

# Simulation IV

## JAMMU AND KASHMIR CONFLICT BACKGROUND

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### I. Official Documents

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#### **ARTICLE 370 OF THE INDIAN CONSTITUTION**

#### **Temporary Provisions with Respect to 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.

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 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 proviso 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 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 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 and 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 Legislative Assembly of the State as the **Sadr-i-Riyasat** (now Governor) of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office."

*Source: Constitution of India*

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### **THE DELHI AGREEMENT BETWEEN JAMMU AND KASHMIR AND THE INDIAN GOVERNMENTS—OCTOBER 03, 1952**

After the Constituent Assembly of the State had taken important decisions, it was deemed necessary to receive the concurrence of the Indian Government. Accordingly, the representatives of Kashmir Government conferred with the representatives of Indian Government and arrived at an agreement. This arrangement was later on known as the "Delhi Agreement, 1952". The main features of this agreement were:

- (i) In view of the uniform and consistent stand taken up by the Jammu and Kashmir Constituent Assembly that sovereignty in all matters other than those specified in the Instrument of Accession continues to reside in the State, the Government of India agreed that, while the residuary powers of legislature vested in the Centre in respect of all states other than Jammu and Kashmir, in the case of the latter they vested in the State itself;
- (ii) It was agreed between the two Governments that in accordance with Article 5 of the Indian Constitution, persons who have their domicile in Jammu and Kashmir shall be regarded as citizens of India, but the State legislature was given power to make laws for

conferring special rights and privileges on the 'state subjects' in view of the 'State Subject' Notifications of 1927 and 1932: the State legislature was also empowered to make laws for the 'State Subjects' who had gone to Pakistan on account of the communal disturbances of 1947, in the event of their return to Kashmir;

- (iii) As the President of India commands the same respect in the State as he does in other Units of India, Articles 52 to 62 of the Constitution relating to him should be applicable, to the State. It was further agreed that the power to grant reprieves, pardons and remission of sentences etc; would also vest in the President of India;
- (iv) The Union Government agreed that the State should have its own flag in addition to the Union flag, but it was agreed by the State Government that the State flag would not be a rival of the Union flag; it was also recognised that the Union flag should have the same status and position in Jammu and Kashmir as in the rest of India, but for historical reasons connected with the freedom struggle in the State, the need for continuance of the State flag was recognised;
- (v) There was complete agreement with regard to the position of the Sadar-i-Riyasat; though the Sadar-i-Riyasat was to be elected by the State Legislature, he had to be recognised by the President of India before his installation as such; in other Indian States the Head of the State was appointed by the President and was as such his nominee but the person to be appointed as the Head, had to be a person acceptable to the Government of that State; no person who is not acceptable to the State Government can be thrust on the State as the Head. The difference in the case of Kashmir lies only in the fact that Sadar-i-Riyasat will in the first place be elected by the State legislature itself instead of being a nominee of the Government and the President of India. With regard to the powers and functions of the Sadar-i-Riyasat the following argument was mutually agreed upon:
  - (a) The Head of the State shall be a person recognised by the President of the Union on the recommendations of the Legislature of the State;
  - (b) he shall hold office during the pleasure of the President;
  - (c) he may, by writing under his hand addressed to the President, resign his office;
  - (d) Subject to the foregoing provisions, the Head of the State shall hold office for a term of five years from the date he enters upon his office;
  - (e) Provided that he shall, notwithstanding the expiration of his term, continue to hold the office until his successor enters upon his office;
- (vi) With regard to the fundamental rights, some basic principles agreed between the parties were enunciated; it was accepted that the people of the State were to have fundamental rights. But in the view of the peculiar position in which the State was placed, the whole chapter relating to 'Fundamental Rights' of the Indian

- Constitution could not be made applicable to the State, the question which remained to be determined was whether the chapter on fundamental rights should form a part of the State Constitution of the Constitution of India as applicable to the State;
- (vii) With regard to the jurisdiction of the Supreme Court of India, it was accepted that for the time being, owing to the existence of the Board of Judicial Advisers in the State, which was the highest judicial authority in the State, the Supreme Court should have only appellate jurisdiction;
  - (viii) There was a great deal of discussion with regard to the "Emergency Powers"; the Government of India insisted on the application of Article 352, empowering the President to proclaim a general emergency in the State; the State Government argued that in the exercise of its powers over defence (Item 1 on the Union List), in the event of war or external aggression, the Government of India would have full authority to take steps and proclaim emergency but the State delegation was, however, averse to the President exercising the power to proclaim a general emergency on account of internal disturbance.

