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**STANDING COMMITTEE
ON EXTERNAL AFFAIRS
(1994-95)**

TENTH LOK SABHA

MINISTRY OF EXTERNAL AFFAIRS

**SITUATION PREVAILING IN PAKISTAN
OCCUPIED KASHMIR AND NORTHERN AREAS**

FOURTH REPORT



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

January, 1995/Pausa, 1916 (Saka)

FOURTH REPORT
STANDING COMMITTEE
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(1994-95)

(TENTH LOK SABHA)

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SITUATION PREVAILING IN PAKISTAN
OCCUPIED KASHMIR AND NORTHERN AREAS



Presented to Lok Sabha on . . . 21 . . . MAR 1995
Laid in Rajya Sabha on . . . 2 1995

LOK SABHA SECRETARIAT
NEW DELHI

January, 1995 / Pausa, 1916 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE
ON EXTERNAL AFFAIRS (1994-95)

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Shri Atal Bihari Vajpayee

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41. Shri V. N. Gadgil[®]
42. Shri K. Rahman Khan[®]
43. Shri Inder Kumar Gujral^{\$}
44. Shri Triloki Nath Chaturvedi[#]
45. Smt. Vyjayantimala Bali^{##}

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri O.P. Ghai — *Deputy Secretary*
3. Shri Ashok Sarin — *Under Secretary*

* Ceased to be a member of the Committee consequent upon his nomination to the Committee on Urban & Rural Development w.e.f. 22.6.1994.

** Retired w.e.f. 22.6.1994.

[®] Nominated to the Committee w.e.f. 11.4.1994.

^{\$} Nominated to the Committee w.e.f. 13.9.1994.

[#] Nominated to the Committee w.e.f. 4.10.1994.

^{##} Nominated to the Committee w.e.f. 13.1.1995.

INTRODUCTION

I, the Chairman of the Standing Committee on External Affairs having been authorised by the Committee do present, on their behalf, the Fourth Report on "Situation Prevailing in Pakistan Occupied Kashmir and Northern Areas".

2. The Committee undertook the examination of the subject having recognised it as an issue of immense importance. Shri B. G. Verghese, Senior Fellow, Centre for Policy Research, New Delhi, was invited by the Committee to share with the Members, the information available with him on the Situation Prevailing in Pakistan Occupied Kashmir (POK) and Pakistan Occupied Northern Areas of the State of Jammu & Kashmir. Thereafter it was decided to place before the Parliament, the views expressed by Shri Verghese in the form of a Report. The comments of the Ministry of External Affairs have been taken into account while preparing this Report.

3. The Committee considered and adopted the Report at their sitting held on 20th January, 1995.

4. The Committee wish to express their thanks to Shri B. G. Verghese for sharing his views on the subject with the Members, and also to the officers of Ministry of External Affairs for offering their comments on the views of Shri Verghese.

5. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
30 January, 1995

10 Magha, 1916 (Saka)

ATAL BIHARI VAJPAYEE,
Chairman,
Standing Committee on
External Affairs.

REPORT

SITUATION PREVAILING IN PAKISTAN OCCUPIED KASHMIR AND NORTHERN AREAS

Giving due importance to the significance of the situation prevailing in Pakistan-Occupied Kashmir and Northern Areas, the Standing Committee on External Affairs invited Shri B. G. Verghese, Senior Fellow at the Centre for Policy Research, New Delhi to share with the Members, the information available with him on this subject. At the outset, he stated :

“It is important for us to know what is happening on the other part of J&K *i.e.* Pakistan Occupied Kashmir (POK) & Northern Areas (NA). The Government is probably not ignorant of developments there but it appears disinterested to let everyone know what is happening . . . This suits Pakistan which has tried to create a fiction of what constitutes Kashmir.”

2. He then went on to explain in detail various aspects of the situation. The main points emerging from the discussion and based upon the comments of the Ministry of External Affairs are stated below.

3. The State of Jammu & Kashmir (J&K) is a conglomerate of a large number of ethnic and linguistic units which were joined to the erstwhile Maharaja's kingdom. Article 4 of the Constitution of J&K and Article 1, Schedule 1 of Constitution of India define the territorial boundaries of J&K. It has been defined as the Maharaja's dominion as of 15 August, 1947 (including the areas now on the other side of the line of control). Over the years, however, the term Kashmir (in the context of the Kashmir question) has increasingly come to mean the Indian part of J&K and more specifically the valley of Kashmir excluding some which is two-fifth of the entire state of J&K under Pakistani occupation.

