CHAPTER-7
KASHMIR PROBLEM AND THE U. N. O.
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India approached the U.N. Security Council with a complaint almost as soon as she took birth as an independent nation. And the complaint was against a State which till the other day was a part of the same political, economic and cultural entity. This explains why, even though Pakistan had committed naked aggression against India in Kashmir, the complaint was lodged under Article 35 of the U.N. Charter which enables the Security Council to investigate any dispute or any situation which might lead to international friction. She did not approach it with the idea of asking for the use of international forces to restrain her, or impose economic sanctions against her or to remove her from its seat in the Assembly or anything of its kind. India instead made a simple request:

"The Government of Pakistan be asked to prevent tribals and Pakistan nationals from taking part in the fighting in the State of Jammu and Kashmir and to deny to the raiders access to and use of its territory in operations against Kashmir, military and other supplies, and all other kinds of aid that might try to prolong the fighting in Kashmir."

The complaint was lodged by India's representative at the United Nations on January 1, 1948, which mentioned that "a situation which endangers the maintenance of international peace now exists between India and Pakistan owing to the aid which the invaders consisting of nationals of Pakistan and of tribesmen from the territory adjoining Pakistan are drawing from Pakistan for operations against Jammu and Kashmir a State, which has acceded to India and is a part of India.

"The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance, which is an act of aggression against India."

A MODEST REQUEST

This was a modest request. The issue was, however, vital for the safety and honour of India. India's Minister without portfolio, Mr. Gopalaswami Ayyanger, was entrusted with the presentation of her case before the Security Council. He was assisted by Mr. M.C. Setalvad and Sheikh Abdullah. Opening the debate on January 15, 1948, he asked the Security Council to direct Pakistan to cease its aggression and thus bring the hostilities to a close. "The withdrawal and expulsion of the raiders from the soil of Kashmir
and the immediate stoppage of the fight," he said, "are the first and only tasks to which we have to address ourselves."

He narrated in detail the history behind the situation created by the Pakistan aggression. Now, though India was vitally interested in the decision, the State might take with regard to accession because of its strategic and economic importance to India, she did not exert any pressure on Kashmir. But Pakistan wanted to annex Kashmir. For that, she employed certain familiar methods. Some Muslim leaders were sent to various parts of Kashmir to whip up communal passions. Early in September, raids were made from West Punjab (Pakistan) to the Jammu province of Kashmir. These raids were organized to coerce the non-Muslims and force the state to accede to Pakistan.

A third phase was the engineering of a revolt in Poona, fostered by propaganda from Pakistan. The rebels were supplied with arms and ammunition by people from Pakistan. Fourth phase was the economic blockade of Kashmir by Pakistan. After the partition of the sub Continent India had no direct road links with Kashmir worthy of mention. Pakistan stopped suddenly, the supply of essential commodities to Kashmir in pursuance of the policy of coercion, the object of which was to force the accession of the State to Pakistan. When Kashmir withstood that pressure, then
came the tribal raids into Kashmir which forced the Maharaja to apply for Indian help.

India, then maintained that the Maharaja had legally acceded to India. The National Conference, the largest political party in Kashmir also supported the accession of Kashmir to India. So the ruler as well as the people had acceded to India, but still India offered the people of Kashmir the chance to decide their future. Even if Kashmir had not acceded to India, India as a continuing unity, was duty bound to render help to Kashmir. India's consistent stand in this respect was that only those parts of India, which expressly severed themselves from India, were outside the suzerainty of the Government of India. Otherwise India continued to exercise suzerainty, as a successor to British authority, over those states which had not joined Pakistan.

In the process of driving the aggression out, a stage had been reached when to deal the final blow on the raiders, her forces would have to strike at the bases which were located in the Pakistan territory. To avoid such a development taking place, she had appealed to the Security Council to intervene.

COUNTER COMPLAINTS BY PAKISTAN

Pakistan's reply to the Security Council was divided into three parts. In Document I, Pakistan denied that she was assisting the raiders. In


Government emphatically deny that they are giving aid and assistance to the so-called invaders or have committed any act of aggression against India." The Categorical denial by Pakistan of being behind the tribal raid is significant. It shows that she was conscious of the illegality of her action, and that her presence in Kashmir was contrary to international law. This leaves little room for doubt that, however distasteful it might have been, Pakistan considered Kashmir as Indian territory.3

In Document II, Pakistan submitted counter complaints against India. She maintained that India was determined to wipe her off. In support of it, she mentioned India's policy of so-called 'genocide' against the Muslims, the occupation by India of Junagadh which had 'acceded to Pakistan' and the annexation by her of Manavadar, Mangrol etc. To this accusation, an appropriate answer is given by Mr. V.P. Menon.4 He says that

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the Government of India held the view that where there was a conflict between the ruler and the people on the issue of accession, the will of the people must ultimately prevail. This was the position taken up in Junagadh.

In document III, Pakistan detailed the circumstances under which the tribesmen from North-West Bal "joined" the people of Kashmir in their 'liberation' struggle against the Maharaja. It called the accession of the State to India as based on "violence and fraud." With regard to the allegation of 'fraud', one has only to read the history of Kashmir of the months prior to Independence or we can easily borrow these lines from the white paper on Jammu and Kashmir:

"In Kashmir, as in other similar cases, the view of the Government of India has been that in the matter of disputed accession the will of the people must prevail. It was for this reason that they accepted only on a provisional basis the offer of the ruler to accede to India, backed though it was by the most important political organization in the State. The question of accession is to be decided finally in a free plebiscite; on this point there is no dispute. The only purpose for which the Indian troops are operating in Kashmir is
to ensure that the vote of the people will not be subject to coercion by tribesmen and others from across the border who have no right to be in Kashmir.  

Of the allegation of 'violence', it may be said that India did certainly use force on the territory of Kashmir, but against whom? "We used force against the invaders - against those who committed rape and murder." Addressing the Security Council on February 6, 1948, Sheikh Abdullah said, "These raiders who had come to our land abducted thousands of our girls and looted our property, all of a sudden Pakistan comes to the bar of the world as a champion of the liberty of the people of Kashmir... The world has got rid of Hitler and Goebbels, but from what has happened in my country, I am convinced that their souls have transmigrated to Pakistan."  