In order to meet the viewpoint of the State's delegation, the Government of India agreed to the modification of Article 352 in its application to Kashmir by the addition of the following words: "but in regard to internal disturbance at the request or with the concurrence of the Government of the State."

*Source: <http://jammukashmir.nic.in/profile/cntit5.htm>*

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## **THE CONSTITUTION OF JAMMU AND KASHMIR, 1956** Legal Document No 140

### ***(Extracts)***

We, the people of the State of Jammu and Kashmir, having solemnly resolved, in pursuance of accession of this State to India which took place on the twenty-sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof, and to secure to ourselves.

**JUSTICE**, social, economic and political;

**LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; and to promote among us all;

**FRATERNITY**, assuring the dignity of the individual and the unity of the Nation;

**IN OUR CONSTITUENT ASSEMBLY** This seventeenth day of November, 1956 do Hereby Adopt Enact and Give to ourselves this constitution.

**PART  
PRELIMINARY**

**I**

1. (1) this Constitution may be called the Constitution of Jammu and Kashmir.

(2) This section and sections 2,3,4,5,6,7,8, and 158 shall come into force et once and the remaining provisions of this constitution shall come into force on the twenty-sixth day of January, 1957, which day is referred to in this Constitution as the commencement of this Constitution.

2. (I) In this Constitution, unless the context otherwise requires.

(a) "Constitution of India" means the Constitution of India as applicable in relation to this State.

(b) "existing law" means any law, ordinance, order bye-law, rule notification; or regulation based, made or issued before the commencement of this Constitution by the Legislature or other competent authority or person having power to pass, make or issue such law, ordinance, order bye-law rule, notification or regulation;

(c) "Part" means a part of this Constitution;

(d) "Schedule," means a schedule to this Constitution; and

(e) "taxation" includes the imposition of any tax or impost, whether general or local or special, and "tax" shall be construed accordingly.

(2) Any reference in this Constitution to Acts or laws of the State Legislature shall be construed as including a reference to an Ordinance made by the Sadar-i-Riyasat.

**PART  
THE STATE**

**II**

(3) The State of Jammu and Kashmir is and shall be an integral part of the Union of India.

(4) The territory of the State shall comprise all the territories which on the fifteenth day of August, 1947, were under the sovereignty or suzerainty of the Ruler of the State.

(5) The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India.

**PART  
PERMANENT RESIDENTS**

**III**

(6) (1) Every person who is, or is deemed to be, a citizen of India under the provisions of the Constitution of India shall be a permanent resident of the State, if on the fourteenth day of May, 1954.

(a) he was a State subject of class I or of class II: or

(b) having lawfully acquired immovable property in the State, he has been ordinarily resident in the State for not less than ten years prior to that date.

(2) Any person who, before the fourteenth day of May, 1954 was a State subject of Class I or of Class II and who, having migrated after the first day of March, 1947, to the territory -now included in Pakistan, returns to the State under a permit for resettlement in the State or for permanent return issued by or under the authority of any law made by the State Legislature shall on such return be a permanent resident of the State.

(3) In this section, the expression "State subject of Class I or of Class II" shall have the same meaning as the State Notification No I-L/84 dated the twentieth April, '1927, read with State Notification No 13/L dated the twenty- seventh June, 1932.

7. Unless the context otherwise requires, all references in any existing law to hereditary State subject or to State subject of class I or of Class II or of class III shall be construed as references to permanent residents of the State.

8. Nothing in foregoing provisions of this part shall derogate from the power of the State legislature to make any law defining the classes the persons who are, or shall be permanent residents of the State.

9. A Bill marking provision for any of the following matters, namely.

(a) defining or altering the definition of, the classes of persons who are, or shall be, permanent residents of the State;

(b) conferring on permanent residents any special rights or privileges;

(c) regulating or modifying any special rights or privileges enjoyed by permanent residents;

shall be deemed to be passed by either House of the Legislature only if It is passed by a majority of not less than two-thirds of the total membership of that House.

10. The permanent residents of the State shall have all the rights guaranteed to them under the Constitution of India.

**PART  
DIRECTIVE PRINCIPLES OF STATE POLICY**

**IV**

16. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

25. The State shall combat ignorance, superstition, fanaticism, communalism, racialism, cultural backwardness and shall seek to foster brotherhood and equality among all communities under the aegis of a secular State.

**PART  
THE EXECUTIVE**

**V**

**THE SADAR-I-RIYASAT**

26. (1) The Head of the State shall be designated as the Sadar-i-Riyasat.

(2) The executive power of the State shall be vested in the Sadar-i-Riyasat and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(3) Nothing in this Section shall:

(a) be deemed to transfer to the Sadar-i--Riyasat any functions conferred by any existing law on any other authority; or

(b) prevent the State legislature from confer-ring by law functions on any authority subordinate to the Sadar-i-Riyasat.