4. The integrity of the state has been violated several times, first in 1947-49 as a result of invasion by Pakistani raiders leading to occupation of 2/5th of J&K and then in 1963, when in order to have a strategic alliance with China, Pakistan ceded the Shaksgham Valley to that country in violation of the UN Resolution.

5. The “Northern Areas” (of J&K) under Pakistani occupation consist of part of Ladhak province, Gilgit, Baltistan and certain fiefdoms that were under the suzerainty of the Maharaja of Jammu & Kashmir like Hunza, Nagar, Puniyal, Chilas, Koh, Yasin, Ishkoman and some other places near the Afghan

and Chinese borders. These are being sought to be portrayed by Pakistan as not part of J&K. According to Pakistan, these areas were conquered by the British on their own or with the assistance of the Maharaja, who was allowed to extend his dominion northwards in order to checkmate Russian expansion. In 1935 the British Government leased out some of these areas including Gilgit from the Maharaja for 60 years. In 1947, when the plan for India's independence was unveiled, the British Government terminated the lease and handed the area back to the Maharaja whose sovereignty and suzerainty over them had never been questioned. Pakistan argues that when they were returned, the Gilgit scouts revolted against the Maharaja and joined Pakistan. This suggests a theory of ownership by force of arms rather than by accession.

6. Pakistan also argues that the rulers of the 'State of Hunza, Nagar and Puniyal' had acceded to Pakistan. This is not correct. These fiefdoms were not classified as Princely States under the Government of India Act of 1935. Therefore, they had no right to accede to Pakistan.

7. The Indo-Pak Ceasefire Agreement signed on 27 July, 1949 in Karachi, generally known as the Karachi Agreement, did not touch upon any political matters. The agreement was for demarcation of the Ceasefire Line (CFL). It did not include anything regarding Pakistan's withdrawal from the so-called "Azad Jammu & Kashmir" (AJK), or its jurisdiction over the Northern Areas or regarding India's sovereignty over the entire Pak-occupied Area of Jammu & Kashmir. These issues were dealt with in other documents and the position stood as follows:

- (a) The United Nations Commission on India and Pakistan (UNCIP) Resolution of 13 August, 1948, provided that Pakistan would withdraw its troops from Pak-occupied territory of the State of J&K.
- (b) Prime Minister Nehru's letter of 20 August, 1948 to Mr. Josef Corbel, UNCIP, stated — "The Government of India expressed their desire that after Pakistani troops have withdrawn from the territory of Northern Areas, the responsibility for the administration of the evacuated areas should revert to the Government of Jammu & Kashmir and that for defence to the Government of India."
- (c) The UNCIP Resolution of 5 January, 1949 provided : "A plebiscite will be held when it shall be found by the Commission that the ceasefire and truce arrangements (including Pakistan's withdrawal from J&K) have been carried out."

8. As provided in the UNCIP Resolution of 13 August, 1948, Pakistan was to withdraw its troops from the Pak occupied territory of the State of Jammu & Kashmir. As per the UNCIP Resolution of 5 January, 1949, a plebiscite was to be held in J&K when it was found by the Commission that

the ceasefire and the truce arrangements (including Pakistan's withdrawal from J&K territory) had been carried out. But the plebiscite that was to follow never took place as Pakistan never fulfilled the preconditions set out for the ceasefire and truce.

9. The governance of "Azad Kashmir" was regulated under various rules which were promulgated from time to time. The ultimate control of "Azad Kashmir" Government, vested in the Kashmir Affairs Department in Karachi (the then Capital) and the constitutional position was that these areas would be administered by the "Azad Kashmir" Government and the Northern Areas temporarily by the Pakistan Government till such time as these areas decided or confirmed their accession to Pakistan.

10. In 1973, during Mr. Bhutto's tenure, sanction was accorded to promulgate an Interim "Azad Kashmir" Constitution which is still in force. This provided for a legislature subjected to certain controls with final authority, vesting in a Jammu & Kashmir Affairs Council under the Prime Minister of Pakistan located in Islamabad. Further, of this legislature with 48 seats 40 are elected and 8 nominated. Of the 40 elective seats, 12 are filled by Jammu & Kashmir refugees settled in Pakistan proper and one by Jammu & Kashmir residents abroad. In a sense, one-third of the legislature is filled by people who are not living in "Azad Kashmir" and who have acquired property and settled down in Pakistan or abroad.

