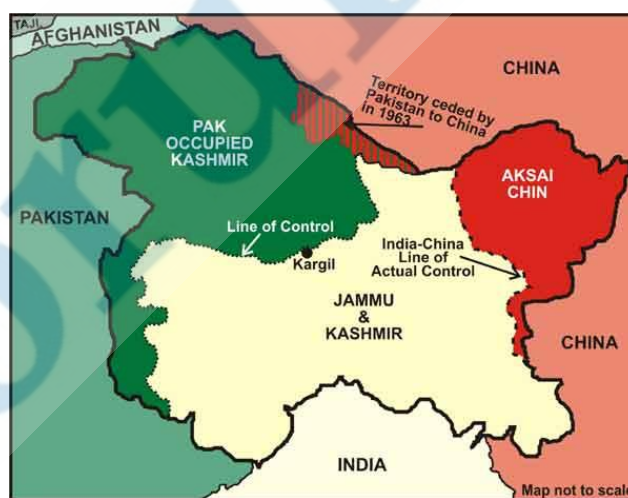


wishes of the people of the princely states through plebiscite. It was thus completely wrong on the part of India to agree to a plebiscite in a territory that was a legal part of India. Nevertheless, the plebiscite was conditional upon Pakistan withdrawing its troops and tribesmen from the state and restoration of the administration to the local authorities. In last 50 years, Pakistan has not fulfilled the first two conditions.

## Aftermath

With the accession of the State of Jammu and Kashmir to India, jurisdiction in matters of External Affairs, Defence and Communications was transferred to the Government of India and the Union Parliament was given power to make laws for the State for the purposes of those three matters only. In June 1949, the Yuvraj Karan Singh, on the advice of his Council of Ministers nominated four representatives to the Indian Constituent Assembly. Whereas all the other 564 Princely States decided to surrender all their residual autonomy to the Indian Union and accepted all the terms of the Indian Constitution in full, the State of Jammu and Kashmir decided to retain its autonomy. Moreover, under clause (7) of the Instrument of Accession, the State of Jammu and Kashmir did not commit itself to the acceptance of any future Constitution of India nor fetter its discretion to enter into agreements with the Government of India under any such future Constitution. So, the Government of Jammu and Kashmir did not accept the Constitution of India as a Constitution for the State.<sup>26</sup> Even after accession to India Dominion, the State of Jammu and Kashmir continued to be governed by the Jammu and Kashmir Constitution Act, 1939. The Government of India could not force the State to accept the Constitution for that would violate the agreed terms of the association of Kashmir with India. The State had voluntarily surrendered three matters only and the Government of India could not enlarge the sphere of its jurisdiction at its own discretion. So, whereas the Constitution of India laid down Constitutional provisions, not only for the former Provinces of British India but also for the other Princely States as full-fledged Constituent units of the Union, in the case of Kashmir, it had to make special provisions to cover that particular case.



In 1957, Kashmir officially integrated into the Union, but with special provisions made for it in the Constitution's Article 370. The north western portion remaining under control of the Pakistan army remains today as Pakistan-administered Kashmir. In 1962, China occupied Aksai Chin, the north eastern region bordering Ladakh.