27. The Sadar-i-Riyasat shall be the person who for the time being is recognised by the President as such:

Provided that no person shall be so recognised unless he:

(a) is a permanent resident of the state;

(b) is not less than twenty-five years of age; and

(c) has been elected as Sadar-i-Riyasat by a majority of the total membership of the Legislative Assembly in the manner set out in the First Schedule.

28. (1) The Sadar-i-Riyasat shall hold office during the pleasure of the President.

(2) The Sadar-i-Riyasat may, be writing under his hand addressed to the President, resign his office.

(3) Subject to the foregoing provision of this section, the Sadar-i-Riyasat shall hold office for a term of five years from the date on which he enters upon his office:

Provided that he shall notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

29. A person who holds or has held office as Sadar-i-Riyasat shall, subject to the other provisions of this Constitution, be eligible for reselection to that office.

30. (1) The Sadar-i-Riyasat shall not be a member of either House of Legislature and if a member of either House be elected and recognised as Sadar-i-Riyasat, he shall be deemed to have vacated his seat in the House on the date on which he enters upon his office as Sadar-i-Riyasat.

(2) The Sadar-i-Riyasat shall not hold any other office of profit.

(3) The Sadar-i-Riyasat shall be entitled to such emoluments, allowances and privileges as are specified in the second schedule.

32. The Sadar-i-Riyasat may be removed from his office by the President if an address by the Legislative Assembly supported by a majority of not less than two-thirds of its total membership is presented to the president praying for such removal on the ground of violation of the Constitution.

33. When a vacancy occurs in the office of the Sadar-i-Riyasat by reason of his death, resignation or removal or when the Sadar-i-Riyasat is unable to discharge his functions owing to absence, illness or any other cause, the functions of the office shall, until the assumption of office by a newly elected Sadar-i-Riyasat or the resumption of duties by the Sadar-i-Riyasat, as the case may be, discharged by such person as the President may on the recommendation of the Council of Ministers of the State, recognise as the acting Sadar-i-Riyasat.

34. The Sadar-i-Riyasat shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offense against any law relating to a matter to which the executive power of the State extends.

## **THE COUNCIL OF MINISTERS**

35. (1) There shall be a council of Ministers with the Prime Minister at the head to aid and advise the Sadar-i-Riyasat in the exercise of his functions.

All functions of the Sadar-i-Riyasat except those under sections 36, 38 and 92 shall be exercised by him only on the advice of the Council of Ministers.

(3) The question whether any, and if so what, advice was tendered by Ministers to the Sadar-i-Riyasat shall not be inquired into in any court.

36. The Prime Minister shall be appointed by the Sadar-i-Riyasat and the other Ministers shall be appointed by the Sadar-i-Riyasat on the advice of The Prime Minister.

37. (1) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(2) A Minister who for any period of six consecutive months is not a member of either House of Legislature shall upon the expiry of that period cease to be a Minister.

38. The Sadar-i-Riyasat may on the advice of the Prime Minister appoint from amongst the members of either House of Legislature such number of Deputy Ministers as may be necessary.

39. The Ministers and the [Deputy Ministers shall hold office during the pleasure of the Sadar-i--Riyasat.

### **THE ADVOCATE GENERAL**

42. (1) The Sadar-i-Riyasat shall appoint a person who is qualified to be appointed a Judge of the High Court, to be Advocate General for the State.

(2) It shall be the duty of the Advocate General to give advice to the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Government, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.

(3) In the performance of his duties, the Advocate General shall have the right of audience in all courts in the State.

(4) The Advocate General shall hold office during the pleasure of the Sadar-i-Riyasat and receive such remuneration as the Sadar-i-Riyasat may determine.

### **CONDUCT OF GOVERNMENT BUSINESS**

43. The Sadar-i-Riyasat shall make rules for the more convenient transaction of the business of the Government of the State and for the allocation among Ministers of the said business.

44. It shall be the duty of the Prime Minister

(a) to communicate to the Sadar-i-Riyasat all decisions of the council of Ministers relating to the administration of the affairs of the State and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Sadar-i-Riyasat may call for; and

(c) if the Sadar-i-Riyasat so requires to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

45. (1) All executive action of the Government shall be expressed to be taken in the name of the Sadar-i-Riyasat of the Jammu and Kashmir.

(2) Orders and other instruments made and executed in the name of the Sadar-i-Riyasat or of the Government of Jammu and Kashmir shall be authenticated in such manner as may be specified in the rules to be made by the Sadar-i-Riyasat, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Sadar-i-Riyasat or as the case may be, by the Government of Jammu and Kashmir.