11. Pakistan's Constitution of 1973 has an identical provision which was contained in its earlier Constitutions of 1956 and 1962 and which provides that when the people of J&K "decide to accede to Pakistan", the relation between Pakistan and that State shall be determined in accordance with the wishes of the people of that State (Article 257). The Committee are informed that, the interim Constitution of "Azad Kashmir" 1974 specifies that the President, the Prime Minister, the Ministers, Members of the Legislative Assembly etc. have to swear that they will be "loyal to the country" meaning Pakistan – "and to the cause of accession of State of Jammu & Kashmir to Pakistan". In Section 5, Sub-section 2, Clause VII of an ordinance, 1970 of the Jammu & Kashmir Legislative Assembly, it is provided that "a person shall be disqualified for being elected or chosen and for being a member if he is propagating any opinion or acting in any manner prejudicial to the ideology of Pakistan and the ideology of the State's accession to Pakistan". Further, people are denied jobs, civic facilities and educational opportunities if they do not agree with the State's accession to Pakistan. This defines the self-determination that Pakistan offers to J&K. According to it, self-determination or "wishes of the people" means acceptance of Pakistan and the ideology of Pakistan.

12. "Azad Kashmir" has always claimed the Northern Areas (72495 sq. kms.) as part of the territory controlled by it in 1947. The Northern Areas

have however been annexed by Pakistan and are under the colonial and repressive administration. Despite their distinct cultural and historical identities the sub-units like Nagar, Yasin and so on have been unilaterally integrated within new district boundaries. The Committee were informed that the major ethnic groups in the region include Baltis, Shins, Yashkuns, Moghuls, Kashmiris, Pathans and Turks and the dialects they speak are very many. Of the four major Muslim sects, Shias are in a majority in the Gilgit and in some other parts. Sunnis, Ismailies and Nurbaksties constitute the other sects. Some people in Pakistan and "Azad Kashmir" urge that the Northern Areas be treated as part of "Azad Kashmir" as its population now around 12 to 15 lakhs would enhance the weightage for Pakistan in any potential plebiscite. Some section of the Shia community, however, are wary of becoming a part of Sunni-dominated "Azad Kashmir". This sectarian issue has come to the fore on account of mounting sectarian violence almost annually from 1989 onwards. But in 1974 when the Interim Constitution of "Azad Kashmir" was proclaimed, the Muzaffarabad Government took the line that the Karachi Agreement which had temporarily placed the Northern Areas under the control of Pakistan had lapsed and that this region should *de jure* and *de facto* revert to "Azad Kashmir" to which it legitimately belonged. The Federal Government resisted that effort and until today has maintained that the Northern Areas are an integral part of Pakistan.

13. Yet, Constitutionally, the Northern Areas like "Azad Kashmir" are not part of Pakistan. It is neither defined as part of the territories of Pakistan nor as a colony or a protectorate. It is unique in international or national law to have an area administered by someone without a constitutional status of any kind. Its administration is under the Kashmir Affairs and Northern Areas (KANA) Ministry of the Federal Government and the Resident Commissioner in-charge is appointed by the Pakistani Government and is a Pakistani Government Officer.

14. "Azad Kashmir" and Northern Areas have no constitutional role to play in the Pakistani federal structure. From 1950 onwards the Northern Areas has been administered by a Resident Commissioner appointed by the Pakistan Government, who since 1979 has been assisted by a 16-member Northern Areas Council. This nominated Northern Areas Council had no legislative or financial authority. The laws applicable in the area were not made by the Pakistan National Assembly because it had no jurisdiction. It was the Kashmir Affairs Ministry which passed laws through ordinances. The bulk of police and civil services personnel in the Northern Areas are Pak officers. The judicial system consisted of some lower courts with a Judicial Commissioner appointed by Pakistan who had no writ jurisdiction and no right to entertain any suit against the Government of Pakistan. There was no provision for appeals against any judgement of the Judicial Commissioner at any other court, his words were final. There was no political activity in the region and the people clamoured for their political and civil rights.

15. After the AJK High Court judgement of March 1994, in order to placate the people of the Northern Areas, the Government of Pakistan announced some cosmetic reforms which, *inter-alia*, include the setting up of a 24-member elected Northern Areas Council with two additional seats reserved for women. However, even under this new setup, financial and administrative powers would be exercised by the Chief Executive for Northern Areas who is none other than the Pak Minister for Kashmir Affairs and Northern Affairs.

16. Elections to the Northern Areas Council were held in October, 1994. Although the Shia religious party Tehriq-e-Jafaria-e-Pakistan emerged as the largest single party, the PPP used its power at the federal level to manoeuvre support from the independents and gain effective control of the Council. Pakistan's illegal grip over the areas therefore continues.

