Appendix A

INSTRUMENT OF ACCESSION

Instrument of Accession executed by Maharajah Hari Singh on October 26, 1947 [sic]. Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and the Government of India Act 1935, shall with such omissions, additions, adaptations and medications as the Governor General may by order specify, be applicable to the Dominion of India. And whereas the Government of India Act, 1935, as so adapted by the Governor General, provides that an Indian State may accede to the Dominion of India by an Instrumental of Accession executed by the Ruler thereof.

Now, therefore, I Shriman Inder Mahinder Rajrajeswar Maharajadhiraj Shri Hari Singhji, Jammu & Kashmir Naresh Tatha Tibbet adi Deshadhipati, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and other Dominion authority established for the purposes of the Dominion shall be virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu & Kashmir (hereinafter referred to as 'this State') such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as 'the act').

2. I hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the schedule hereto as the matters with respect to which the Dominion Legislature may make law for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature all be exercised by the Ruler of the State, then any such agreement shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by Instrument supplementary to this Instrument.

6. Nothing is this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my Sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.
9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors. Given under my hand this 26th day of October, nineteen hundred and forty seven.

Hari Singh
Maharajadhiraj of Jammu & Kashmir State.

ACCEPTANCE OF ACCESSION BY THE
GOVERNOR GENERAL OF INDIA

I do hereby accept this Instrument of Accession. Dated this twenty-seventh day of October, nineteen hundred and forty seven.
Mountbatten of Burma
Governor General of India.

SCHEDULE OF INSTRUMENT OF ACCESSION
THE MATTERS WITH RESPECT TO WHICH THE DOMINION
LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. Defence

1. The naval, military and air forces of the Dominion and any other armed forces raised or maintained the Dominion; any armed forced; including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.
3. Arms, firearms, ammunition.

4. Explosives.

B. External Affairs

1. External affairs, the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty’s Dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and services terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carries of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port Quarantine.
5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organization of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Election to the Dominion Legislature, subject to the provisions of the Act and of any Order made there under.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or power upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.
Appendix B

1 THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) ORDER, 1950

C.O. 10

In exercise of the powers conferred by clause (1) of article 370 of the Constitution of India, the president, in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order, namely: -

i. (1) This order may be called the Constitution (Application to Jammu and Kashmir) Order, 1950.

(2) It shall come into force at once.

2. For the purposes of sub-clause (b) (i) of clause (1) of article 370 of the Constitution, the matters specified in the First Schedule to this Order, being mattes in the Union List, are hereby declared to correspond to matters specified in the Instrument of accession governing the accession of the State of Jammu and Kashmir to the Dominion of India as the matter with regard to which the Dominion Legislature may make laws for that State; and accordingly, the Power of Parliament to make laws for that State shall be limited to the matters specified in the said First Schedule.

3. In addition to the provisions of article 1 and article 370 of the Constitution, the only other provisions of the Constitution which shall apply in relation to the State of Jammu and Kashmir shall be those specified in the Second Schedule to this Order, and shall so

1 Published with the Ministry of Law Notification No. C.O. 10, dated the 26th January, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3(i), page 673, superseded by C.O. 48.
apply subject to the exceptions and modifications specified in the said Schedule\textsuperscript{2} and to the modification that all references in the said provisions to the Rajpramukh shall be construed as references to the Sadar-i-Riyasat of Jammu and Kashmir.

\footnote{\textsuperscript{2} Added by C.O. 43 dated 15\textsuperscript{th} November, 1952.}
THE FIRST SCHEDULE
(See paragraph 2)

[Note- The number of each entry in this Schedule is the number of the corresponding entry in the Union List].

1. Defence of India and every part thereof including preparation for defence.

2. Naval, military and air forces; and other armed forces of the Union.

3. Delimitation of cantonment areas, local self-government in such areas the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) ins such areas.

4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives.

6. Atomic energy for the purpose of defence and mineral resources necessary for its production.

9. Preventive detention for reason connected with Defence, Foreign Affairs or the security of India.

10. Foreign Affairs, all matters which bring the Union into relation with any foreign country.

11. Diplomatic, consular and trade representation.

13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.

