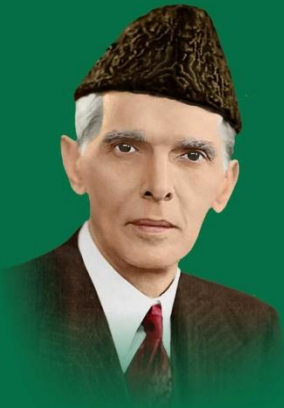




JUNAGADH

PURSUIT OF UNTOLD HISTORY & FACTS



Compiled & Edited by

**Sahibzada Sultan Ahmed Ali
Mujeeb Ahmad, Ph.D.**

Junagadh

Pursuit of Untold History and Facts

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Sahibzada Sultan Ahmed Ali
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Contents

Acknowledgements	EDITORS	ix
Contributors		xi
Introduction	SAHIBZADA SULTAN AHMED ALI	xix
Administration of Junagadh State under the Babi Dynasty	MUHAMMAD RASHID & MUDASSIR AYUB	01
Discrepancies in Indian Standpoints over Accession of Junagadh State within the Context of Indian Independence Act, 1947	MUHAMMAD ASIM	23
Sifting Facts from Fiction about Junagadh	AALIA SOHAIL KHAN & ASMA ZAHOOR	49
Accession of Princely States to Pakistan: A Comparative Study of Junagadh and Bahawalpur	RANA PERVAIZ IQBAL & SYED MUSSAWER BUKHARI	61
Validity of Pakistan's Claim on the Issue of Junagadh: An Analytical Approach with a brief Disucssion on Kashmir Issue	JULIYANA USMAN WACHANI & USMAN WACHANI	75
Junagadh State: An Examination of the Two Divergent Approaches	ALTAF ULLAH	87
An International Law Perspective on the Case of Junagadh State	ASIF TANVEER AWAN, JAVED IQBAL & MUHAMMAD WAQAR	101

Accession of Junagadh State with Pakistan in the Light of International Law on Occupation	SAMZA FATIMA	119
Issue of Junagadh: Dead or Alive	IMRAN NASEEM	133
New Political Map of Pakistan: A Case Study of Junagadh State Accession	MUHAMMAD MEHBOOB	153
The Revival of Junagadh Issue in the 21st Century: Challenges and Prospects	TARIQ KHAN & MUJAHID HUSSAIN SARGANA	167
Modern Discourses on Junagadh Issue: A Critical Analysis	MUHAMMAD WASEEM ABBAS & MUHAMMAD KASHIF ASLAM	183
Socio-Political and Economic Role of Junagadh Community in Pakistan	NIDA KANWAL	201
Geo-Political Importance of Junagadh State in the Indian Subcontinent	MUHAMMAD BASHIR JANJUA	223

Annexures

Presidential Remarks	NAWAB MUHAMMAD JAHANGIR KHANJI	243
Special Remarks	AHMER BILAL SOOFI	245
Role of Dewan (Prime Minister) of Junagadh: A Historical Perspective	BASHIR MUHAMMAD MUNSHI	251

Chronology of Events	257
Junagadh Resolution Adopted in Karachi on the Occasion of Independence Day	263
Resolution of the Conference “Junagadh: Challenges & Prospects”	269

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Introduction

From historical as well as political perspective, the Junagadh issue has not received its due attention. However, without any doubt, Junagadh is Pakistan's territory that is under illegal Indian occupation. After Partition of the Indian Subcontinent, Junagadh state was the first state that acceded to Pakistan and very few academic researches have addressed or even highlighted this issue.

The national conference titled 'Junagadh: Challenges and Prospects' held on September 14, 2021 at Islamabad, Pakistan was aimed at highlighting the history of the Junagadh issue, recent developments, its status under international law, and the role of Junagadh community in Pakistan in a wider context. Academics from various universities and research institutions as well as key personalities participated in the conference to present their research and analysis on the subject. The selected papers presented in the conference have been included in this book for the readers. It is the first ever such publication of its kind dedicated to the issue of Junagadh.