17. Much of the trade and commerce is in the hands of outsiders and move along the Karakoram Highway, Khunjerab pass and on to China. This route is of vital military importance for communication not only with China but through Sinkiang with other Central Asian States. Further, some of the head waters of the Indus system flow through that area.

18. As far as the human development index is concerned, the Northern Areas suffer from low literacy, poor medical facilities and lack of potable drinking water and electricity. The economy is predominantly agricultural due to the near-absence of industry of any kind.

19. Following the Interim Constitution of "Azad Kashmir" (1974), the Muzaffarabad Authorities sought the restoration to it of the Northern Areas which the Pakistani Government turned down. In 1990 some people from the Northern Areas petitioned the "Azad Kashmir" High Court challenging the annexation or severance of this region from "Azad Kashmir". The "Azad Kashmir" High Court delivered its verdict in March, 1993. It found that the Northern Areas are part of "Azad Kashmir" and were always part of J&K. The earlier records of Maharaja of Jammu and Kashmir, the treaties entered into by the British Government with him, the 1941 census, Zafrullah Khan's (Foreign Minister of Pakistan) speech before Security Council, the UN resolution and Pakistan's agreement with China in 1963 all confirm that the Northern Areas are a part of (Azad) Jammu & Kashmir. The Court held the severance of the Northern Areas had resulted in violation of the human and democratic rights of the people.

20. The Pakistan Government and the POK Government went on an appeal against the POK High Court's judgement of 8 March, 1993. On 14 September, 1994, the POK Supreme Court overruled the POK High Court verdict and stated that "Northern Areas" in POK comprising of Gilgit,

Baltistan, certain fiefdoms that were under the suzerainty of the Maharaja of J&K like Hunza, Nagar, Puniyal, Chilas, Koh, Yasin, Ishkoman and some other places near the Afghan and Chinese Borders are an integral part of Jammu & Kashmir State, but these areas cannot be considered to form part of the so-called Azad Jammu & Kashmir (AJK) as defined under section II of the AJK Interim Constitution Act of 1974. This judgement, which apparently seems to be based on political expediency rather than on purely juridical grounds, confirmed the ambiguous status of the Northern Areas and as such, Pakistan's illegal occupation of the territory.

21. So when Pakistan speaks of human rights and self-determination on the Indian side of J&K, it ignores evidence of a total denial of human rights and self determination to the people in that part of J&K which is under its control.

22. Since 1989-90, Pakistan has been urging the Kashmiris to fight for liberation on grounds of human rights, self-determination and so on. But these very rights have never been granted and have been extinguished on its side of J&K particularly in the Northern Areas. This has led to a backlash there and people in "Azad Kashmir" and the Northern Areas are now demanding what Pakistan is urging on the Indian side. Benazir Bhutto's Government announced recently some kind of reform package for the Northern Areas. But the reforms will not disturb the present status of the Northern Areas nor give it more than token autonomy under Pakistani control.

23. With respect to human rights in POK and Northern Areas, Jammu and Kashmir People's National Party (J&K PNP), which has been extremely active in international fora, in projecting human rights violations in the POK and the Northern Areas has been subjected to considerable repression by the Pakistani authorities. Shaukat Ali Kashmiri, the General Secretary of the J&K PNP is barred from travelling abroad and is currently listed as missing. He is believed to have been arrested. Amnesty International has issued an appeal for his whereabouts to be ascertained and made public. This follows considerable activity on the part of J&K PNP London office which recently organised a conference on Northern Areas in the third week of September in London. The conference which has representatives from both the Indian side as well as the Pakistani side was rudely disrupted by Pakistani supporters and Jamait-e-Islami who tore up the banners and demolished the podium thus preventing the speakers from expressing their views. The conference was held in Westminster, London. In view of the fact that Pakistani political activists have themselves raised the issue of human rights violation in POK and the Northern Areas at the United Nations Commission on Human Rights (UNCHR) and other international fora, Pakistan has for the first time been asked to answer for its own treatment of the people of POK and the Northern Areas.

24. The Committee have been informed that a Belgian Human Rights activist, Ms. Claire Galez, visited POK & NA in January-February, 1994. During her travel in POK she was once detained by the Police and during her detention she overheard the Superintendent of Police telling her translator companion: "You know that we have Mujahideens' training camps here, how do you dare to bring a Western (er)." Soon after her visit to POK and Northern Areas she visited Delhi and travelled to Jammu.