14. Entering into treaties and agreements with foreign countries, and implementing of treaties, agreements and conventions with foreign countries.

15. War and peace.

16. Foreign jurisdiction.

17. Naturalisation and aliens.

18. Extradition.

19. Admission into, and emigration and expulsion form, India; passports and visas.

20. Pilgrimages to places outside India.

21. Piracies and crimes committed on the high seas or in the air, offences against the law of nations committed on land or on the high seas or in the air.

22. Railways, but as respects any railway owned by the State of Jammu and Kashmir, and either operated by that State or operated on its behalf otherwise than in accordance with a contract with the State by the Government of India, limited to a regulation thereof in respect of safety, maximum and minimum rates and fares, station and service terminal charges, inter-change of traffic and responsibility of the railway administration as carriers of goods and passengers, and as respects any railway which is wholly situate within the State and does not form a continuous line
of communication with a railway owned by the Government of India, whether of the same gauge or not, limited to the regulation thereof in respect of safety and the responsibility of the railway administration as carriers of goods and passengers.

25. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by states and other agencies.

26. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

27. Ports declared by or under law made by Parliament of existing law to be major ports, including their delimitation, and the constitution and powers of ports authorities therein.

28. Port quarantine, including hospitals connected therewith; seamen’s and marine hospitals.

29. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.

30. Carriage of passengers and goods by railway, sea or air.

31. Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication.

41. Trade and commence with foreign countries.
72. Elections to Parliament, and the offices of President and Vice President; the Election Commission.

73. Salaries and allowances of members of Parliament, the Chairman and of the House of the people.

74. Powers, privileges and immunities of each House of Parliament and of the members and the committees of each House; enforcement of attendance of persons for giving evidence of producing documents before committees of Parliament or commissions appointed by Parliament.

75. Salaries and allowances of the Ministers for the Union; the salaries, allowances, and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.

76. Audit of the account of the Union.

77. Constitution and organization of the Supreme Court, and the fees taken therein; persons entitled to practice before the Supreme Court.

80. Extension of the powers and jurisdiction of members of a police force belonging to any state to railway areas outside that State.

93. Offences against laws with respect to any of the matters aforesaid.

94. Inquiries and statistics for the purpose of any of the matters aforesaid.

95. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters aforesaid, but, except with the consent of the State Government, not so as to confer any jurisdiction or powers upon any court other than courts ordinarily exercising jurisdiction in, or in relation to, the State, admiralty jurisdiction.
96. Fees in respect of any of the matters aforesaid, but not including fees taken in any court.
<table>
<thead>
<tr>
<th>Provisions of the Constitution applicable</th>
<th>Exceptions</th>
<th>Modifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part-V</td>
<td>Articles 72(1)(c), 7293, 133, 134, 135, 136, 138, 145(1)(c) and 151(2)</td>
<td>1) Articles 80 &amp; 81 shall apply subject to the modification that the representatives of the State in the Council of States and the House of the People respectively, shall be chosen by the President in consultation with the Government of the State. 1 (1A) Articles 54 &amp; 55 shall apply subject to the modifications:- (a) that the references therein to the elected members of both Houses of Parliament and to each elected member of either House of Parliament shall be deemed to include, respectively, a reference to the representatives of the State in those Houses and to each such representative. (b) that the references to the elected members of the Legislative Assemblies of the</td>
</tr>
</tbody>
</table>

1 Ins. by C.O. 39, dated 20th March, 1952.
States and to each such elected member shall be deemed to include, respectively, a reference to the members of the Constituent Assembly of the State and to each such member, and

(c) that the population of the State shall be deemed to be forty-four lakhs and ten thousands.