This book sheds light on the issue of Junagadh from various perspectives. From historical perspective, it presents an overview of the administration of Junagadh State under the Babi Dynasty. The state's strong administrative structure speaks clearly on the reality that Junagadh was indeed an affluent princely state. From an international perspective, this book also embraces its audience with deep insight regarding the legality of the issue. It describes in detail all cannons of international law that interpret the legality of the issue as valid and authentic. It also intends to analyse the different resolutions to trace the legal roots of Junagadh issue, its current status, and stance of India and Pakistan on Junagadh in the eyes of international law. Socio-political and economic perspective included in the book looks into the contribution of Junagadh community in the socio-economic development of Pakistan. For instance, the contribution of Memon family, Mohammad brothers and Abdul Sattar Edhi, all of whom

belonged to the Junagadh community. It will serve as a fresh perspective which presents a modern discourse on the issue of Junagadh, especially after the unveiling of the New Political Map of Pakistan.

The book critically describes the modern discourses, and developments on the Junagadh issue, such as, the efforts made on the issue in the previous century, the recent developments on the issue, and their key characteristics and achievements, the difference of these discourses from previous ones, as well as the impact of such discourses. Annexures that relate to historical facts have also been included in the end of the book in the chronological order of historical events.

The book essentially serves as the embodiment of all the aspects on the Junagadh issue which have yet to be fully researched by the academia and the research community. The first step in this direction taken by all the authors in this book, especially conference academic committee comprising of Prof. Dr. Samina Awan, Dr. Mujeeb Ahmad, Dr. Sajid Mahmood Awan, Dr. Farooq Ahmad Dar and Dr. Fakhar Bilal, deserve great appreciation in this regard. Efforts rendered by the team of MUSLIM Institute are also commendable especially the volunteers who supported during the editing process. I am thankful to all the researchers who contributed papers and presented their ideas in the conference enabling us to publish this book. I am indebted to His Highness Nawab of Junagadh Nawab Muhammad Jahangir Khanji for his input. I am confident that the book will be helpful in providing the researchers with the necessary preliminary knowledge on the topic which they can use to further their research on this critical matter.

Sahibzada Sultan Ahmed Ali
Dewan of Junagadh State
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Junagadh: Pursuit of Untold History and Facts

Compiled & Edited by
Sahibzada Sultan Ahmed Ali
Mujeeb Ahmad, Ph.D.

Administration of Junagadh State under the Babi Dynasty

Muhammad Rashid* & Mudassir Ayub**

Abstract

Junagadh was one of the five hundred and sixty-two princely states of the Subcontinent. The Nawabs of Junagadh took remarkable steps for the administration and development of the state. It was a prosperous state which was the second largest among Muslim states in terms of revenue generation. It had a standing army of its own, a railway and postal system, and sixteen small and big ports. The state had an effective political and governance system that ensured peace and order in the state. The rulers of the state promoted education in the state; and education was free for all the residents of the state irrespective of their religion and caste. Furthermore, the state provided free health facilities and food for the needy people without discrimination. In this study, a comprehensive discussion is made about the administrative systems and strategies of the rulers of Junagadh.

Introduction

Junagadh was a maritime state in the Kathiawar Peninsula, 300 miles down the coast from Karachi. Its area was 3,337 square miles and about 700,000 population according to the census of 1941. Junagadh city (the capital of Junagadh State) had been an important part of the region since antiquity. Junagadh was officially declared an independent sovereign state by Sher Khan Babi in 1736 (Campbell, 1896). It has been ruled by the Nawabs of the Babi dynasty ever since. The Nawabs

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of Junagadh did not only establish the state but also developed it economically, politically, and socially. Before the end of British colonial rule in Indian Subcontinent, Junagadh State was the fifth leading state of 562 princely states in terms of revenue generation and the second largest Muslim state of India (MUSLIM Institute, 2021).

This study discusses the administrative affairs, measures, and reforms by the Nawabs of Junagadh. It describes the administrative efforts of each ruler until the time of Nawab Mahabat Khanji-III when the state acceded to Pakistan and, soon after, illegally occupied by India. This study explores the answers to questions like; what was the structure of the state's administration and how did it evolve, what were the economic policies of the Nawabs, and what social reforms were made in the state over time for the welfare of the subjects?

