

## Discussion on “Junagadh: A Tragedy Lost in History”

MUSLIM Institute organized a round table discussion (RTD) about Junagadh issue on Monday, November 23, 2015 at a local hotel in Islamabad. Eminent scholars and politicians from Pakistan participated in the discussion and expressed their views on the subject. Leader of House in Senate, Senator Raja Zafar-ul-Haq presided the session and Chief Guest of the event was Nawab of Junagadh State His Excellency Nawab Muhammad Jahangir Khanji. Former Minister for Law Mr. Ahmer Bilal Soofi, Chairman MUSLIM Institute Sahibzada Sultan Ahmad Ali, Former President National Defense University Lt. Gen (R) Raza Muhammad Khan, Former Ambassador Aamir Anwar Shadani, Former MNA Prince Adnan Aurangzeb (Wali-e-Swat), Chairperson History Department Allama Iqbal Open University Dr Samina Awan, Associate Professor Department of Politics & IR Quaid-e-Azam University Dr. Nazir Hussain, Assistant Professor Department of History, Quaid-i-Azam University Dr. Farooq Ahmad Dar and Assistant Professor Defense and Strategic Studies Dr. Shabana Fayaz were the speakers and renowned TV Anchor Mr. Faisal Rehman moderated the RTD.

Honorable Speakers expressing their views observed as under:

Junagadh was a princely state of subcontinent. After the reign of last of the great Mughal Emperors, Aurangzeb, Bahadur Khan Babi son of Shayr Khan Babi proclaimed an independent state of Junagadh in 1736 A.D. When British occupied subcontinent, Junagadh along with other princely states came under the suzerainty of British crown. Internally these princely states were free to exercise their powers but when it came to the defense and foreign affairs of the state, British were to take care of these two subjects. Out of 562 states of British India, Junagadh enjoyed the unique privilege of being the fifth largest state in terms of revenue generation and 2nd largest among Muslim states. Moreover, it had a standing army of its own and a proper system of governance. Virtually, every possession that went to the making of the major princely states was there in Junagadh. With the announcement of the Indian Independence Act in 1947, it was made clear that states have three options either they

may accede to the state of their choice-India or Pakistan- or remain independent. Nawab Mohabat Khanji, the then governor of Junagadh reached an agreement with Quaid-e-Azam Muhammad Ali Jinnah, Governor General of Pakistan and signed the 'Instrument of Accession'. This was not the sole decision of the Nawab of Junagadh but there was a state council, in which there were Hindu and Muslim members who were representatives from respective communities. So for accession's decision there was consultation with them and with their consensus Nawab took the decision of the fate of Junagadh. And on 15th of September 1947, Junagadh actually became the first princely state to accede to Pakistan. The flag of Pakistan was hoisted on the state house of Junagadh after this 'Instrument of Accession'. Thus, Junagadh officially became part of Pakistan.

After the culmination of the agreement, the honourable Nawab visited Karachi, capital of Pakistan at that time, to discuss procedural details concerning accession. Behind his back, Shamal Das Gandhi and his affiliates sparked disorder in the state to create a pretext for Indian interference. On November 9, 1947, the Indian army advanced its troops; the occupation was made and the Indian army removed the Pakistani flag hoisted its own flag on the state house.

At the time of partition, Lord Mountbatten initially declared that states would be independent to decide for accession irrespective of geographical compulsion, but afterwards he himself took the U-turn and geographical contiguity was enforced to facilitate India's illegal occupation of states like Junagadh. This ground was made by the Indian Government on their religion based political doctrine that it would not let to dissect India into different pieces, and Mountbatten was also influenced for it. It was tried to limit Pakistan geographically and economically as small as possible. It was not only territorial dishonesty but regarding all other assets e.g. armed forces, artillery, trains etc.; injustice was done with Pakistan and it was given much less than its actual share. At that time nascent state of Pakistan was facing many challenges like the lack of resources, no organized army and many others. So it was not possible for Pakistan to retaliate Indian aggression in Junagadh, and India took advantage of the situation and captured

Junagadh state by force. The Nawab of Junagadh who was in Pakistan for legal proceedings of the accession, couldn't return back. Soon after this blatant violation of justice and fair play, Quaid-e-Azam Muhammad Ali Jinnah approached the United Nations on the behalf of Pakistan for the redress.

In Kashmir where India landed its troops by a lame excuse and categorically stated that once the law and order situation improved, India would withdraw its forces. The same Indian policy has been in different states and Junagadh is of course no exception.

In the beginning, the issue of Junagadh remained in political as well as academic circles but as the time went by and capital shifted to Islamabad from Karachi, this issue started to fade away. Consequently, a variety of factors seem to diminish the magnitude of this important issue. The case of Junagadh has been fought well in the books, but the kind of battle that needs to be waged on international forums has not even begun. Sadly, the case has not been pursued the way it needed to be pursued since 1947. The time has come for the legal claimants to step forward and assume the control.

The issue of Junagadh is caught in international law and the realpolitik. That on one hand in the case of Kashmir there is no 'Instrument of Accession', even in the library of India, in England, one could not find an 'Instrument of Accession' and India claims that Maharaja Hari Singh signed the 'Instrument of Accession' with India. But in the case of Junagadh here is a clear cut written document available; and even the issues like, Junagadh state will surrender the foreign policy, defense and communication to Pakistan were also settled. But India doesn't accept the claim of Pakistan neither on Kashmir nor on Junagadh. It has been the Indian double standards. It is not a decolonization completed but it's a new colonization by India that continues even in the 21st century.