The Pakistan delegate, Sir Zafrullah Khan, presented the Pakistan picture of the case. He dilated in detail on every point mentioned in his written reply. The Pakistan government requested the Security Council:  

1. to call upon the government of India  

(a) to desist from acts of aggression against  


Pakistan,

(b) to implement without delay all agreements concluded between the two Dominions,

(c) to desist from putting pressure on the Reserve Bank. (Pakistan complained that India refused to supply her with her share of the military stores and her share of the cash balances of Undivided India and interfered with the Reserve Bank so as to destroy the monetary and currency fabric of Pakistan)

to appoint a commission or commissions

to investigate the charges of mass destruction of Muslims in the area of the Indian dominion,

(b) to devise and implement plans for the restoration of their homes, property etc.

(c) to arrange for the evacuation of Indian troops from Junagadh, Manavadar etc., which had acceded to Pakistan, and to restore the territories to the lawful Rulers of these states.

(a) to assist in the restoration of the homes and properties of those Muslims who had fled from the disputed states.

For Kashmir, Pakistan's proposals were:

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to arrange for the cessation of fighting in the state of Jammu and Kashmir; the withdrawal of all outsiders whether belonging to Pakistan or the Indian Union, including members of the armed forces of the Indian Union; the restoration and rehabilitation of all Muslim residents of the Jammu and Kashmir state as on 15th August, 1947, who had been compelled to leave the state as a result of the tragic events since that date, and the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them; to take steps for the establishment of an impartial and independent administration in the state of Jammu and Kashmir, fully representative of the people of that state; and thereafter to hold a plebiscite to ascertain the free and unfettered will of the people of the Jammu and Kashmir state as to whether the state shall accede to Pakistan or to India. 7

SECURITY COUNCIL CONFUSES THE ISSUE

The Security Council, instead of taking prompt steps for redressing the wrong, ignored the Indian
complainant side tracking the issue did not call upon Pakistan to stop giving aid to the raiders. To confuse the main issue the Western powers made a suggestion for setting up a 'neutral' or 'impartial' administration in the State to conduct a plebiscite. India did not accept the proposal. Ayyanger struck to his view that the main task was to secure the expulsion of the raiders.

The Council thereupon passed on January 17, a resolution for constituting a commission of three with the task to "proceed to the spot as quickly as possible" in order to investigate the facts relevant to the complaints of the two Governments and exercise "mediatory influence likely to smooth away difficulties."

The plan of the British and American delegates for the working of the proposed commission was unfolded in two draft resolutions. But the ultimate aim behind the plan was to liquidate the lawful government in the State and to clamp down in its place a Western-dominated 'neutral' administration, and then to decide the fate of Kashmir by a plebiscite under international control.

The two resolutions were opposed by Ayyanger who reiterated that the future of the State did not form the issue of the situation. He said that neither Pakistan

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nor the Security Council had any jurisdiction over the form and composition of the Kashmir Government. He suggested that if and when a plebiscite is held, it may be "conducted under the advice and observation of the United Nations," but the "actual plebiscite, the actual taking of it is a matter for the government and the people of the state of Jammu and Kashmir to handle."

Sheikh Abdullah, who spoke on February 5, tried to bring the debate back to the central issue by saying that the subject of the dispute was not the accession of the State to this or that Dominion, as it had already acceded to India, but that the tribemen were being helped by Pakistan and this might lead to a bigger conflagration. But neither the reasoned arguments of Gopalanwami Ayyanger, nor the passionate appeals of Sheikh Abdullah could move the Anglo-American members of the Security Council.

A spate of draft resolutions followed from various members of the council, all harping on the theme of a plebiscite and displacement of the Kashmir government by a 'neutral' one under U.N. control, Korbel observes—"The members of the Security Council attached great importance to having the plebiscite conducted by the United Nations and under an impartial government."  

PAKISTAN ADMITS GUILT

On 21st April, 1948, the Security Council passed a vital resolution with Soviet Russia and the Ukraine abstaining. It represented the first serious attempt to resolve the deadlock. A five member commission was created which was to proceed to the sub-continent at once for the following purposes:

a) Withdrawal of forces
b) Interim Government
c) plebiscite

The Government of India objected to certain parts of the resolution. A similar stand was taken by the Pakistan Government which also objected to various portions of the resolution. However, both the Governments agreed to confer with the Commission in view of its desire to effect a peaceful settlement of the situation.

The United Nations Commission for India and Pakistan (UNCIP) arrived in Karachi on July 7, 1948. A 'Bombshell' was waiting for the Commission in Karachi. Sir Zafarullah Khan gave the Commission a three-hour discourse on his Concept of the background of the Kashmir conflict. "Then", exclaims Josef Korbel, the Chairman of the Commission, "came the first bombshell.

10. 5/726, April 21, 1948.
Sir Zafrullah Khan informed the commission that three Pakistan Brigades had been on Kashmir Territory since May 1948. This was something which startled the members.

In the words of Korbel—

"The Commission preferred not to express its opinion openly about this new and most important element in the picture, but to one another, members admitted that the presence of the Pakistani troops in Kashmir made the situation something far graver and far more disturbing than what it had appeared to be to the Security Council at far away Lake Success."12

Here a little diversion into the past is called for. When did Pakistan send her army to Kashmir? The British Commander of the Indian Forces, General Russel, discovered in the month of January that regular Pakistani forces were fighting in Kashmir. Realising that this meant war between the two Dominions owing allegiance to the same British Crown, he asked to be relieved of his command, and was succeeded by General Cariappa on 20th January. Pakistan submitted to the Commission that no regular unit was moved before May. However, after a thorough and careful investigation Lord Birlwood came to the conclusion that regular Pakistani forces were deployed in Kashmir as early as February.13

12. Ibid.
The Foreign Minister of Pakistan stated that one of the main reasons of the entry of Pakistan troops into Kashmir was the protection of the territory of Pakistan from possible aggression by Indian forces. How absurd an argument, one wonders that law-international or municipal — gives the right to a state to go into a neighbouring territory for fear of an imagined attack by that state. The Indian Prime Minister, in a speech delivered to the constituent Assembly (Legislative) on September 7, 1948 said "I think the fundamental factor is the aggression of Pakistan on Indian Union Territory. Secondly, the denial of the fact of that aggression. Thirdly, the present admission of the fact."

And yet the commission like the Security Council, did not face the situation squarely and declare Pakistan an aggressor. Having had a foretaste of the worth of Pakistan statements and assertions, the commission flew to New Delhi three days later.

