Ultimately, on 12 December, 1947, Pandit Jawaharlal Nehru, the Prime Minister of India, followed up the suggestion of Lord Mountbatten and sent a telegram to Liaquat Ali Khan, the Prime Minister of Pakistan, in which Pandit Jawaharlal Nehru, expressed his government’s willingness to invite the United Nation’s observers to come the sub-continent and advice us on the conduct of the proposed plebiscite to held in Jammu and Kashmir state. The Pakistan Prime Minister, Liaquat Ali Khan opposed and replied that Pandit Jawaharlal Nehru should avoid such legal disputations and questioned as to how Pakistan was a party of the dispute of Jammu and Kashmir and how the United Nation observers can be brought in this dispute. But both the parties could not compromise on this issue, as many other telegrams also followed in this regards to the issue of Jammu and Kashmir e.g. on 2 December, 26 December and 31 December, 1947, but all in vain. Even, Jawaharlal Nehru personally handed over a protest letter to the Prime Minister of Pakistan, Liaquat Ali Khan on 22 December, 1947 at Delhi, when he had come for a meeting of Joint Defence Council in which Pandit Jawaharlal Nehru pointed out about the aid and the assistance which the raiders were getting from Pakistan. He made a final appeal for immediate cessation of hostilities in the spirit of friendly neighbours. Pakistan did not reply to the Indian Prime Minister’s letter and all persuasions by the India were failed to get the positive response from the Pakistan leadership. At the last resort, Lord Mountbatten was convinced that nothing substantial would be attained by the direct negotiations between the two countries India and Pakistan. On the other hand Lord Mountbatten feared that a direct war between the two Countries might breakout if no settlement could reached over the dispute of Jammu and Kashmir State. He was keen on bringing about the cessation of hostilities in the state. He also persuaded Mahatama Gandhiji and Pandit Jawaharlal Nehru to invoke the aid of the United Nations. He felt by making the Kashmir issue into a cold war, it might be proved to the world that the newly free countries India and Pakistan were not fit for the self-Government and in carrying out their International responsibilities in a peaceful manner. Since, such a situation had arisen in the sub-continent due to the operation carried on, against the Indian State of Jammu and Kashmir by the Pakistani nationals and the
tribesmen of Pakistan, with the assistance and encouragement from the Government of Pakistan. The Jammu and Kashmir being a part of the Indian and the raids on the State was an attack on the integrity of the India itself.\textsuperscript{7} This active aggression of Pakistan against India entitled the Indian government, to take military action against Pakistan. In fact, the Government of India had no option but to take military action against the invaders. As this might have led to an armed conflict with Pakistan. So, India was anxious to proceed according to the principles and aims of the United Nations Charter under Article 35 of the charter.\textsuperscript{8} The United Nations Security Council was formally called upon to deal with the Kashmir situation on 1 January, 1948, P.P. Pillai, representative of India to the United Nations, filed an official complaint to the President of the Security Council against Pakistan by invoking Article 35 of the United Nation Charter which permits a member of the United Nations to draw the attention of the Security Council to the fact that the situation in Jammu and Kashmir was likely to lead an International friction.\textsuperscript{9} The Government of India requested the Security Council to prevent Pakistan Government’s personal, military and civil officers and other nationals from participating or assisting invasion of the Jammu and Kashmir state. Moreover, to deny any use of its territory or any other kinds of aid which would prolong the present conflict.\textsuperscript{10}

Pakistan’s Foreign Minister, Zaffar Ullah Khan in his reply to the Indian complaint, emphatically denied the Indian charges. He said that Pakistan neither provided bases for military operations nor supplying military or any other facilities to the invaders. However, to document I, Para 3 of the United Nation Commissions, First Interim Report (S/100) said that Pakistan was unofficially involved in aiding the raiders.\textsuperscript{11} Further, the United Nations Security Council\textsuperscript{12} on January 6, 1948, on behalf of its president, who was a Belgium delegate made an urgent appeal to both the countries to refrain from any step which would result in an aggravation of the situation.\textsuperscript{13} However, India made it clear that it reserved the right of self-defence and could take any military action as the situation might call for.\textsuperscript{14} The Security Council placed the memorandum of the Government of India on its agenda and opened the debate on 7 January, 1948. The hearing of the case was subsequently postponed because to allow the Pakistan Foreign Minister, Mohammad Zaffrullah Khan, to arrive at Lake Success for participation.\textsuperscript{15}
Further, the Security Council met on 15 January, 1948, for discussion on the Jammu and Kashmir issue. The Indian delegation to the United Nations was led by N. Gopalaswami Ayyangar, Minister in the Indian Government, M.C. Setalvad, Attorney General of India and Sheikh Mohamed Abdullah, a representative of the People of Jammu and Kashmir State, N. Gopalaswami Ayyangar, presented India’s case to the Security Council. He briefly stated the facts regarding the invasion of Jammu and Kashmir and its accession to India. And also urgent necessary measures for return of peaceful conditions in the sub-continent. It was stated that India’s decision to respond to the appeal of the Jammu and Kashmir Government arose out of two considerations: that they could not allow a neighbouring state to interfere in its internal affairs or its external relations; and the accession of the Jammu and Kashmir State to the Dominion of India made India fully responsible for the defense of this State. The Government of India made clear that once the soil of the Jammu and Kashmir State had cleared from the invader and normal conditions would restored, then its people would be free to decide their future by the recognized democratic method of a plebiscite. Ayyangar’s speech highlighted the facts regarding the Accession of the Jammu and Kashmir State and the tribal invasion. He also said that India had brought the issue to the United Nation with the deepest regret. India wished that the issue could be settled between India and Pakistan. N. Gopalaswami Ayyangar also traced the history of the dispute and said that on 15 August, 1947, Jammu and Kashmir State like other States became free to decide whether Jammu and Kashmir would accede to one or other Dominion or remain independent. He also concluded by saying that the conduct of the Pakistani Government was against all the precepts of right International conduct and against all the principles of inter-national law. Therefore, the reference to the Security Council was a simple and straight forward issue and no territorial dispute. The main point was a war which was raging in the State and the danger of the extension of the area of conflict. The only issue was the demanding priority and urgent consideration was the withdrawal of the raiders. On 16 January, 1948, Pakistan’s Foreign Minister, Zaffar Ullah Khan addressed the Pakistan’s reply. The reply came in the shape of three documents. Document No.1 dealt with the Indian complaint, No 2 dealt with Pakistan’s counter complaint and the No. 3 a fairly lengthy one with the details of the case.
Document 1 was a refutation of India’s charges, Mohammad Zaffar Ullah Khan, emphatically denied all the Indian charges against the Pakistan Government. Though, he admitted that a certain number of independent tribesmen and persons from Pakistan were helping the 'Azad Kashmir' Government in their struggle for their liberty as volunteers.23

The Pakistan Governments counter complaint had raised a fantastic numerous counter complaints against India. Pakistan said that during the partition, India had pre-planned about the campaign of ‘genocide’ against the Muslim population. It was still in progress against Muslims in certain areas which was now a part of the Indian Union, notably the East Punjab, Delhi, Ajmer and the States of Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpur, Alwar & Gwaliar etc.24

Even Pakistan Government stressed about the security, freedom, well-being, religion, culture and language of the Muslims of India were in serious danger;25 Pakistan said that the States like Junagadh, Manavadar and some other States in Kathiawar which had lawfully acceded to Pakistan and became the part of Pakistani territory, but the Indian armed forces had forcibly and unlawfully occupied these States which caused an extensive damage for the life and property of Muslims who were inhabitants in these States.26

Further, Pakistan also stressed that India obtained the accession of the State of Jammu and Kashmir by fraud and violence, looting a large-scale massacre and atrocities on the Muslims of the Jammu and Kashmir State. The State had been perpetrated by the armed forces of the Maharaja, the Indian Union and by the non-Muslim subjects of the Maharaja and all the Indian Union. Pakistan also protested against Indian forces being sent to Jammu and Kashmir without consultation with or even any notice to the Government of Pakistan with which the State had concluded a ‘Standstill Agreement.

