Appendix I

INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR STATE

Whereas, the Indian Independence Act, 1947, provides that as from the fifteen day of August, 1947, there shall be set up an independent Dominion known as India, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by the 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 Instrument of Accession executed by the Ruler thereof;

Now, therefore, I Shriman Inder Mahendar Raj Rajeshwar Maharajadhiraj Shri Hari Singhji Jammu Kashmir Naresh Thatha Tibbet Adi Deshadhipathi, Ruler of Jammu and 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 any other Dominion authority established for the purposes of the Dominion shall, by 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 and 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 hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the 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 laws 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 shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this instrument and 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 of the Indian independence Act, 1947, unless such amendment is accepted by an Instrument supplementary to this instrument.
6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion Law which applied 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 me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements 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,

sd/-
Hari Singh
Maharajadhiraj of Jammu & Kashmir
State
I do hereby accept this Instrument of Accession,
Dated this twenty seventy day of October Nineteen Hundred and Fortyseven

Sd/-Mountbatten of Burma
Governor General of India
Appendix II

Article 370 of the Constitution of India


(1) Notwithstanding anything in this Constitution:

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

(b) 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.

1. Explanation: For the purposes of this Article, the Government of the State means the persons for the time being recognised by the President as the Maharaja of Jammu and 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 (1) and of this Article shall apply in relation to this 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 related 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 to in the last preceding proviso shall be issued except with the concurrence of the 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 proviso 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 provision of the 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 notify.

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 and Kashmir, declared that as from the 17th day of November, 1952, the said Art. 370 shall be operative with the modification that for the Explanation in col. (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 Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of State for the time being in office*. 
Appendix III

Simla Agreement

Shimla Agreement on Bilateral Relations between India and Pakistan signed by Prime Minister of India, Mrs. Indira Gandhi and President of Pakistan, Mr. Z.A. Bhutto, in Simla on July 3, 1972.

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

(i) That the principles and purposes of the Charter of United Nations shall govern the relations between the two countries.

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

(iii) That the prerequisite for reconciliation, good neighbourliness and durable peace between them in a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit.

(iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means;
(v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;

(vi) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such informations as would promote the development of friendly relations between them.

In order progressively to restore and normalise relations between the two countries step by step, it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border, posts and air links including over-flights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.

(iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

In order to initiate the process of the establishment of durable peace, both the Governments agree that:

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971, shall be respected by both sides without prejudice.
to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This agreement will be subject to ratification by both countries accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

Both Governments agree that their respective heads will meet again at a mutually convenient time in the future and that in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the question of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and be resumption of diplomatic relations.
Agreed conclusions which led to Sheikh Mohammad Abdullah's accord with Mrs. Indira Gandhi, Prime Minister, and his subsequent assumption of office as Chief Minister in February 1975.

1. The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable
to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to clause 2 of the Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are:

(a) the appointment, powers, functions, duties, privileges and immunities of the Governor, and

(b) the following matters relating to Elections namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in sections 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the Principals.

Mirza Mohammad Afzal Beg,  
New Delhi, November 13, 1974.

G.Parthasarathi
Appendix V

A List of killings and kidnappings of some eminent personalities

- Rubiya Saeed, Daughter of former Union Home Minister Mufti Mohammed Saeed, abducted by JKLF men on December 8, 1989, and released on December 13, 1989 in exchange for five militants

- Sheikh Abdul Jaffar (67), a former minister in G. M. Shah Government was shot dead by militants at his home on April 19, 1990.

- Maulvi Farooq, Leader of Awami Action Committee, killed at his residence on May 21, 1990.


- Premi (27) a poet, killed on April 30, 1990.

- Prof. Mushirul Haq, VC of Kashmir University, abducted on April 6 and killed on April 10, 1990.

- Abdul Gani, PS to Haq. killed on the same day.

- H.L. Khera, General Manager, HMT, held on April 6 and killed on April 10, 1990.

- K.L. Ganju, a Lecturer in Sopore Agriculture College, killed on May 2, 1990.