**THE COMMISSION'S EFFORTS**

Meanwhile fighting in Kashmir went on unabated and hence the commission determined to persuade both India and Pakistan to declare an unconditional
ceasefire. After a thorough study of the question from all angles, the members formulated a plan for a ceasefire and a truce agreement to be followed by a plebiscite. The plan as embodied in their "August 13, 1948 resolution" is in three parts. Part I provides for the cease-fire and its consolidation. Part II provides for a Truce Agreement on the following basis:

(a) The Government of Pakistan to withdraw its troops from the State.

(b) The Government of Pakistan to secure also the withdrawal of tribemen and nationals who had entered the State for the purpose of fighting.

(c) Pending final solution, the territory evacuated by the Pakistan troops to be administered by local authorities under the surveillance of the United Nations.

(d) When the Commission notifies the Government of India that the tribemen and Pakistan troops had withdrawn from the State, the Government of India to withdraw the bulk of its forces in stages.

(e) Pending the acceptance of the conditions for final settlement of the situation in the State, the Government of India to maintain with in the lines existing at the moment of cease-fire, those forces of its army which in agreement with the commission are considered necessary to assist local authorities in the observance of law and order.

(f) U. N. Military observers to supervise the observance of the Cease-fire.

Part III provided for the Government of India and Pakistan to reaffirm the wish that the future of the State of Jammu and Kashmir shall be determined in accordance with the will of the people. The Commission was to determine fair and equitable conditions whereby such free expression would be assured.

The commission also accepted all the reservations accompanying Government of India's acceptance of the resolution on August 20. These reservations were:

(1) The administration by 'local authorities'
of the territories to be evacuated by the Pakistan Army should not emply the repu-
tication of the sovereignty of the Government of Jammu and Kashmir over these territories, nor should it be interpreted as affording any recognition to the so-called Asai Kashmir Government in any way.

(2) India be permitted to retain forces not only for law and order, but also for the security of the State from external aggression.

(3) Pakistan should play no part in conducting the plebiscite.

Pakistan, however, did not accept the resolution. Sir Zafarullah Khan's letter to the Commission sent on September 6, incorporated safeguards violently opposed to the proposal of the Commission. The commission, took the view that, "with so many reservations, qualifications and assumptions, the answer tantamounted to rejection."\(^\text{16}\)

After a visit to Kashmir, the Commission left for Geneva on September 21, 1948 to prepare its report. Pakistan having rejected the cease-fire proposal, India was relieved of all moral restraints arising from her promise to the Commission not to alter the situation

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materi ally. The Indian Army then undertook operations to clear the State of the raiders particularly in Loaikh and Jammu. It foiled all attempts of the Pakistani forces to grab more territory in the north and North-West. Realizing that she could not succeed by force of arms, Pakistan relaxed her stiff attitude to a cease-fire.

THE CEASE- FIRE

The Commission, therefore, met on December 11, 1948 to find a face saving device for Pakistan. The proposals as later incorporated in the January 5, 1949 resolution, clarified the steps to be taken for holding a plebiscite, some reasons alluded as contributory towards Pakistan's acceptance of the once rejected proposals are —

(1) The death of Mr. Jinnah in September 1948,
(2) The heavy financial strain of the undeclared war and

The principles of the December 11 draft were communicated to both the governments and were accepted by them. Having accepted both the resolutions

17. S/1196, 10.1.49 page 4 - 6
of the Commission, the Government of India and Pakistan directed their chiefs of staff to order a cease-fire which came into effect at midnight of January 1, 1949.

The cease-fire was hailed by the world as a great achievement for the United Nations Organization. Further progress towards bringing about permanent peace in the Indian sub-continent was registered when the Commanders-in-chief of the Indian and Pakistani armies met on January 15 and arranged the details of the cease-fire order. Proposals were prepared to effect the truce and agreement was reached on exchange of prisoners of war. The final demarcation of the cease-fire line was, however, completed on July 27, 1949. Part I of August 13, 1948 resolution, was thus accomplished. Difficulties emerged while consideration was being taken of Part II (Truce Agreement).

**THE FIRST HURDLE**

Meanwhile, the U.N. Commission returned to India on February 4, 1949, but it had to face stubborn resistance from Pakistan to the implementation of other parts of the August 13 and January 5 resolutions. The first hurdle created by Pakistan was with regard to the withdrawal of its armed forces. Her aim was to stay put on the territory illegally occupied by her and consolidate it as a counter poise to the State Government and thus
violate the Commission's earlier assurances to India:

"A force of 32 battalions,...inspired by
fanaticism would obviously be a menace to the security
of the territory which it covers " thus, " action should
be taken to disband and disarm the so called Azad
Kashmir forces." 19

India, therefore, had a valid reason to be
worried about these " Azad troops. She could not possibly
take the risk of withdrawing the bulk of her forces even
though the regular Pakistan army had left. India attached
more importance to the disbanding and disarming of these
forces before she could agree to a withdrawal of the bulk
of her forces. But Pakistan did not agree to disband and
disarm these forces under the pretext that it was not so
stated anywhere in the two resolutions of August 13, 1948
and January 5, 1949. She completely ignored the assurances
that the commission had given to India. 20

In a self condemnatory passage, the UNCIP
records in its interim report that -

"The Azad forces now have a strength
which changes the military situation and to that extent
makes the withdrawal of forces particularly those of

19. From India's letter to the UNCIP dt. 28th March, 1948
20. V.K. Krishna Menon, op. cit., page-65
India, a far more difficult matter to arrange with in a structure which considers only the regular forces of the two armies....It is reasonable to suppose that if the Commission had been able to foresee that the cease-fire period would be prolonged throughout the greater part of 1949 and that Pakistan would use that period to consolidate its position in the 'Azad' territory, the Commission would have dealt with this question in Part II of the resolution of 13th August.21

**THE SECOND HURDLE**

The sparsely populated and mountainous areas in the north of Kashmir, known as the 'Northern areas', comprising Baltistan and Dardistan contain some of the most sensitive spots in Asia. During and after the Second World War these areas acquired added importance for the new power blocs in their military strategy. When the Commission broke into two groups to visit the State on both sides of the fighting line, the U.S. member on the U N C I P chose to go to the 'Azad' areas in preference to the Kashmir Valley. Here he got a first hand knowledge of the 'Northern Areas' and assessed their value as military and air bases. The interest of

21. 5/1430, para 225
the U.N.C.I.P laid, for obvious reasons, in these areas going to Pakistan rather than to India.

