIA-PAKISTAN QUESTION

The Security Council,

Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

Reminding the Governments and authorities concerned of the principle embodied in its resolutions of 21 April 1948 (S/726), 3 June 1948,⁴ 14 March 1950 (S/1469) and 30 March 1951 (S/2017/Rev. 1), and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 (S/1100, para. 75) and 5 January 1949 (S/1196, para. 15), 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,

1. *Ibid.*, annex 3. 2. *Ibid.*, annex 8.

3. One member (Pakistan) did not participate in the voting.

9. SCORS, January, February and March 1957, p. 4.

4. *Official Records of the General Assembly, Third Session, Supplement No. 2, chap. 5,*

1. *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 principles;

5. Decides to continue its consideration of the dispute.

24 January 1957

10. RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 774TH MEETING ON 21 FEBRUARY 1957 CONCERNING THE INDIA-PAKISTAN QUESTION

The Security Council,

Recalling its resolution of 24 January 1957 (S/3779), its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. *Requests* the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan; to visit the subcontinent for this purpose; and to report to the Security Council not later than 15 April 1957;

2. *Invites* the Government of India and Pakistan to co-operate with him in the performance of these functions;

3. *Requests* the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request.

21 February 1957

11. RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 808TH MEETING, ON 2 DECEMBER 1957, CONCERNING THE INDIA-PAKISTAN QUESTION

The Security Council,

Having received and noted with appreciation the report (S/3821) of Mr Gunnar V. Jarring, the representative of Sweden, on the mission undertaken by him pursuant to the Security Council resolution of 21

10. SCORS, January, February and March 1957, p. 9.

11. SCORS. October, November, December 1957, pp. 21-2.

January 1957 (S/3793),

Expressing its *thanks* to Mr Jarring for the care and ability with which he has carried out his mission,

Observing with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution,

Observing further that the Governments of India and Pakistan recognise and accept the provisions of its resolution dated 17 January 1948¹ and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 (S/1100, para. 75) and 5 January 1949 (S/1196, para. 15), which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr Jarring felt it appropriate to explore what was impeding their full implementation,

Concerned over the lack of progress towards a settlement of the dispute which his report manifests,

Considering the importance which it has attached to the demilitarisation of the State of Jammu and Kashmir as one of the steps toward a settlement,

Recalling its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. *Requests* the Government of India and the Government of Pakistan to refrain from making any statement and from doing or causing to be done or permitting any acts which might aggravate the situation and to appeal to their respective people to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

2. *Requests* the United Nations representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the resolution of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement;

3. *Authorizes* the United Nations representative to visit the subcontinent for these purposes;

4. *Instructs* the United Nations representative to report to the Security Council on his efforts as soon as possible.

2 December 1957 -

1. *Official Records of the General Assembly, Third Session, Supplement No. 2, chap. 5, sect. C.*

Annexure II

1. Resolution 210 (1965) of 6 September 1965

The Security Council,

Noting the report of the Secretary-General, on developments in the situation in Kashmir since the adoption of Security Council Resolution 209 (1965) of 4 September 1965 calling for a ceasefire.

Noting with deep concern the extension of the fighting which adds immeasurably to the seriousness of the situation.

1. *Calls upon* the parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel to the positions held by them before 5 August 1965;

2. *Requests* the Secretary-General to exert every possible effort to give effect to the present resolution and to resolution 209 (1965), to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area:

3. *Decides to* keep this issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area.

Adopted unanimously at the
1238th meeting.

2. Resolution 211 (1965) of 20 September 1965

The Security Council,

having considered the reports of the Secretary-General on his consultations with the Governments of India and Pakistan.

Commending the Secretary-General for his unrelenting efforts in furtherance of the objectives of Security Council resolutions 209 (1965) and 210 (1965) of 4 and 6 September 1965.

Having heard the statements of the representatives of India and Pakistan,

Noting the differing replies by the parties to an appeal for a ceasefire as set out in the report of the Secretary-General, but noting further with concern that no cease-fire has yet come into being.

Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters.

1. *Demands* that a cease-fire should take effect on Wednesday, 22 September 1965, at 0700 hours GMT, and calls upon both Governments

to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel to the positions held by them before 5 August 1965;

2. *Requests* the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel;

3. *Calls on all States* to refrain from any action which might aggravate the situation in the area;

Decides to consider, as soon as paragraph 1 of Council resolution 210 (1965) has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter of the United Nations, to this end;

5. *Requests* the Secretary-General to exert every possible effort to give effect to the present resolution, to seek a peaceful solution, and to report to the Security Council thereon.

Adopted at the 1242nd meeting by 10 votes to none, with 1 abstention (Jordan).

Decision

At the 1244th meeting, on 22 September 1965, the President made the following statement on behalf of the Council :

'We note, of course, the report of the Secretary-General. We have heard the statements of the Minister for Foreign Affairs of Pakistan and the representative of India. The Council expresses its satisfaction that the cease-fire demanded in its resolution 211 (1965) of 20 September 1965 has been accepted by the two parties and calls upon the Governments concerned to implement their adherence to the cease-fire call as rapidly as possible, and in any case not later than 2200 hours GMT on 22 September 1965'.

3. Resolution 214 (1965) of 27 September 1965

The Security Council,

Noting the reports of the Secretary-General,

Reaffirming its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September and 211 (1965) of 20 September 1965,

Expressing its grave concern that the cease-fire agreed to unconditionally by the Governments of India and Pakistan is not holding.

Recalling that the cease-fire demand in the Council's resolutions was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan,

Demands that the parties urgently honour their commitments to the Council to observe the cease-fire, and further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of resolution 211 (1965).

Adopted at the 1245th meeting.

Decision

At its 1248th meeting, on 27th October 1965, the Council, pursuant to its invitation to the representatives of India and Pakistan to participate, without vote, in the discussion of the question, decided, in the absence of the representative of India, to invite the representative of Pakistan to take a seat at the Council table, it being understood that the representatives of India was invited to take a seat at the Council table at any time if he so wished.

4. Resolution 215 (1965) of 5 November 1965

The Security Council,

Regretting the delay in the full achievement of a complete and effective cease-fire and a prompt withdrawal of armed personnel to the positions held by them before 5 August 1965, as called for in its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September 1965.

1. *Reaffirms* its resolution 211 (1965) in all its parts;

2. *Requests* the Governments of India and Pakistan to cooperate towards a full implementation of paragraph 1 of resolution 211 (1965); calls upon them to instruct their armed personnel to co-operate with the United Nations and cease all military activity; and insists that there be an end to violations of the cease-fire;

3. *Demands* the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of India and Pakistan that their representatives meet with a suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a meeting take place as soon as possible and that such a plan contain a time-limit on its implementation; and requests the Secretary-General to report on the progress achieved in this respect within three weeks of the adoption of the present resolution;

4. *Requests* the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution.

Adopted at the 1251st meetings by 9 votes to none, with 2 abstentions (Jordan, Union of Soviet Socialist Republics)

4 September 1965

to

5 November 1965

**5. THE SECURITY COUNCIL RESOLUTION ON CEASE-FIRE,
22 DECEMBER 1971**

The Security Council

Having discussed the grave situation in the subcontinent which remains a threat to international peace and security.

Noting the General Assembly resolution 2793 (XXVI) of 7 December 1971,

Noting the reply of the Government of Pakistan on 9 December 1971,

Noting the reply of the Government of India on 12 December 1971,

Having heard statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

Noting further the statement made at the 1617th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theatre,

Noting Pakistan's agreements to ceasefire in the western theatre with effect from 17 December 1971,

Noting that consequently a cease-fire and a cessation of hostilities prevail,

1. *Demands* that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observation Group for India and Pakistan;

2. *Calls upon* all Member States to refrain from any action which aggravate the situation in the subcontinent or endanger international peace;

5. *The Hindu*, 23 December 1971; *U.N. Weekly Newsletter*, 31 December 1971, pp. 1 and 3.

