

Instrument of Accession of Jammu and Kashmir

Whereas the Indian Independence Act, 1947, provides that as from the fifteen day of August, 1947, there shall be set up as 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 Indian by an Instrument of Accession executed by the Ruler thereof:

Now Therefore

I. I, Shriman Inder Mahendra Rajrajeshwar Maharajadiraj Shri Hari Singh Ji, Ruler of Jammu and Kashmir in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession, and

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

2. I hereby assume the obligation of ensuring that due effect is given to the provision of the Act within this State as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the schedules here to 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 where by any functions in relations to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

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

6. 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 purpose of 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 be a commitment in any way as to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangement with the Governments of India under any such future Constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or save as provided by or under this Instrument the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of this State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October nineteen forty seven.

Sd/- Hari Singh

Maharaja Dhiraj of Jammu and Kashmir

I do hereby accept this Instrument of Accession.

Dated this twenty seventh day of October, Nineteen hundred and forty seven.

Sd/- Mountabatten of Burma

Governor General of India

27th October, 1947

SCHEDULE

The matters with respect to which the Dominion Legislature may make laws for the State.

A. Defence

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

2. Naval, Military and Air force works, administration of cantonment areas.

3. Arms, firearms; ammunition.

4. Explosives.

B. External Affairs

1. External Affairs, the implementing of treaties and agreements with other countries, extradition, including the surrender of criminals and accused persons to parts of His Majesty's Dominion outside India.

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

3. Naturalisation.

C. Communications

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

2. Federal Railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of the administration of such on railways as carriers of goods and passengers, regulating of minor railways in respect of safety, the responsibility of the administration of such railways as carriers of goods and passengers.

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

4. Port quarantine.

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

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

7. Light house, including light ships, beacons and other provisions for the safety of shipping and aircraft.

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

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

D. Ancillary

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

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

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

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