Jawaher Lal Nehru had visualized early the importance of these areas for the defence of India. Fortunately the authority of the Jammu and Kashmir government had not been challenged there by the forces of Pakistan and no fighting had therefore taken place there. When the Commission began its talk with India and Pakistan for bringing about a cease-fire, India put in her demand that "after the Pakistan troops and irregulars had withdrawn from the Jammu and Kashmir State, the responsibility, for the administration of the 'evacuated areas' should revert to the government of Jammu and Kashmir and of defence to us ..."22 The Commission accepted India's claim by saying that the matter raised in the letter could be considered during the implementation of the Resolution.23

When the time came for discussing the truce, the representative of India demanded that his government be authorized to establish their administration and control over these territories. But while the truce pacts were in progress certain significant developments took place in these areas. Pakistan utilized the cease-fire period in occupying this area.

23. Ibid.
By not calling a spade a spade and by dragging on the negotiations, UN C I P gave ample time to Pakistan to stage a 'fait accompli' there. It shows that by deliberately shutting their eyes to a grave situation at the time of the cease-fire, the UN C I P were not very sincere in their efforts to bring about peace in the sub-continent. The Minority Report submitted to the Security Council by Dr. Oldrich Chyle had much to say about it —

"The Commission while adopting the resolution of August 13, 1948 deeply under-rated the significance of the 'Azad forces' and failed altogether to take into account the situation in the 'Northern areas' on which two problems, subsequently all the Commission's work kept on floundering."24

The Commission also tried unsuccessfully to arrange a ministerial joint meeting of the two Governments but their views on the agenda were so very wide apart that the commission cancelled the meeting. This cancellation, it must be mentioned surprised both the Governments, who were willing to meet despite their disagreements.25

24. UN C I P Minority Report, 8/1430 / aid. 3
25. A.G. Noorani, the Kashmir question, Page-42.
PLAN FOR LIMIT'Z' ENTRY

The Commission thereafter submitted to the two Governments a Memorandum dated August 26, 1949, proposing that they "submit to arbitration the differences existing between them concerning all questions raised by them regarding the implementation of Part II of the resolution of 13th August 1948."

Admiral Chester W. Nimitz of the United States Fleet who was appointed as the Plebiscite Administrator under the resolution of January 5, 1949, was to be the arbitrator. President Truman of the United States and British Prime Minister Attlee sent joint messages to both the Governments urging acceptance of the arbitration proposals. Their motives were clear:

"Four main trade routes to Central Asia pass through Kashmir. A few miles beyond the northern border lies the Soviet Union. Both Great Britain and the United States are aware of this situation and that explains the Truman - Attlee démarche." Mr. Nehru in a public speech criticised the Anglo-American intervention and India rejected the arbitration proposals.

26. Times of India 1/2, 9,49
28. 5/1430=Add=1=Annex.36; Pakistan accepted the proposals 5/1430/Add/=Annex.37
In Kashmir Sheikh Abdullah told the National Conference:

"I have no doubt in my mind that the
suggestion of arbitration carried with it greater
possibilities of conflict in the future than any other
issue which has provoked the violation of peace so far.
We do not want to shut our eyes to realities and forget
history itself. We feel that arbitration means nothing
else but appeasement of the aggressor." 29

On 25th September, the National Conference
passed a resolution declaring that "The proposal of
arbitration was yet another device to rob the people of
Kashmir of justice and to appease the aggressor."30

The right wing weekly 'Organizer' wrote

"Arbitration is no solution of the problem
there can be no arbitration between the burglar and the
man whose house has been burgled."31

THE COMMISSION FALLS

During the commission's work in the sub-continent,
there was no improvement in Indo-Pakistan relations and one
significant aspect of their relations, viz. "The deep
political rivalry between the two countries and the

29. Quoted from 'Kashmir in Security Council,'
Lalla Roogh Publications, Srinagar, page-46.

30. Ibid.
teniency to mar the other's prospects, rather than to make one's own, became apparent."32

With the acknowledgement of its complete failure to secure agreement as to the conditions for a plebiscite, the commission returned the entire question to the Security Council and opined:

"The sequence for the demilitarization of the State as contained in the commission's resolution of 13th August 1948 and 5th January 1949, is not adequate to solve the present situation." It recommended:

"a modification in the original plan of demilitarization. Such a modification must treat the problem of demilitarization as a whole, eliminating all distinction, and comprising all questions concerning the final disposal of all armed forces in the state of Jammu and Kashmir."33

When the security council assembled on December 16, 1949, it was confronted with two contradictory reports from the U.N.C.I.P, the one from the majority and the other from Dr. Olibrich Chyle of Czechoslovakia who replaced Mr. Korbel. He charged his colleagues with committing many errors and of making the commission "an instrument of policy of certain great powers."34 He, therefore, recommended a new approach to the problem to

34. Minority Report of the Czech Delegation, 5/1430/a1d,3
be made by a Commission consisting of members from all the countries sitting on the Security Council.

**FURTHER EFFORTS BY THE SECURITY COUNCIL**

But the Council planned otherwise. It asked its President, General A.G.L. Mc. Naughton of Canada "to find a mutually satisfactory way of dealing with the Kashmir Problem." Yet in his final reports Mc Naughton introduced several new factors which made the problem more complicated and confusing. India rejected the proposals on the ground that the sovereignty of the Jammu and Kashmir State was denied in fact from the areas on the other side of the Cease-fire line; the administration of these areas by the 'Azad Government' was recognized; the disbanding and disarming of the 'Azad forces' was neutralized by a similar disarming and disbanding of the State militia; 35 and the claim made by the Government of India in respect of the 'northern areas' was simply dismissed.

Pakistan also suggested some amendments. So his efforts and plan ended in failure, as he reported on February 7, 1950. 36 An Article in the Amrit Bazar Patrika ended with these words:

"India need not fear the Anglo - American

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35. B.L. Sharma 'The Kashmir Story' Page-69
machinations as long as she is firm as secular state.
and so long as the Security Council is guided in its
consideration of the Kashmir issue by the Anglo-
American imperialistic view, it, like the Kashmir
Commission, is sure to meet failure." 37

The strongest reaction was in Kashmir itself,
while Bakshi Ghulam Mohammad declared that "so long as
a single Kashmiri is alive the Ml Naughton formula will
not be accepted." 38 Mirza Aftab Beg said that "India
will lose the friendship of Kashmir if she were to bow-
down before the pressure of the Anglo-American bloc and
accept, in any shape or form, the Ml Naughton formula
which equated the aggressor and the aggressor." 39

In 1949, there took place two developments
which are of crucial importance to the legal position
of Kashmir in the Indian Union. One was the admission
of Kashmir's representatives to the Constituent Assembly,
the other was the adoption of the constitution, including
its present Article 370, by the constituent Assembly with
the participation of those representatives.