3. *Calls upon* all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and the sick, the prisoners of war and civilian population;

4. *Calls for* international assistance in the relief of suffering and the rehabilitation of the refugees and their return in safety and dignity to their homes and for the full co-operation with the Secretary-General to that effect;

5. *Authorizes* the Secretary-General to appoint if necessary a Special Representative to lend his good offices for the solution of humanitarian problems;

6. *Requests* the Secretary-General to keep the Council informed without delay on the developments relating to the implementation of this resolution;

7. *Decides* to remain seized of the matter and to keep it under active consideration;

22 December 1971

**1. RESOLUTION ADOPTED BY THE COMMISSION AT ITS
40th MEETING, 13 AUGUST 1948**

The United Nations Commission for India and Pakistan.

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir; and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation.

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal;

Part I

Cease-fire order

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals *forces under their control* shall be considered to include all forces organized and unorganized, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in-Chief [SIC] of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree

to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

Part II

Truce agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A

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

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

B.

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The commission will have observers

stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C

1. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

Part III

The Governments of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

76. On 14 August at 6 p.m. the resolution was presented to the Governments of the India and Pakistan. Mr. Lozano, Chairman, handed it to Sir Mohammed Zafrullah Khan in Karachi, and Mr. Korbel, Vice-Chairman, to Prime Minister Pandit Jawaharlal Nehru in New Delhi.

77. The two groups of the Commission remained separated for about a week awaiting the replies of the respective Governments. During a few meetings held between the Commission and Prime Minister Nehru and Sir Girja S. Bajpai, views were exchanged on a number of points made by the Indian Government (S/AC. 12/46) as follows:

(i) The lines fixed for the forces at the moment of the cease-fire should be worked out as precisely as possible.

(ii) No legality should be accorded to the presence of Pakistani troops by acceptance of the proposition that the cease-fire would be effective along these fixed lines

(iii) The sovereignty of the State of Jammu and Kashmir should not be affected.

(iv) The lines would run close to the Pakistani frontier, and thus, to avoid incursions of Pakistani regulars or the tribesmen. India would need a number of strategic points in the territories evacuated by its troops.

(v) India should retain such strength of forces in Kashmir as to guarantee defence and maintenance of law and order and the protection of the territory against external attack.

(vi) Pakistan should not participate in the organisation and conduct of the plebiscite.

78. The Commission defined its position with regard to the above points, on the basis of which the Prime Minister signified the acceptance of the resolution in a letter dated 20 August to Mr Korbelt, Chairman of the Commission.

13 August 1948

2. RESOLUTION ADOPTED BY THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN ON 5 JANUARY 1949

The United Nations Commissions for India and Pakistan.

Having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's resolution of 13 August 1948 :

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;

2. Plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements as set forth in parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed;

3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff assistants and observers as he may require.

4 (a) After implementation of parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied

2. SCORS, 1949, Supplement for January 1949, pp. 23-5.

that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the Security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A. 2 of part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal elements of the state will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Government of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other than citizens of the state) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party shall be safe and free in expressing their views and in voting in the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations

Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement, the details of the foregoing proposals will be elaborated in the consultations envisaged in part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles.

5 January 1949

TASHKENT DECLARATION , 10 JANUARY 1966

The Prime Minister of India and the President of Pakistan having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

I

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.

II

The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

III

The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

IV

The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

V

The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be

restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

VI

The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII

The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII

The Prime Minister of India and the President of Pakistan have agreed that both the sides will continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.

IX

The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the U.S.S.R. for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this Declaration.

10 January 1966

**AGREEMENT ON BILATERAL RELATIONS BETWEEN
INDIA AND PAKISTAN, 3 JULY 1972**

(Simla Pact)

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

(iii) That the prerequisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit.

(iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means.

(v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality.

(vi) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

(vii) Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

(viii) In order progressively to restore and normalize relations

between the two countries step by step, it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.

(iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

(ix) In order to initiate the process of the establishment of durable peace, both the Governments agree that:

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

Both Governments agree that their respective heads will meet again at a mutually convenient time in the future and that, in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the question of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

3 July 1972

**AGREEMENT BETWEEN MILITARY REPRESENTATIVES
OF INDIA AND PAKISTAN REGARDING THE
ESTABLISHMENT OF CEASE-FIRE LINE IN THE
STATE OF JAMMU AND KASHMIR SIGNED AT
KARACHI, ON 27 JULY 1949¹**

I

Introduction

A. The military representatives of India and Pakistan met together in Karachi from 18 July to 27 July 1949 under the auspices of the Truce Sub-committee of the United Nations Commission for India and Pakistan.

II

Agreement

A. Considering:

1. That the United Nations Commission for India and Pakistan, in its letter dated 2 July 1949, invited the Governments of India and Pakistan to send fully authorized military representatives to meet jointly in Karachi under the auspices of the Commissions' Truce Sub-committee to establish a cease-fire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments of India and Pakistan;

2. That the United Nations Commissions for India and Pakistan in its letter stated that 'The meetings will be for military purposes; political issues will not be considered' and that 'They will be conducted without prejudice to negotiations concerning the Truce Agreement'

3. That in the same letter the United Nations Commission for India and Pakistan further stated that: 'The cease-fire line is a complement of the suspension of hostilities, which falls within the provision of Part I of the Resolution of 13 August 1948 and can be considered separately from the question relating to Part II of the same Resolution'

4. That the Government of India and Pakistan, in their letters dated 7 July 1949 to the Chairman of the Commission, accepted the Commission's invitation to the military conference in Karachi;

B. The Delegations of India and Pakistan, duly authorized, have

*UNTS, Vol. 81, pp. 274-82

¹ Came into force on 30 July 1949 by the deposit of instruments of ratification with the United Nations Commission for India and Pakistan, in accordance with the provisions of paragraph J.

reached the following agreement:

1. Under the provisions of Part I of the Resolution of 13 August 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on 1 January 1949, a cease-fire line is established.

2. The cease-fire line runs from Manawar in the south, north to Keran and from Keran east to the glacier area, as follows :

(a) The line from Manawar to the south bank of the Jhelum River at Urusa (inclusive to India) is the line now defined by the factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows :

(i) In Patrana area: Koel (inclusive to Pakistan) north along the Khuwala Kas Nullah up to point 2276 (inclusive to India), thence to Kirni (inclusive to India).

(ii) Khambha, Pir Satwan, Point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual positions at Bagla Gala, thence to the factual position at Point 3300.

(iii) In the area south of Uri the positions of Pir Kanthi and Ledi Gali are inclusive to Pakistan.

(b) From the north bank of the Jhelum River the line runs from a point opposite the village of Urusa (NL 972109), thence north following the Ballaseth Da Nar Nullah (inclusive to Pakistan) up to NL 973140, thence northeast to Chota Kazinag (Point 10657, inclusive to India), thence to NM 010180, thence to NM 037210, thence to Point 11825 (NM 025354, inclusive to Pakistan), thence to Tutumari Gali (to be shared by both sides, posts to be established 500 yds. on either side of the Gali), thence to the northwest through the first 'R' of Burji Nar to north of Gabdori, thence straight west to just north of Point 9870, thence along the black line north of Bijildhar to north of Batarsi, thence to just south of Sudpura, thence due north to the Kathakazinag Nullah, thence along the Nullah to its junction with the Granguar Nullah thence along the latter Nullah to Kajnwala Pathra (Inclusive to India), then across the Dhanna ridge (following the factual positions) to Richmar Gali (inclusive to India), thence north to Thanda katha nullah, thence north to the Kishanganga River. The line then follows the Kishanganga River up to a point situated between Jargi and Tarban, thence (all inclusive to Pakistan) to Bankoran, thence northeast to Khori, thence to the hill feature 8930 (in Square 9053), thence straight north to Point 10164 (in Square 9057), thence to point 10323 (in Square 9161), thence northeast straight to Guthur, thence to Bhutpathra, thence to NL 980707, thence following the Bugina Nullah to the junction with the Kishanganga River at Point 4739. Thereafter the line follows the Kishanganga to

Keran and onwards to Point 4996 (NL 975818).