As to the Indian promise about a plebiscite in Jammu and Kashmir, Pakistan expressed through this document the strong conviction that plebiscite would be a fair even if it were conducted in the presence of the Indian forces and if the proper conditions were not established to guarantee the people of the State for complete freedom to express their will.27

The numerous attacks on Pakistani territory had been made by the Royal India Air Force, by the armed bands from the Indian Union and the State of Jammu and Kashmir. The India had failed to fulfill various agreements relating to or arising out of the partition between India and Pakistan. Under the pressure from the Government of
India direct or indirect, the Reserve Bank of India were refusing to honour its obligations as a banker. And the Currency Authority of Pakistan said that India’s such pressure were designed to destroy the monetary and currency fabric of Pakistan. Moreover, India now threatens the Pakistan with a direct military attack and various acts of aggression were used by India against the destruction of the State of Pakistan.²⁸

After summing up its complaints, the Government of Pakistan demanded and requested the Security Council to call upon the Indian Government to stop the acts of the aggression against the Pakistan and implement all agreements that the India had signed with the Pakistan. And Pakistan requested to United Nations to appoint a Commission with the task of investigating all the accusations against India, arranging cessation of hostilities in Jammu and Kashmir, enforcing the withdrawal of all outsiders whether they came from India or Pakistan, facilitating the return and rehabilitation of Jammu and Kashmir refugees, establishing an impartial administration in Jammu and Kashmir, and finally, hold a free and impartial plebiscite to ascertain the wishes of the people.²⁹

In Document III the Pakistan Government gave its version of the history of the case and dilated matters, stressing for the Muslims struggle for self-determination and the hostility of Hindus and Sikhs to the creation of the Pakistan.³⁰ The Pakistan Government had not accepted and will not accept the accession of Jammu and Kashmir State to India. It was based on violence and a fraud. In fact, Pakistan wanted a peaceful solution of the problem. India intended to force a decision by the military action and to perpetuate the occupation on the question of division of military stores, cash balances as well as the functioning of the Reserve Bank of India. The Indian attitudes of hostility had been adopted and also designed to endanger the safety of the Pakistan. Lastly, Pakistan would not be content with these various acts of hostility and aggression against Pakistan. The Government of India now threatens Pakistan with direct military attack.³¹

Mohammad Zaffar Ullah Khan’s first speech in the United Nations Organization was devoted to the implications and the background of the Jammu and Kashmir problem.³² As both the parties presented their issues to the Security Council, the different views of the two nations. To India, the cause of the conflict was the tribal invasion and the Pakistan’s participation in it. Therefore India limited her presentation and defense of the case before the Security Council to these two acts. To the Pakistan, however, the
hostilities in Jammu and Kashmir were only a part of the whole picture of unhappy Indo-Pakistani relations, and her presentation was an exhaustive account of all problems dividing the two countries.\textsuperscript{33}

After the Indian delegate had placed his Government’s complaint before the Security Council and the Pakistan delegate in his speech he presented the Pakistan picture before the Security Council. In its length Pakistan made a record in the annals of the United Nations history. Mohammad Zaffarullah Khan talked above the details of the Story of Kashmir. He linked it with the generally unsettled situation on the sub-continent, with the communal strife, with the political struggle of Kashmiris for freedom. He agreed with the Indian delegate in one thing only that the situation was grave and urgent needs to be dealt with on the basis of immediacy.\textsuperscript{34}

Mohammad Zaffarullah Khan’s handling of the case was clever. Though his attacks were not too dignified, but it put the Indian delegation on the defensive. His defence for Pakistan position was brilliant based on systematic and not overtly scrupulous attacks upon the good faith of the Indian Government. The trend of the discussion that followed the statements of India and Pakistan showed that India came before the bar with not altogether clean hands. Pakistan’s viewpoint seemed to had a greater impact on the minds of the member of the Security Council. While India weakened its case by not clearly stating that Pakistan had committed an act of aggression on India by allowing and helping the raiders to invade Jammu and Kashmir and the Pakistan was irrevocably hostile towards India. The diplomats of Pakistan were successful in convincing most of the members of the Security Council through the dispute of the Jammu and Kashmir was directly related to the partition of the Indian sub-continent on the basis of the two nation theory and also in attracting sympathy as the smaller and weaker party.\textsuperscript{35}

After hearing both the parties, the Security Council President, Van Langenhove of Belgium, passed a Resolution on 17 January, 1948,\textsuperscript{36} in response to the complaint lodged by India against Pakistan’s aggression. The Resolution called on India and Pakistan to refrain from making any statement and from doing any act or permitting any acts which might aggrevate the situation. He also directed them to inform the Security Council immediately of any material change in the situation.\textsuperscript{37}

But Pakistan proceeded to defy the Resolution with impunity. It emphatically denied its involvement in the invasion of Jammu and Kashmir. But, it sent its regular armies
in Jammu and Kashmir in March 1948 and some of its units were actually inaction since November 14 1947, Pakistan did not inform the Security Council.\textsuperscript{38}

On 17 January, 1948, an agreement was reached between Mr. Gopalswamy Ayyangar and Mohammad Zaffarullah Khan over the proposal\textsuperscript{39} of the USA representative, Mr. Warren Austin, American representatives suggested that the two delegations India and Pakistan should meet under the Chairmanship of the President of the Security Council and under his guidance to find some common ground on which the structure of a settlement may be built. India welcomed this proposal with great willingness, with enthusiasm, and with full regard to what was happening in India.\textsuperscript{40} Mohammad Zaffarullah Khan also accepted the proposal and the President entered into negotiations with both India and Pakistan. These discussions, according to the first indications, went off very well. When the Security Council met on 20 January, 1948, another resolution was adopted by the majority of member of the Security Council. It appointed a Commission to investigate the facts and to examine mediatory influences.\textsuperscript{41} The main points of the resolution were the appointment of the Security Council Commission composed of three members of the United Nations, one each selected from India and Pakistan and the third to be designated by the two so selected. The Commission would proceed to work under the authority of the Security Council and act according to its directives.\textsuperscript{42} The Commission would perform the functions described in clause C in regard to the situation in Jammu and Kashmir State as brought 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 on the subject from the Minister of Foreign Affairs of Pakistan addressed to the Security-General dated 15 January, 1948, and the Security Council so directs. The Commission should take its decision by a majority vote and determine its own procedure. It was also stated that the Secretary-General of the United Nations should furnish the Commission with such personal assistance as it may consider necessary. The resolution was passed by a majority vote with the abstention of USSR and Ukraine. While India thought that Commission should primarily be appointed for the Jammu and Kashmir question and agreed as a compromise that if later on the counter complaint of Pakistan was brought on the agenda of the Security Council and after the discussion it was decided that any matters in that complaint also required to investigation, it would then be appropriate to refer such questions to the same Commission but to Pakistan the entire range of Indo-Pakistan problems ought to had come under the Commission’s scope.
There was a series of discussion on the question of widening the scope of the Commission function. The Indian side preferred that the scope of the commission should be primarily for dealing with Jammu And Kashmir Question. On the Contrary company, Pakistan wanted that entire range of Indo Pakistan problems should be under commission’s scope.\textsuperscript{43}

Mr. Gopalaswamy Ayyangar added in the course of discussions during the last two days that the question of widening the scope of the Commission’s functions. The Pakistani delegation wanted to include matters which did not relate to the Jammu and Kashmir question. After a series of discussion it was decided that, the Commission besides looking specially to Jammu and Kashmir question, it would also cover other issues which disturbing relation of India and Pakistan.\textsuperscript{44} But Mr. Ayyangar said, that the main question was whether we were investing the Commission with powers today to deal with the Jammu and Kashmir situation as well as other matters which brought up by the Pakistani delegation. Therefore, they would not agree that they we were now setting up an instrument of the Security Council to deal with whatever matters the Commission had to setup to deal with Jammu and Kashmir. Though the Council was free to refer other matters to discuss later.\textsuperscript{45}

However, a report from New York in an \textit{Indian Daily} summarized the differences of opinion on the scope of an appointed Commission. On the one hand Pakistan opinioned that the Commission should have widest powers to look into all issues of conflict observance of cease-fire by both sides, freedom to consult with all parties concerned on equal terms, including representative of the State Jammu and Kashmir movement; thirdly, full powers to act in the nature of a neutral administration which would organize to supervise the holding of a plebiscite throughout the territory. For India, the vital issue of Jammu and Kashmir required restoring the normally in Indo-Pakistan relations. Because for India the widening scope of United Nations investigation would mean the expanding of the possibilities of international interference in many more affairs of India and Pakistan. That would tantamount to incapacity of the two countries India and Pakistan to manage their own affairs.\textsuperscript{46}

The resolution was then put to vote nine voted in favour. Soviet Russia and the Ukraine abstained from the voting and the resolution was passed with the required majority. In the International context that the Jammu and Kashmir dispute was a dispute between the two newly Independent countries India and Pakistan, two of them had achieved the freedom. This issue was being discussed at the International forum.
at a time when millions of the Colonial peoples were striving for their liberation from Colonial powers. In 1948, some of the major international issues were those of Colonialism.\textsuperscript{47}