Political and Administrative History of Junagadh

The history of Junagadh can be traced back to 250 BC. The Greeks and Romans named this region 'Saurastrene' which, during the Muslim rule, became 'Sorath'. The region is named as Kathiawar due to the people known as '*Kathis*', who entered the region in the thirteenth and fourteenth century from Sindh (Amarji, 1882). It has been ruled by Greeks and Hindus till the end of the thirteenth century. In 1297, Sultan Alauddin Khilji conquered Gujarat and made it a province of the Delhi Sultanate. It was governed by sovereigns of Delhi from 1297 to 1403 (Campbell, 1896; Nadvi, 1971). The Ahmedabad Kings, also known as Sultans of Gujarat, ruled over Gujarat from 1403 to 1573. In 1403, Sultan Zafar Khan declared Gujarat independent from Delhi and founded Gujarat Sultanate (Mitra, 2005; Campbell, 1896). In 1573, Mughal Empire conquered Gujarat Sultanate. The Mughals declared Gujarat a province of their empire. They ruled over Gujarat till 1758 when the Mughal viceroy Momin Khan was defeated by the Marathas (Commissariat, 1938).

In 1556, the Mughal emperor Humayun regained the throne with the help of the Afghan tribes. Usman Khan Babi, who was the chief of the Yousafzai tribe, also gave his full support to Humayun. The Mughal emperor Humayun promoted Usman Khan to a higher position in the

Mughal Army in favour of the given help. Bahadur Khan Babi, son of Usman Khan Babi, remained in the Royal service of Emperor Akbar during the latter part of his rule and rose to prominence during the rule of Shah Jahan and received lands in Gujarat. Sher Khan Babi, son of Bahadur Khan, was a favourite of Emperor Aurangzeb for his services in suppressing the uprisings in Gujarat and adjoining territory (Rashid, 2002). In 1693, Jafar Khan, the son of Sher Khan, was given control of Munjpur, Sami, Radhanpur and Tervada. He was also given the governorship of Bijapur and Patan (Hunter, 1881). Safdar Khan had two sons: Muhammad Salabat Khan and Muhammad Jahan Khan. They were also actively engaged along with his father to assert control of the Mughal Empire in Gujarat and Kathiawar. In 1725, Safdar Khan Babi died.

With the death of Aurangzeb in 1707, the period of strong administration and peaceful progress in Gujarat witnessed a decline. The Marathas took advantage of the circumstances and started bloodshed and looting in Gujarat and Kathiawar. In 1728, the governor of Junagadh Asad Ali died and appointed Salabat Khan Babi as the deputy governor of Junagadh on his deathbed. Salabat Khan Babi instructed his son Sher Khan Babi to act on his behalf as deputy governor of Junagadh. The Mughal emperor appointed Ghulam Muhyud-din, son of Asad Ali, as governor of Junagadh but he did not come and Sher Khan Babi continued as his deputy. In 1730, Ghulam Muhyud-din removed Sher Khan from the post of deputy of Junagadh. However, he was given the charge of Baroda by the Maharaja. In 1734, Marathas captured Baroda in the absence of Sher Khan. In 1736, Sher Khan was again given the charge of deputy governor of Junagadh by Governor Himmat Ali Khan (Campbell, 1896). However, the incursions of the Marathas were increasing day by day into Kathiawar causing political and social unrest. The chiefs and subjects of Kathiawar requested Sher Khan Babi to take charge of the management and organize the entire region. In 1736, he formally established an independent state of Junagadh (Ahmad, 1934).

The Babi family established three other states in Kathiawar namely: Radhanpur, Balasimor, and Bantva. Their administrative and state

affairs were under the control of Junagadh. Babi dynasty made historic and unprecedented administrative improvements and developments in Junagadh and ruled afterwards. The following table contains a brief description of the respective eras of the Nawabs of the dynasty which will be discussed in the following sections (Buyers, 2000).