(c) From Point 4996 the line follows (all inclusive to Pakistan) the Jamgar Nullah eastward to Point 12124, to Katware, to Point 6678, thence to the northeast to Sarian (Point 11279), to Point 11837, to Point 13090, to Point 12641, thence east again to Point 11142, thence to Dhakki, thence to Point 11415, thence to point 10301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence southeast to Point 11812. Thence the line runs (all inclusive to India) to Point 13220, thence across the River to the east to Point 13449 (Durmat), thence to Point 14586 (Anzbari), thence to Milestone 45 on the Burzil Nullah thence to the east to Ziankal (Point 12909), thence southeast to Point 11114, thence to Point 12216, thence to Point 12867, thence east to Point 11264, thence to Karo (Point 14985), thence to Point 12089, then following the track to Point 12879. From there the line runs to Point 13647 (Karobal Gali, to be shared by both sides). The cease-fire line runs thence through Retagah Chhish (Point 15316), thence through Point 15889, thence through Point 17392, thence through Point 16458, thence to Mariola (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400, thence through Point 16760, thence to (inclusive to India), Dalunang.

(d) From Dalunang eastwards the cease-fire line will follow the general line Point 15495, Ishman, Manus, Gangam, Gunderman, Point 13620, Junkar (Point 17628), Marmak, Natsara, Shangruth (Point 17531), Chorbat La (Point 15700), Chalunka (on the Shyok River), Khor, thence north to the glaciers. This portion of the ceasefire line shall be demarcated in detail on the basis of the factual position as of 27 July 1949 by the local commanders, assisted by United Nations Military Observers.

C. The cease-fire line described above shall be drawn on a one inch map (where available) and then be verified mutually on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to eliminate any no-man's land. In the event that the local commanders are unable to reach agreement, the matters shall be referred to the Commission's Military Adviser, whose decision shall be final. After this verification, the Military Adviser will issue to each High Command a map on which will be marked the definitive cease-fire line.

D. No troops shall be stationed or operate in the area of Burzil Nullah from south of Minimarg to the cease-fire line. This area is bounded on the west by the Ridge leading northeast from Dudgai Kal to point 13071, to Point 9447, to Point 13466, to Point 13463, and on the east by the Ridge running from Point 12470, to Point 11608 to Point

13004, to Point 13976, to Point 13450, Pakistan may, however, post troops on the western of the above ridges to cover the approaches to Khambri Bai Pass.

E. In any dispositions that may be adopted in consequence of the present agreement troops will remain at least 500 yards from the cease-fire line except where the Kishanganga River constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the cease-fire line as determined in paragraphs A to E inclusive above, subject to no wire or mines being used when new bunkers and defences are constructed. There shall be no increase of forces or strengthening of defences in areas where no major adjustments are involved by the determination of the cease-fire line.

G. The action permitted by paragraph F above shall not be accompanied or accomplished by the introduction of additional military potential by either side into the State of Jammu and Kashmir.

H. Except as modified by Paragraph IIA to IIG, inclusive, above, the military agreements between the two High Commands relating to the cease-fire of 1 January 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station Observers where it deems necessary.

J. The Delegations shall refer this agreement to their respective Governments for ratification. The documents of ratification shall be deposited with the United Nations Commission for India and Pakistan not later than 31 July 1949.

K. A period of 30 days from the date of ratification shall be allowed to each side to vacate the areas at present occupied by them beyond the cease-fire line as now determined. Before the expiration of this 30-day period there shall be no forward movement into areas to be taken over by either side pursuant to this agreement, except by mutual agreement between local commanders.

22 July 1949

Asian Recorder, Jan 1-7, 1973

SUMMARY : Delineation Maps Exchanged With Pakistan;

A. Line of Military Control In J & K_ Delineation Maps Exchanged with Pakistan: Senior Military commanders of India and Pakistan met at Suchetgarh on December 11, 1972 to sign and exchange maps delineating the 800-km line of control in Jammu and Kashmir extending from the Chhamb sector to the Partapur sector.

The maps were initialled at a formal ceremony by Lt.-Gen. P. S. Bhagat and Lt.-Gen. Abdul Hamid Khan.

The final delineation was undertaken in terms of the agreement reached between the Army Chiefs of India and Pakistan at their second meeting in Lahore (see below). Pakistan conceded India's claim that Thako Chak formed part of the international border and that it should pull out its troops from there. On its part, India agreed to minor adjustments in the line of control "as a gesture of goodwill and in the interest of peace".

Each map bore the following words: "Delineation of the line of control in Jammu and Kashmir resulting from the cease-fire of December 17, 1971, in accordance with Paragraph 4 (II) of the Simla Agreement of July 2, 1972."

The maps, after being signed, were presented to the respective Governments for ratification. This paved the way for the withdrawal of troops to their sides of the border.

Sardar Swaran Singh's Statement In Lok Sabha:

Making a statement in the Lok Sabha on December 12, 1972, the External Affairs Minister, Sardar Swaran Singh said that India had informed Pakistan of its withdrawal of the claim on two villages—Dhum and Ghilkot—measuring 0.45 square miles along the line of control in Jammu and Kashmir, as a gesture of goodwill following Pakistan's readiness to withdraw from the 1.5 square mile area of Thako Chak.

He said that this was done as part of the rationalisation of the line of control by "minor adjustment of mutual claims." Adjustments of ground positions conforming to the line of control would be carried out within five days.

He said that Pakistan conveyed to New Delhi its approval of the Suchetgarh agreement. The approval of the Government of India was transmitted to Islamabad. Following a meeting between the Army Chiefs of the two countries at Lahore on December 7, 1972, senior

military commanders of the two sides completed the task of finalising the maps showing the delineated line of control in Kashmir and submitted their agreed delineation of the line of control to their respective Governments for approval.

He read out the following announcement made in New Delhi and Islamabad after the two countries had expressed their approval of the Suchetgarh agreement: "The line of control has been delineated in Jammu and Kashmir in accordance with the Simla Agreement of July 2, 1972 and that it has the approval of both Governments. Adjustments of ground positions will be carried out to conform to the line of control approved by both Governments within a period of five days from the date of this announcement."

He tabled a separate document describing the line of control resulting from the cease-fire of December 17, 1971 in Kashmir as delineated on 19 mosaic maps. The line extended from the Chhamb sector on the international border and ends at the Turtok-Partapur sector in the north.

"The line of control in Jammu and Kashmir has been determined through bilateral negotiations between India and Pakistan. In accordance with the Simla Agreement this line will be respected by both sides, neither side shall alter it unilaterally and both sides shall refrain from the threat of use of force in violation of the line."

The following are the broad details of the line of control:

(A) From Munnawar Tawi NW 605550 the line of control runs north-west up to a point 3 miles west of Jhangar (with Chhamb inclusive to Pakistan), from where it turns north-eastwards to Mithidhara NR 2619, thence north and north-westwards up to Poonch River at NR 052669 (approximately six miles south-west of Poonch).

(B) From there the line again turns north-eastwards and thence north up to Jarni Gali (inclusive to India) in the Gulmarg sector, thence westwards passing through Mindi Gali (inclusive to India) up to Pir Kanthi (inclusive to Pakistan), thence northwards passing through Chhota Kazi Nag (inclusive to India), approximately seven miles north-west of Urfi, up to Kaiyna in Lipa Valley (inclusive to India). Thence the line of control runs west-wards up to Richhmar Gali with Katran Ki Gali (inclusive to Pakistan) and the Wanjal Ridge and Chak Muqam heights (inclusive to India).