When Pakistan protested against the Indian
decision to admit Kashmir's four representatives to the
Constituent Assembly, the Commission felt, "it is

37. Abdul Ghaffar Malik, 'Role of Anglo-America and
      U.N. in Kashmir Drama', Amrit Bazar Patrika, 15th
38. The Hindustan Times, 29th February, 1950.
difficult to oppose this measure of the Indian Government on the purely legal grounds. The Commission did not consider that there was any useful purpose to be served in approaching the Government of India in this matter."

PLAN APPEARS ON THE SCENE

Following the Commission's failure, the Security Council passed a resolution on March 19, 1950, terminating the U.N. Commission and appointing a U.N. representative. India accepted this resolution of the Council. Sir Owen Dixon was appointed U.N. Representative. Dixon arrived in the sub-continent on May 27, 1950. But even before his arrival, the American and British Press had come out with 'suggestions' for a partition of the State during the preparation and holding of a plebiscite. A British paper put forth as early as May 3, the suggestion that the Valley "be left for the time as neutralised entity ruled by a coalition of Sheikh Abdullah and Ghulam Abbas, Heel of 'Azai Kashmir' Muslim Conference."40

Sir Owen continued his parleys in New Delhi, Karachi and Kashmir up to August 21, 1950. But with all his comings and goings from one capital to another, his mission could not succeed. The Jurist in him, however,

came out when he recorded:

"When the frontier of the State of Jammu and Kashmir was crossed on, I believe October 20, 1947 by hostile elements, it was contrary to international law, and when, in May 1948, as I believe units of the Regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law."\(^{41}\)

However guarded, it was the first U.N. recognition of India's claim that Pakistan's actions in Kashmir constituted violation of international law and it established Pakistan's aggression on India. But how did the U.N. Representative act? Sir Owen brought about a joint meeting of the Prime Ministers of India and Pakistan and suggested various proposals for demilitarization of the State but all were rejected by the Prime Minister of India on the familiar grounds of the security of the State.

Sir Owen turned to the idea of a regional plebiscite. When Pakistan objected to this, he contemplated a plan for holding a partial plebiscite in a limited area consisting of the Valley of Kashmir and partitioning the remainder of the State. The schemes of partition and partial plebiscite did not find favour with Pakistan too. She 'generally' rejected these ideas.\(^{42}\) India was now in a better position to reject the Dixon proposals. Thundered

\(^{41}\) S/1791, September 15, 1950, Page 7-8
\(^{42}\) S/1791, September 15, 1950 (Dixon Report) Page-19
Nehru said:

"So far as the Government of India are concerned, it is absolutely impossible for them to accept it, whatever the consequences. There the matter ends." And the matter did end so far as Dixon was concerned. He had to retire behind the screen without even an applause. Reaction in Pakistan was even more critical. The Dawn wrote: "Sir Owen Dixon's poisoned pen has pricked as it were a mere bubble the belief that in the larger world Pakistan is in the company of well-wishers, not to speak of friends."44

With the failure of the Dixon mission, tension between India and Pakistan erupted into open hostility. The President of the East Pakistan Muslim League suggested 'the last argument is the Sword.'45

Meanwhile the people of Kashmir having lost faith in the processes of the Security Council, decided to take back the initiative into their own hands and forge their political and social future themselves. They became impatient of the stalemate created by Pakistan's intransigence and the prevarications of the U.S.S.R. and its mediators, so on October 27, 1950, the National Conference recommended the convoking of a Constituent Assembly.

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44. The Dawn, 21st September, 1950.
45. The Dawn, 6th October, 1950.
This aroused the anger of the rulers of Pakistan. They appealed to the Security Council for quick action and an extraordinary meeting of the Security Council was convened to consider the "grave development." A draft resolution was presented to the Council by the Anglo-American delegations on February 21, 1951.

The British and American sponsors of the draft resolution "threw in the suggestion of a United Nations forces to hold the ring. They left partition aside as a solution and clung to the common commitment to the overall plebiscite.......In short they added a few more ingredients to a meal which was already well cooked."46

The proposal incorporated practically every obnoxious proposal from the U N C I P. General M C Naughton and Sir Dixon. Mr. Nehru condemned it as a "Challenge to India's self-respect. " In the face of this bitter opposition the draft was amended, but the most objectionable part of it, that pertaining to arbitration was allowed to remain. Nehru's reaction to the revised draft was forceful. Speaking in the Indian Parliament on March 21, he said,

"This new resolution and the arguments

46. Lord Birkwood, op. cit., page-104.
advanced in support of it by the U.K. and the U.S.A. delegations put forward a fantastic and entirely new theory that Kashmir is a kind of 'no man's land', where the sovereignty was unilaterally. Kashmir is juridically and politically an integral part of the state of India and at no time has the U.N. Commission or the Security Council challenged this fact." 47

**DR. GRAHAM'S MEDIATION - 1951-53**

Despite the vehement denunciation of the draft resolution, the Security Council adopted it on March 30 and on April 30, 1951, the appointment of the new U.N. representative was announced from Lake Success. Dr. F. P. Graham, Senator from North Carolina, U.S., was selected for the post. According to the resolution, he was to "proceed to the sub-continent to effect the demilitarization of the state of Jammu and Kashmir," and "to present to the governments of India and Pakistan detailed plans for carrying out a plebiscite in the States"... The political atmosphere in India and Pakistan when Dr. Graham landed in the sub-continent was surcharged with tension, Pakistan had again raised the cry of 'Jehai' against India. Sarier Iqbal then Prime Minister of the 'Azai' government, threatened that the Kashmir issue would not be settled at Lake Success, "but will be decided only on the battle field." Even the Prime Minister of Pakistan

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was in a fighting mood. "Addressing a cheering crowd, lakhs in number, from the window of the Press Room in the Prime Minister's House, Mr. Liaquat Ali Khan declared; "From today onwards, our symbol is this\"", and he held his clenched fist out of the window.\"48

Dr. Graham's efforts at mediation extended from 1951 to 1953 and he submitted five reports in all to the Security Council. He insisted on (a) continuous and simultaneous de-militarization; (b) induction of the Plebiscite Administrator to office on the final day of the de-militarization; (c) acceptance of the principle of retention of troops to ensure law and order on each side after de-militarization, proportionate to the number of armed forces existing on each side of the Cease-fire line on January 1, 1949. For the sake of brevity only the fifth report submitted by Dr. Graham to the Security Council will be reviewed here. (This report sums up the ultimate position of both the Government.) \49

49. For reference see:

i) First Report of Dr. Graham 5/2375 dated 15.10.51
iii) Third Report of Dr. Graham 5/2611 dated 22.4.52
iv) Fourth Report of Dr. Graham 5/2783 dated 19.9.52
v) Fifth Report of Dr. Graham 5/2967 dated 17.1.52
The main difficulties encountered by the mediator concerned (a) The quantum of forces to be retained after de-militarisation, (b) The time when the plebiscite administrator should take up his duties.