25. At the conclusion of her visit she held a Press Conference in London where she spoke of poverty and lack of autonomy in POK. According to her, "As far as the situation in Azad Jammu & Kashmir is concerned, let me conclude by saying that the level of illiteracy, unemployment, lack of industrial development and poor medical conditions are predominant in the area. I am also particularly aware of the extremely limited political freedom enjoyed by both the Government and the people . . . I felt restrained in my movements, unable to meet whoever I wanted and unable to travel freely without being closely watched. Military and armed police presence is surprisingly high in Gilgit . . . Here the whole population in Gilgit and Baltistan is fully alienated and the local people allege that Pakistani authorities try to keep them divided by fuelling Shia-Sunni differences in order to divide and rule, and justify Pakistan's heavy military presence."

26. Narrating impressions of her visit to Delhi and Jammu soon after her Pakistan tour Ms. Galez said :

"In New Delhi I met with the European Troika which had recently visited Srinagar. The European Ambassadors draw a very similar conclusion to mine regarding the conditions in which they had travelled in Kashmir They could talk freely and directly with whomever they wanted. They felt and welcomed the efforts the Indian authorities were making to bring transparency over the issue. They also thought there was a political will in India to solve the problem During my ten days stay in India I was interviewed by several journalists including representatives from the BBC, Reuter, the National papers, radio and TV. They all said they enjoy a large freedom of expression and were themselves publishing reports on human rights violations in Kashmir which, according to them, were later recorded and often exaggerated by the Pakistani Press."

27. The Committee are concerned to note that the 'Kashmir' issue is now increasingly limited to mean only the Kashmir Valley. The happenings in other parts of Kashmir like the Pakistan occupied "Azad Kashmir" (POK) and Northern Areas (NA) seem to have been entirely overlooked. Pakistan has repeatedly presented before the UN, in the capitals of Western Countries and before the Organisation of Islamic Countries (OIC) a distorted view of the historical developments of Jammu & Kashmir, its accession to India and the position as it exists on either side of the line of control.

28. The Article 4 of the Constitution of Jammu & Kashmir and Constitution of India, Article 1, Schedule 1 define the territorial boundaries of Jammu & Kashmir. It has been defined as the Maharaja's dominion as of August 15, 1947 (including the areas now on the other side of line of control). The integrity of Jammu & Kashmir has been violated several times, first in 1947-49 as a result Pakistan raiders leading to occupation of 2/5th of Jammu and Kashmir, then in 1963 when Pakistan ceded Shaksgham Valley to China.

29. The Northern Areas of Jammu and Kashmir under Pakistani occupation consist of part of Ladakh province, Gilgit, Baltistan and certain fiefdoms that were under the suzerainty of the Maharaja of Jammu and Kashmir like Hunza, Nagar, Punial, Chilas, Koh, Yasin and some other places near the Afghan and Chinese borders.

30. The governance of "Azad Kashmir" has been regulated under various administrative rules which are promulgated from time to time but ultimate control rests with the Kashmir Affairs Ministry. However, "Azad Kashmir" has always claimed the Northern Areas as part of the territory controlled by it in 1947 although these areas have been annexed and administered by Pakistan as a colony.

31. So far, Northern Areas has a unique position since it is administered by a country without Constitutional basis of any kind. Northern Areas has no elective body except local bodies, and the nominated Northern Areas Council has no legislative or financial authority. The judiciary is virtually non-existent with a judicial commissioner appointed from Pakistan, with no provision to appeal to higher judicial authorities. The administration is entirely manned by Government of Pakistan.

32. The Committee are informed that the Supreme Court of Pakistan Occupied Kashmir (POK) has given its verdict on the status of the Northern Areas on 14 September 1994 overruling the POK High Court. POK's Supreme Court has taken the curious view that while the Northern Areas constituted an integral part of the original J&K, it does not comprise part of POK as defined under Section II of AJK interim Constitution Act of 1974. An implication of this would be that the Northern Areas have been under the illegal occupation of Pakistan and are in reality a part of the entire J&K state of India.

33. The Committee have been given to understand that there have been total denial of human rights and self-determination to Northern Areas and "Azad Kashmir". This has led to a backlash there and people in "Azad Kashmir" and the Northern Areas are now demanding the right of self determination.

34. In this connection, it is pertinent to note the observations of a Belgian Human Rights activist, Ms Claire Galez about the level of illiteracy, unemployment, lack of industrial development, poor medical conditions predominant in POK and NA and extremely limited freedom enjoyed by the people there.