**PART  
THE STATE LEGISLATIVE**

**VI**

**COMPOSITION OF THE STATE LEGISLATURE**

46. There shall be Legislature for the State which shall consist of the Sadar-i-Riyasat and two Houses be known respectively as the Legislative Assembly and the Legislative Council.

47. (1) The Legislative Assembly shall consist of one hundred members chosen by direct election from territorial constituencies in the State; Provided that the Sadar-i-Riyasat may, if he is of opinion that women are not adequately represented in the Assembly nominate not more than two women to be members thereof.

(2) For the purposes of sub-section (1), the State shall be divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State. Explanation: In this sub-section, the expression "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

(3) Upon the completion of each census, the number, extent and boundaries of the territorial constituencies shall be readjusted by such authority and in such manner as the Legislature may by law determine: Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

48. Notwithstanding anything contained in section 47, until the area of the State under the occupations of Pakistan ceases to be so occupied and the people residing in that area elect their representatives

(a) twenty-five seats in the Legislative Assembly shall remain vacant and shall not be taken into account for reckoning the total membership of the

Assembly; and the said area shall be excluded in delimiting the territorial Constituencies Under Section 47.

49. (I) There shall be reserved in the Legislative Assembly for the Scheduled Castes in the State a number of seats which shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes bears to the population of the State.

Explanation: In this sub-section:

(a) "population" has the same meaning as in sub-section (2) of section 47; and

(b) "Scheduled Castes" means the caste, races or tribes or part of, or groups within castes, races or tribes which are for the purposes of the Constitution of India deemed to be Scheduled Casts in relation to the State under the provisions of article 341 of that Constitution.

(2) The provisions of sub-section (1) shall cease to have effect on the expiration of a period of five years from the commencement of this Constitution:

Provided that such ceasure shall not affect any representation in the Legislative Assembly until the dissolution of the then existing Assembly:

50. (1) The Legislative Council shall consist of thirty-six members, chosen in the manner provided in this section.

(2) Eleven members shall be elected by the members of the Legislative Assembly from amongst persons who are residents of the Province of Kashmir and are not members of the Legislative Assembly.

(3) Eleven members shall be elected by the members of the Legislative Assembly from amongst persons who are residents of the Province of Jammu and are not members of the Legislative Assembly. Provided that of the members so elected, at least one shall be a resident of Doda District and at least one shall be a resident of Poonch District.

(4) One member shall be elected by each of the following electorates, namely

(a) the members of municipal council, town area committees and notified area committees in the Province of Kashmir;

(b) the members of municipal council, town area committees, and notified area committees in the Province of Jammu;

(c) permanent residents who have been for at least three years engaged in teaching in educational institutions recognised by the Government in the Province of Kashmir; and

(d) permanent residents who have been for at least three years engaged in teaching in educational institutions recognised by the Government in the Province of Jammu.

(5) Two members shall be elected by each of the following electorates, namely:

(a) the members of the Panchayats and such other local bodies in the Province of Kashmir as the Sadar-i-Riyasat may by order specify; and

(b) the members of the Panchayats and such other local bodies in the Province of Jammu as the Sadar-i-Riyasat may by order specify.

(6) Six members shall be nominated by the Sadar-i-Riyasat, not more than three of whom shall be person belonging to any of the socially or economically backward classes in the State, and the others shall be persons having special knowledge or practical experience in respect of matters such as literature, science, art, co-operative movement and social service.

(7) Elections under sub-section (2) and (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

## **GENERAL PROVISIONS**

51. A person shall not be qualified to be chosen to fill a seat in the Legislature unless he:

(a) is a permanent resident of the State;

(b) is in the case of a seat in the Legislative Assembly, not less than twenty-five years of age, and in the case of a seat in the Legislative Council, not less than thirty years of age; and

(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Legislature.

52. (1) The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and not longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly;

Provided that the said period may, while a Proclamation of Emergency issued under article 352 of the Constitution of India is in operation, be extended by the State Legislature by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

(2) The Legislative Council shall not be subject to dissolution but as nearly as possible one-third of the members thereof shall retire, as soon as may be,

on the expiration of every second year in accordance with the provisions made in that behalf by Legislature by law.

53. (1) The Sadar-i-Riyasat shall from time to time summon each House of the Legislature to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Sadar-i-Riyasat may from time to time:

(a) prorogue the House or either house (b) dissolve the Legislative Assembly.

54. (1) The Sadar-i-Riyasat may address either House of Legislature, or both Houses assembled together, and may for that purpose require the attendance of members.