**POSITION OF INDIA**

(A) Character and quantum of the forces to remain on each side of the Cease-fire line - In response to the suggestion of Dr. Graham, communicated by him in person to both the governments on 14th February, 1953, that Pakistan should retain an armed force of 6,000 separate from the administrative and operational command of Pakistan and without armour or artillery and that India should retain 21,000 (inclusive of state militia) against without armour or artillery, the government of India indicated its acceptance of the number proposed for India, but rejected the suggestion of 6,000 armed troops for Azad Kashmir, reiterating its demand for a civil armed force of only 4,000 with a slight increase in number, if necessary. India also demanded the withdrawal of Pakistani appointed officials from Azad Kashmir and stated that the local authorities should be completely independent of the Pakistan government.
(B) The Injunction of the Plebiscite Administrator to his office — In various meetings with the representative of India, Dr. Graham insisted on a Plebiscite Administrator being appointed on the last day of de-militarization to enable him to assume responsibility as early as possible. India's view was that the Plebiscite Administrator could function properly only after demilitarization was completed, peaceful conditions restored, and after the local authorities on the Pakistan side had started functioning under the surveillance of the U.N. representative. However, India expressed her willingness to agree to his injunction on the last day of the period of de-militarization provided that it was exhaustive and that it was completed according to plan.

PAKISTAN'S POSITION

(a) Character and quantum of the forces to be retained on each side of the Cease-fire line. Pakistan held that the February proposal violated the Security Council Resolution of 23rd December 1952 (S/2883 : this resolution fixed the minimum and maximum number of forces on each side as follows:}
India - 12,000 and 19,000; Pakistan - 3,000
and 6,000.) Pakistan maintained further that
arbitrary raising of the Indian figure to
21,000 as against Pakistan's 6,000 (Azad
Kashmir), would put the security of Azad
Kashmir in complete jeopardy. Pakistan
emphatically refused to accept this proposal.

Induction of the Plebiscite Administrator to
his office - All through the tortuous process
of negotiations, Pakistan steadfastly main-
tained that under the U N C I P resolution of
January 5, 1949, the Plebiscite Administrator
had to be inducted into office as soon as the
tribesmen, Pakistani nationals and the army with-
drew. The proposal of the U N, representative
that he should be appointed not later than the
last day of de-militarization, constituted,
according to Pakistan, a big concession to
India. Nevertheless, Pakistan agreed to this
proposal only as part of a general settlement
which should be acceptable to her.

The mediator's effort, therefore, was foiled
due to the disagreement over the quantum of forces to
be retained on each side. In the course of Graham's long
negotiations, it may be mentioned, India made several
concessions to enable him to bring the negotiations to a
successful conclusion, she agreed to -

(1) the simultaneous withdrawal of the troops
(2) the proposal of the Azad forces having a
     4,000 men strong militia
(3) the date of the injection of a Plebiscite
     administrator
(4) in contrast to her previous stand, the proposal
     of 21,000 Indian troops instead of 29,000
     repeatedly stressed by her as the irreducible
     minimum.

With the failure of the Graham Mission the
U.N. effort to settle the Pakistan - India dispute over
Kashmir came to a temporary close. The dispute was not
again debated in the Council until after 1955.

VIOLATION OF U.N. RESOLUTION BY PAKISTAN

Pakistan continued to violate its obligations
under the January 17, and the August 13, 1948 resolutions.
She "altered the situation materially" by her annexation
of Chitral, a feudalary principality of Kashmir and by
handing over several strategic points to America for
building air bases. As if this was not enough, she
committed numerous cease fire violations and attacks on
Indian troops and nationals on the cease-fire line. On

50. S/2967, Fifth Report of Dr. Graham, March 27, 1953
May 7, 1955, an armed patrol of Pakistan Border Police crossed the cease-fire line at Nakowal and opened fire without warning at an Indian party. As a result of firing one Major and five other ranks and six civilians were killed. The U.N. observers conducted an on the spot investigation, and declared that the incident was a border violation by the Pakistan Border Police.

In the meantime, the Kashmir Constituent Assembly, elected through universal adult franchise and which had been busy in framing a constitution for the state, had completed its work. It was to be dissolved after the adoption of the constitution confirming the state's accession to India. Sheikh Abdullah had "violently opposed any plebiscite on the ground that he was the representative spokesman for Kashmir and no poll was necessary." However, on the advice of Gopalaswami Iyengar he had agreed to call the constituent assembly to give the Kashmiris a chance to express their opinion. If India, of course, was quite right in not allowing the plebiscite Administrator to be included because Pakistan had not implemented the first condition that had to be fulfilled, e.g., withdrawal of her troops from the occupied territory. So, legally India had a strong case in not proceeding with the plebiscite.

The new Constitution of Kashmir was scheduled to come into force from January 26, 1957. This caused great anxiety in Pakistan and the Anglo-American camp. The Security Council on the representation of Pakistan called a hurried meeting in Lake Success in January, 1957 to consider this development.

MENON EXPLODES THE SITUATION

Mr. Krishna Menon, India's representative at the Security Council removed the cobwebs that had gathered around the whole issue and brought back to life the 52 basic resolution of August 13, 1948. He showed that it was "a concertina resolution. Unless (A) is accomplished (B) can not be undertaken; unless (B) is accomplished, (C) can not be undertaken. Apart from what (C) means — some things to which I have referred—(B) has not been implemented and so unless there is Truce, unless there is evacuation, how does the Security Council contemplate the idea of any thing in the nature of an assessment of the will of the people in the Pakistan occupied areas, with forty-five battalions of these forces and the entire army of Pakistan right up on our frontiers".