Table1: Names and respective reigns of the Nawabs of Junagadh
(Buyers, 2000)

Name	Reign (AD)
Muhammad Bahadur Khanji-I or (Muhammad Sher Khan Babi)	1736–1758
Muhammad Mahabat Khanji-I	1758–1774
Muhammad Hamid Khanji-I	1774–1811
Muhammad Bahadur Khanji-II	1811–1840
Muhammad Hamid Khanji-II	1840–1851
Muhammad Mahabat Khanji-II	1851–1882
Muhammad Bahadur Khanji-III	1882–1892
Muhammad Rasul Khanji	1892–1911
Muhammad Mahabat Khanji-III	1911–1948

The political system of Junagadh State was closely linked with the previous political system prevalent in the region as set by the Sultans of Gujarat and the Mughal Empire. Political foundations of the region were based on a monarchical system. In Gujarat Sultanate, the head of the state was called the ‘Sultan’. While in Mughal Empire, he was called the ‘Emperor’. In the Junagadh state, the title of the head of the state was ‘Nawab’. The selection process of the head of the state was

also like previous setups. It was a hereditary system in which the head was appointed by the Nawab in his life who was called *Wali-e-Ehd*. However, the Nawabs of Junagadh made some remarkable changes in the political system of the state with the passage of time. They established two key political institutions i.e., ‘State Council’ and ‘Advisory Council’. The members of the state council were called ministers or simply members. A head of the cabinet was appointed, known as the ‘Dewan or the Prime Minister. The Dewan was selected by the Nawab by his own will. In the beginning, the members of the state council were also selected by the Nawab, and later by the Dewan. Ministers in the state council were appointed based on merit in their respective fields without any religious, racial, or national prejudice. Separate offices were set up for each minister where he would sit and perform his duties related to the administrative affairs of the state. The primary objective of the state council was to maintain the administration and business of the state (Ahmad, 1934, p.374; Lakhani, 1989, p.23).

The advisory council comprised of social leaders, religious leaders, businessmen, landlords, intellectuals, and feudal lords. They were elected as representatives of the people without any religious or racial prejudice. The purpose of the advisory council was to seek public opinion on any important issue of the state. Whenever there was an important issue before the state, a meeting of the advisory council would be convened (Ahmad, 1934, p.374; Lakhani, 1989, p.23).

In the period of the Gujarat Sultanate, Gujarat was governed by the ‘*Sarkar*’ or district system. There were more than twenty-five *Sarkars* in Gujarat. In this period, Junagadh was included in the *Sorath Sarkar* with its seat at Junagadh Fortress. The Mughals, after taking control of Gujarat, declared it a province of the Mughal Empire. They included sixteen out of twenty-five *Sarkars* in the province of which nine were under the direct control of the empire. Junagadh was also under the direct control of the empire. They appointed governors to each *Sarkar* to take care of the administrative affairs of the *Sarkar* (Commissariat, 1938). Sher Khan Babi, the first Nawab of Junagadh, was actively engaged in wars to strengthen and consolidate his government from the

foreign aggression of the Marathas. After the death of Sher Khan Babi in 1758, his son Mahabat Khan-I ascended the throne on October 2, 1758 (Buyers, 2000).

It was a time of restoration of social and political stability for the entire region of Gujarat. In February 1758, the last governor of the Mughal Empire was defeated by the Marathas and Gujarat came under their ruler-ship. They were trying to dictate and control local chiefs to assert their power over them. The Kathiawar peninsula was facing its impact. The Gaekwads of Baroda were trying to assert their influence over the Kathiawar peninsula. Moreover, the chiefs of different states of Kathiawar were often engaged in conflicts with each other. The state of Junagadh was also in a constant struggle to safeguard itself against foreign aggression. The Marathas including Peshva and Gaekwads of Baroda were the only paramount power in the region. They were beneficiaries of the political unrest. They had developed a system of providing securities to the local chiefs in their financial and political dealings. But their system was based on extortion and injustice. By the end of the 18th century, the influence of Marathas in Gujarat and Kathiawar was on the decline due to the emergence of British influence in the region. They gradually replaced the Marathas as paramount power and tried to bring peace and order in the region (Campbell, 1986).

In 1807, an agreement was reached between Colonel Walker, Junagadh and the peripheral states of Kathiawar, which was named Walker Settlement. Junagadh, being an important and premier state of the region, was given the right to receive taxes called '*Zor Talbi*' from all the states in Kathiawar. The state of Junagadh had to pay an annual payment of Rs. 28,394 to the British. One of the advantages of this agreement was that many surrounding states of Junagadh, ruled by the Hindu Rajas, were completely at peace and no Raja ever tried to disrupt the peace of these areas (Lakhani, 1989).