(C) From Richhmar Gali, the line of control runs northwards passing west of Tithwal up to 3 miles north of Keran, thence turning north-eastwards up to Lunda Gali (inclusive to India). Thence eastwards to Hramargi village in Kel sector (inclusive to Pakistan), Durmat in the Kanzaiwan sector (inclusive to India) and heights 14236, 15460 and Karobal Gali in the Minimarg sector (all inclusive to India), thence

along Neril (inclusive to India), Breilman (inclusive to Pakistan), and north of Chet in the Kargil sector, up to Chorbatla in Turtok sector.

(D) From there the line of control runs north-eastwards to Thang (inclusive to India), thence eastwards joining the glaciers.

Army Chiefs Talks in Lahore:

Earlier, on September 7, 1972, the delineation deadlock blocking troop withdrawals by India and Pakistan was resolved. The Army Chiefs of the two countries, Gen. S.H.F.J Manekshaw and Gen. Tikka Khan, meeting for the second time in nine days at Lahore, were finally able to overcome the seemingly intractable Thako Chak dispute.

The two Chiefs of Staff said in a joint statement that they had directed Lt.-Gen. P.S. Bhagat and Lt.-Gen. Abdul Hamid Khan to meet at Suchetgarh on December 11 to finalise delineation of the line of control on the basis of the agreement arrived at by them.

The agreement between the two Chiefs, on the face of it, conceded the Indian view that Thako Chak was Indian. But, the approach obviously had been in conformity with India's known position of accommodating the other side as far as possible.

A Joint Statement issued by the two Chiefs said: "General Sam Manekshaw met General Tikka Khan once again at Lahore on December 1, 1972. The meeting lasted three hours and was held in an atmosphere of goodwill and mutual understanding.

"The two Chiefs were able to compose the differences that existed and are directing their senior military commanders. Lt-Gen. P.S. Bhagat and Lt.-Gen. Abdul Hamid Khan to meet at Suchetgarh on December 11, 1972, and finalise the delineation of the line of control in Jammu and Kashmir as adjusted by them (the two Chiefs). This line of control will commence from the Chhamb sector and end in the Turtok sector (Partapur)."

Following the Lahore agreement, on December 11, 1972, India and Pakistan approved the line of military control in Jammu and Kashmir as delineated by the senior army commanders of the two countries at Suchetgarh.

The line of control was delineated in accordance with the Simla Agreement of July 2, 1972. The adjustment of ground positions was to be carried out within five days to conform to the alignment approved by both Governments.

Earlier, Lt.-Gen. P.S. Bhagat and Lt.-Gen. Hamid Khan finalised the delineation on the maps as agreed to between the Army Chiefs of India and Pakistan on December 7 at Lahore. This completed the implementation of the first phase of the Simla Agreement.

A Press statement issued at the end of the meeting said: "Having

completed the task given to them, the representatives of the Chiefs of Army Staff of India and Pakistan have submitted the agreed delineation of the line of control in Jammu and Kashmir State to their Chiefs of Army Staff of securing approval of their respective Governments."

The two Generals signed 19 maps simultaneously and sitting side by side. Originally, there were 27 maps in all, but as some maps were very small, they were grouped together and put into larger ones.

The maps delineated the line of control from Chhamb to Tartuk.

The signing of the maps and their exchange signified the completion of a phase of negotiations which began on August 10 when the two Generals met at the same spot. The meeting between them was the tenth in the series.

The last meeting was held at Wagah in November when the two senior army commanders held talks to find a solution to the Thako Chak issue which had been raised by Pakistan at the eighth round of talks in Suchetgarh on October 22, leading to a deadlock.

At the ninth round of talks, arranged at the initiative of the Chief of Army Staff, Gen. S. H. F. J. Manekshaw, the Pakistani side refused to budge from its stand in regard to Thako Chak.

Later, after the exchange of letters between Gen. Manekshaw and his Pakistani counterpart, Gen. Tikka Khan, it was arranged that the two Army Chiefs should themselves get together to try to resolve the Thako Chak issue which had been holding up finalization of the delineation.

The first meeting of the two Army Chiefs was held in Lahore on November 28. However, despite about 3½ hours of talks between them, they could not find a solution to the issue. Informed sources said Pakistan had stuck to its position that Thako Chak did not relate to the international border as defined under para 4 of the Simla Agreement. With differences persisting on the interpretation of para 4, the two Chiefs decided to refer the dispute to their respective Governments for a decision. After the stalemate had continued for nearly 10 days, the Pakistani side suggested another meeting at the Army Chief level, India agreed to this and the meet was again held at Lahore. Gen. Manekshaw, assisted by Maj-Gen. I. S. Gill, and Gen. Tikka Khan, assisted by Brig. M.S. Abbasi, came to grips with the problem and it was finally agreed that Pakistani troops should withdraw from Thako Chak. The Pakistani side at last accepted the Indian stand that Thako Chak formed part of the international border as determined after 1949 and agreed to forgo its claim to it.

In return for this gesture, Gen. Manekshaw agreed to take up some of the outstanding claims by Pakistan relating to rationalization and adjustments of the line of control as already mapped by the survey

teams of the two countries which had been assisting the senior army commanders during their talks. The Indian side agreed to some adjustments on the line of control so that the first phase of implementation of the Simla Agreement could be completed without further delay.

With the completion of this phase of the Simla Agreement, possibly the most onerous and time-consuming of all, the stage has been set for withdrawal of troops from occupied territories.

Move For Second "Summit"

The Secretary-General in the Pakistan Foreign Ministry, Mr. Aziz Ahmed said in Rawalpindi December 11, 1972 that following the delineation of the line of control in Jammu and Kashmir, the next stop would be the preparation for another India-Pakistan summit meeting.

Mr. Aziz Ahmed said the Indian Government had informed Pakistan that withdrawal of troops would start "simultaneously" with the adjustments of ground positions which will be carried out in conformity with the line of control in Jammu and Kashmir as approved by the two Governments.

The line of control—as stated by India's Minister for External Affairs, Sardar Swaran Singh—is not an international border, but obviously a new cease-fire line.

"The control line," Mr. Ahmed said "is a temporary line and will remain so as long as the Kashmir dispute is not finally settled. Under the Simla Agreement, this line will be respected by both sides without prejudice to the recognized position of either side."

According to Mr. Ahmed, India had claimed it had seized 434 square miles of Pakistan territory during the war, but according to the line now delineated, she had 341 square miles. Pakistan's claim was 59 square miles on the "Indian side of the cease-fire line and Pakistan retains all the territory."

In addition, Pakistan had claimed about nine square miles spread over 12 small pockets, which were on the Indian side of the cease-fire line, but had been under control of the occupied Kashmir Government since 1949.

These pockets, Mr. Ahmed said, had fallen on the Pakistan side of the line of control, although the area determined by actual ground survey came to about six square miles.

About Thako Chak, he said it was a "military demand which was met by a military demand" and India had given up two military posts for it.

(The Times of India and The Hindustan Times, New Delhi and Radio Pakistan)

Annexure VIII

Indian Defence Review, July, 1989

Gentlemen, I have spoken on this subject at length before, therefore, I will leave out the details. As you know due to our pre-occupation in Afghanistan, in the service of Islam, I have not been able to put these plans before you earlier. Let there be no mistake, however, that our aim remains quite clear and firm—the liberation of the Kashmir Valley—our Muslim Kashmiri brothers cannot be allowed to stay with India for any length of time, now. In the past we had opted for ham-handed military options and therefore, failed. So, as I have mentioned before, we will now keep our military option for the last moment as a coup de grace, if and when necessary. Our Kashmiri brethren in the valley, though with us in their hearts and minds, are simple-minded folk and do not easily take to the type of warfare to which, say, a Punjabi or an Afghan takes to naturally, against foreign domination. The Kashmiris however have a few qualities which we can exploit. First, his shrewdness and intelligence; second, his power to persevere under pressure; and the third, if I may so say, he is a master of political intrigue. If we provide him means through which he can best utilize these qualities—he will deliver the goods. Sheer brute force is in any case not needed in every type of warfare, especially so in the situation obtaining in the Kashmir Valley, as I have explained earlier.

