

Appendix II

Article 370 of the Constitution of India

Temporary Provisions with respect of the State of Jammu and Kashmir.

(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 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.*

*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 Shimla 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 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 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 the resumption of diplomatic relations.

Appendix-IV

Sheikh-Indira Accord, 1975

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 adaptation 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.
- Ghulam Mustafa Mir, an Ex-Legislator, killed on March 23, 1990 by Hizbul Mujahideen men.
- 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 Lal Bazar Srinagar in October 1990.
- Nahida Imtiaz, D/o, former NC MP Saifuddeen Soz, abducted on February 27, 1991 and released on March 8, 1991 in exchange for five militants.
- Hissamuddin Bandey, an ex-Minister of J & K Government and a close associate of Sheikh, killed on June 4, 1991. He was the 11th leader killed after Maulvi Farooq, Abdul Jabbar, Maulana Mohammed Syed Masoodi (NC Secy), Muhammed Subhan, Ghulam Mustafa Mir, Sheikh Mohammed Mansoor, Nazir Ahmed Wani and Peer Mohammed Shafi.
- Swede Engineers, John Janson & Janole Loman, held by Muslim Jambaz Force on June 27, 1991 and released on August 20, 1991.
- Israeli Tourists Yari Zoiw Itzaki, held on June 27 and released on July 3, 1991.
- K. Doraiswamy, Executive Director of IOC, held on June 28, 1991 by Ikhwan-ul-Muslmeen and released on August 20, 1991 in exchange for seven militants.
- Khemlata 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.
- Tassamk Hussain Deb, brother-in-law of G.N. Azad (Union Parliamentary Affairs Minister), held by Alumar Mujahideen on September 22, 1991 and released on September 27, 1991.
- Mohammed Safi, Khan, brother of an advisor to Governor, kidnapped by Ul-Umar men on Sept. 22 and released on Sept. 27, 1991.
- H.L. Bhagat, a DSP, released by militants in Kupwara Sector in April, 1991.

- Bashir Ahmed, a brother of G.N.Azad, released on October 13, 1991.
- Mohammed Ashraf Kakroo, Dy.Secy.Home, J & K Govt. abducted from Hawal Chowk on April 10, 1993.
- 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, kidnapped in May 1993 from Srinagar.
- Wali Mohammed Itoo, a former speaker of J & K Assembly, killed in Jammu on March 18, 1994.

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Appendix VI

Secessionism in Kashmir since 1980
Questionnaire-cum-Interview Schedule

Strictly Private and
Confidential

Department of Political
Science, Himachal Pradesh
University, Shimla.

Responden'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	()

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 ()
3. Misuse of power by state & Central Government. ()
4. Poverty and Unemployment ()
5. Large scale rigging of 1987 elections of the state Legislature ()
6. Regional pressures and tensions ()
7. Dissolution of Farooq Govt. and impositions of Governor's Rule in January 1990. ()
8. Appointment of Jagmohan as Governor ()
9. Incitement by Pakistan and others: ()
10. A sign of Muslim fundamentalism ()
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 ()

کشمیر میں ایشیائی لہندوں سے ۱۹۸۰ء کے بعد

کشمیری عوام سے چند سوالات - سے متعلق فرسٹ

ان سوالات کے جوابات راز میں ہیں۔

شعبہ سیاسیات

ہماچل پور یونیورسٹی شملہ ۱۷۱۰۰۱

جوابدہ کا کوٹ نمبر

ذاتی سوالات

(۱) صوبہ و ضلع کا نام جس سے آپ کا تعلق ہے۔

صوبہ کا نام	ضلع کا نام
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(۲) تیلی ثابت جواب کو صحیح نشان لگائیے؟

برسٹلر بوٹ ()

برائن ()

تفیقان ریسرچ ()

ٹیک ()

دیگر اسناد

میٹرک ()

گر بوٹ ()

(۴) مذہب

(۳) عمر

(۵) ذات / مالی حالات / فرقہ

(۶) والدین کا پیشہ - جواب کو صحیح نشان لگائیں۔

(الف) کسان ()

(ب) مزدور ()

(ج) سرکاری ملازم ()

(د) تجارت پیشہ ()

(ه) دستکار ()

(د) تجارت پیشہ ()

(ه) دستکار ()

(و) بیروزگار ()

(۷) جوابدہ اپنا پیشہ:

(الف) کسان ()

(ب) مزدور ()

(ج) سرکاری ملازم ()

(9) سالانہ آمدنی جو ابات میں عجم کا نشان لگائیں

- () دس ہزار.....
- () بیس ہزار.....
- () تیس ہزار.....
- () چالیس ہزار.....
- () پانسے ارب.....

تحقیقاتی (ریسرچ) سوالات

(1) آپ کے نزدیک کشمیر مسئلہ کیا ہے ؟

جواب میں عجم کا نشان لگائیں

- () (الف) - راتے شام کے ذریعہ خود تقاریر کا مطالبہ.....
- () (ب) - آزادی کا مطالبہ.....
- () (ج) - پاکستان سے ملنا چاہتے ہیں ؟.....
- () (د) - کیا کرنا اور باقی سہ کاروں کا غلام سیاست کا مخالف ہے ؟.....
- () (ه) - کچھ گھر لڑ جو انوں جو کہ غیر ملکی اشاعتوں پر کام کر رہے ہیں.....