In 1819, the entire region of Kathiawar came under the control of the East India Company after the defeat of Marathas against the British. In 1820, Captain Barnwell, the first British political agent in Kathiawar, was appointed as a representative. In the reign of Nawab Hamid

Khanji-II from 1840 to 1851, the opponents of the state took advantage of the situation and tried to disintegrate the state. Therefore, Nawab's most of time and energy was spent on the security measures of the state (Watson, 1884, p.57).

The reign of Nawab Mahabat Khanji-II was the pinnacle of administrative reforms in the state. He brought unprecedented reforms in the political, economic, and social sectors. In 1863, he formed two cabinets, State Council and Advisory Council, to bring reforms to the administrative affairs of the state. He also improved and organized the judicial system in 1863 to maintain law and order in the state. In this system, 30 criminal courts were set up for criminal cases and 26 civil courts for civilian cases. Competent judges were appointed who ruled beyond religious or racial prejudices. Renowned jurists like Sir Feroze Mehta, Sir Chaman Lal, and Seattle Dad served as Justices in the state of Junagadh (Rendall, 1914, pp.19-20; Watson, 1884, p.64).

In 1866, the department of registry, department of education, and department of sanitation were reorganized. The education department had special supervision of the Nawab; therefore, the department was also given a lot of financial support (Ahmad, 1934, p.379). moreover, revenue office, *tosha khana* (food preservation house), measurement department, dewan office, and forest department were also established at that time (Ahmad, 1934, p.172). In 1867, a monthly magazine *Dastur-ul-Amal* was launched at the official level to keep the people informed about government messages, state developments, and national and international news (Ahmad, 1934, p.381).

In 1870, the police department was reorganized. Crown Prince Bahadur Khanji was appointed as the commissioner of police on a police force of 1,000 cavalry and 6,000 infantries (Ahmad, 1934, p.394, p.415; Watson, 1884, p.67). In 1890, the Nawab formed a special security force for the state which was named 'Imperial Service Troops'. The establishment of this force cost Rs. 2 lakhs while Rs. 60,000 was allocated annually for this force (Ahmad, 1934, p.473). On February 1, 1924, Nawab Mahabat Khanji-III formed an organized force exclusively in the state named Junagadh State Infantry. The task of this

force was to prevent violent acts in the state and suppress criminals (Ahmad, 1934, p.177, p.737).

Economic Aspects of Junagadh State

The economy of the Indian Subcontinent was mainly based on agriculture and trade. In the Mughal period, the economy of the Subcontinent was thriving. The province of Gujarat was also contributing through agriculture, trade, and manufacturing. It was famous for manufacturing Silk and Cotton products (Nadri, 2009; Subrahmanyam, 2019).

Junagadh State was famous for its ports and long coastal line. Therefore, it was also a key source of income for the state apart from agriculture and trade. Which were the main sources of income for the people of the state in the beginning. Hamid Khanji-II made efforts, in the early days, to improve the economy of the state. One of his efforts was the mining of gold. In 1842, work was started to extract gold from the river (Ahmad, 1934, p.350).

Nawab Mahabat Khanji-I established the department of revenue during his reign to collect revenue from imports and exports. After the establishment of this department, the economic system of the state was greatly facilitated (Ahmad, 1934, p.307). In his time, Amarji Kanwar was appointed as minister of the state. Amarji was considered the most experienced minister in the history of Kathiawar (Amarji, 1882, p.143). When Nawab Hamid Khanji-I took over as the third Nawab of the state in 1774, Amarji was still the Dewan of the state. After Walker Settlement due to British pressure Amarji started taxes named '*zor talbi*' (Buyers, 2000). In 1807, the state of Junagadh entrusted the company with the responsibility of collecting the revenue of all the states. The revenue department thrived to such an extent that it collected total revenue of Rs. 1,817,232 in various items in 1876 (Watson, 1884, p.68). In July 1895, the Alienation Settlement Department was established. The function of this department was to examine the rights of the landlords and to fix taxes on them (Ahmad, 1934, p.514).