(2) The Sadar-i-Riyasat may send messages to either House, whether with respect to a Bill then pending in the Legislature, or otherwise and a House to which any message is so sent shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

55. (1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Sadar-i-Riyasat shall address both Houses of Legislature assembled together and inform the Legislature of the cause of its summons.

## **CONDUCT OF BUSINESS**

64. Every member of the Legislative Assembly or the Legislative Council shall before taking his seat, make and sub-scribe before the Sadar-i-Riyasat or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Fifth Schedule.

65. Save as otherwise provided by the rules of procedure of the House, the quorum to constitute a meeting of the Legislative Assembly and of the Legislative Council shall be twenty and ten respectively.

66. A House of the Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

67. (1) Save as otherwise provided in this Constitution, all questions at any sitting of a House of the Legislature shall be determined by a majority of votes of the members present and voting, other than the Speaker or Chairman, or person acting as such.

(2) The Speaker or Chairman, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

87. Business in the Legislature shall be transacted in Urdu or in English.

(1) Provided that the Speaker of the Legislative Assembly or the Chairman of the Legislative Council or person acting as such, as the case may be, may permit any member to address the House in Hindi, or if he cannot adequately express himself in any of the aforesaid languages, to address the House in his mother-tongue.

(2) The official records of the proceedings in the Legislature shall be kept in Urdu as well as in English.

(3) The text of all Bills and amendments there of moved in and of all Acts passed by the Legislature which shall be treated as authoritative, shall be in English.

Breakdown of Constitutional Machinery.

92. (1) If at any time the Sadar-i-Riyasat is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the Sadar-i-Riyasat may by Proclamation:

(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by anybody or authority in the State;

(b) make such incidental and consequential provisions as appear to the Sadar-i-Riyasat to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision of this Constitution relating to any body or authority in the State:

Provided that nothing in this section shall authorised die Sadar-i-Riyasat to assume to himself any of the powers vested in or exercisable by the High Court or to suspend in whole or in part the operation of any provision of this Constitution relating to the High Court.

(2) Any such Proclamation may be revoked or carried by a subsequent Proclamation.

(3) Any such Proclamation whether varied under sub-section (2) or not, shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate on the expiration of six months from the date on which it divas first Issued.

(4) If the Sadar-i-Riyasat by a Proclamation under this section assumes to himself any of the powers of the legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by an Act of the Legislature, and any reference in this Constitution to any Acts of or laws made by the Legislature shall be construed as including a reference to such law. No Proclamation under sub-section (1) shall be issued except with the concurrence of the President of India.

(6) Every Proclamation under this section shall, except where it is a Proclamation revoking a previous Proclamation, be laid before each house of the Legislature as soon as it is convened.

## **PART THE HIGH COURT**

## **VII**

93. (1) There shall be a High Court for the State, consisting of a Chief Justice and two or more other judges.

(2) The High Court exercising jurisdiction in relation to the State immediately before the commencement of this Constitution shall be the High Court for the State.

94. The High Court shall be a court of record and shall have all the powers of such a courts including the power to punish for contempt of itself or of the courts subordinate to it.

95. Every Judge of the High Court shall be appointed by the President by Warrant under his hand and seal after consultation with the Chief Justice of India, the Sadar-i-Riyasat, and in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court and shall hold office until he attains the age of sixty years.

96. A person shall not be qualified for appointment as a Judge of the High Court unless he is a citizen of India, and:

(a) has for at least ten years held a judicial office in the State or in any other part of India; or

(b) has for at least ten years been an advocate of the State High Court or of any other High Court in India or of two or more such courts in succession.

Explanation: - For the purposes of this Section in computing the period during which a person has been an advocate of a High Court. there shall be included any period during which the person has held judicial office after he became an advocate.

(2) A Judge of the High Court shall not be removed from his office except by an order of the President passed after an address by each House of the

Legislature supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the president in the same session for such removal on the ground of proved misbehaviour or incapacity.

104. (1) The High Court shall have superintendence and control over all courts for the time being subject to its appellate or revisional jurisdiction and all such courts shall be subordinate to the High Court.

**PART X**  
**ELECTIONS**

138. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, the elections held under Part VI shall, be vested in an Election Commissioner to be appointed by the Sadar-i-Riyasat.

(2) The Sadar-i-Riyasat, may, for such period as he may deem necessary appoint one or more Deputy Election Commissioners to assist the Election Commissioner in the performance of the functions conferred by sub-section (1).

(3) subject to the provisions of any law made by the Legislature, the Conditions of service of the Election Commissioner and the Deputy Election Commissioner shall be such as the Sadar-i-Riyasat may by order specify.