35. The Committee feel that the Government of India is aware of the happenings in the POK but is not interested in agitating this issue in any international forum or in any kind of multilateral context unless forced to as it was done in 1957 when Shri V. K. Krishna Menon forcefully intervened in the UN Security Council defending strongly India's position on Kashmir, laying emphasis on the legal aspect of the accession of Kashmir to India, on Pakistani aggression and on inviolable territorial integrity of India, of which Kashmir formed a part. Since 1965, there has been no substantial discussion on Jammu and Kashmir in any international forum or at the UN. There have, of course, been attempts by Pakistan from time to time to refer to the issue or attempt to raise it in some limited context of reference to human rights issues. The Indian delegation at those points of time have deliberately limited themselves to answering the specific issues raised rather than allowing themselves to fall into the trap of giving a detailed rebuttal.

36. The Committee would like that Indian diplomats serving abroad, members of Standing Committee of External Affairs etc. are kept informed by the Government from time to time about the happenings in "Azad Kashmir" and Northern Areas so that in their private conversations or unofficial discussions with the delegations/people from other countries they are able to bring up, at least, generally the factual position about the situation prevailing in POK and Northern Areas.

37. The Committee, hope that should India be ever pushed to discuss these issues in a multilateral forum, then the following issues have to be emphatically and explicitly put forward:

- (i) The entire state of J&K acceded to the Union of India in August, 1947 and to that extent the entire territory of "Azad Kashmir" and the Northern Areas (both under illegal occupation of Pakistan) is an integral part of India.
- (ii) Pakistan's illegal annexation and the repressive administration of POK and Northern Areas to be highlighted before the international community.
- (iii) The apparent show of concern of Pakistan before International bodies regarding human rights situation in Kashmir Valley is

hypocritical given its own record of human rights violation in Pakistan, POK and Northern Areas.

- (iv) Pakistan's moral, material and financial help to various terrorist outfits in Kashmir by organising training camps, providing arms and ammunitions and instigating them to carry on violent operations in India.
- (v) Dissemination of information regarding the situation in the Kashmir Valley, Constitution of Human Rights Commission, open invitation to human rights activists, NGOs and Red Cross to visit Kashmir and assess for themselves steps taken to implement economic package etc. to the world.

38. While it may be difficult for Government of India to raise these issues unilaterally without being forced to in international arena the Indian press, academicians, etc. can play a significant role to highlight these issues to inform all concerned – international bodies, NGOs etc. about the true picture of Kashmir and India's stand.

39. The Committee are happy to note that so far Pakistan's effort in passing a resolution on Kashmir against India in the UN and its forum have not succeeded. They, however, feel that of late, in the international fora on the 'Kashmir' issue, Pakistan continues to set the agenda and our policy have been merely reactive. Therefore, they urge the Government of India/Ministry of External Affairs to highlight the situation in their proper perspective to Governments of various countries and institutions so that they are not misguided by Pakistan's false claims. This is necessary because nearly 30 years have passed since the Kashmir issue figured in any substantial manner in any international fora and during this long gap a whole new generation of leaders and policy makers have taken over the helm of affairs who may not be fully aware or correctly informed of the Kashmir issue and subsequent developments.

NEW DELHI;
30 January, 1995
 10 Magha, 1916 (Saka)

ATAL BIHARI VAJPAYEE,
 Chairman,
 Standing Committee on External Affairs.

APPENDIX

Statement of Observations/Recommendations

Sl. No.	Para No.	Ministry	Observation/Recommendation
(1)	(2)	(3)	(4)
1.	27	External Affairs	The Committee are concerned to note that the 'Kashmir' issue is now increasingly limited to mean only the Kashmir Valley. The happenings in other parts of Kashmir like the Pakistan occupied "Azad Kashmir" (POK) and Northern Areas (NA) seem to have been entirely overlooked. Pakistan has repeatedly presented before the UN, in the capitals of Western Countries and before the Organisation of Islamic Countries (OIC) a distorted view of the historical developments of Jammu & Kashmir, its accession to India and the position as it exists on either side of the line of control.
2.	28	-do-	The Article 4 of the Constitution of Jammu & Kashmir and Constitution of India, Article 1, Schedule 1, define the territorial boundaries of Jammu & Kashmir. It has been defined as the Maharaja's dominion as of August 15, 1947 (including the areas now on the other side of line of control). The integrity of Jammu & Kashmir has been violated several times, first in 1947-49 as a result Pakistan raiders leading to occupation of 2/5th of Jammu and Kashmir, then in 1963 when Pakistan ceded Shaksgham Valley to China.

