

(a) whether it is a fact that India has drawn the attention of the United Nations Security Council to a reported decision of the Azad Kashmir Government to auction certain properties in the Pakistan occupied territory valued at about Rs. 5 crores; and

(b) whether Government have made any representation in this respect to the Security Council and if so, with what result?

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THE DEPUTY MINISTER OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON): (a) and (b). Copy of a letter dated November 12, 1959 addressed by India's Permanent Representative in the U.N. to the President of the Security Council is laid on the Table of the House.

In accordance with the request made by our Permanent Representative, this letter has been circulated to Members of the Security Council and issued as a Security Council document.

#### STATEMENT

*Letter dated 12 November 1959 from the Permanent Representative of India addressed to the President of the Security Council.*

I have been instructed by the Government of India to invite Your Excellency's attention to the following report which has appeared in the Pakistan press and has not been contradicted by the Government of Pakistan:

#### **"AZAD KASHMIR GOVERNMENT TO SELL STATE PROPERTY IN WEST PAKISTAN"**

*(From Our Lahore Correspondent)*

October 10- The Azad Kashmir Government has decided to sell by open auction all property belonging to Jammu and Kashmir State in different parts of West Pakistan. The property includes both residential buildings and agricultural land. Its value is estimated at

more than rupees two crores (Rupees twenty million)". (Words in brackets added).

*(Morning News, Dacca, 12 October 1959)*

2. As Your Excellency and the members of the Council are aware, the Government of Jammu and Kashmir, which is a constituent State of the Indian Union, is the only lawful Government of the State. This was clearly stated by the United Nations Commission for India and Pakistan both in its resolutions of 13 August 1948, and 5 January 1949, which India and Pakistan accepted, and in the assurances which it gave to the Prime Minister of India on behalf of the Security Council. The following quotation from paragraph 69 of the First Interim Report of the Commission will make it clear that the United Nations Commission categorically refused to recognize the so-called Government of Azad Kashmir.

"During the 29th meeting, held on 5 August, the Commission discussed the (Pakistan) Foreign Minister's statement and agreed that it should avoid any action which might be interpreted as signifying *de facto* or *de jure* recognition of the 'Azad Kashmir Government'." (Words in brackets added)

As a matter of fact, the then Pakistan Foreign Minister, Sir Mohd. Zafrullah Khan, solemnly assured the Commission that even the Government of Pakistan had "not granted legal recognition to the Azad 'Government' in view of the implications which might ensue". (S/1100, paragraph 132).

3. Neither the Government of Pakistan nor the so-called Azad Kashmir Government, have any legal right to sell these properties of the Government of Jammu and Kashmir which are valued at rupees five crores (Rupees fifty million). The propos-