(4) The Sadar-i-Riyasat may make acts viable to the Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commissioner by sub-section (1).

144. The flag of the State shall be rectangular in shape and red in colour with three equidistant white vertical stripes of equal width next to the staff and a white plough in the middle with the handle facing the stripes.

The ratio of the length of the flag to its width shall be 3:2.

145. The official language of the State shall be Urdu, but the English language shall, unless the Legislature by law otherwise provides continue to be used for all the official purpose of the State for which it was being used immediately before the commencement of this Constitution.

The Sadar-i-Riyasat shall, as soon as may be, after the commencement of the Constitution establish an Academy of Arts, Culture and Language, where opportunities will be afforded for the development of Art and Culture of the State and for the development of Hindi, Urdu and other regional languages of the State specified in the Sixth Schedule.

**PART XII**  
**AMENDMENTS OF THE CONSTITUTION**

147. An amendment of this constitution may be initiated only by the introduction of a Bill for the purpose in the Legislative Assembly and when the Bill is passed in each House by a majority of not less than two-thirds of the total membership of at the House, it shall be presented to the Sadar-i-Riyasat for his assent and, upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that a Bill providing for the abolition of the Legislative Council may be introduced in the Legislative Assembly and passed by it majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting:

Provided further that no Bill or amendment seeking to make any change in:

- (a) this section;
- (b) the provisions of the sections 3 and 5; or
- (c) the provisions of the constitution of India as applicable in relation to the State;

shall be introduced or moved in either house of the Legislature.

*Source: The Constitution of Jammu and Kashmir*

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### **THE KARACHI AGREEMENT BETWEEN PAKISTAN AND 'AZAD KASHMIR' GOVERNMENTS, 1949**

Text of the agreement signed between Pakistan and Azad Kashmir Governments in April 1949.

- A. Matters within the purview of the Government of Pakistan.
  1. Defence.
  2. Foreign policy of Azad Kashmir.
  3. Negotiations with the United Nations Commission for India and Pakistan.
  4. Publicity in foreign countries and in Pakistan.
  5. Co-ordination and arrangement of relief and rehabilitation of refugees.
  6. Co-ordination of publicity in connection with plebiscite.
  7. All activities within Pakistan regarding Kashmir such as procurement of food, civil supplies running of refugee camps and medical aid.
  8. All affairs of Gilgit - Ladakh under the control of Political Agent.
- B. Matters within the purview of Azad Kashmir Government.
  1. Policy with regard to administration of AK territory.
  2. General supervision of administration in AK territory.
  3. Publicity with regard to the activities of the Azad Kashmir Government and administration.

4. Advice to the honourable Minister without Portfolio with regard to negotiations with United Nations Commission for India and Pakistan.
5. Development of economic resources of AK territory.

C. Matters within the purview of the Muslim Conference.

1. Publicity with regard to plebiscite in the AK territory.
2. Field work and publicity in the Indian occupied area of the State.
3. Organisation of political activities in the AK territory and the Indian occupied area of the State.
4. Preliminary arrangements in connection with the plebiscite.
5. Organisation for contesting the plebiscite.
6. Political work and publicity among the Kashmiri refugees in Pakistan.

7. Advise the honourable minister without Portfolio with regard to the negotiations with the United Nations Commission for India and Pakistan.

*Source: [http://en.wikisource.org/wiki/Karachi\\_Agreement](http://en.wikisource.org/wiki/Karachi_Agreement)*

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## **II. Non-Official Proposals**

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### **FRAMEWORKS FOR A KASHMIR SETTLEMENT, DELHI POLICY GROUP (See Backgrounder II)**

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### **NATIONAL CONFERENCE STATE AUTONOMY PROPOSALS**

*Source:*

*[http://www.satp.org/satporgtp/countries/india/states/jandk/documents/papers/state\\_autonomy\\_committee\\_recommendations.htm](http://www.satp.org/satporgtp/countries/india/states/jandk/documents/papers/state_autonomy_committee_recommendations.htm)*

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### **KASHMIR STUDY GROUP PROPOSALS**

*The following proposal was developed in consultation with persons from the Jammu and Kashmir region from both sides of the Line of Control and with Indians and Pakistanis.*

We recommend that portions of the former princely State of Jammu and Kashmir be reconstituted into self-governing entities enjoying free access to one another and to and from both India and Pakistan.