<table>
<thead>
<tr>
<th>Provisions of the Constitution applicable</th>
<th>Exceptions</th>
<th>Modifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part XI</td>
<td>Articles 247 to 252, clauses (3) and (4) of article 257 and articles 260, 262 and 263.</td>
<td>(1) Clause (1) of article 246 shall apply subject to the provisions of paragraph (2) of this Order and clauses (2) and (2) of article 246 shall not apply in relation to the State.</td>
</tr>
</tbody>
</table>
(2) Clause (1) of article 259 shall apply subject to the modification that after the words “until Parliament by law otherwise provides”, the words “and the concurrence of the State to such law has been obtained” shall be deemed to be inserted.

Part XII
Articles 264 and 265, clause (2) of article 267, articles 268 to 281, clause (2) of article 283, articles 286 to 291, 293, 295, 296 and 297.

1) Articles 266 shall apply only in so far as it relates to the Consolidated Fund of India and the public account of India.

2) Articles 282 and 284 shall apply only in so far as they relate to the Union or the public account of India.

3) Articles 298, 299 and 300 shall apply only in so far as they relate to the Union or the Government of India.

Part XV
Articles 325 to 329

Article 324 shall apply only in so far as it relates to elections to Parliament and to the offices of the President and Vice President.
<table>
<thead>
<tr>
<th>Part XVI</th>
<th>Articles 332, 333 and 337 to 342.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1) Article 330 shall apply only in so far as it relates to seats reserved for Scheduled Castes.</td>
</tr>
<tr>
<td></td>
<td>2) Article 334 shall apply only in so far as it relates to the House of the People.</td>
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<tr>
<td></td>
<td>3) Article 335 shall apply only in so far as it relates to the Union.</td>
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</table>

<table>
<thead>
<tr>
<th>Part XVII</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The provisions of this Part shall Apply only in so far as they relate to the official language of the Union and to proceedings in the Supreme Court.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part XIX</th>
<th>Articles 362, 363 and 365 1 and clause (21) of article 366</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1) Article 361 shall apply only in so far as it relates to the President.</td>
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<tr>
<td></td>
<td>(2) Article 364 shall apply only in so far as it relates to the Laws made by Parliament.</td>
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<table>
<thead>
<tr>
<th>Part XX</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Article 368 shall apply subject to the additional proviso.</td>
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<td></td>
<td>&quot;Provided further that no such</td>
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</tbody>
</table>

1 Inserted by C.O. 43 infra.
amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370”.

<table>
<thead>
<tr>
<th>Part XXI</th>
<th>Articles 369, 371 and 373, clause (4) of article 374, articles (^2) 376, 378 and 386 and clause (2) of article 388.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1) In clause (3) of article 379 after the words “Minister for any such State”, the words “other than the State of Jammu and Kashmir” shall be deemed to be inserted.</td>
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<td></td>
<td>(2) Article 389 shall apply only in so far relates to Bills pending in the Domination Legislature.</td>
</tr>
<tr>
<td></td>
<td>(3) Article 390 shall apply only in so far as it relates to the Consolidated Fund of India.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Part XXII</th>
<th>Nil</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Schedule</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Second Schedule</td>
<td>Paragraph 6</td>
<td>Nil</td>
</tr>
<tr>
<td>Third Schedule</td>
<td>Forms V, VI, VII and VIII</td>
<td>Nil</td>
</tr>
<tr>
<td>Fourth Schedule</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Eight Schedule</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

\(^2\) substituted ibid for “376 and 378”.
Appendix C


C.O. 48

In exercise of the powers conferred by clause (1) of article 370 of the Constitution, the president with the concurrence of the Government of the State of Jammu and Kashmir, is pleased to make the following Order:

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Order 1954.

(2) It shall come into force on the fourteenth day of May 1954, and shall thereupon supersede the Constitution (Application to Jammu and Kashmir) Order, 1950.

2. The provisions of the Constitution which in addition to article 1 and article 370, shall apply in relation to the State of Jammu and Kashmir and the exceptions and modifications subject to which they shall so apply shall be as follows:

1. The preamble.

2. Part I: To article 3, there shall be added the following further proviso namely:

"Provided further that no Bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the name or boundary of that State shall be introduced in Parliament without the consent of the Legislature of the State."

3. Part II: (a) This part shall be deemed to have been applicable in relation to the state of Jammu and Kashmir as from the 26th day of January, 1950.