In fact, India persistently opposed the United Nations attempts to widen the scope of the Commission, intense nationalist consciousness must be taken into account; otherwise, it was not improbable that the Indo-Pakistan dispute would have appeared to some members of the Security Council was as essentially as confirmation of their belief that the Colonial peoples were not yet prepared to become and remain free, without being a political burden on the rest of the world.\textsuperscript{48}

However, from Pakistan’s viewpoint, the urgency was of acquiring a status of equality with India. To invest the United Nations with as much power and scope as possible to see in the affairs of the sub-continent as an arbiter. It was therefore, understandable that Mohammad Zaffarullah Khan performed the way he did. And it was he who won the first round at the United Nation.\textsuperscript{49}

While on 20 January, 1948 the President’s resolution was adopted by nine votes in favour and two abstentions, After the day’s proceedings were over Mohammad Zaffarullah Khan, immediately wrote a letter to the Security Council’s, President, threatening military action against India on the issue of Junagadh and requesting an early meeting of the Security Council to consider the situation other than that of Jammu and Kashmir. From Pakistan’s angle, the war was not being waged in Jammu and Kashmir only, but a war might start on any of the other issues and hence urgent action by the Security Council in those matters was also required for.\textsuperscript{50}

As a result, Zaffar Ullah Khan’s letter, on January, 1948, the general description of the agenda was called the India-Pakistan question.\textsuperscript{51} On 22 January, 1948 the same morning, basing himself on a \textit{New York Times report}, Ayyangar addressed a letter to the Security Council President taking the strongest exception to any change in the description of the item as the subject under discussion was still the Jammu and Kashmir question, and the Indian delegation had yet to reply to the Pakistani delegate’s speech on 17 January, 1948, India did not contend, as Ayyangar explained in the Security Council that these situations should not be placed on the agenda but it was wrong to change the heading and the content of the matter on a suggestion from the Foreign Minister as one of the contending parties. He added that when our answer was filed and Mohammad Zaffarullah Khan makes his own statement on that counter
complaint and we reply to his statement, then the Security Council can proceed to
debate that part all other affairs in an elaborate fashion as it desired.\textsuperscript{52}
The India opposed the change of the heading and the content of the matter. The Indian
objection evoked a favourable response from the British delegate, Noel Baker, who
said that if he had been the President he would have handled the matter differently by
separating the Kashmir question from other questions and grouping the rest under one
heading. However, the British view was opposed by the delegates from Syria, 
Argentina and Colombia and although the support came from USSR’s Andrei
Gromyko. Noel Baker decided to withdraw his proposal as there was no possibility of
getting a majority support. The British and the Soviet delegates supported the Indian
delegate’s viewpoints. The US delegate agreed with the procedural objection raised
by India but ended by saying that the description of the item really did not matter any
difference whether the title India-Pakistan Question was used or whether the title
Jammu and Kashmir Question.\textsuperscript{53}

With the change in the title of the dispute Pakistan achieved what it cherished a great
deal, the status of equality. Thus, Pakistan secured its first victory. Mohammad
Zaffarullah Khan not only successfully diverted the attention of the Security Council
from the Pakistan backed tribal invasion but was able to widen the scope of
discussion.\textsuperscript{54}

It was now clear that India-Pakistan issues would continue to remain on the United
Nation’s agenda. There was no possibility of an immediate ending of the crisis that
had arisen between the two countries. It was the process of disillusionment with the
United Nations efficacy in matters like Jammu and Kashmir started in India.\textsuperscript{55} After
the adoption of the agenda the President of the Security Council in his a brief
statement recounted the progress: The resolutions of 17 and 20 January, 1948,
resolved that consultations would continue between the representatives of India and
Pakistan, it was accepted that the future of the State of the Jammu and Kashmir would
be decided by the plebiscite. However, there was no progress with regard to the
problem. The fighting in Jammu and Kashmir and the aid given by Pakistan to the
invaders were continued. When India insisted on giving priority to the question of
securing the cessation of hostility, Pakistan and its supporters agreed that fighting
could only stop if the condition of the plebiscite were agreed to aggressor should be
satisfied of its fairness.\textsuperscript{56}
On 23 January, 1948, India’s representative, M.C. Setalvad replied in detail to Mohammad Zaffarullah Khan’s first speech with the moderation characteristic of the Indian lawyer, he said that the speech of Mohammad Zaffarullah Khan had established a record for the calculated venom of its attack on India, for the irrelevancy, much of its contents to the subject under debate, for the deliberate omission of the relevant matters and also for its cleverly distortion of the facts. These false accusations had been made to obscure the issue on which the Government of Pakistan had no effective answer. The root cause of killings in India, he pointed out was the continuous preaching of hatred and violence by the Muslim League. Mohammad Zaffarullah Khan again took the floor and refuted the points made by his Indian counterpart and concluded: that under a neutral administration or under United Nations observation, whatever was preferred for a plebiscite to be held whether Jammu and Kashmir should accede to India or Pakistan. It was the only guarantees which would stop the fighting. Mere observation by the United Nations would not do, nor could it be a free plebiscite if the administration of Sheikh Mohammad Abdullah were to stay on. British representative, Noel Baker brushed aside some of the Pakistani charges like genocide, and the killings, he vaguely said that they arose out of history. According to him, Jammu and Kashmir was the chief outstanding issue and it was his belief that the two Governments would settle the problem. The problem had brought to them on the verge of war and if war started it could be a conflict in the history of mankind and unbelievable disaster for the new Asia. To avoid it, was the negotiations between them through the Security Council.

The United States delegate, Warren R. Austin, thought that India’s acceptance of accession was conditional, it was that the parties involved would seek solution and conduct all the proceedings in regard to all the problems under the aegis of the Security Council. The French delegate suggested a course of action for the Commission, closely resembling the one which Pakistan painted later, the Canadian delegate associated himself with the British statement, the Syrian delegate agreed with France but added that not only foreign troops but foreign raiders and the tribesmen also should be withdrawn. The Security Council’s opinion, as a whole was that negotiations should be resumed.

Pakistan delegate also responded that the best way to stop the fighting was to assure those who were engaged in it that a fair settlement would be arrived at. Further,
Pakistan’s conception of a fair settlement included withdrawal of Indian troops and removal of the legal and duly constituted Government of the Jammu and Kashmir.\(^{65}\)

**The two proposals of India and Pakistan**

On January 27, 1948, Indian delegation submitted the following draft proposal to the President of the United Nation Mr. Van Langenhove.\(^{66}\)

The foremost objective was for the stoppage of fighting and restoration of normalcy. For this Pakistan should direct the tribesman and other invaders to withdraw and prevent the passage through its territory for operation against the State. Supplies and other material aid directly or indirectly to the invaders should also be stopped.\(^{67}\)

Secondly, after the restoration of pace and normalcy, all political prisons should be released, those citizens who have left the state, must be called back and no restriction should be imposed.\(^{68}\)

Adequate arrangements for maintenance of law and order would have to be made: Though after the cessation of hostilities, the strength of Indian troops in the State would be reduced, it would be necessary to maintain the Indian troops of adequate strength to ensure protection not only against the future attacks from outsiders but also for giving support to the civil powers when it required for the preservation of law and order.\(^{69}\)

The Emergency Administration of Sheikh Mohammad Abdullah’s would be immediately converted into a Council of Ministers functioning as a responsible ministry. The Commission as decided upon in the Security Council’s resolution on 20 January, 1948, that it would proceed at once to India for the purpose of watching, ensuring by advice and mediation that the measures agreed on for the stoppage of fighting and the termination of military operations were implemented effectively without any loss of time and of reporting the progress to the Security Council.\(^{70}\)

The second section of the Indian proposal was related with the holding of Plebiscite.\(^{71}\)

Pakistan questioned the loyalty of Jammu and Kashmir’s accession to India and legality of Sheikh Mohammad Abdullah’s Government. However, India viewed that Sheikh Mohammad Abdullah Government was entitled to hold plebiscite\(^{72}\) under the supervision of the United Nation Commission.\(^{73}\)

Zaffarullah Khan’s denial compelled Sheikh Mohammad Abdullah, a member of the Indian deligation, to make thrice observations in the Security Council on 5 February, 1948, which was carefully avoided by Zaffarullah Khan in his lengthy exposition.
Then Sheikh Mohammad Abdullah observed that the position of the Pakistani representatives would had been understood if he had come out boldly and accepted that his country supported the tribesmen and the rebels inside the Jammu and Kashmir State because Pakistan was convinced that Kashmir belonged to Pakistan and not India, and its accession to India was fraudulent. Then it was logical to discuss the validity of accession of the State of India; but unfortunately that was not the stand taken by Pakistan in the Security Council.  