(1)	(2)	(3)	(4)
3.	29	External Affairs	The Northern Areas of Jammu and Kashmir under Pakistani occupation consist of part of Ladakh province, Gilgit, Baltistan and certain fiefdoms that were under the suzerainty of the Maharaja of Jammu and Kashmir like Hunza, Nagar, Punial, Chilas, Koh, Yasin and some other places near the Afghan and Chinese borders.
4.	30	-do-	The governance of "Azad Kashmir" has been regulated under various administrative rules which are promulgated from time to time but ultimate control rests with the Kashmir Affairs Ministry. However, "Azad Kashmir" has always claimed the Northern Areas as part of the territory controlled by it in 1947. However, these areas have been annexed and administered by Pakistan as a colony.
5.	31	-do-	So far, Northern Areas has a unique position since it is administered by a country without Constitutional basis of any kind. Northern Areas has no elective body except local bodies, and the nominated Northern Areas Council has no legislative or financial authority. The judiciary is virtually non-existent with a judicial commissioner appointed from Pakistan, with no provision to appeal to higher judicial authorities. The administration is entirely manned by Government of Pakistan.

(1)	(2)	(3)	(4)
6.	32	External Affairs	The Committee are informed that the Supreme Court of Pakistan Occupied Kashmir (POK) has given its verdict on the status of the Northern Areas on 14 September, 1994 overruling the POK High Court. POK's Supreme Court has taken the curious view that while the Northern Areas constituted an integral part of the original J&K, it does not comprise part of POK as defined under Section II of AJK interim Constitution Act of 1974. An implication of this would be that the Northern Areas have been under the illegal occupation of Pakistan and are in reality a part of the entire J&K state of India.
7.	33	-do-	The Committee have been given to understand that there have been total denial of human rights and self-determination to Northern Areas and "Azad Kashmir". This has led to a backlash there and people in "Azad Kashmir" and the Northern Areas are now demanding the right of self determination.
8.	34	-do-	In this connection, it is pertinent to note the observations of a Belgian Human Rights activist, Ms Claire Galez about the level of illiteracy, unemployment, lack of industrial development, poor medical conditions predominant in POK and NA and extremely limited freedom enjoyed by the people there.

(1)	(2)	(3)	(4)
9.	35	External Affairs	<p>The Committee feel that the Government of India is aware of the happenings in the POK but is not interested in agitating this issue in any international forum or in any kind of multilateral context unless forced to as it was done in 1957 when Shri V.K. Krishna Menon forcefully intervened in the UN Security Council defending strongly India's position on Kashmir, laying emphasis on the legal aspect of the accession of Kashmir to India, on Pakistani aggression and on inviolable territorial integrity of India, of which Kashmir formed a part. Since 1965, there has been no substantial discussion on Jammu and Kashmir in any international forum or at the UN. There have, of course, been attempts by Pakistan from time to time to refer to the issue or attempt to raise it in some limited context of reference to human rights issues. The Indian delegation at those points of time have deliberately limited themselves to answering the specific issues raised rather than allowing themselves to fall into the trap of giving a detailed rebuttal.</p>
10.	36	-do-	<p>The Committee would like that Indian diplomats serving abroad, members of Standing Committee of External Affairs etc. are kept informed by the Government from time to time about the happenings in "Azad Kashmir"</p>

(1)	(2)	(3)	(4)
			and Northern Areas so that in their private conversations or unofficial discussions with the delegations/people from other countries, they are able to bring up, at least, generally the factual position about the situation prevailing in POK and Northern Areas.
11.	37	External Affairs	<p>The Committee hope that should India be ever pushed to discuss these issues in a multilateral forum, then the following issues have to be emphatically and explicitly put forward :</p> <ul style="list-style-type: none"> (i) The entire State of J&K acceded to the Union of India in August, 1947 and to that extent the entire territory of "Azad Kashmir" and the Northern Areas (both under illegal occupation of Pakistan) is an integral part of India. (ii) Pakistan's illegal annexation and the repressive administration of POK and Northern Areas to be highlighted before the international community. (iii) The apparent show of concern of Pakistan before International bodies regarding human rights situation in Kashmir Valley is hypocritical given its own record of human rights violation in Pakistan, POK and Northern Areas.