52, S.C.0. R., 762, 763 and 764 meetings — 1957
Though, the Security Council passed a resolution which was not fair to India, the world was convinced that it was not India, but Pakistan which by not clearing its aggression on Indian territory was holding up the solution to the Kashmir problem. "The fact of the matter is that Pakistan never wanted a plebiscite. Insipid of a plethora of statements of its leaders to the contrary, acceptance of plebiscite by its government was insincere. All available evidence goes to show that it did everything in its power to prevent a plebiscite from being held." 53

Like in Junagadh, she was sure to lose in Kashmir also, therefore Pakistan wanted to acquire Kashmir by force not taking any risk whatsoever.

THE JARRING REPORT

After a long lapse of about four years, the Security Council deputed Gunnar Jarring, the Swedish member of the Council, as a mediator, to examine the possibilities of an early settlement of the Kashmir problem. 54 In a report submitted on April 29, 1957, Mr. Jarring recalled the acceptance by the two Governments of the U.N. Commission's resolutions of August 13, 1948 and January 5, 1949. Mr. Jarring referred in Para-13 of the report, to discussions with the Government of India.

and their emphasis on the fact that two factors prevented the implementation of the two resolutions.

One was that Part I of the resolutions regarding the Cease-fire had not been implemented by Pakistan, and therefore the implementation of Part II and Part III thereof did not arise and second was the non-declaration by the Security Council in clear terms of Pakistan as the aggressor. Jarring offered an arbitration proposal to find out whether Part I of August 1948 resolution had been implemented or not, India rejected to refer to arbitration the matter "because such procedure would be inconsistent with the sovereignty of Jammu and Kashmir and the rights and obligations of the Union of India in respect of this territory." So Jarring like other mediators failed to find a solution to the problem. The Security Council would not get the aggression vacated; Pakistan continued to remain in occupation of two fifths of the state.

**GRAHAM AGAIN**

The Security Council, after hearing Jarring, passed a resolution asking the U.N. Representative Mr. Frank Graham, to visit the sub-continent again.55

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55. Security Council adopted the resolution on 2nd December, 1957, (A/3922)
Dr. Graham arrived in the sub-continent in the following year and held discussions with the Governments of Pakistan and India. In his report to the Security Council, Dr. Graham again reported the failure of his mission. He, however, made some important observations:

"It should be noted that the position of this territory (Pakistan - occupied Jammu and Kashmir) is of peculiar nature. Its sovereignty rests with the State of Jammu and Kashmir but the full exercise of that sovereignty would be limited under the resolution by (a) the surveillance of a United Nations organ and (b) the commitment by India that their forces would remain with in the cease-fire line."

In part III para 15 of his report, Dr. Graham again favoured the stationing of the U.N. forces in the area called 'Azad' Kashmir after the evacuation of Pakistan forces. But India's position with regard to this had been made clear a number of times; she would under no circumstances allow the injection of foreign troops into any part of Kashmir. "Further more, India did not look with favour on the substance of the recommendations of Dr. Graham because he dilated away from the basic facts and got entangled in extraneous factors which complicated the situation."

CHHAGLA'S SOUND REASONING

When Kashmir was making all-round progress, along with the rest of India, Pakistan raked up the Kashmir question in the Security Council again. Her Foreign Minister Zulfiqar Ali Bhutto, complained in January 1964, that India was taking further steps to fully integrate Kashmir with the rest of the country. The unfortunate theft of the holy relic from the Hazrat Bal Shrine near Srinagar which had thrown the people of Kashmir into grief was termed as a conspiracy to drive Muslims out of India. Pakistan's application in fact appeared "as a horror story". But Mr. Chhagla, India's representative said at the Security Council, "all this is a figment of vivid imagination."

Mr. Chhagla's reasoned and forceful speeches on February 5 and 10, 1964 in reply to Pakistan Foreign Minister's baseless charges, convinced the world of the justice of India's stance on this question. The so-called "genocide" charges levelled against India by Mr. Bhutto were disproved by the census figures of both the countries. The Indian figure for 1961 shows that there was an increase of 25.6 percent in the population of Muslims in India during the period between 1951 and 1961. This compared well with the overall increase in the population

58. S/FV 1086, 5th February, 1964 and
       S/FV 1090, 10th February, 1964.
of India of 21.5 percent. "Does this prove genocide
or that Muslims are being driven out?" asked Mr. Chhagla.
On the other hand the Census figures of Pakistan showed
that the minorities there, are being squeezed out.

Mr. Chhagla refuted the Pakistan charge of
India trying to wriggle out of her commitments on a
plebiscite in Kashmir. He proved how, from the beginning,
Pakistan had not fulfilled her part of the commitments.
He briefly enumerated some of the major violations of
the terms of the August 13, 1948 resolution by Pakistan
which made it obsolete:

(1) Continuing presence of Pakistan forces and
Pakistan personnel in Kashmir.

(2) Introduction of additional military equipment
into occupied territory.

(3) Construction of air fields in occupied territory,
thus creating bases for attack against India and
endangering its security.

(4) Consolidation and incorporation of the occupied
area of Jammu and Kashmir into Pakistan.

(5) Using its membership of military pacts to
increase Pakistan's military potential in
Kashmir, and to strengthen the so called 'Azad'
forces officered, trained and equipped by
Pakistan.
(6) Occupation of 'northern areas.'

(7) Continuous threats of force and the creation of a war atmosphere, which are a constant menace to the cease-fire line.

(8) Organizing and financing of subversion and sabotage against the people and government of Jammu and Kashmir, and the cease-fire line.

(9) Having no common border with the People's Republic of China, nevertheless negotiating with it; Kashmir's border with Sinkiang, thus disrupting the territorial unity of the State of Jammu and Kashmir.

At the end of his speech, the representative of India, appealed to Pakistan to give up its futile policy of hatred towards India. "Let me implore Pakistan," he said, "to remember that we are most anxious that our two countries, constituting the sub-continent of India should remain on friendly and cordial terms. The future prosperity and well being of our two peoples depend on it."

Pakistan's response to this appeal was to vigorously prepare herself for another aggression against India.