Here we must adopt those methods of combat which the Kashmiri mind can grasp and cope with—in other words, a coordinated use of moral and physical means other than military operations, which will destroy the will of the enemy, damage his political capacity and expose him to the world as an oppressor. This aim, Gentlemen, shall be achieved in the initial phases.

In the first phase, which may, if necessary, last a couple of years we will assist our Kashmiri brethren in getting hold of the power apparatus of the State by political subversion and intrigue. I would like to mention here that as no Government can survive in Occupied Kashmir unless it has the tacit approval of Delhi, it would be unrealistic to believe that the MUF or any such organization can seize power through democratic or other means. In view of this, power must “apparently” remain with those whom New Delhi favours. We must therefore ensure that certain “favoured politicians” from the ruling elite be selected who would collaborate with us in subverting all effective organs of the State. In brief, our plan for Kashmir, which will be codenamed as “Op Topac” will be as follows.

Phase 1

A low-level insurgency against the regime, so that it is under siege, but does not collapse as we would not yet want central rule imposed by Delhi.

We plant our chosen men in all the key positions; they will subvert the police force, financial institutions, the communication network and other important organisations.

We whip up anti-Indian feelings amongst the students and peasants, preferably on some religious issues, so that we can enlist their active support for rioting and anti-Government demonstrations.

Organise and train subversive elements and armed groups with capabilities, initially, to deal with paramilitary forces located in the valley.

Adopt and develop means to cut off lines of communication between Jammu & Kashmir and within Kashmir and Ladakh by stealth, without recourse to force. The road over Zojila upto Kargil and the road over Khardungla should receive our special attention.

In collaboration with Sikh extremists create chaos and terror in Jammu and divert attention from the valley at a critical juncture and discredit the regime even in the Hindu mind.

Establish virtual control in those parts of the Kashmir Valley where the Indian Army is not located or deployed. The Southern Kashmir Valley may be one such region.

Phase 2

Exert maximum pressure on the Siachen, Kargil and Rajauri-Punch sectors to force the Indian Army to deploy reserve formations outside the main Kashmir Valley.

Attack and destroy base depots and HQ located at Srinagar, Pattan, Kupwara, Baramulla, Bandipur and Chowkiwala by covert action at a given time.

Some Afghan Mujahideen by then settled in Azad Kashmir, will then infiltrate in selected pockets with a view to extending areas of our influence. This aspect will require detailed and ingenious planning. The fiasco of Op Gibraltar (1965) holds many lessons for us here.

Finally a Special Force under selected retired officers belonging to Azad Kashmir, with the hard core consisting of Afghans, will be ready to attack and destroy airfields, radio stations, block Banihal Tunnel and Kargil-Leh Highway.

At a certain stage of the operations Punjab and adjacent areas of

Jammu and Kashmir will be put under maximum pressure internally by our offensive posture.

Phase 3

Detailed plans for the liberation of Kashmir Valley and establishment of an independent Islamic State in the third phase will follow.

We do not have much time. Maximum pressure must be exerted before the general elections in India and before Indian Army reserves which are still bogged down in Sri Lanka become available. By the Grace of God, we have managed to accumulate large stocks of modern arms and ammunition from US consignments intended for Afghan Mujahideen. This will help our Kashmiri brethren achieve their goals. Even if we create a kind of "Azad Kashmir" in some remote parts of Occupied Kashmir as a beginning, the next step may not be as difficult as it appears today. On the other hand, it should also be noted that a part of the Indian Army, particularly the Infantry, will be well trained by now for such a situation due to their experience in the North-Eastern Region and more recently in Sri Lanka. But the situation in Kashmir will be somewhat different; more like the "Infetada" of Palestinians in towns, and on the pattern of the Mujahideen in the countryside to attack hard targets. A period of chaos in the State is essential in the circumstances.

And what of our Chinese friends? They can do no more than ensure that Indian forces deployed against them are not moved out; but this may be required only at the last or the third stage of our operations. Of course, if we are in serious trouble, the Chinese and our other powerful friends shall come to our rescue one way or the other. They will ensure if we do not win—we don't lose.

Finally, I wish to caution you once more that it will be disastrous to believe that we can take on India in a straight contest. We ~~must~~, therefore, be careful and maintain a low military profile so that the Indians do not find an excuse to pre-empt us, by attacking at a time and at a point of their own choosing at least before Phase 1 and 2 of the Operation are over. We must pause and assess the course of operations after each phase, as our strategy and plans may require drastic changes in certain circumstances. I need not emphasise any further that a deliberate and objective assessment of the situation must be ensured at each stage, otherwise a stalemate will follow with no good for Pakistan. Pakistan Paindabad.

Ministry of External Affairs (XP Division)
OFFICIAL SPOKESMAN'S STATEMENT
PAKISTAN

The Foreign Secretary summoned the Pakistan High Commissioner just before mid-night on the 11th of February, to convey Government of India's concern about the attempted border crossing which had taken place in Uri earlier in the evening. The Foreign Secretary told the High Commissioner that ever since the Pakistan Foreign Minister Sahabzada Yakub Khan's visit in January, we have been cautioning Pakistan about the dangers inherent in inciting people and in inflaming passions. The Foreign Secretary drew the High Commissioner's attention to the seriousness with which we viewed this emerging pattern of incitement followed by rash and dangerous action on the border. The High Commissioner was told that this can serve no useful purpose. The provocative action which took place in the Uri sector yesterday was yet another example of the ease with which passions could be inflamed and the difficulty that is faced in quenching such passions. The Foreign Secretary also drew the attention of the High Commissioner to the regrettable proclivity to exaggerate, which we have observed in the reports emanating from Pakistan, and also the strong element of inaccuracy in such reports.

The High Commissioner was asked by the Foreign Secretary to convey to the Government of Pakistan our deep concern at the continuing attempts to cross our borders and to remind them of India's oft-repeated urging to adhere to the path of peace as enshrined in the Simla Agreement.

The High Commissioner of Pakistan was summoned again by the Foreign Secretary to his office this morning to convey that while very credible evidence of Pakistan's intervention had been given to the Pakistan authorities, we observed that even at the highest level there was insistence that no such evidence had been made available to them. In view of the fact that the same baseless allegations of absence of proof are being made, we have decided to give updated detailed documentary evidence of Pakistani interference in both Jammu and Kashmir and Punjab.

The following are the details of weapons of Pakistani origin recovered in Punjab in 1989:

Rocket launchers: 28

Rockets and missiles : 229

AK_47 rifles : 276

Rifles : 83

Guns, double-baralled (SBBL) : 184

Pistols : 469

Revolvers : 166

Hand-grenades : 300

Bombs : 103

Detonators : 55

Explosive Materials : 100 Kgs

Cartridges : 67331

Question : Has this information been made available to Pakistan?

Spokesman : Yes.

Question : On what basis can it be presumed that these weapons have come from Pakistan?