(b) To article 7, there shall be added the following further proviso namely:

"Provided further that nothing in this article shall apply to a permanent resident of the State of Jammu and Kashmir who after having so migrated to the territory now included in the Pakistan, returns to the territory of that State under a permit for resettlement in that State or permanent return issued by or under the authority of any law made by the Legislature of that State, and every such person shall be deemed to be a citizen of India."

1 Published in the Gazette of India, Extraordinary, Part II, Section 3 dated 14th May, 1954.
4. Part III:- (a) In article 13, references to the commencement of the Constitution shall be construed as reference to the commencement of this Order.

(b) In clause (4) of article 15, the reference to Schedule Tribes shall be omitted.

(c) In clause (3) of article 16, the reference to the State shall be construed as not including a reference to the State of Jammu and Kashmir.

(d) In article 19, for a period of five years from the commencement of this order:-

(i) in clause (3) and (4) after the words “in the interest of the words” the security of the State or shall be inserted;

(ii) in clause (5) for the words “or for the protection of the interests of any Scheduled Tribes” the words “or in the interests of the security of the state” shall be substituted and

(iii) the following new clause shall be added, namely:-

(7) The words “reasonable restrictions” occurring in clause (2), (3), (4) and (5), shall be construed as meaning such restrictions as the appropriate Legislature deems reasonable”.

(c) In clause (4) and (7) of article 22, for the word “parliament”, the words “the Legislature of the State” shall be substituted.

(f) In article 31, clauses (3), (4) and (6) shall be omitted; and for clause (5) there shall be substituted the following clause, namely:-

“5 nothing in clause (2) shall effect-

(a) the provisions of any existing law; or

(b) the provisions of any law which State may hereafter make –

(i) for the purpose of imposing of levying any tax or penalty; or

(ii) for the promotion of public health or the prevention of danger to life or property; or

(iii) with respect to property declared by law to be evacuee property”.

(g) In article 31-A, the proviso to clause (1), shall be omitted; and for sub-clause (a) of clause (2), the following sub-clause shall be substituted, namely:-
(a) "estate" shall mean land which is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes

(i) sites of buildings and other structures on such land;
(ii) trees standing on such land;
(iii) forest land and wooded waste;
(iv) area covered by or fields foating over water;
(v) sites of jandars and gharats;
(vi) any jagir, inam, muafi or mukarrari or other similar grant; but does not include –

(i) the site of any building in any town, or town area or village abadi or any land appurtenant to any such building or site;
(ii) any land which is occupied as the site of a town or village; or
(iii) any land reserved for building purposes in a municipality or notified area or cantonment or town area or any area which a town planning scheme is sanctioned’.

(h) In article 32, clause (3) shall be omitted; and after clause (2) he following new clause shall be inserted, namely:

“(2-A) Without prejudice to the powers conferred by clause (1) and (2), the High Court shall have power through out the territories in relation to which it exercises jurisdiction to issue to any person or authority, including in appropriate cases any Government within those territories, directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by this part:-

(i) In article 35-

(i) references to the commencement of the Constitution shall be construed as reference to the commencement of this Order.

(ii) in clause (a) (i), the words, figures and brackets “clause (3) of article 16, clause (3) of article 32” shall be omitted; and

(iii) after clause (b), the following clause shall be added namely:-

“(c) no law with respect to preventive detention made by the Legislature of the State of Jammu and Kashmir, whether before or after the commencement of the Constitution
(Application to Jammu and Kashmir) Order, 1954, shall be void on the ground that it is inconsistency, cease to have effect on the expiration of five years from the commencement of the said Order, except as respects things done or omitted to be done before the expiration thereof.

(j) After article 35, the following new article shall be added namely:-

“35-A, saving of laws with respect to permanent residents and their right. Notwithstanding anything contained in this Constitution, no existing law in force in the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature of the State-

(a) defining the classes of persons who are or shall be, permanent residents of the State of Jammu and Kashmir; or
(b) conferring on such permanent residents any special right and privileges or imposing upon other persons any restrictions as respects-

(i) employment under the State Government;
(ii) acquisition of immovable property in the State;
(iii) settlement in the State; or
(iv) right to scholarships and such other forms of aid as the State Government may provide,

shall be void on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this part”.