- Former Union Home Minister, Mufti Mohammed Saeed's uncle killed on June 7, 1990.

- Farooq Ahmed Sheikh, a son of Srinagar Deputy Commissioner Ghulam Abbas, held on July 6 and released on July 9, 1990.

- Maulana Masood, a senior Kashmiri Leader, killed in Srinagar on December 13, 1990.
- Pir Mohammed Shafi, a former NC MLA, killed in Lai Bazar Srinagar in October 1990.

- Nahida Imtiaz, D/o, former NC MP Saifudddeen Soz, abducted on February 27, 1991 and released on March 8, 1991 in exchange for five militants.


- Khamlata Wakhloo, a former Tourism Minister of J & K, together with her husband, held by Hizbullah group on September 4, 1991. Released by security forces on October 21, 1991.


- Mohammed Safi, Khan, brother of an advisor to Governor, kidnapped by Ul-Umar men on Sept. 22 and released on Sept. 27, 1991.


- Dr. Munir Ahmed, abducted by Ul Umar Mujahideen on April 2, 1993.

- Dr. Abdul Ahed Guru, a Surgeon killed in April 1993

- Prof. Abdul Ahad Wani of Kashmir University, killed in December 1993.

- P.K. Sinha, a former MLA of Bihar, kindnapped in May 1993 from Srinagar.


...
Appendix VI

Secessionism in Kashmir since 1980
Questionnaire-cum-Interview Schedule

Strictly Private and Confidential

Department of Political Science, Himachal Pradesh University, Shimla.

Respondent's Code No.

**PERSONAL BIO-DATA**

1. **State and District to which you belong:**
   - District
   - State

2. **Qualification:** Tick the right one
   - Primary
   - Middle
   - Matric
   - Graduate
   - post-graduate
   - Research Degree
   - Any Diploma
   - Additional if any

3. **Age:**

4. **Religion:**

5. **Caste/Class/Sect. to which you belong:**

6. **Occupation of Parents:** Tick the right one
   - A Peasant
   - B Labour
   - C Govt. Employee
   - D Business man
   - E Artisan (Hand craft etc.)

7. **Occupation in which you are involved:**
   - A Peasantry
   - B Labour work
RESEARCH QUESTIONS

1. What is the Kashmir Problem according to you? Tick the write answer as you deem fit:

A- A demand for self-determination through plebiscite
B- A demand for independence
C- A demand to join Pakistan
D- Just a grievance against mal administration by State and Central Government
E- Act of some misled youth incited by some antinational forces.

2. Have the two other regions of Jammu and Ladakh also any impact on the Kashmir Problem? Tick the right answer:

(Yes / No)

3. If Yes, what kind of? Put your remarks in few words:

4. Is the problem spread to Jammu & Ladakh or is it just contained to Kashmir? Tick the right answer:

A- Is spread to Jammu
B- Is spread to Ladakh
C- Just contained to Kashmir
5. If the problem is just contained to Kashmir, why?

A- Because it is a Muslim majority area   
B- Because it has a separate Kashmiri culture or Kashmiri identity which is being threatened.

C- Both (A) and (B)   
D- Act of some miscreants   

6. To what extent the people of Kashmir are alienated from India? Tick the right one:

A- Very few are alienated   
B- Most of them are alienated   
C- Alienation is complete   

7. What are the major causes of alienation of Kashmiris from the rest of India? Tick the best five alternatives according to your priority and put up the numbers 1, 2, 3, and so on in accordance with your priority in the brackets:

1. Gradual erosion of article 370   
2. Religious appeal from Pakistan   
4. Poverty and Unemployment   
5. Large scale rigging of 1987 elections of the state Legislature   
6. Regional pressures and tensions   
8. Appointment of Jagmohan as Governor   
9. Incitement by Pakistan and others:   
10. A sign of Muslim fundamentatism   

8. Do you think that all the alternatives stated above have contributed in one way or the other to the present stalemate? Tick right one. (Yes / No ).
9. Did the secessionist elements flourished during the Farooq regime? Comment in few words.