The president Mr. Langenhove held that ending of the hostilities and the conducting of a plebiscite were two aspects of the Jammu and Kashmir problem. He presented two draft resolutions simultaneously. The first provided for a plebiscite to be organized, held and supervised, under the authority of the Security Council. And the second proposal specifying the duties of the Commission in bringing about the cessation of hostilities and violence, in the Jammu and Kashmir State.

The evidence against Pakistan kept on increasing. The diary of General Scott, Chief of Staff of Jammu and Kashmir in which he submitted to his Government details of the Pakistanis raids since 6 September, 1947. The extracts of which were read out by Ayyangar in the Security Council on 6 January, 1948.

The call for plebiscite was put by the Pakistan’s Western allies. This proposal was supported by Canada, China and Syria. Their proposals were surprisingly to the one submitted by Zaffarullah Khan on 17 January, 1948 and resulted in down grading the Indian complaint of Pakistan’s aggression and wanted to undo the State accession to India. Sheikh Mohammad Abdullah answered that the resolution was confusing the issue of liberation of Kashmir.

Pakistan accepted Mr. Langenhove’s proposals but India rejected both the proposals. According to the Indian delegate they were innocuous in the extreme because they did not deal with the most urgent problem of stopping the fighting.

Moreover, the Pakistani delegate showed concerned with the investigation of facts regarding validity and legality of the accession and the plebiscite which would be of complex and of delicate in nature. Hence they proposed that an advisory opinion of international Court of Justice is necessary.

It was not until April 21, 1948, that the Security Council adopted another resolution sponsored by Belgium, Canada, China, Columbia and United Kingdom and The United States. It was adopted nine votes to zero, the USSR and Ukraine abstaining.
In the next meeting the President, the Belgian delegate, formally moved his resolution in two parts one saying that the plebiscite would be held and supervised under the Security Council’s authority and the other specifying the duties of the Commission in bringing about cessation of hostilities. The USA, Canada, China, France, Syria and the UK supported the two resolutions, the plebiscite alone could stop the fighting and such a plebiscite should not only be impartial but appear to be so. According to the Indian delegate, the resolution regarding the cessation of fighting was harmless in the extreme an illustration of trying to fiddle here while India was burning. He reminded the delegates of their condemnation of Yugoslavia, Albania and Bulgaria for giving assistance to the rebels for fighting with the Government forces in Greece. Similarly, the tribesmen, who were Pakistani citizens taking part with the Pakistan assistance in fighting against the lawful Government of Jammu and Kashmir. He saw the situation as similar to that in the Greece. He convinced the Security Council to stop the fighting first and then compel the Pakistan Government to make the tribesmen to withdraw from the Jammu and Kashmir State. Therefore, it was resolved by the Commission that the plebiscite would be held by the Government of the Jammu and Kashmir State but it could be held under the advice and observation of persons appointed by the Security Council to remove doubts about their impartiality. The Security Council would not had to observe but actually hold the Plebiscite under its authority. The two members Dr. T.E. Tsiang of China and Lopex of Colombia showed greater appreciation of the Indian viewpoint. The five members of the Commission, one each nominated by India and Pakistan and three by the Security Council, in its memorandum asked Pakistan to use all its efforts to persuade the invaders to withdraw, it also sought be for the co-operation of both the countries to bring cessation of fighting. After the normalcy, plebiscite would be held under the advice and supervision of the Commission of the Security Council. Next day, Ayyangar restated some of his earlier positions that the accession was complete and not conditional, India’s Commitment was that if the people of Jammu and Kashmir State did not vote for India in a plebiscite, then Kashmir would be released from the accession. Secondly, defence of Jammu and Kashmir against internal disorder and external aggression was a function of the Indian Army and would remain there till the Jammu and Kashmir withdrew from India through
The form of Government in Kashmir was a matter for the people of the State to decide.\textsuperscript{91}

The Pakistan’s representative showed his Government’s concern over the impartiality and neutrality of the Sheikh Mohammad Abdullah’s led administration. They argued that they had unfair reservation for holding plebiscite under the Jammu and Kashmir authorities.\textsuperscript{92} Moreover, the question was not merely of putting an end to the hostilities but of assuring the people of Jammu Kashmir of their honour, safety, self-determination and of satisfying the Pakistan that the plebiscite would be free and impartial. Then only the Pakistan would convinced the invaders, to make them withdraw. During the discussion on 6 February, 1948, the Indian representative stated that since, the proposals framed by the President\textsuperscript{93} were not in some respects in accord with the submissions and suggestions made by them in the Security Council, it would be necessary to consult the Government of India on the subject. On February 8, 1948, Ayyangar in a formal letter requested the Security Council to defer the discussions and allow him to make himself available, along with other delegates for consultation in New Delhi as asked for by the Government of India.\textsuperscript{94}

The Indian request for adjournment of discussion for some time was subjected to severe criticism by the many members of the Security Council like Britain, Columbia, Algeria, Syria. The Soviet delegate come out in support of the request for adjournment.\textsuperscript{95}

Eventually, after long discussions, the Security Council decided on 12 February, 1948, to adjoin the discussion on Kashmir issue. The Indian delegation restored to New Delhi for consultants.\textsuperscript{96}

Towards the middle of February accusations against the United Nations began to be made in India. Summing up the reaction the Indian’s reaction towards Security Council on the handling of the Kashmir question.\textsuperscript{97} On 15 February, 1948, Pandit Jawaharlal Nehru said in Jammu: Running up the Indian reaction towards security council’s handling of the Jammu and Kashmir issue, that instead of discussing and deciding in a straight forward manner, the nation of the world sitting on the Security Council got lost in power politics.\textsuperscript{98} Moreover, addressing the Constituent Assembly (Legislative) on 5 March, 1948, Pandit Jawaharlal Nehru confessed that he was surprised and at the same time distressed that the Indian reference had not even been properly considered and other matters were given precedence.\textsuperscript{99}
Further, *The Hindu* wrote in an editorial: The non-objective attitude adopted by the power groups in the United Nations had caused resentment in this country. The difficulty from the beginning has been that the Anglo-American powers and their satellites in the Security Council had identified themselves completely with the Pakistani cause.\(^{100}\)

The India’s representative returned to the Security Council to restate India’s position on 10 March, 1948. Ayyanger again demanded top priority to the cessation of hostilities.\(^{101}\) He rejected the idea of replacement of Sheikh Mohammad Abdullah administration but expressed the willingness of the Government of India to ensure that the Indian troops would be fair in the plebiscite.\(^{102}\)

On March 18, 1948, the President of the Security Council, Dr. Tsiang of China, submitted a draft resolution\(^{103}\) which was divided in three parts i.e. on settlement, plebiscite and the general provisions. Part A dealt with the restoration of peace and order and for just solutions of the problems.\(^{104}\)

Its Part B dealt with a setting up of a plebiscite administration in the State of Jammu and Kashmir for hoping plebiscite under its own authority. The Director of the administration would be a nominee of the Secretary-General, also its Regional Directors. They would act as officers of the State Government to organize the Plebiscite. It directed to avoid any type of coercion or threat to the voters and regard it as an international undertaking for all concerned in Jammu and Kashmir State. The Indian obligations would also include the withdrawal of nationals who had entered the State for unlawful purpose. Moreover it also directed return of refugees, release of all political prisoners, no victimization, and adequate protection to the minorities.\(^{105}\) Part C, dealt with the General provisions. That the interim Government of the Jammu and Kashmir State would be constituted on the basis of adequate representation of all major political groups in the State; and that a high Indian official would ensure that all international obligations were fulfilled by the State Government. Speaking immediately after the Chinese representative, Dr. Tsiang who was also the President at that time. The Indian delegate welcomed the draft resolution as a fair solution of the points in the controversy. However, Pakistan objected the presence of Indian troops in Kashmir, which they believed, would affect be favours of the plebiscite.\(^{106}\)

The French delegate agreed that Indian troops had to remain in Kashmir. Kashmir could not be emptied of an administration for taking a plebiscite. Plebiscite would have to be fair under these conditions. Supporting the draft resolution, the French
delegate made a practical and realistic suggestion that the Security Council would reach for guarantees to ensure impartiality of the plebiscite, despite the presence of the Indian troops.\textsuperscript{107}