5. Part v:- (a) In article 54 and 55, references to the elected members of the house of the people and to each such member shall include references to the representatives of the State of Jammu and Kashmir in that House; and the population of the State shall be deemed to be forty-four lakhs and ten thousand.

(b) In the proviso to clause (1) of article 73, the words “or in any law made by Parliament” shall be omitted.

(c) Article 81 shall apply subject to the modification that the representatives of the State in the House of the people shall be appointed by the President on the recommendation of the Legislature of the State.

(d) In article 134, clause (2), after the words “Parliament may”, the words “on the request of the Legislature of the State” shall be inserted.

(e) Articles 135, 136 and 139 shall be omitted.
(f) In articles 149 and 150, references to the States shall be constructed as not including the State of Jammu and Kashmir,

(g) In article 151, clauses (2) shall be omitted.

6. Part XI: (a) In article 246, the words, brackets and figures “Notwithstanding anything in clauses 92) and (3)” occurring in clause (1) and clauses (2), (3) and (4) shall be omitted.

(b) Articles 248 and 249 shall be omitted.

(c) In article 250, for the words “to any of the matters enumerated in the State List”, the words “also to matters not enumerated in the Union List” shall be substituted.

(d) In article 251, for the words and figures, “articles 249 and 250; the word and figures “article 250” shall be substituted, and the words “under this Constitution” shall be omitted; and for the words “under either of the said articles”, the words “under the said article” shall be substituted.

(e) To article 253, the following proviso shall be added, namely:-


(f) In article 254, the words, brackets and figure “or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2)” and the words “or as the case may be, the existing law”, occurring in clause (1), and the whole of clause (2) shall be omitted.

(g) Article 255 shall be omitted.

(h) Article 256 shall be renumbered as clause (1) of that article, and the following new clause shall be added thereto, namely:-

“(2) The State of Jammu and Kashmir shall so exercise its executive power as to facilitate the discharge by the Union of its duties and responsibilities under the Constitution in relation to that State and in particular, the said State shall, if so required by the Union, acquire or requisition property on behalf and at the expense of the Union, or if the property belongs to the State, transfer it to the Union on such terms as may be agreed, or in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India”.

(i) Article 259 shall be omitted.
(j) In clause (2) of Article 261, the words “made by Parliament” shall be omitted.

7. Part Xii:- (a) Clause (2) of article 267, article 273, clause 2 of article 283, articles 290 and 291 shall be omitted.

(b) In articles 266, 282, 284, 298, 299 and 300, references to the State of States shall be construed as not including references to the State of Jammu and Kashmir.

(c) In articles 277 and 295, references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

8. Part XIII: (a) In clause (1) of article 303, the words “by virtue of any entry relating to trade and commerce in any of the Lists in seventh Schedule” shall be omitted.

(b) In article 306, references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

9. Part XIV:- In article 308, after the words “First Schedule”, the words “other than the State of Jammu and Kashmir” shall be added.

10. Part XV:- (a) Article 324 shall apply only in so far as it relates to elections to parliament and to the offices of President and Vice President.

(b) Articles 235, 326, 327, 328 and 329 shall be omitted.

11. Part XVI: (a) In article 330, references to the “Scheduled Tribes” shall be omitted.

(b) Article 331, 332, 333, 336, 337, 339 and 342 shall be omitted.

(c) In articles 334 and 335 references to the State or States shall be construed as not including references to the State of Jammu and Kashmir.

12. Part XVII:-The provisions this part shall apply only in so far as they related to-

(i) the official language of the Union;

(ii) the official language for communication between one State and another, or between a State and the Union; and

(iii) the language of the proceedings in the Supreme Court.

13. Part XVIII:- (a) To article 352, the following new clause shall be added, namely:-
“(4) No proclamation of Emergency made on grounds only of internal disturbance or imminent danger thereof shall have effect in relation to the State of Jammu and Kashmir (except as respects article 354) unless it is made at the request or with the concurrence of Government of that State”.