Junagadh and the sovereign in exile H.E Nawab of Junagadh are still waiting for the justice. Since, Sir Zafarullah Khan filed the case in U.N, no progress made yet in this regard. The successive governments have been unable to project the case of Junagadh forcefully and rightfully where it deserves. Kashmir issue which always remained

dominant in the foreign policy of Pakistan there is no doubt that the gravity of the situation, the humanitarian crisis, the sacrifices in case of Kashmir are of grave concern but Pakistan could have forcefully presented the case of Junagadh, Manavadar and Hyderabad not only at the UN forum but also on media, on international forums which it lacked unfortunately. Efforts remain to be made from our side in order to make sure that at least sufferings and injustices meted out to the people of Junagadh, which continues to happen till today, come to an end. H.E Nawab of Junagadh has been single handedly doing this effort internationally and regionally and now in Pakistan. But Govt. of Pakistan should take up this issue at the international forums because it is against the right of self-determination, that the representatives of the state decide in the favor of Pakistan and India forcefully occupy it.

**Mr. Ahmer Bilal Soofi**

*Expert on International Law & Former Federal Minister for Law & Justice*

The agreement of 'Instrument of Accession' between Quaid-e-Azam and Nawab of Junagadh which also bears the signature of Nawab of Junagadh is an important legal instrument and an international treaty which is in complete conformity with International Law. Issue of Junagadh is legally alive until such 'Instrument of Accession' is intact (intact means, legally intact). The matter of H.E Nawab of Junagadh is very unique case in international law. In the eye of municipal law and international law, the legal status of Nawab of Junagadh is 'Sovereign in Exile' which has its rights under international law, that someone who has lost the occupation or possession of his territory but has the legal document. We can also state it like that, owner of land is 'one' with its legal document but 'someone else' has occupied his land illegally so according to International Law, till date the lawful ruler of the state of Junagadh is Nawab of Junagadh. But his legal status depends on how we treat him (H.E Nawab of Junagadh). In simple language of law, we say that, you have Registry but not Possession so rights exist and such rights are acknowledged in International law. A Sovereign who is on your territory in state of exile, we need to respect him. So keeping this issue legally intact Government of Pakistan is paying some amount under the

lawful settlement with them, and Junagadh square is still visible in the official map of Pakistan as the territory of Pakistan.

### **Raja Zafar ul Haq**

*Leader of the House, Senate of Pakistan*

Kashmir and Junagadh issues have their respective importance and should be pleaded simultaneously. And the 'Instrument of Accession' is still valid according to international law. We would Inshallah review the suggestions raised in today's discussion and would present to government for necessary preparation and policy formulation. No further commitment is required after historical signature of our Quaid on 'Instrument of Accession'. At the end, I would say our stance on these issues is very clear and justified under the resolutions of UN. Therefore, we have more responsibility than H.E Nawab of Junagadh to pursue and defend this case.

### **Interactive Session**

After speakers expressed their views, interactive session was held and speakers answered various questions in detail and said:

The first 15 days after independence were very critical as the Nawab of Junagadh was very conscious of the lives of his people in case of any aggression. The Nawab of Junagadh saved the bloodshed by his political sagacity, so the concept of good governance was also there; this is not only legal based case or the case of mere forced occupation but also a humanitarian issue.

When Nawab of Junagadh, came to Pakistan he also brought the business community of Junagadh along with him, which supported trade and commerce of Pakistan in its early days. All the Memon community which is settled in Karachi came along Nawab of Junagadh.

The issue of Junagadh is also a human rights issue so the respective institutions should also take the notice. Junagadh case should be revived through media and academia and all other sources. Pakistan still owns the Junagadh issue and in 1996 Minister of Foreign Affairs stated that Pakistan owns the Junagadh issue and will continue unabated struggle for Junagadh.

## **Recommendations**

From the discussion and suggestions put forward in the seminar, following recommendations extracted:

- Junagadh is an integral part of Pakistan lawfully as there is a genuine 'Instrument of Accession' duly signed by Nawab of Junagadh & Quaid e Azam, so it means that Indian occupation is illegal, and Pakistan's claim on Junagadh is still legally genuine at international level because 'Instrument of Accession' is still intact; so Pakistan should fight for this case on all international forums.
- Government of Pakistan should deal with all disputes with India, including Kashmir, Junagadh and Hyderabad simultaneously.
- To make the issue of Junagadh alive, it is the responsibility of whole Pakistani nation especially media, academia, civil society and all other institutions to play their role to bring the issue of Junagadh in limelight.
- In the Ministry of Foreign Affairs of Pakistan a desk of Junagadh should be established like Kashmir desk; as well as a committee in the parliament should also be established.
- Government of Pakistan should announce a Junagadh House in Islamabad which should have a legal status like Kashmir House & all Provincial Houses.
- The facilities to his Excellency Nawab of Junagadh should be extended by the government of Pakistan in recognition of his sacrifices and to ensure that he can handle this case more effectively.