Appendices
APPENDIX "I"

INSTRUMENT OF ACCESSION
OCTOBER 27, 1947

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 that the Government of India Act, 1935, shall, with such omission, additions, adaptations and modifications 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 Instrument of Accession executed by the Ruler thereof:

Now, therefore, I, Shriman Inder Mahender Rajrajeshwar Maharajadhiraj Shri Hari Singhji Jammu and Kashmir Naresh Tatha Tibbet Adi Deshabhipathi, 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 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 (herein after 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 scheduled 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 the Indian Independence Act, 1947, unless such amendment is accepted by me by 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 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 arrangement 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 my reference in this instrument to me or 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

Hart Singh,
Maharajadhiraj of Jammu and Kashmir State

Acceptance of Accession by the Governor-General of India
I do hereby accept this Instrument of Accession
Dated this 27th day of October Nineteen Hundred and Forty-Seven.

Mountbatten of Burma,
Governor-General of India
APPENDIX 'II'

TASHKENT DECLARATION
JANUARY 10, 1966

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

I

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good-neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by continuance of tensions between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.

II

The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than February 25, 1966, to the position they held prior to August 5, 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

III
The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

IV

The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

V

The Prime Minister of India and the President of Pakistan have agreed that the high Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on diplomatic intercourse.

VI

The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII

The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII

The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussions of questions relating to the
problems of refugees and evictions/illegal immigrations. They also agreed
that both sides will create conditions which will prevent the exodus of
peoples they further agreed to discuss the return of the property and assets
taken over by either side in connection with the conflict.

IX

The Prime Minister of India and the President of Pakistan have agreed that
the two sides will continue meetings both at the highest and at other levels
on matters of direct concern to both countries. Both sides have recognised
the need to set up joint India-Pakistani bodies which will report to their
Government in order to decide what further steps should be taken.

***

The Prime Minister of India and the President of Pakistan record their
feelings of deep appreciation and gratitude to the leaders of the Soviet
Union, the Soviet Government and personally to the Chairman of the
Council of Ministers of the USSR for their constructive, friendly and noble
part in bringing about the present meeting which has resulted in mutually
satisfactory results. They also express to the government and friendly people
of Uzbekistan their sincere thankfulness for their overwhelming reception
and generous hospitality.

They invite the Chairman of Council of Ministers of the USSR to
witness this declaration.

Lal Bahadur Shastri
Prime Minister of India
Tashkent, January 10, 1966

Mohammed Ayub Khan
President of Pakistan
APPENDIX “III”

SHIMLA AGREEMENT, 1972 AGREEMENT ON BILATERAL RELATIONS BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN

1. 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 peoples.

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 the United Nations shall govern the relations between the two countries:

(ii) That the two countries are resolved to settle their differences by peaceful means mutually agreed upon between them. Pending the final settlement of any of 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 pre-requisite for reconciliation, good neighbourliness and durable peace between them is 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 bedeviled 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 sovereignty 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.

2. 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 information as would promote the development of friendly relations between them.

3. In order to progressively restore and normalize 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 overflights.
   (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.

4. 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.

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

6. 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 questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

(Indira Gandhi)  
Prime Minister  
Republic of India

(Zulfikar Ali Bhutto)  
President  
Islamic Republic of Pakistan

Shimla, the 2nd July 1972
APPENDIX “IV”

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 concurrency 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 person 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 concurrency of the Government.

(2) If the concurrency of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (I) 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 provisions 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.