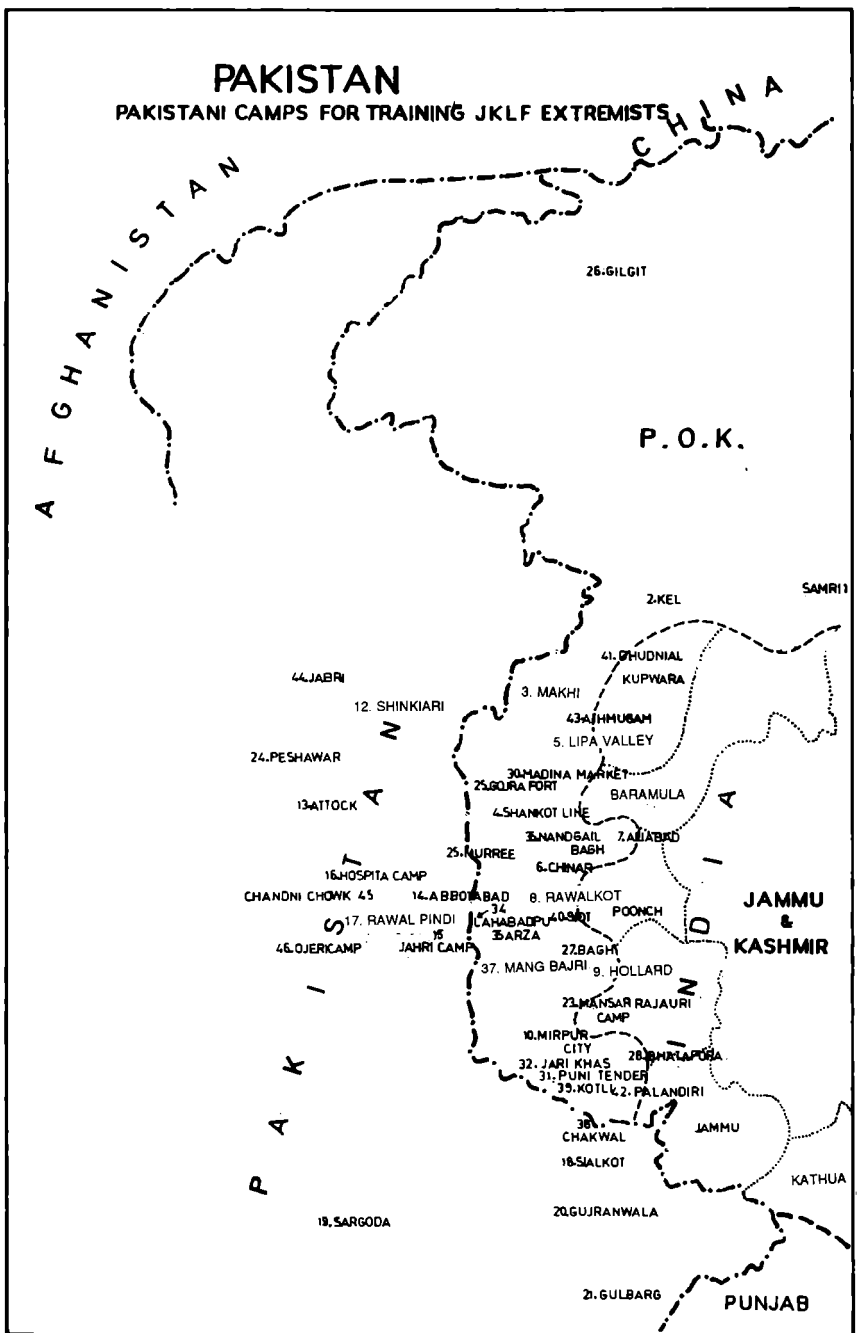
Spokesman : We have sufficient evidence to say that they have come from Pakistan. If you read the documentary evidence that I have given out, you will see that it is quite clear where these weapons have come from.

New Delhi

February 12, 1990

PAKISTAN

PAKISTANI CAMPS FOR TRAINING JKLF EXTREMISTS



**INVOLVEMENT OF PAKISTAN AS REVEALED
IN THE INTERROGATION OF IMPORTANT
EXTREMISTS OF J & K**

*Name of Pak trained
terrorist*

*Disclosure relating to support from
Pakistan to the J&K terrorist/
secessionist activities*

Ghulam Ahmed Malla alias Azad, S/o late Wali Mohd. Malla, r/o Watergram, Sopore (Distt. Baramulla). A prominent activist of J&K Jammat-e-Islami and the underground subversive organisation Hizb-e-Islami (Arrested on January 7, 1989).

He came in contact with one Abdul Hamid Azad, a UK based JKLF activist in Central Jail, Jammu, when both of them were under detention (Sept. 86-March 87). The latter motivated him to work for the Pak based JKLF. Subsequently after his release, Malla was contacted by Manzoor Ahmed r/o POK on August 7, 1987 at Watergram. Manzoor organised his clandestine exfiltration to Athmuqam (POK). There he met JKLF leaders, including Dr. Farooq Hyder and learnt about their plans of training Kashmir Youth in PAK/POK Pakistani support. He was assigned the task of organising a group of like minded Kashmiri leaders and to recruit Kashmiri Youth for arms training. Consequently, Malla motivated a number of Muslim youth to undergo arms training in PAK/POK and was also instrumental in concealing armament brought by Pak trained youth from across in August 1988.

Abdul Ahad Waza, s/o Abdul Jabbar, r/o Luderwan Kupwara. A people's conference activist and a kingpin in the trans-border operation. (Arrested on October 27, 1988).

He was associated with Ghulam Nabi Butt (brother of late Mohd Maqbool Butt) in motivating and recruiting Muslim youth for training in Pak/POK in January 1988. Waza exfiltrated to Pak/POK sometime between June 28 and July 20, 1988. In addition to 7 days training in handling of arms/explosives through instructor Abdul Aziz at a training centre near Rawalpindi, Waza also met JKLF leaders Amanullah Khan, Dr. Farooq

Hyder and Rashid Hasrat in Rawalpindi. Waza was entrusted with the task of organising JKLF subversive activities in Kashmir Valley. He was also introduced to one Maj. Gen. Assad and was advised to meet Afghan Mujahideen leader Gulbudin Hikamatyar. The meeting, however, did not materialise.

Ghulam Nabi Butt, s/o Ghulam Qadir, r/o Trehgam, Kupwara, brother of JKLF founder leader late Maqbool Butt and hardcore JKLF activist. (Arrested on September 24, 1988)

He motivated/recruited Kashmiri Muslim youth for undergoing arms training in JKLF run training centres in Pak/POK. He also acted as a link man between different subversive groups recruiting youth in Kashmir Valley and the Pak based JKLF leaders through one Ghulam Mohd. Wani, r/o Athmuqam (POK) to facilitate trans-border operations. Towards the end of 1988, Raja Muzaffar (prominent JKLF leader of Muzaffarabad, POK) in a letter sent through one Nazim Din, r/o Keran (Kupwara district) conveyed to Butt JKLF leader Amanullah Khan's direction to explode bombs at Srinagar on July 13, 1988 (Martyrs Day). Ghulam Nabi Butt exfiltrated to POK on July 5, 1988 and met Amanullah Khan at Muzaffarabad.

Sher Mohd alias Sher Khan alias Shera s/o Alam Din r/o Rattai Basali, PS Rajouri.

A Kingpin in the trans-border operations, Courier for a Pak Intelligence Agency and guide to JKLF activists. (Arrested on August 10, 1989).

Prominent JKLF guide, operating from Srinagar to Rawalpindi. Escorted a group (9) of Kashmiri youth from Srinagar to Rawalpindi (Pak) via Jammu and Lam (Rajouri Sector) on June 16/17, 1989 for arms training. Later, 5 of these trainees were guided back by him, after completion of training, to own side on July 11, 1989. Under his escort hardcore terrorists Javed Nalqa, Ishafaq Majid and Hamid Sheikh camping in Pak/POK infiltrated to own side via Rajouri Sector on June 21, 1989. He was arrested at Rajouri while escorting Javed Ahmed Zergar (also arrested) a subversive element to Pak/POK. The sensitive documents recovered from him is indicative of linkage of Pak intelligence agencies with JKLF operations.

Abdul Rashid Jatal alias Manzoor, s/o Kalam Din r/o Kohna Cabra Karnah, Kupwara.

A Pak FIU agent and JKLF Guide. (Arrested on August 29, 1989).

He has been working for Pak FIU since 1984. In 1988 he commenced working for JKLF at the instance of Ismail Kadiyal and Yaseen Piswal (both residents of POK) with code name Manzoor. After July 1988 he started working as JKLF guide for exfiltration/infiltration of Kashmiri Youth for arms training in Pak/POK with the guidance of Raja Muzaffar and Yasin Choundhery (JKLF activists-Lipa-POK). In late 1988 he was trained in arms near Rawalpindi and visited Afghanistan border along with instructors to procure arms and was further trained for a month by Afghan Mujahideens and was conferred the rank of Captain. Besides admitting escorting 29 subversive youth for arms training in Pak/POK he confessed his involvement in several armed attacks. He was responsible for ferrying large quantity of arms and ammunition from across the border along with the trainees. 3 Kalashnikov rifles, 3 revolvers and substantial quantities of arms, explosives have been recovered by the police at his instance.