(b) Articles 356, 357 and 360 shall be omitted.

14. Part provisions of this article shall apply in relation to the Sadar-i-Riyasat of Jammu and Kashmir as they apply in relation to a Rajpramukh, but without prejudice to the provisions of the Constitution of that State”.

(b) Article 362 and 365 shall be omitted.

(c) In article 366, clause (21) shall be omitted.

(d) To article 367, there shall be added, the following clause, namely:--

(4) For the purposes of this Constitution as it applied in relation to the State of Jammu and Kashmir.

(a) references to this Constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State;

(b) references to the Government of the said State shall be construed as including references to the Sadar-i-Riyasat acting on the advice of his Council of Ministers;

(c) references to a High Court shall include references to the High court of Jammu and Kashmir;

(d) references to the Legislature or the Legislative Assembly of the said State shall be construed as including references to the Constituent Assembly of the said State;

(e) references to the permanent residents of the said State shall be construed as meaning persons who, before the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954, were recognized as State subjects under the law in force in the State of who are recognized by any law made by the Legislature of the State as permanent residents of the State; and

(f) references to the Rajpramukh shall be construed as references to the persons for the time being recognized by President as the Sadar-i-Riyasat of Jammu and Kashmir and as including references to any person for the time being recognized by the President as being competent to exercise the powers of the Sadar-i-Riyasat”.

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15. Part XX: To article 368, the following proviso shall be added, namely:-

"Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of Article 370".

16. Part XXI:-(a) Articles 369, 371, 373, clauses (1), (2), (3) and (5) of article 374 and articles 376 to 392 shall be omitted.

(b) In article 372.

(c) clauses (2) and (3) shall be omitted.

(ii) references to the laws in force in the territory of India shall include references, to Hidayats, Ailans, Ishthiah, circulars, Robkars, Irshaads, Yadashis, State, Council Resolutions, Resolutions of the Constitutions Assembly, and other instruments having the force of law in the territory of the State of Jammu and Kashmir; and

(iii) references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

(c) In clause (4) of article 374, the reference to the authority functioning as the Privy Council of a State shall be construed as a reference to the advisory Board constituted under the Jammu and Kashmir Constitution Act, 1996, and references to the commencements of the Constitution shall be construed as references to the commencement of this Order.

17. Part XXII: Articles 394 and 395 shall be omitted.

18. First Schedule.


20. Third Schedule: Forms, V, VI, VII & VIII shall be omitted.


22. Seventh Schedule:- (a) In the Union List –

(i) for entry 3, the entry "3: Administration of cantonments" shall be substituted;

(ii) entries 8, 9, 33 and 34, the words "trading corporations including" in entry 43, entries 44, 50, 52, 55, 60, 67, 69, 78 and 79, the words "inter-State migration" in entry 81, and entry 97 shall be omitted;
(iii) for entry 53, the entry "53 Petroleum and Petroleum products, but excluding the regulation and development of oil-fields and mineral oil resources; other liquids and substances declared by Parliament by law to be dangerously inflammable" shall be substituted; and

(iv) in entries 72 and 76, the reference to the States shall be construed as not including reference to the State of Jammu and Kashmir.

(b) The State list and the Concurrent list shall be omitted.

23. Eighth Schedule.

23. Ninth Schedule: After entry 13, the following entries shall be added, namely:-


19. Order No. 611 of 1951 dated: 10th March, 1951 regarding resumption of Jagirs and other assignments of Land Revenue etc.