The Pakistan’s press in Pakistan reacted sharply, commenting on the resolution. \textit{The Dawn}, wanted the Security Council to show the same sense of realism as it did before and described the attempt at compromise as granting one party almost everything and the other party nothing. After a month’s negotiations during which the Security Council’s President, Dr. Tsiang of China and A. Lopey of Columbia, had further discussions with the two parties. A very significant resolution was jointly sponsored by the USA, UK, France, Canada, China and Columbia.\textsuperscript{108}

The resolution of April 21, 1948 called upon Pakistan to use its best endeavour to secure the withdrawal of tribesmen and Pakistan nation to prevent any further intrusion into the State, and to refrain from aiding and stop fighting in the state. India was permitted a minimum force to aid the Government of Kashmir in the maintenance of law and order. India’s withdrawal of its forces was however, not to begin until after the Commission (and not Pakistan) was satisfied that the tribesmen are withdrawing and that the arrangement for the cessation of fighting have become effective.\textsuperscript{109}

The first part began with imposing obligations on Pakistan. It stipulated that Pakistan should undertake to use it best endeavors. To secure the withdrawal from the Jammu and other Kashmir of tribesmen and Pakistan nationals, to, prevent any further intrusion into the State and stop giving any aid to them, and; make known to all concerned that the scheme of settlement as contained in the resolution provided full freedom to express their views and vote on the question of accession.\textsuperscript{110}

The obligations imposed on India regarding withdrawal of its troops were conditional. When the Commission was satisfied that the Pakistani nationals, tribesmen were withdrawing and a cease-fire had became effective, then India should consult with the Commission and put its plan for, to effects for a progressive reduction of their forces till only a minimum strength required for the support of civil authorities for the maintenance of law and order; and to announce the completion of withdrawal in stages; to station remaining forces in consultation with the Commission so that the presence of troops should not afford any appearance of intimidation to the inhabitants of the State; as agreed to the station of the troops and the State forces as agreed with the plebiscite Administrator; to assure the locally recruited personnel in each district should be utilized for the re-establishment and maintenance of law and order and for
the protection of the minorities. If the local forces were found inadequate, the Commission would subject to the agreement of the Government of India and Pakistan then they would arrange for such a forces of either dominion as it deemed effective for the purpose of pacification.\textsuperscript{111}

The second part was related to Plebiscite and again imposed certain obligations on India;

It laid down that the Government of India should ensure that the State Government invited the representation of the major political parties to share equitably and fully in the conduct of the administration at the ministerial level, while the plebiscite was being prepared and carried out. Undertake that the State Government delegated, such powers to the plebiscite administration which were considered necessary for the conduct of plebiscite.\textsuperscript{112} Make available from the Indian forces such assistance as the plebiscite administration would require, and agree that a nominee of Secretary-General of the United Nations would be appointed as his assistants as also special magistrates for their assistants within the State judicial system to hear cases about a bearing on plebiscite. The administrator had the right to communicate directly with the State Government, the Commission and through the Commission, the Security Council and with the Governments of India and Pakistan.\textsuperscript{113} The resolution also obligated India to undertake to prevent bribery, coercion or intimidation, any threat or any undue influence on the voters and to give full support to the administrator in this regard, to withdraw all nationals who were not normally resident of the State, to release all political prisoners and invitee all refugees to the State. At the end the plebiscite Commission would certify whether the plebiscite had or had not been really free or impartial.\textsuperscript{114}

The third part of the resolution called for the appointment of a representative of both the Government attached with Commission. It also authorized the Commission to appoint United Nation observers in the State of Jammu and Kashmir. The resolution had strong backing in the Security Council. Six of the eleven Council members had sponsored it and among the remaining five there was no opposition to it. The French delegation extended full support to it; the USSR and Ukrainian delegate had no views to express; the Syrian and Argentine representatives would like to amend the resolution but would not press for them.\textsuperscript{115} India reasonably expected that the Council would have concentrated its efforts on the immediate restoration of peace in Jammu and Kashmir. The real intention of the resolution was apparently to side track the
main objective by dealing with other problems. e.g. installing an interim in order to establish an impartial Government of Jammu and Kashmir, Pakistan’s delegate urged that the resolution of April 21 did not go for enough.\textsuperscript{116}

He therefore proposed that such a government should include representation of the so called Azad occupied Kashmir and the Muslim Conference. Thus, analyzed with political dictation bound with aggression. However, the Security Council found these proposals too daring and rejected them. Pakistan then rejected the resolution of April 21.\textsuperscript{117}

The Government in Jammu and Kashmir and the appointment of a plebiscite administrator has equally critical of the resolution. In the resolution the plebiscite administrator was conceived as a super ruler of Jammu and Kashmir with unlimited and unprecedented authority. For these reasons India rejected the resolution. Its delegate to the Security Council tried, in vain to focus the attention. The Indian delegate complaint of cold holding of our main issues by the Security Council for nearly four months which continued bloodshed and loss of economy.\textsuperscript{118}

The resolution did not recognize of the merits of the matter, and of the action to be taken by Pakistan. Moreover, the interpretation of the language of the resolution, the Security Council has gone even further and been apologetic to Pakistan for reminding it of its duty. Hence, India cannot in honour agree to this treatment of its case. Moreover, Pakistan found the resolution unacceptable unless, it was permitted to send its troops and police into Jammu and Kashmir, to bring about the withdrawal of the tribesmen. Its seemingly innocuous attempt to secure the Council’s permission was meant to legalize Pakistan’s continued aggression.\textsuperscript{119}

A Pakistani note of 30 April, 1948, held that the resolution was inadequate to ensure a free plebiscite and hence not acceptable. However, the note drew pointed attention to the subsequent interpretation of the resolution by some members, which largely met its objections. And under protest, the Government of Pakistan nominated Argentina to the Commission and it was their hope that Czechoslovakia, and Argentina would proceed forthwith to designate the remaining members of the Commission.\textsuperscript{120}

Mr. Liaquat Ali Khan, the Prime Minister of Pakistan, declared in a statement, that which the resolution of 21 April 1948, was not acceptable to Pakistan and the Pakistan would not call upon the raiders to withdraw from Kashmir.\textsuperscript{121} This, as \textit{The Hindu} pointed out in an editorial, cut at the very root of the United Nation Resolution, because the first step was that the Pakistan would call upon the raiders to withdraw.\textsuperscript{122}
The formal Indian rejection was communicated to the President of the Security Council on 5 May, 1948.\footnote{123}

Josef Korbel regarded the resolution of 21 April, 1948, as one of Cardinal importance. He believed that the main purpose of the resolution was to stop the fighting and establish normalcy in the State of Jammu and Kashmir which would enable the people to express freely their choice without any physical threat or Psychological compulsion.\footnote{124}

Between April 21 to July 5 nothing new took place. In fact, further, fighting went on in Jammu and Kashmir. Pakistan’s regular armies were now deployed in other aggression in Jammu and Kashmir. The UN Commission, constituted under the Security Council’s resolution of April 21, arrived in Karachi on July 7, 1948. Soon after Pakistan’s Foreign Minister informed the Commission that the Pakistan army had at that time three brigades of regular troops in Kashmir, who were sent in to the State during the first half of May 1948.\footnote{125}

The effect of this disclosure on the Commission was best described by one of its members Josef Korbel. He said that the acceptance of the presence of the Pakistani troops in Kashmir made the situation for more disturbing than what it had appeared to be to the members of the Security Council. Indian grievances were that the Commission had after painful of eight months, discovered the truth of India allegations.\footnote{126} Pakistan had enrolled itself in Kashmir in flagrant violation of international law and morality.\footnote{127}

India was irked at this turn in the proceedings of the Security Council. On 5 June, 1948, Pandit Jawaharlal Nehru wrote to the Security Council President, that the Government of India record emphatic protest against its the enlargement of the scope of the Commissions activities and make it clear that they do not go along with it. There can be no question of the Commission proceeding to implement the resolution of Kashmir until objections raised by the Government of India had been satisfactorily met, if the Commission was to visit India they would like to know in advance the points on which it would wish to confer with them.\footnote{128} India took a civilized decision by referring the Kashmir issue to the United Nations, “It was taken neither in panic nor out of weakness.”\footnote{129}

On 9 June, 1948, the Council President explained: that the Council had taken no position on the merits of the matters raised by Pakistan; and that Kashmir in any case would be accorded priority as per the resolution of 29 January, 1948 and 21 April,
1948. With this ended the first phase of the United Nations consideration of the Kashmir problem. The scene now shifted from Lake Success to the Indian subcontinent where the proposed Commission was to take up the threads of negotiation. The five member of United Nation Commission was composed of Czechoslovakia, Argentina, Belgium, Colombia and the United States. Czechoslovakia nominated by India, Argentina Nominated by Pakistan, Belgium and Columbia nominated by the Security Council man and the United States designated by the President of the Security Council. The Commission had its first formal meeting of the United Nations Commission for India and Pakistan (UNCIP) in Geneva was held for three weeks, beginning on 16 July, 1948. The Commission discussed procedural matters and dealt with the exchanges of correspondence with both the Governments India and Pakistan, regarding the scope of its work on its arrival in the two countries.