1. Three entities — Kashmir, Jammu, and Ladakh — would be established in the portion of the pre-1947 state now administered by India. These three self-governing entities would each take part in a body that would coordinate issues of interest to all of them, such as internal trade and transportation.
2. Two entities — Azad Kashmir and the Northern Areas — would be established on the side now administered by Pakistan. Like the entities on the Indian side, they would each be represented in a coordinating body that would consider issues in which they both had an interest.
3. An All-Kashmir body would be set up to coordinate areas of broader interest such as regional trade, tourism, environment, and water resources. This body would include representatives from each of the five entities as well as from India and Pakistan.

Each of the new entities would have its own democratic constitution, as well as its own citizenship, flag, and legislature which would legislate on all matters other than defense and foreign affairs. India and Pakistan would be responsible for the defense of the entities, and the entities would maintain police forces to maintain internal law and order. India and Pakistan would be expected to work out financial arrangements for the entities.

Citizenship of the entities would also entitle individuals to acquire Indian or Pakistani passports (depending on which side of the Line of Control they live on). Alternatively, they could use entity passports subject to endorsements by India or Pakistan as appropriate.

The borders of the entities with India and Pakistan would remain open for the free transit of people, goods, and services in accordance with arrangements to be worked out between India, Pakistan and the entities.

While the present Line of Control would remain in place until such time as both India and Pakistan decided to alter it in their mutual interest, both India and Pakistan would demilitarise the area included in the entities. Neither India nor Pakistan could place troops on the other side of the Line of Control without the permission of the other state.

All displaced persons who left any portion of the entities would have the right to return to their home localities.

The proposal represents a practical framework that could satisfy the interests of the peoples of the Kashmir region, India and Pakistan. It would end civil strife and the tragic destruction of life and property in the Kashmir region. By resolving the principal issue that could lead to armed conflict between India and Pakistan, it would go far towards relaxing political tensions in South Asia. It would offer enormous economic benefits not only to the Kashmir region but also to India, Pakistan, and all the South Asia region.

## **BALRAJ PURI'S REGIONAL AUTONOMY REPORT**

*(Extracts)*

### **Chapter III**

#### **Political Autonomy**

The basic feature of regional autonomy or a federal set-up is sharing of power and functions between the Central Authority and its constituent parts.

In J&K State, the RAC envisages a federal structure not only for the State but also for the regions i.e. further devolution of power.

#### **STATE**

- The State level institutions, viz. Governor, Chief Minister and his cabinet, Legislative Assembly, Judiciary and State cadre of services, shall continue as they are. They shall continue to deal with all subjects except those delegated to the regions.
- The basic criteria for division of subjects is that all subjects that need a uniform policy for the whole state; that can be handled more efficiently at the state level; which involve expenditure beyond the financial capacity of the regions; whose benefits transcend regional boundaries and which deal with inter-regional problems shall be allocated to the state.
- Likewise, in preparing the list of regional subjects, the subjects allocated to districts under the 73rd amendment of the Indian constitution elsewhere in the country, subjects of inter-district importance and within the financial reach of the regions should be included. A better judgment can be made after further examining the actual working of each department, range and degree of its impact on various regions. To provide for some flexibility and experimentation, a provision analogous to Article 249 of the Indian Constitution may be added in the constitution of the state that may permit, with the consent of regional legislatures, transfer of subjects from one list to another. We propose that at this stage, only a regional list of subjects be drawn and the residuary powers should remain with the state.
- The Governor should also be empowered to adjudicate on difference of opinion regarding jurisdiction between the state and regional governments.
- A change is suggested in the constitution of the legislative council. In most federations of the world, the provinces or states have equal representation in the upper house irrespective of their size and population. It is suggested that regional legislatures of Jammu and Kashmir elect equal number of members namely eleven each to the state legislative council. The internal distribution of Jammu region should remain as it is. There should be separate number of

seats for Ladakh that give fair representation to its geographical and communal diversity.

- Ladakh's divisional status needs to be conceded. There should be a separate Divisional Commissioner and IGP to administer the region. If the work of these divisional heads is considered to be too inadequate, any senior Deputy Commissioner and DIG may be appointed on these posts in their own pay and grade with powers of divisional heads. The Government may also consider accepting the recommendation of the Gajendragadkar Commission to change the full name of the state as Jammu, Kashmir and Ladakh state.

## **REGIONS**

- Regional government should be elected in the same manner as the state or national government.

- A regional legislature which may be called Regional Council should be elected from twice the number of constituencies as the state assembly; delimited by the same election commission which does it for the state.

- The leader of the majority party shall be called by the Governor to form his/her cabinet. To differentiate the state and regional set up, the members of the regional cabinet may be called Executive Council and their head be named Chief Executive Councillor.

- The head of the Regional Council should have a status of a cabinet Minister of the state.

- The legislative, executive and taxation powers of the Regional Councils shall be limited to the subjects allocated to the regions.