THE U.N. MEDIATION AND LEGAL ASPECTS

OF THE PROBLEM

It is interesting to note how the United Nations' efforts at mediation tried to raise, step by
step the status of Pakistan vis-a-vis India. First, the British and U.S. delegates in the Security Council reduced India to the same level as Pakistan; then the U.N.C.I.P manoeuvred an equality between the State administration and 'Azad Kashmir'; later Mr Naughton proposed parity between the State Militia and 'Azad forces'; then Nixon proposed the plan of 'partition and partial plebiscite'; and when these proposals were rejected by India, Graham tried his hand in fixing a quantum of forces of both the countries to be left on the respective sides after demilitarization and failing in this, proposed an increase in the number of military observers and stationing of foreign troops in Kashmir in to maintain law and order. This was to prepare the ground for an 'imposed' solution — an independent Kashmir under U.N. Trusteeship.

Thus every one of these recommendations became a plank for action with the several mediators who came to the sub-continent to uphold the 'noble aims and objects' of the U.N. Charter while handling the Kashmir situation.

India had gone to the U.N. with a complaint of Pakistan complicity in the tribal raids in Kashmir, specifically describing Pakistan's action as 'an act of aggression', and requested the U.N. to call upon
Pakistan to stop giving aid and assistance to the tribesmen. " The members of the Security Council should have known that organizing, supporting, or even allowing armed raids across international boundaries was clearly contrary to international law and the law of the Charter as contained in Article 2, paragraph 4. Instead of calling upon Pakistan unconditionally to take all measures to prevent armed tribal raids across its territory, the Security Council made itself concerned, on the U K - U S initiative, to evolve a formula to persuade the tribal raiders supposed to be fired by the ideals of freedom and determination, rather than coerce them into retreat. " The Council clutched at the straw of plebiscite flown into the air by an unsuspecting India. "59

This was the first error of the Security Council i.e. evasion of the charge of indirect and direct aggression. The subsequent statements of the delegates, especially that of a Chinese delegate, show that it was done deliberately. Recalling in 1957 as to how the members of the Council tried to grapple with the problem Taibang stated:

" I hope that members of this Council today will take the time to read the records of those years."

No member of the Council ever gave serious consideration to either charge, the charge of India or the charge of Pakistan. There never was a proposal made, dealing specifically with aggression. In fact, there was no systematic or serious consideration of that charge and of the counter-charge of aggression. The members of the Council, without consultation, all came to the same conclusion, that the charge of aggression should be by-passed.\(^{60}\)

That was the genesis of all the troubles and frustrations that the U N encountered in subsequent years. The U N can not, and must not, by-pass a charge of aggression. As Krishna Menon dramatically reminded the members of the Council at the end of his marathon speech in 1957, the Charter enjoins upon the council "an action consistent with the Crime of invasion."\(^{61}\) It can not succeed in its conciliatory role by "brushing the ugly fact of aggression under the carpet. There can not be a compromise with aggression. That was, if we are permitted to call it, the original sin that vitiated its conciliatory efforts.\(^{62}\)

The very first thing that the UNICIP found on its arrival in 1948 was the Pakistan Foreign Minister Sir Zafrullah Khan's admission that Pakistan's regular troops were fighting in Kashmir since mid-May of that

\(^{60}\) SCOR, 12th year, 765th meeting, 2 4th Jan., 1957, page-13.
\(^{61}\) SCOR, 12th year, 764th meeting, 24th Jan., 1957, page-46
\(^{62}\) Rahmatullah Khan, op. cit., page-135.
year. If there was any need to investigate and establish Pakistan involvement in the invasion it had ensued after that admission. But the Commission chose to proceed with it conciliatory function despite the admitted aggressive act.

Secondly, Pakistan was allowed to keep the territory of Kashmir which she has occupied by the use of force. "The humanitarian rules which form the bulk of the laws of war are applied to wars of whatever origin. On the same basis the modern law denies title to the aggressor over property acquired by conquest." The very act of initiating and waging war becomes the subject of a criminal charge and criminal responsibility. The post World War II literature on the subject, shows that while compelling reasons of humanity make it necessary for the continued applications of that part of the laws of war which is humanitarian in essence, it is unjust to require that the aggressor waging an unlawful war should be able to rely on rules of warfare for enriching himself by acquiring title over territory. To give the solid evidence of this forced occupation of the territory of Kashmir, we can quote Sheikh Abdullah:

"It was obvious also that this invasion was meant to coerce and compel the people of Kashmir to act in a particular way, namely, to accede to Pakistan. Every Kashmiri was shocked by the raid, and the ruin in the trail

of this raid. Every Kashmiri resented the compulsion on his will. The question of accession to India or Pakistan became a secondary issue and the first duty of every Kashmiri was to defend his motherland against the intruder. They refused to be compelled to accede to Pakistan in this way."65 It is very clear that Pakistan occupies the area against the wishes of the people and only as the 'fruit of aggression.' It is also embodied in the charter of the Organization of American States, Article 17 of which states: "No territorial acquisitions or special advantages obtained either by force or by other means of coercion, shall be recognized."66

The final objection of Pakistan against Kashmir's accession to India is that it was subject to the Indian promise of plebiscite. "Two points are of immediate importance here. The Instrument of Accession which was in the form of an offer, nowhere contained any condition that the Maharaja would accede to India only if the latter will subsequently hold a plebiscite. Secondly the acceptance letter sent by the Government of India did not employ the word 'plebiscite'."67 It just expressed the wish that reference will be made to the people as soon as law and order have been restored in Kashmir. Significantly Kashmir state has never in the past disputed her accession to India.

65. The Hindu, 28th October, 1947.
Free elections based on adult suffrage have been held in Jammu and Kashmir and the people have exercised their right of self-determination in a free and democratic manner, as distinguished from its suppression in Pakistan and Pakistan occupied Kashmir.

After the Instrument of Accession was accepted, Kashmir lost whatever international status it had. A 'fortiori, the State of Jammu and Kashmir, much less Pakistan, was not thereafter entitled to challenge the legal validity of accession or to subject it to the condition of plebiscite.' It may be emphasized that "Pakistan was not a party to the transaction and hence can not claim a 'locus standi' in the case."68 Jawahar Lal Nehru once said:

"Apart from rhetoric and vague insinuations, I should like to know from any body, friend or enemy, from that day in the last week of October 1947 when we took the fateful decision to send our troops by air to Kashmir till today, what it is we have done in Kashmir which from any point of view or from any standard is wrong."69

But unfortunately, the nations, sitting on the Security Council, got lost in power politics and left the Kashmir problem unsolved.

68. Surya P. Sharma, op.cit., page-154.