(1)	(2)	(3)	(4)
			<p>(iv) Pakistan's moral, material and financial help to various terrorist outfits in Kashmir by organising training camps, providing arms and ammunitions and instigating them to carry on violent operations in India.</p> <p>(v) Dissemination of information regarding the situation in the Kashmir Valley, Constitution of Human Rights Commission, open invitation to human rights activists, NGOs and Red Cross to visit Kashmir and assess for themselves steps taken to implement economic package, etc. to the world.</p>
12.	38	External Affairs	While it may be difficult for Government of India to raise these issues unilaterally without being forced to in international arena the Indian press, academicians, etc. can play a significant role to highlight these issues to inform all concerned – international bodies, NGOs etc. about the true picture of Kashmir and India's stand.
13.	39	-do-	The Committee are happy to note that so far Pakistan's effort in passing a resolution against India in the UN and its forum have not succeeded. They, however, feel that of late, in the international fora on the 'Kashmir' issue, Pakistan continues to set the

(1)**(2)****(3)****(4)**

agenda and our policy have been merely reactive. Therefore, they urge the Government of India/ Ministry of External Affairs to highlight the situation in their proper perspective to Governments of various countries and institutions so that they are not misguided by Pakistan's false claims. This is necessary because nearly 30 years have passed since the Kashmir issue figured in any substantial manner in any international fora and during this long gap a whole new generation of leaders and policy makers have taken over the helm of affairs who may not be fully aware or correctly informed of the Kashmir issue and subsequent developments.

MINUTES OF THE SITTING OF THE STANDING COMMITTEE
ON EXTERNAL AFFAIRS HELD ON 4 TH JULY, 1994

The Committee sat from 1530 hours to 1800 hours.

PRESENT

Shri Inderjit — *Convenor*

MEMBERS

Lok Sabha

2. Shri Bijoy Krishna Handique
3. Shri Mani Shankar Aiyar
4. Shri Udaysingrao Gaikwad
5. Shri Satya Deo Singh
6. Shri Anand Ratna Maurya
7. Dr. Lal Bahadur Rawal
8. Shri Syed Shahbuddin
9. Shri Roshan Lal
10. Dr. Sudarsan Raychaudhuri
11. Dr. Sudhir Ray
12. Shri R. Naidu Ramasamy
13. Shri Ebrahim Sulaiman Sait

Rajya Sabha

14. Shri Somappa R. Bommai
15. Shri Jagesh Desai
16. Shri Bishambhar Nath Pande
17. Shri G.G. Swell
18. Shri Mohammad Yunus

WITNESS

Shri B.G. Verghese, Senior Fellow, Centre for Policy Research

SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri R.V. Warjri — *Director*
3. Shri Ashok Sarin — *Under Secretary*

In the absence of the Chairman, the members authorised Shri Inderjit, Convenor, Sub-Committee on ICCR to chair the sitting of the Committee. The Convenor, ICCR welcomed the members of the Committee and Shri B.G. Verghese, Senior Fellow, Centre for Policy Research, New Delhi. He then invited Shri Verghese to share with the members, his views on the situation prevailing in Pakistan Occupied Kashmir and Northern Areas. Shri Verghese explained in detail the position prevalent on the other part of Kashmir. He elaborated and clarified certain queries raised by the members on the subject.

The Convenor then thanked Shri Verghese for sharing his valuable information with the members.

A verbatim record of the proceedings was kept.

The Committee then adjourned.

MINUTES OF THE SITTING OF THE STANDING COMMITTEE ON
EXTERNAL AFFAIRS HELD ON 20TH JANUARY, 1995

The Committee sat from 1130 hours to 1345 hours.

PRESENT

Shri Atal Bihari Vajpayee — *Chairman*

MEMBERS

Lok Sabha

2. Shri Bijoy Krishna Handique
3. Shri Anwari Basavaraj Patil
4. Dr. Girija Vyas
5. Prof. (Smt.) Savithri Lakshmanan
6. Shri Udaysingrao Gaikwad
7. Smt. D.K. Thara Devi Siddhartha
8. Shri Rajnath Sonkar Shastri
9. Shri Anand Ratna Maurya
10. Shri Asht Bhuja Prasad Shukla
11. Dr. A.K. Patel
12. Shri Syed Shahabuddin
13. Mohd. Yunus Saleem
14. Shri Roshan Lal
15. Dr. Sudarsan Raychaudhuri
16. Smt. Geeta Mukherjee
17. Shri R. Naidu Ramasamy
18. Shri Ebrahim Sulaiman Sait

Rajya Sabha

19. Shri Jagesh Desai
20. Shri G.G. Swell
21. Shri Mohammad Yunus
22. Shri V.N. Gadgil
23. Shri Inder Kumar Gujral
24. Shri Triloki Nath Chaturvedi

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri O.P. Ghai — *Deputy Secretary*
3. Shri Ashok Sarin — *Under Secretary*

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The Committee then took up for consideration the draft Report on Situation Prevailing in POK and Northern Areas' and approved the same. The Committee authorised the Chairman to finalise the Report for presentation to the House.

The Committee then adjourned.