- Legislative, executive and taxation powers should be included in the power of the regions.

*Source: Jammu and Kashmir: Regional Autonomy (A Report), 1999.*

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## **NATIONAL CONFERENCE REGIONAL AUTONOMY PROPOSALS**

*Source:*

*[http://www.satp.org/satporgtp/countries/india/states/jandk/documents/papers/regional\\_autonomy\\_committee\\_report.htm](http://www.satp.org/satporgtp/countries/india/states/jandk/documents/papers/regional_autonomy_committee_report.htm)*

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## **JANDAYAL PLAN**

*Source: <http://www.stimson.org/southasia/?SN=SA20050318801>*

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## **SAJJAD LONE'S PROPOSAL FOR RESOLUTION OF JAMMU AND KASHMIR CONFLICT, 2006**

*Source: <http://www.achievablenationhood.com/>*

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### **PDP's SELF RULE PROPOSAL, 2007**

*(Broad Points)*

- A multi-layer solution involving constitutional, political, social, trade and economic aspects of the problem with stress on political and economic empowerment of the State's people and not its government.
- Making Article 370 of the Constitution of India a special and a permanent feature rather than a temporary one
- Demand for measured reduction of troops from the internal security duty and revocation of the Armed Forces Special Powers Act (AFSPA) as a confidence building and reconciliatory measure.
- Vacation of agricultural land, orchards and government buildings acquired by the armed forces after the eruption of turmoil in the State.
- The return and the rehabilitation in the valley of the Kashmiri Pandit minority and their involvement in the peace process remains of deep concern to the party.

*Source: Various Press Clippings*

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## **III. Other Documents**

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### **INSTRUMENT OF ACCESSION (JAMMU AND KASHMIR), 1947**

(Text of signed by Maharaja of the State of Jammu & Kashmir on 26th day of October 26, 1947, and its acceptance by Lord Mountbatten, the Governor General of India, on October 27, 1947)

Whereas, the Indian Independence Act, 1947, provided 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 omissions, 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 Indar Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu Kashmir Naresh Tatha Tibet 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 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 J&K (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 in hereafter referred to as "the Act").

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.

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.

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.

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 of the Act or of the Indian Independence Act 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

Nothing in 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 purposes 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.

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.

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.

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.

Acceptance of Instrument of Accession of Jammu and Kashmir State 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.

(Sd). Lord Mountbatten

Governor General of India

*Source: <http://mha.nic.in/accdoc.htm>*

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## **U.N.RESOLUTION AUGUST 13, 1948.**

### **THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN**

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir; and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavors to assist the Governments of India and Pakistan in effecting a final settlement of the situation;

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

#### **PART I: CEASE-FIRE ORDER**

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control and in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals forces under their control shall be considered to

include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

## **PART II: TRUCE AGREEMENT**

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both the Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

### **A.**

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the commission.

### **B.**

1. When the commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2, hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its powers to make it publicly known that peace, law and order will be safeguarded and that all human political rights will be granted.

4. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

### **PART III**

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

*Source: United Nations*

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### **SIMLA AGREEMENT, 2 JULY 1972**

This agreement on Bilateral Relations between India and Pakistan was signed after the 1971 India-Pakistan War, in which Pakistan was defeated conclusively and which resulted in the creation of Bangladesh. India refrained from attacking or finishing off Pakistan and signed this agreement with the hope that henceforth the countries in the region would be able to live in peace with each other. The then Pakistani Prime Minister, Zulfikar Ali Bhutto, also promised the then Indian Prime Minister, Mrs Indira Gandhi, that his country would accept the Line of Control (LOC) in the state of J&K as the de facto border and would not try to de-stabilise it. This was not formally entered in the agreement because Bhutto said it would cause domestic problems for him at this juncture. Mrs Gandhi magnanimously accepted his promise and did not formalise that part of the agreement. But Pakistan, as later events were to prove, never kept its part of the deal. 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 sub-continent, 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 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 organization, 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 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 of the last twenty-five 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 shall refrain from the threat or use of force against the territorial integrity or political independence of each other;

(II) 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;

(III) In order progressively to 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 co-operation 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 connexion delegations from the two countries will meet from time to time to work out the necessary details.

(IV) In order to initiate the process of the establishment of durable peace, both 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 recognized 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 of 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 thirty days thereof.

(V) 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.

(VI) 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 a durable peace and normalization 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.

Sd/-                      Sd/-  
Indira Gandhi      Zulfikar Ali Bhutto

Prime Minister      President

Republic of India    Islamic Republic of Pakistan

Source: <http://www.jammu-kashmir.com/documents/simla.html>