The United Nations Kashmir Commission (UNCIP) reached Karachi on 17 July, 1948, and had discussions with the Minister for Foreign Affair and commonwealth Relations, Mohammad Zaffarullah Khan. The first interview with him proved a bombshell for the Commission as Korbel had called it. He informed them that three Brigades of regular Pakistani troops were in Kashmir since May 1948. According to the Pakistan authorities General Douglas Gracey, Commander-in-Chief, of Pakistan Army, gave four arguments in the defense of three Brigades of Pakistani troops in Kashmir: the Refugees problem; the threat to Pakistan's security; the danger to its canal water resources; and the danger of an Indian link up with Afghanistan. This unexpected development came as a surprise to the Commission, since the Security Council resolution did not reflect the presence of Pakistani troops in Kashmir, and it influenced greatly the Commission’s subsequent work.

The United Nation Commission arrived in New Delhi on 10 July, 1948, and had discussions with Girja Shanker Bajpai, the Secretary-General of the External Affairs Department, and Mr. M.K. Vellodi, who had been deputed by the Government of India as liaison officer to the Commission and with the Indian army chiefs, including General Roy Bucher, the Commander-in-Chief of the Indian Army, Lieutenant-General Cariappa and Major-General Thimayya, who were in the Command of Indian forces in Jammu & Kashmir. The Government of India presented to the Commission, a documentary proof to show that Pakistani regular forces were
taking part in the Kashmir operations. We had already stated that Pakistan had confessed to the Commission that their forces were actively taking part in the Kashmir fighting. Pandit Jawaharlal Nehru held that this conduct of the Pakistan Government was not only opposed to all moral codes as well as International law and usage, but had also created a very grave situation. \(^{141}\)

On 13 July, 1948, the Commission returned to Karachi for further talks and held discussions with Mohammad Zaffarullah Khan, Mohammad Ali, Secretary-General of the Pakistan Government and Mohammad Ayub Khan, Pakistan liaison officer to the Commission. In the mean while two of the Commission’s alternate members, Major Francis Smith, (USA) and Mr. M. Harry Graeffe (Belgium) left for Kashmir to make a study of the military situation there. \(^{142}\)

On 4 August, 1948, the Pakistan Government also informed the Commission that its army was in actual Command in 'Azad Kashmir'. The Commission accepted that this fact which led to a material change in the situation and was definitely an obstacle to the effective and immediate implementation of an unconditional cease-fire. After finding the commissions finding of Pakistan’s violation of international law, the commission prepared a resolution and adopted it in August 13 1948, the Commission adopted a resolution which was truly different in approach from the resolution of 21 April 1948. \(^{143}\)

On 14 August, 1948, the Commission recommended both India and Pakistan should order a cease-fire and simultaneously accept certain principles for a truce. It would followed by the further consultations with the Commission to determine the conditions under which a plebiscite would be held. United Nation further, also recommended that careful consideration to the point of views expressed by representatives of both the countries regarding the situation in the State of Jammu and Kashmir. The conditions, which was likely to endanger the international peace and security. \(^{144}\)

Further, the United Nations Security Council passed four resolution on different dates: 21 April, 1948; 13 August, 1948; 5 January, 1949; 2 December, 1957. \(^{148}\)

Resolution of August 13, 1948, represented a significant landmark in the history of Kashmir conflict. Due to Pakistan’s acceptance of aggression, it could not accept India’s legal and moral position in the dispute. The resolution consisted of 3 parts, part one I death with the establishment of cease fire, part II dealt with the true agreement part III dealt with the determination of the future status of the State of
Jammu and Kashmir in accordance with the will of the people. In all four resolutions, the Security Council’s concluded that the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of free and impartial plebiscite. Moreover, the of resolution 13 August 1948, was the most significant. Because it dealt with the cease-fire, the second with the truce agreement; and with the plebiscite. The resolution was far from satisfactory from India’s point of view. The Government of India and Pakistan agree that their respective High Commands will issue separately an order for cease-fire and simultaneously it would follow the order. The recommendation on ceasefire implied that all the forces under their control in the State of Jammu and Kashmir at the earliest practicable Government dates mutually agreed upon within four days after these proposals had been accepted by both the Governments. Moreover, it also required to refrain from taking any measures that might add to the military potential of the forces under their control in the State of Jammu and Kashmir. Further, the Commanders-in-Chief of forces of India and Pakistan should inform regarding any local changes in the disposition of forces which could facilitate the cease-fire. The Commission also appointed military observers, who would supervise the observance of the cease-fire order and both the government would maintain the atmosphere of friendly relation. Regarding truce Agreement, the Commission for the first time noted its opinion about Pakistan’s violation of International Law. The presence of troops of Pakistan in the territory of the State Jammu and Kashmir constituted a material change in the situation. Pakistan agreed to withdraw its proof, tribesman and Pakistan nationals from Jammu and Kashmir State. It was also said that Government of India would also begin to withdraw the bulk of its forces except the minimum permitted by the Commission. Part III of the resolution dealing with the Plebiscite reaffirm that the future status of the State of Jammu and Kashmir would be determined in accordance with the will of the people, and it was assured that both the Government would accept of the truce agreement, both would also agree to enter into consultations with the Commission to determine conditions for a fair and equitable plebiscite. On August 20, 1948, the Government of India accepted the recommendations of the Commission. However, it sought certain clarification and assurances. Firstly, the Kashmir Government’s sovereignty should be recognized in the areas evacuated by Pakistan and Pakistan
occupied Kashmir forces, and secondly, Pakistan should not be given any participation in the plebiscite to be held in Kashmir.\textsuperscript{154}

Commenting on it, the Prime Minister of India said that many part of this resolution which we would have prepared to be otherwise and more in keeping with the fundamental facts of the situation, specially the flagrant aggression of Pakistan Government on the Indian Territory.\textsuperscript{155}

On 6 September, 1948, Pakistan conditionally accepted the UNCIP resolution of August 13, 1948. On 7 September, 1948, Pandit Jawaharlal Nehru declared in the Indian Parliament that in view of the Pakistani confession that her troops were present in Jammu and Kashmir, proved that her whole case before the Security Council had been built up on falsehood and deceit. The next day on 8 September, 1948, Mohammad Zaffarullah Khan declared in a press Conference at Karachi that Pakistan was under no obligation, international or otherwise, which prevents her from sending her troops to Kashmir. This had been the attitude of Pakistan from the beginning and in view of such an attitude it was not at all surprising that no solution could be found out of the Kashmir problem. Legally and constitutionally Kashmir had acceded to India and Pakistan had no right whatsoever of sending her forces to Jammu and Kashmir.\textsuperscript{156}

The UNCIP left Karachi for Geneva on 22 September, 1948, to draw up an interim report for the Security Council before leaving for India and Pakistan, the Commission sent a letter to Sir Zaffarullah Khan in which it expressed deep regret over the failure of Pakistan to accept the UNCIP resolution of 13 August, 1948, without attaching certain conditions beyond the compass of all the resolution. The Commission held that by attaching such conditions Pakistan had made immediate cease-fire almost impossible and it had been a great set-back to the beginning of the fruitful conversations between the two Governments and the Commission to bring about a peaceful and final situation in Kashmir. The Commission also felt that the condition attached by Pakistan were beyond the preview of this resolution. Despite union shortcomings, India, in its anxiety to restore peace at the earliest possible opportunity, accepted the resolution on August 20, 1948.\textsuperscript{157}

The United Nations Kashmir Commission arrived in Genava on 30 September, 1948, and on 23 November, 1948, presented its Interim report to the Security Council. The Commission reported that regular Pakistan forces were within the State of Jammu and Kashmir and were taking part in fighting. The Commission stated in the report, that
they faced with an entirely new situation not thought of by the Security Council before. It added that a cease-fire could not take place because of the Pakistan’s reservations in regard to the truce resolution.\textsuperscript{158}