(2) کیا کشمیر مسئلہ پر جوں و لدوم مدعوں کا یہی کوئی رشتہ ہے؟ (جواب میں عجم کا نشان لگائیں)

(۵۱ -) / (یا نہیں)

(3) اگرچہ نوکس طرح کا؟ چند الفاظ میں تحریر کریں

(4) کیا یہ مسئلہ جوں و لدوم تک ہے۔ یا صرف وادی کشمیر میں ہے ؟ (نشان لگائیں)

- () (الف) - جوں تک پھیلے ہے.....
- () (ب) - لہذا تک پھیلے ہے.....
- () (ج) - صرف وادی کشمیر میں ہے.....

(5) اگر مسئلہ وادی کشمیر تک محدود ہے تو کیوں؟

- (الف) کیونکہ یہ ایک مسلم اکثریتی علاقہ ہے۔
- (ب) کیونکہ یہ ایک ایسا علاقہ ہے جو خطہ میں ہے اور یہاں رگھو پان رکھتا ہے جو خطہ میں ہے۔
- (ج) الف - ب - کیا یہ دونوں وجوہات درست ہیں۔
- (د) یا یہ کچھ غیر پسندیدہ عناصر کا کام ہے۔

(6) کس حد تک کشمیری عوام ہندوستان سے علیحدہ ہو چکے ہیں (جو بات پر صحیح نشان لگائیں)

- (الف) علیحدگی بہت کم ہے۔
- (ب) اکثریت علیحدہ ہو چکی ہے۔
- (ج) گھٹیا علیحدگی اختیار کر رہے ہیں۔

(7) مندرجہ ذیل دو گئی وجوہات پر اولیت و عدم - سوچو اور آئینہ نشان لگائیں۔

- (1) دفعہ 370 کو آہستہ آہستہ ختم کر دی گئی۔
- (2) پاکستان سے مندرجہ لگاؤ کی بنا پر۔
- (3) صوبائی درکاروں سرکاروں کا غلط استعمال۔
- (4) غیر ملکی دیپوزٹ گارنٹی۔
- (5) مسلم کے صوبے کے آئین میں دھاندلیاں۔
- (6) علاقائی تعصبات اور لاپرواہی کشمیری (علاقائی تعصبات سے مراد جموں و لدھیانہ کا علاقہ ہے۔)
- (7) جنوری 1990 میں صوبائی سرکار نے بر خاستگی اور گورنر کی حکومت کا غلط۔
- (8) جنگوں کو بلور گورنر کے صوبہ میں تعین کرنا۔
- (9) پاکستانی یا دوسرے ملک سے تشدد پسند عناصر کا بھرتہ کانا۔
- (10) اسلام انتہا پسندوں کا دباؤ جو کہ وادہ ہے میں ہیں۔

(8) کیا آپ سمجھتے ہیں کہ ہندو باہو دس کے دس وجوہات ہیں مسئلہ کشمیر کی بنا ہیں۔ (اے یا جے) پر نشان لگائیں۔

(9) کیا ناروین علیحدگی کے دور حکومت میں انتہا پسندی میں زیادہ راج ہے اس سوال کا جواب چند الفاظ میں لکھیں۔

(۱۰) ۱۹۹۹ میں کانگریس و نیشنل کانفرنس کے مابین اگلشنی اتحاد ہوا تھا۔ کیا مسئلہ کشمیر میں یہ اتحاد ہی موجب ہو گیا
اس کو ہی چند الفاظ میں تو برا بھلا کہیں۔

(۱۱) دادی کشمیر میں کون کونسی ایشیا پسند جماعتیں سرگرم ہیں۔ ان کے نام تو یہ کہیں۔

(۱۲) کوئی جماعت عوام میں مقبول ہے۔ اس کا نام۔

(۱۳) کیا مسئلہ کشمیر پر ہندوستان کا حق جانے والی فرقہ پرست تنظیموں کا بھی اثر ہے؟ (جواب الفاظ میں کہیں)

(۱۴) پاکستان کے عدویہ کورٹ مسلم لیگ نے بھی اس مسئلہ کشمیر پر کچھ اثر فرمایا ہے (ہاں) یا (نہیں) میں جواب کہیں
جواب (ہاں) میں ہے تو ان سب کے نام۔

(۱۵) کیا آپ کو حکومت ہند پر بھروسہ ہے؟ (ہاں) یا (نہیں) (یا) (نہیں) (یا) (ہیں)

(۱۶) مسئلہ کشمیر کا حل اور قابل عمل حل آپ کے نزدیک کیا ہے۔ مندرجہ ذیل جواب دہی پر مجھ کا نشان لگائی

- (الف) مدعوں کے ذریعہ سب سے کامرواں کے ذریعہ ایشیا پسندوں کو سزا
اور عوام کو پورا پورا تحفظ دینا۔
- (ب) باہمی گفت و شنید ایشیا پسندوں سے کرنا۔ اور کسی حد تک مدعوں کے ذریعہ کامرواں کرنا۔
- (ج) سیاسی عمل کی شہ و معاش کرنا۔
- (د) اگلشنی کے ذریعہ حق خود ارادیت دینا۔