Mohd. Akram alias Bashir s/o Ferozdin r/o Dhundhuk, Surankot Poonch. (Arrested on December 4).

Mohd. Akram admitted that he was arrested while he was on his way to Pakistan. He was motivated by a Pak trained extremist Nayeem Khan to work for JKLF. Before deputing him for trans-border operation, Mohd. Altaf Khan alias Azam Inquilabi (Chief of Operation Balakote) handed over a letter addressed to Maj Assad of Pak ISI and photographs of 7 prominent militants in Kashmir to Akram to impress Pakistani officials that he enjoyed the confidence of the militants (the documents were recovered by police from his possession). Akram also admitted that he had escorted 5 Kashmiri

youth going for arms training from Jammu to Rajouri for crossing over to Pakistan.

INVOLVEMENT OF PAKISTAN AS REVEALED IN THE INTERROGATION OF IMPORTANT EXTREMISTS

Name of extremist and his group affiliation

Disclosure relating to support from Pakistan to Sikh terrorist/secessionist activities

Nirvair Singh alias Nishan Singh s/o Fauja Singh r/o Daulatpur, P.S. Qadian, Distt. Gurdaspur, an activist of KCF/Panthic committee. (Surrendered during Operation Black Thunder in the G.T. complex on May 15, 1988).

He disclosed that he had crossed over to Pakistan after Operation Bluestar and stayed in Pakistan still April 1986. He was kept in Faislabad Jail where about 275 Sikh youth were also lodged. During his stay in Faislabad Jail, he came in contact with pro-Khalistan leaders. He also disclosed that they were looked after by the Pakistan authorities and at the time of his infiltration into Punjab he was paid cash by them.

Mohinder Singh alias Makan Singh r/o vill. Sandhu Chatha, PS Sadar, Distt. Incharge (Zila Mukhi) of Babbar Khalsa and cousin of Wadhawa Singh, a top Babbar Khalsa activist based in Pakistan. (Arrested on August 8, 1988).

He infiltrated into Pakistan with six other Babbar Khalsa activists from Sri Ganganagar district of Rajasthan. He spent three months in Pakistan from November 1987 to Jan. 1988 and stayed in a safe house in Lahore occupied by two Babbar Khalsa hardcore activists, namely Sukhdev Singh Babbar and Wadhawa Singh. The 'Parkash' of Guru Granth Sahib is in the drawing room of the safe house. It is provided with a colour TV and VCR where they used to watch Jalandhar TV programmes besides the Lahore programmes. A Pakistani Intelligence Officer (aged 35-36 years 5.5" tall, slim build, fair complexion, wearing Salwar-kameez and who smoked heavily) came to see them on 4-5 occasions to enquire about their welfare. He talked to Sukhdev

Singh and Wadhawa Singh separately. The Babbars used to cook their food themselves and the dry ration was supplied by the Pakistani authorities. He was told by Wadhawa Singh that their struggle was not against any individual but against the present regime which perpetrated atrocities on innocent Sikhs.. When he came back to Punjab, he was told that Wadhawa Singh would visit Punjab shortly and they would plan to destroy TV tower at Jalandhar through a remote control system. He was also asked to contact another Babbar Khalsa activist named Gurnam Singh alias Pehelwan r/o Gurdaspur from whom he collected 8 AK-47 assault rifles, ammunition and 11 kg of explosive material. The bomb explosions at the coach factory Hussainpur, distt. Kapurthala on March 31, 1988, at Jalandhar on April 24, 1988 (in which 4 persons were killed), at Ludhiana on May 22, 1988 (where 3 persons were killed and 24 injured) and at Phagwara on May 26, 1988 (opposite JCT Mills, Kapurthala with remote control) were the handiwork of the Babbars. All these bombs were manufactured by him.

Ranjit Singh alias Rana, s/o Rattan Singh, r/o Dayal-garh, District Gurdaspur, a hardcore 'A' category terrorist and a member of the gang of Gurjant Singh Rajasthani. (Arrested on December 28; 1988).

He crossed over to Pakistan twice in April and September 1988. In Pakistan he was given arms and ammunition to be handed over to Gurjant Singh Rajasthani, Chief of Khalistan Commando Force, for further distribution to Sikh extremists in India. During his first trip to Pakistan in April 1988 he was taken to Lahore from Shakargarh by Wassan Singh Zaffarwal where he met Tejinder Singh Kaloe of ~~Canada~~ Harbhajan Singh Sursinghwal, ~~Jassa~~ and Gian Singh (the last three terrorists from Punjab). He received

training in firing of AK-47 rifles and rocket launchers some-where in Western Pakistan in a hilly region along with ten other Sikh youths. He visited Pakistan for the second time in September 1988 and crossed over from Gaj-Singhpur Sector of distt. Ganganagar along with one Paramjit Singh alias Pamma, Nirvir Singh Faridkot, Ajit Singh (PAP deserter, since killed) and Gian Singh with the help of Gurjant Singh.

Baldev Singh Dorangla, s/o Mit Singh, r/o Dorangla, PS Dinanagar Distt Gurdaspur, self styled Area Commander of Babbar Khalsa (Gurdaspur). (Arrested on November 29, 1988).

Dorangla made seven trips to Pakistan between September 1984 and November 1988, during which he came in contact with important Babbar Khalsa leaders, including Sukhdev Singh Dasuwal, his brother Atma Singh, Wadhawa Singh and Mehal Singh. He underwent extensive training in arms and also in use and fabrication of explosive devices. He admitted smuggling of a large number of AK-47 rifles, rockets and rocket launchers besides explosive material and detonators. One portable Pak-made rocket launcher, 40 rockets, 48 gun cotton slabs and 2 HE-36 grenades were recovered at his instance.

Kamaljit Singh, Sepoy 17 Punjab Regiment s/o Late Sadhu Singh, Nai Sikh, r/o Village & PO Jaura, PS Tanda, Distt. Hoshiarpur. (Arrested on April 22, 1989)

He sneaked into Pakistan on December 18, 1988 and was apprehended by Pak Army. He was taken to Jhelum on December 20, 1988 and was prevailed upon to work for Pakistan. He was imparted training for 10 days in January 1989 in which 15 other Sikh youths also participated. They were trained by three Pak instructors in handling SLRs, stenguns, LMGs, AK-47 rifles and handgrenades. At Jhelum camp, they were also given lectures on the Khalistan movement and alleged atrocities being

perpetrated on Sikhs in India. They were shifted to Rawalpindi on January 16/17, 1989 in a batch of 26 after 10 more Sikh youth joined them at Jhelum. The training at Rawalpindi camp lasted for 15 days in a jungle area. They were imparted training in making crude bombs, handling explosives and crossing rivers with the help of rope. Here also lectures on Khalistan movement, atrocities on Sikhs and schemes to flood and ruin Punjab by releasing water from Bhakra Dam, were delivered to them. They were shown video films on Operation Bluestar. The batch was again brought back to Jhelum where Kamaljit Singh observed some Sikh youth undergoing firing practice at four or five ranges adjoining the place.