The report gave an account of the various negotiations which the Commission had with the members of the Indian and Pakistan Governments as well as with the representatives of the Azad Kashmir movement. The report added, the face of the forces fighting on the Azad Kashmir side were under the overall command and tactical direction of the Pakistan Army, as admitted by the Pakistan Government, and this had confronted the Commission with an unforeseen and entirely a new situation.\textsuperscript{159}

After hearing further speeches of Indian Sir Girja Shankar Bajpai and Mohammad Zaffarullah Khan, the Security Council authorized the United Nations Jammu and Kashmir Commission to continue its efforts to bring about a peaceful solution of the Kashmir issue.\textsuperscript{160}

Moreover, Dr. A. Lozano had made the certain clarifications to the Government of India and Pakistan regarding the process of holding the plebiscite. It was assured that the plebiscite Administrator would only organize and conduct plebiscite. He would not enjoy any authority to control the Jammu and Kashmir State forces and police; the Jammu and Kashmir Government would not control the plebiscite administrator; a plebiscite administrator would be appointed only after consultation with the Governments of India and Pakistan; and the Azad Kashmir forces would largely be disarmed and disbanded.\textsuperscript{161}

On 5 January 1949, soon after the Kashmir cease-fire had been announced; the UNCIP produced a detailed plan for a Jammu and Kashmir plebiscite. Through the resolution of 5 January, 1949, being subsidiary and supplementary to the resolution of 13 August, 1948. The elaboration of the principle did not embodied in part III, hence, the resolution of 5 January, 1949, could come to the stage of implementation only when the resolution of 13 August, 1948, was fully implemented. In this regard, it also needs to be noted that before India agreed to cease-fire with effect from January 1, 1949, some assurances were given to it during the course of discussions and correspondence with the United Nation Commission for India and Pakistan.\textsuperscript{162}

However, the commission also assured Pakistan regarding organizing and conducting impartial plebiscite.\textsuperscript{163} However, it was stated to Pakistan that the discussion of the details of the plebiscite proposals could not start until a truce agreement has been
signed and the Commission was satisfied that implementation of Part II of its resolution of August 13, 1948, was making satisfactory progress. The assurances was that the plebiscite proposal shall not be binding upon India if Pakistan does not implement Part I and II of the resolution of 13 August, 1948.\textsuperscript{164}

The UNCIP held separate meetings in New Delhi with the civil and military representatives of the Government of India and Pakistan. On 12 March, 1949, it announced that an agreement had been reached between India and Pakistan in the principle on the definition of a permanent truce line in Kashmir, which was to replace the existing cease-fire line. During 7 March, and 8 April, 1949, The United Nations Commission had a number of meetings with the representatives of India and Pakistan in Delhi, Karachi, and Rawalpindi to secure the implementation of truce agreement. On March 22, 1949, Fleet-Admiral Chester N. Nimitaz,\textsuperscript{165} was designated by the United States as a Plebiscite Administrator for Kashmir. The United Nations Military Observer (UNMO) were also deputed to assist him in setting the cease-fire line and supervising it. On 27 July, 1949, the Karachi agreement was drawn up on the basis of which the cease-fire line was delineated and main points were also settled.\textsuperscript{166}

The proposal referred to the cease-fire line and its extension in the Northern part of Jammu and Kashmir, the withdrawal of Pakistan troops and bulk of Indian forces with provisions for administration of evacuated territory under Commissions surveillance. It further referred to the release of prisoners of war and Public statement of return of law and order and a guarantee of human rights.\textsuperscript{167}

On 9 August, 1949, Mr. Hernando Samper (Columbia) Chairman of the UNCIP,\textsuperscript{256} proposed to the Governments of India and Pakistan, a Joint meeting at Ministerial level, to discuss the implementation action of the Part II of the UNCIP.\textsuperscript{168}

The parties were given freedom to propose amendments at the opening session of the Conference. The Government of Pakistan accepted the invitation on 11 August, 1949. But Indian Government desired some changes in the agenda. The Indian Government wanted a clarification of the phrase local authority in the August 13, 1948 resolution of the UNCIP. It also wanted necessary measures for the disarming and disbanding of the ‘Azad Kashmir’ forces be included in the agenda. Besides Dr. Samper told the Indian Government on 13 August, 1949, that its suggestion would be examined under the first item of the agenda.\textsuperscript{169}

The Conference was scheduled to take place on 22 August, 1949, but on 18 August, 1949, Dr. Oldrick Chyle (Czechoslovakia) the new chairman of the UNCIP
announced that the meeting had been canceled. On 19 August, 1949 the Commission issued a statement at Srinagar that the meeting has been canceled because there was little possibility of reaching to an agreement between the two countries.\textsuperscript{170}

A new memorandum was presented by Dr. Chyle to the Government of Pakistan and India respectively on 29, and 30 August, 1949, to ask the two Governments whether they could agree to the appointment of Fleet-Admiral Chester W. Nimitz, the plebiscite Administrator as the arbitrator on “the differences existing between them concerning all question raised by them regarding the implementation of Part II of the resolution of 13 August, 1948.” If both the parties agreed to his appointment his decisions would be binding on them. The memorandum also stated the following other points that the arbitration would terminate once the truce terms were decided upon; the procedure for arbitration would be worked out subsequently; and the Commission would continue to exercise its functions, and when a decision would reach then it would undertake the task assigned to it. Pakistan accepted these proposals on 6 September, 1949, but India flatly rejected them on 8 September, 1949. The Indian reply was published on 23 September, 1949, that it was shocked and surprised that the Arbitrator was given a free hand in determining the question over which he was to arbitrate.\textsuperscript{171}

This is true that plebiscite was not held in Jammu and Kashmir State as Pakistan did not obey the Resolution, which was to withdraw its forces from the occupied part of the Jammu and Kashmir. This did not make the accession of Jammu and Kashmir to India incomplete. Pakistan’s representative in Security Council again and again stressed on this point that accession is incomplete because India was yet to take the wishes of the people. So they have made instrument of accession conditional. This point of view was also supported by Pro-Pakistani element in the State. Even Sheikh Mohammad Abdullah, who himself had ratified the accession to India in his speech in the Jammu and Kashmir constituent Assembly 1951 refuted it after he was dismissed from his office.\textsuperscript{172}

It has been India’s view that nothing could have prevented a plebiscite if Pakistan had honoured her obligation by withdrawing her troops from the occupied part of the Jammu and Kashmir. But Pakistan did nothing of that kind and had further complicated the situation by increasing number of military posts. The people of Jammu and Kashmir except those under Pakistani rule, were determined not to be held in check by the withdrawal depending on the fulfillment of the commitment of
plebiscite until Pakistan did not clear the soil. The invaders never allowed law and order to be restored in those parts of Kashmir known as Azad Kashmir which fell in their hands and remained under their occupation. Krishna Menon in his speech in Security Council said: the Maharaja Hari Singh legally the accession of the State had been taken place by the head of the State, and that is good enough for the purpose of law. We got moral support in the same way as British did in India, by consultations with the national movement. Therefore, as soon as it was possible, not even waiting for the raiders of the Pakistan’s army to go, they established elections and the first elections almost coincided with the elections in India. Some seventeen years the United Nations made absolutely no progress at all in its quest for a final solution for the Jammu and Kashmir problem.

It had played an important part in securing of a cease-fire agreement on January 1, 1949 and the demarcation of a cease-fire line. On 5 January 1949, the Commission adopted a resolution which formally set forth the various steps to be taken before a plebiscite was to be held. India hoped that with the achievement of the Ceasefire, the United Nation Commission would take immediate an effective steps to give effect to the resolution of August 13 and January 5. Since these resolution had prescribed the various stages for a truce agreements and the holding of a plebiscite, there was no anticipation of any difficulties. But these hopes were step frustrated by Pakistan and its supporters. Moreover, United Nation observers from 1949 to the beginning of 1965, helped in ensuring the incidents along the cease-fire line, did not turn to an outbreak of war. It would be observed that once the ceasefire had been achieved, there was really little beyond this that the United Nations could do. It could not force India and Pakistan to come to terms with each other and without Indo-Pakistan collaboration it had really no prospect of bringing about a plebiscite. There can be no doubt, in fact, that from the middle of 1949 the United Nations lost all initiative in the question. The Kashmir dispute from this point developed because on the other hand, the internal and external policies of India and Pakistan were evolving and there was a process of political change constantly at work within the Jammu and Kashmir. Hence, the Commission recommended to the Security Council in its report of December 9, 1949, that it be disbanded and be replaced by a single mediator. Thus, Kashmir problem entered a new phase on January 1, 1948. India transmitted to the Security Council the Indian case under Article 35 of the UN Charter. The UNCIP adopted two resolutions on August 13, 1948 and January 5, 1949, which India and
Pakistan agreed to implement. In the mean time, India took certain steps which were of crucial importance to the legal position of Kashmir in the Indian Union. This is true that plebiscite was not held in Jammu and Kashmir State as Pakistan did not obey the Resolution, which was to withdraw its forces from the occupied part of Jammu and Kashmir.
REFERENCE


5. Independent and after; A collection of important speeches of Pandit Jawaharlal Nehru, from September 1946 to May 1949, p.18.