10. Did NC/Congress(I) alliance of 1986 also played a role in this process of alienation? Comment:

11. Which are the major militant groups operating in Kashmir? State the names you know:

12. Which are commands the loyalty of the people in the most?

13. Have the rightist organizations of Jammu, Ladakh and India also influenced the problem? Comment:

14. Have the other Muslim nations except Pakistan also encouraged secessionism? (Yes / No)

15. If yes name the countries you know:

16. Do you have faith in Indian Government? Tick the right answer: (Yes / No).

17. What according to you is the best possible solution of the problem? Tick the right one:

A- A strong military action to retrench the terrorists while providing proper security to common man.

B- Mild and necessary military action with persuasive measures by Centre including dialogue with militants.

C- Initiation of political process.

D- Plebiscite only.
کانسیمی نشائی 1980 کے لیے

ختمی 8 عوام سے چند سوالات - سب سے پہلی پیشکش

ان سوالات کو بھی بات رازیہ ہیں۔

کانسیمی نشائی 1980 کے لیے

ختمی 8 عوام سے چند سوالات - سب سے پہلی پیشکش

ان سوالات کو بھی بات رازیہ ہیں۔

(1) صورت و ضعف کا نام و تصویر

(2) ابتدائی نام، تعلیم، شغل کا نام

(3) غریب

(4) ڈاکٹر اور شامل یا فرق

(5) دُلاء یا ساحی - چھوٹی کچھ کا کا نام نہیں ہے

(6) پانی کا نام

(7) میں

(8) دوسر

(9) میں

(10) دوسر

(11) میں

(12) میں

(13) میں
(1) ایک ایک توری کی کتنی سکزاباں ہے؟

<table>
<thead>
<tr>
<th>روزہ</th>
<th>ایکر</th>
<th>دو</th>
<th>تیسرا</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>3</td>
<td>15</td>
<td>30</td>
<td>45</td>
</tr>
</tbody>
</table>

(2) کا کوئی مسلسل جوں دو دنیا ملتوں کا جو کچھ دشمن ہے؟ (دریاب یا چھپان تھا)

(3) ایک چوکی فرمکا کا چند اندازے کی ہوتی ہیں؟

(4) ایک میں چہیہ دیکھنے کا کیا کس چھٹا کہا گیا ہے؟ (زبان گاہا)

<table>
<thead>
<tr>
<th>روزہ</th>
<th>ایکر</th>
<th>دو</th>
<th>تیسرا</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>3</td>
<td>15</td>
<td>30</td>
<td>45</td>
</tr>
</tbody>
</table>
(10) یہیں چیز کی گھریلو دستیابیاں کی ہوئی اکثریت کی نما، نمبر کا سزا کیشیپ کا ہے اوڑھی ہوئی ہے۔

(11) دو دلیلی یہ کہ کون سوچ رئی.UN اور ہیں، سرکاری 2-اے کا نام ہے کریکر

(12) کون ہے میں میں میں تعلق پیش - سیک یا نام

(13) کا ساتھ کیسی پہچان کا کیا، اکثریت کا نام ہے کہ سنا کا چھوٹا لیکن چھوٹا ہے (رول آف انفائیک گروپ)

(14) پاکستان کا ملک کا سرمائی جوہر سے ریس مسافر بہی بچوں نے لگا۔ (49) ہر بچا 9 یا 6 بچے کی

(15) کا تا کہ کوڑی کیا تا جیسے کہ 24 بچے 26-ویں جناح 146 میں (49) ہر بچا

(16) مستر /مسیح کا یہ اس وقت سے حالات اپ کے نیا کا خواجہ رحمت کا سردار نالیا کی جدید میں پیش کیا گیا ہے۔

(17) یہی اور کچھ کچھ کا مشورہ کا ملک کا دنیا کا زمین اور بس خانے کا سردار کے دکاندار کیسے کا

(18) روزہ کا خاک چیز کا سے کچھ کا ملک کا دنیا کا زمین اور بس خانے کا سردار کیسے کا

(19) انتظام کا اور کون سا خواجہ رحمت کا نیا کا خواجہ رحمت کا

(20)