(Sd.) RAJENDRA PRASHAD.
President
Appendix D

ARTICLE 370 OF THE INDIAN CONSTITUTION

Temporary provisions with respect to the State of Jammu & Kashmir

(1) Notwithstanding anything in this Constitution,

(a) the provisions of article 238 shall not apply in relation to the State of Jammu & Kashmir;

(c) the power of Parliament to make laws for the said State shall be limited to,

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation for the purposes of this article, the Government of the State means the person for the time being recognized by the President as the Maharaja & Jammu & Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja’s Proclamation dated the fifth day of March 1948;

(c) the provisions of article I and of this article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:
Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:
Provided further that no such order which relates to matters other than those referred in the last preceding provision shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second provision to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:
Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

In exercise of the powers conferred by Article 370 the President, on the recommendation of the Constituent Assembly of the State of Jammu & Kashmir, declared that as from the 17th Day of November, 1952, the said Article 370 shall be operative with the modification that for the Explanation in Cl. (1) thereof, the following explanation is substituted namely. 'Explanation – for the purpose of this article, the Government of the State means the person for the time being recognized by the President on the recommendation of the Legislature Assembly of the State as the Sadar-i-Riyasat (now Governor) of Jammu & Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office.' (Ministry of Law order No. C.O. dated 15th Nov. 1952.)
My dear Prime Minister,

When you last saw me, I promised to send you a note on the legal and Constitutional aspect of the proposal to substitute a system of elected head for the Jammu and Kashmir State in place of the existing Rajpramukh. I now enclose a note for your consideration. In view of the complexity and importance of the issues involved, I have no doubt that the Attorney General and the Law Minister will be consulted.

I have received a memorial from the Maharaja, a copy of which, I understand, has also been received by you. Presently, the Minister for States has also received a copy, I shall be glad in due course to have the comments of yourself and the Minister for States on this memorial.

I am leaving Simla on the morning of Sunday, the 7th September for places in the interior of Himachal Pradesh, but will be back by the evening of Tuesday, the 9th September.

I am sending copies of this letter with enclosure to the Ministers for Education, Defence and States.

Yours sincerely,
Rajendra Prasad

Shri Jawaharlal Nehru
Prime Minister
Appendix F

QUESTIONNAIRE

A.

1. Date of interview:
2. Place of interview:
3. Respondent’s address:
4. District: _______________ State: _______________

B. BACKGROUND DATA

1. Name: ___________________________ 2. Age: ___
3. Sex: (a) Male (b) Female
4. Level of Education:

5. Occupation: ___________________________
6. Religion: ___________________________
Q.1 Are you aware of the dialogue and peace process going on in between India, Pakistan and separatists leaders for the resolution of Kashmir crisis?

a) Yes   b) No   c) Not much

Q.2 Do you think is this the right way to solve the problem of Jammu and Kashmir?

a) Yes   b) No   c) Can not say

If not, then what can be other alternatives-?

Q.3 Whom do you blame most for the Jammu and Kashmir crisis?

a) Central government   b) State government   c) Pakistan   
   d) Militants

Q.4 In the post Kargil era, since 1998 there have been changes in the central government's policy on Kashmir. Are you aware of it?

a) Yes   b) No   c) Partially
Q.5 Do you support the government’s initiative to have a dialogue with Pakistan and Separatist leaders like All Party Hurriyat Conference?

a) Yes  
b) No  
c) Can not say

Q.6 Do you think the bilateral dialogue with Pakistan and APHC can solve the problem of militancy?

a) Yes  
b) No  
c) Not sure

If not then why?

Q.7 Should India trust Pakistan for bilateral dialogue to resolve the Jammu and Kashmir crisis?

a) Yes  
b) No  
c) Can not say

If not then why?

Q.8 Are you satisfied with the performance of Congress-PDP government in the State?

a) Yes  
b) No  
c) Partially
Q.9 Is this government taking better steps than the previous National Conference government to curb militancy and for the welfare of the people in the State?

a) Yes  b) No  c) Partially

Q.10 What are your expectations from the State government?

Q.11 What are your expectations from the Central government?

Q.12 Do you think Kashmiris should be given freedom to form their own country?

a) Yes  b) No  c) Can not say

Give reasons in support of your answer-

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Q.13 Will freedom of Kashmir from India would resolve the problem of Jammu and Kashmir state?

a) Yes  b) No  c) Can not say

Q.14 Do you think that the views of various sections of people have been taken into account for peace process?

a) Yes  b) No  c) Partially

Q.15 What suggestions would you like to give to make peace process successful?

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