10. *Article 36 (1) of the United Nations charter*, (San Francisco 1945). Quoted in According to this Article “any member may bring any dispute, or any situation whose continuance is likely to endanger the maintenance of internal peace and security or which might lead a dispute, to the attention of the Security Council or of the General Assembly.


28. SCOR, 227 meeting, 1948, p. 49.
31. SCOR, third year, op. cit., p. 36.
32. Fraudulent “in as much as it was achieved by deliberately creating a set of circumstances with the object of finding an excuse to stage the accession and violent “because it further the plan of Kashmir Government to liquidate the Muslim population of the State.”
33. SCOR, 628 meeting, 1948, p. 23.
36. The Kashmir deadlock, the political quarterly, vol, xxv, No.3,1954,p. 64.
42. Ibid., p.231.
43. The Security Council at this time consisted of China, France, UK, USA, USSR, Ukraine, Syria, Colombia, Argentina, Belgium and Canada.
44. Van Langenhove, (Belgium), President.
49. The questions of Indonesia, of the Italian Colonies, of Southwest Africa of French North Africa, etc. were either on the UN agenda or Live Political issues at this time.
51. The USSR and UKrain abstained on the ground that the Security Council was creating a Commission which was not going to be its own, they would prefer a Commission of Security Council members themselves.
53. SCOR, 231 meeting, 1948, Van Langenhove.
55. *The Hindu*, reported that India withdrew its motion on assurance for the members of the Council that priority would be given to Kashmir, 26 January, 1946.
61. SCOR, 232 meeting, 1948.
62. On 5 January, 1948, Pandit Jawaharlal Nehru had referred to this in his letter to Liaquat Ali Khan: “Massacres of Non-Muslims began first in 1946 in Calcutta and in March 1947 in West Punjab. What happened in India was by way of retaliation we had done everything in our power to protect the Muslim minorities in India. More effectively than Pakistan.
63. SCOR, 230 meeting 1948, Zafrulla Khan.
64. *Ibid.*
67. Ibid.
69. Ibid.
70. *SCOR*, third year, 1-15, p. 266.
71. Ibid., p. 267.
72. Ibid., p. 269.
76. *SCOR*, 762 meeting.
85. Ibid., p. 277.
92. Ibid., p. 122.
95. *S/557*, 1948; Mr. Noel Baker, very strongly opposed the Indian representatives simple request for an adjournment and called for the Indian suggestions "perfectly astonishing," and with an astonishing air of superiority advised the Indian delegation, to tell New Delhi that the United Nations was," not engaged in promoting war or taking sides in the war and that the Security Council’s business is just the ‘opposite’ namely, trying to find a specific solution of the
problem." The Syrian delegate wanted to know if the urgency in regard to the Jammu and Kashmir had vanished. The Colombian delegate, felt that it threatened," the stability of the authority of the Security Council."

96. *S/PV, 243, 244, 245*, 11 February 1948, pp. 56-57; On his arrival in Bombay, Sheikh Mohammad Abdullah said that "It is all power politics and no place for logic".


102. *SCOR*, third year, Nos. 36-51, p. 122.


106. *S/726*, 21 April, 1948; He did not find it difficult to prove the partiality of Sheikh Mohammad Abdullah's administration and of any plebiscite conducted under such circumstances. He needed only to quote the latter's statement made by Sheikh Mohammad Abdullah only a few days before: “we would prefer death rather than to join the Pakistan. The Sheikh Mohammad Abdullah said that we should had nothing to do with such a country like Pakistan”.

107. One nominated by Pakistan, another by India, a third by the two nominees, and two named by the Council. In case of the failure of India and Pakistan to agree on the third member, all the three would be selected by the Council.


111. *S/PV, 284*, 17 April 1948, p. 5.


115. *S/PV, 285*, 19 April, 1948, p.3; Speaking on the revised draft the Dr. Tsiang Pointed out that, "key to the solution had been furnished by the Government of
India” and noted that plebiscite was the “arch of the draft resolution” Noel Baker regarded the plebiscite proposals as “bold and fair” Warren Austin (USA) felt that the proposals were worth trying and they might be found “feasible and effective.”

116. SCOR, 304, meeting, 1948.
117. The Hindu, 5 May, 1948, p.2.
118. The Hindu, editorial “Kashmir”, p.5.
120. The Hindu, editorial “Kashmir”, 22 April, 1948, p.6.
121. S/735, 6 May, 1948.
122. S/PV, 304, 26 May, 1948, pp. 11.
123. Michael, Brecher, op. cit., p. 87.
125. S/PV, 312, 3 June, 1948, pp.2.
126. Ibid., p. 12.
128. Ibid.
130. The Dawn, 9 June, 1948. In a statement issued on 8 June, 1948, the Prime Minister of Pakistan repudiated the Indian view and said: “What is surprising about the security Council’s latest resolution is that it has not given the Commission a firm directive to investigate these vital matters with the expedition which is required.”
131. Selected by India on 10 February, 1948 (Josef Korbel).
132. Selected by Pakistan on 7 May, 1948 (Ricardo J. Siri).
135. Nominated by Council on 7-5-1948 (J. Khah Huddle). UK "In the Commission, Argentina was represented by Ricrdo J Siri, Belgium by Egbert Graeffe, Columbia by Alferdo Lozano, Czechoslovakia by Joseph Korbel and United States by J. Khah Huddle)."
136. The President nominated United States of America, because the Indian and Pakistan nominees failed to reach an agreement on the fifth member.


139.  Korbél, Josef, Vol. 3, 1949, p. 280. Mr. Korbél (Czechoslovakia) was the chairman of the UNCIP.

140.  Sir Girja, Shanker Bajpai, presented the India reply.


142.  For the Letter of Pandit Jawaharlal Nehru and Mohammad Zafrullah Khan to Mr. Joseph Korbél, Chairman of the Commission, dated August 20 and 19th respectively. (See Government of India, United Nation Commission for India and Pakistan.)

143.  The Government of India and Pakistan ordered a cease-fire to take effect one minute before mid-night on 1 January, 1949.


148.  In all the resolutions of the Security Council the gist was repeated again and again.

149.  The Government of India and Pakistan order a cease- fire to take effect one minute before mid – night on 1 January, 1949.

150.  This refers to *SCOR*, Part I of the resolution. It has been India’s view that Pakistan never implemented this clause. Krishna Menon’s speech in the 763 meeting of the Security Council.


156.  UN Commission for India and Pakistan, Government of India, p. 9.


161. Ibid.

162. The resolution was formally adopted on 5 January, 1949; To quote from the minutes of the discussion: "India is a secular Country and the United Nations is also a secular organization, Pakistan aims at being a theocratic State. An appeal to religious fanaticism could not be regarded as legitimate political activity. Mr. A Lozano agreed that any political activity which might tend to disturb the law and order could not to be regarded as legitimate and the same test would apply to freedom of Press and Speech.

163. On this point, the Commission felt that the appointment itself would be of some consequence, while India felt that till the implementation of Part II of their solution was complete there was little which could be done by the Administrator in the subcontinent. On 22 March, 1949, the UN Secretary – General, in Consultation with the representatives of India and Pakistan nominated Admiral Chester Nimitz of the USA as the plebiscite Administrator.


165. Fleet-Admiral Chester Nimitz had been American Naval Commander-in-Chief (C-in-C)

166. *UN Document S/1430*.


168. Mr. Hernando Samper of Columbia had become the Chairman of the UNCIP following the resignation of Dr. Alfred Lozano. Withdrawal of Pakistan’s Armed Forces from Kashmir; withdrawal of all Pakistani nationals and all tribesmen not normally resident in Kashmir who had entered the State for the purpose of fighting. withdrawal of the bulk of Indian armed forces from Kashmir; and other related questions.

169. *UN Document S/1433*.


171. Indian reply was presented by Sir Girja Shanker Bajpai.

173. Ibid., p.3.
175. Ibid.