Davinder Singh alias Pujari s/o Harbhajan Singh Jat r/o village PuraneMaure, PSLopoke, District Amritsar, an activist of BTFK. (Arrested on April 21, 1989)

He accompanied a group of 10 extremists including Satnam Singh alias Satta alias Changiara, S/S Lt. Gen., BTFK to Pakistan in the last week of June, 1988. They were received at Pak Rangers picket, Gillanwali by Gurbachan Singh Manochahal, Wassan Singh Zaffarwal, Mohinder Singh Manochahal (since killed in an encounter) and a Pak official named Choudhary. This party smuggled 8 AK-47 assault rifles with 8000 cartridges, eight 9 mm stenguns with 7000 cartridges, 4 pistols of .45 bore and 12 handgrenades, into India. Pujari undertook a second trip to Pakistan in January 1989 along with members of Satta Chhina group and Satta alias Changiara group (both of BTFK) to bring arms and ammunition from there. They brought back 4 AK-47 rifles with 9500 cartridges and 4 pistols of .32 bore with 500 cartridges, which were given to them by Gurbachan Singh Manochahal. In February, 1989, Pujari undertook his third

trip to Pakistan. They were joined by another group of 10 persons of Changiara group who reached the Pak picket the same evening. Gurbachan Singh Manochahal and Wassan Singh Zaffarwal handed over to them 12 Thomson guns with 7000/8000 cartridges, 10 kgs. of explosive material and 10/12 handgrenades with instructions to divide them equally among Satta Chhina group and Changiara group. Pujari, along with two other activists Sukha and Prem Singh, was taken to Lahore by Gurbachan Singh Manochahal where he stayed for about a month. While Sukha and Prem Singh stayed back in Pakistan, Pujari returned to India in the middle of March, 1989 along with five Sikh youths belonging to Bakshish Singh Sona group of KCF, who had gone to Pakistan to bring arms and ammunition. Manochahal gave arms and ammunition to all of them, including one AK-47 assault rifle, 300 cartridges and 3 magazines to Pujari, and sent them back to India.

Pargat Singh alias Pagga
s/o Pritam Singh Jat, r/o
Patti Manaki village Sur
Singh, PS Bhikiwind,
P/D Tarn Taran District
Amritsar, S/S Lt. Gen.
KCF (Zaffarwal group).
(Arrested in September,
1989)

He visited Pakistan on four occasions between July 1988-March 1989 along with the members of Harbhajan Singh gang. On all these occasions they had brought weapons given to them by Wassan Singh Zaffarwal. In all, they brought back 19 AK-47 rifles, over 11,000 cartridges, 2 Mausers of .30 calibre with cartridges, 1 general purpose machine gun with 5/6 belts of rounds, 1 night vision device besides 52 magazines of AK-47 rifles.

The Pak agencies continue to provide sanctuaries to top terrorist leaders from India and facilitate their functioning from Pakistani soil. Wadhawa Singh of Babbar Khalsa is being sheltered in a spacious house in the southern part of Lahore where training in the use of AK-

47 rifles is being imparted. Manochahal and Wassan Singh Zaffarwal are also kept in separate houses in another part of Lahore. Foreign-based Sikh extremists are kept separately. Instances have been reported where the Sikh extremists injured in encounters on the borders are being taken to Pakistan for treatment. An instance in this connection is that of Satnam Singh Satta of Sarmana, a Babbar Khalsa activist, who was injured in the thigh in an encounter while crossing the border by BSF firing in the Ferozepur Sector in March 1989 and had to remain in Pakistan for treatment for three months.

PAKISTAN'S LINKS WITH SIKH TERRORISTS AS REVEALED IN DOCUMENTS RECOVERED FROM THEM/GOLDEN TEMPLE COMPLEX

*Name of the writer/
addressee and his group
affiliation.*

*Details of the letter revealing Pakistan's
links with Sikh terrorist/secessionist
activities*

Two letters written by Gurbachan Singh Manochahal, member Old Panthic Committee dated Jan. 1989 recovered from the possession of Mohinder Singh Manochahal (cousin of Gurbachan Singh Manochahal) who was killed in an encounter on the night between March 10/11, 1989, near village Behla, PS City, Tarn Taran.

One of the letters speaks of the active role played by Gurbachan Singh Manochahal in sending supplies of arms and ammunition to the terrorists in Punjab with the active connivance of the Pak authorities. The other letter gives a clear picture of the regular contacts between him and the Punjab terrorists and the supply of arms and ammunition on regular basis.

Manochahal has also shown concern in this letter over the loss of consignments and has given guidelines on seeking shelters and safe storage facilities. The letters also show that Manochahal is quite conversant with the developments in Punjab. They also confirmed his links with Dr. Buttar, who on return from Pakistan reiterated the demand for Khalistan as well as confrontation with the rival groups whom he strongly suspected.

Addressed to Wasan Singh Zaffarwal, member Panthic Committee and Gurbachan Singh Manochahal, Chief of BTFK (both of whom are in Pakistan) from Sukhwinder Singh Sangha, s/s Lt. General BTFK (Recovered in an encounter with a border crosser on April 5/6, 1989 in the Khem Karan area).

Addressed to Dr. Gurnam Singh Buttar (since dead) from Gurbachan Singh Manochahal, Chief of BTFK.

Addressed to Harbhajan Singh Sursinghwala of the KCF from Wassan Singh Zaffarwal and Gurbachan Singh Manochahal, Panthic Committee members (camping in Pakistan) (recovered in an encounter on May 23, 1989).

Sangha has asked for supply of more arms and ammunition, particularly small arms. He has also emphasised the need to despatch maximum ammunition which is totally exhausted. The scarcity of arms is felt as the number of Sikh volunteers outstrip the number of weapons. The letter also reveals that Manochahal is known as Dr. Bashir and Wassan Singh as Thekedar. The common terrorists are known as mechanics of the 'Wattan Company'.

The letter contains directions for making district wise appointments in the AISSF and also other directions for continuing the terrorist activities. While advising Buttar to take care of his personal safety, Manochahal has also assured all kind of help to the AISSF to the best of his ability.

Gurbachan Singh Manochahal informed his followers in Punjab that they were in possession of a large quantity of arms and ammunition and instructed that persons in two's and three's should be sent across to collect them. These persons were asked to use any route in Punjab, J&K, Rajasthan and Gujarat. Manochahal directed that in future actions, more emphasis should be placed on the use of explosives. Actions suggested included car bomb explosions in Hindu localities, derailment of

trains and bombing of government buildings. He advised his followers to derail trains in UP, Delhi, Maharashtra, Madhya Pradesh or at any other place outside Punjab. Manochahal suggested that educated terrorists should be sent across to Pakistan for receiving training as new types of weapons had become available. Preference in this connection was to be given to school and college students, who were not absconders from the law. He also recommended enlistment of the help of intellectuals to further their cause. He suggested that efforts should be made to send some army officers to Pakistan. On account of the recent loss of important leaders, Manochahal advised that the top leaders should not engage in actions themselves and should take utmost precautions for their personal security.

Addressed to Gurbant Singh Rajasthani, Gursevak Singh Babla, Subheg Singh and Kulwant Singh from Wassan Singh Zaffarwal, member old Panthic Committee (camping in Pakistan) (Recovered in an encounter on August 26-27, 1989)

Zaffarwal made an appeal to 'Singhs' (terrorists) in the State to cross over into Pakistan to bring back huge stockpiles of sophisticated weaponry. He also urged the terrorists to explore new routes of exfiltration to Pakistan. He also stressed the need for ensuring personal security by maintaining restrictive security of their movements. Specific instructions were also given

to distribute printed leaflets in Punjab, warning Taksalis and Akalis, who might try to contest the forthcoming elections, which had sinister implications. Wassan Singh Zaffarwal also challenged Baba Thakur Singh to give up the myth of "living" Jarnail Singh Bhindranwale and acknowledge the fact of his "martyrdom".

Author's Post-Script It has been brought to my notice that the 'Op Topac' document referred to in the text and the annexures is not a genuine official document but a piece of scanario writing by a team of researchers who has put together over a period of months, as a result of painstaking research, their assessment of likely course of action that Pakistan intended to adopt in Kashmir Valley. The assessment published in July 1989, has been thoroughly vindicated by subsequent events and hence the references do not in any case vitiate the analyses. However, I deeply regret the error of treating it as a genuine document. Unfortunately, information came too late to correct the text itself. My profound apologies to the reader.

K. Subrahmanyam
18th April 1990