The income resources of the state increased from just agriculture and trade to land revenue, customs, toll taxes and the manufacturing sector. The economic reforms started rapidly in the reign of Nawab Rasool Khanji in 1892. Sir Rasool Khan Limited Company was established on March 11, 1908, to strengthen the state in terms of industry. The company used to make spin yarn (Ahmad, 1934, p.567). Nawab's interest in development work in the state was prominent and new projects were being envisaged constantly. In this regard, a market was planned to be set up in Junagadh city from where people could buy all the essential items. On January 24, 1910, Sir George Sid IX Clark, Governor of Bombay, laid the foundation stone of the market (Ahmad, 1934, p.583). The reign of Nawab Mahabat Khanji-III was the time when modern industrial and economic reforms were introduced in the state. In 1914, seventeen factories were operating in the state out of which six were cotton factories. These factories played an important role in the industrial development of the state (Rendall, 1914, p.34).

The Nawab was also taking an eager interest in trading. Therefore, he started the up-gradation work of the Veraval port under the supervision of the British engineer Bell Scott in 1886. In this project, 1846 feet long and 11 feet high wall was constructed, and 50 feet high lighthouse was erected at the cost of Rs. 400,000. The Veraval port was again upgraded in the reign of Nawab Mahabat Khanji-III who focused to expand the sphere of business activity by sea. The work on the port of Veraval began in 1914 and was completed on March 31, 1918, for Rs. 500,000. In the state, most of the trade with foreign countries was carried through the sea route. In the trade sector, 16 small and big ports were established in the coastal areas of the state. These ports also played an important role in thriving the states' economy (Ahmad, 1934, p.379; Watson, 1884, p.11).

Economically, the business community also played a significant role in the stability and revenue generation for the state. The merchants of Junagadh were well-known all-over the Indian Subcontinent and their trade extended to all the major cities. The merchants of Junagadh expanded their business abroad after establishing trade centres in the state. They also owned a few foreign companies besides Vegetable

Company, Western India Match Company, Tata Oil, and Burma Oil. Various industrial units were set up which were controlled by the well-versed industrialists of the state. A sugar factory in the state city of Shahpur, a sewing factory at Veraval, a leather factory at Nawagadh, and an ice factory at Junagadh were set up during the reign of Nawab Mahabat Khanji. In 1945, a joint venture was agreed upon between the state's industrialists and the government. Kathiawar Industries was set up for Rs. 10 million under the patronage of Nawab Mahabat Khanji and Latif Ibrahim Bawani. Dilawar Syndicate Company named after the crown prince was established for the manufacturing of pottery, and later the machinery of salt works was installed. The state had 1 factory for dyeing, 25 factories for extracting cotton, 5 factories for pressing cotton, 1 factory for chopping wood, 5 factories for extracting oil, and 11 flour and oil mills (Ahmad, 1934, pp.182-183; Lakhani, 1989, pp.29-32). The agriculture sector was of special importance to the state. The state produced cotton, wheat, gram, maize, groundnut, and millet while onion production was very popular and there were mango orchards in the state. Nawab Mahabat Khanji had also given many reliefs to the farmers for the promotion of agriculture and the Department of Agriculture was set up to look after all the matters related to agriculture (Watson, 1884, p.4).

In the Junagadh State, the scope of trade expanded tremendously during the reign of Nawab Mahabat Khanji-III. A lot of items, in which the state was self-sufficient or the number of items that exceeded the state requirement, were sold to other states and countries. While some of the items needed in the state were imported. In this timespan, imports were Rs. 791432 while exports were Rs. 102103 (Rendall, 1914, p.43).

Social History of Junagadh State

Nawabs of Junagadh were well educated. As the statesmen, they were used to accepting the modern challenges and tried to equip their subjects with all modern means of capacity building and successful life especially education, culture, and modern means of communication.

Junagadh state was a welfare and modern state which was focusing on imparting modern education to its subjects. However, the state initially had a traditional education system. It was improved and converted into a modern education system by the administration of the Nawabs of Junagadh with the passage of time. There was free education in the state and most of the students used to get scholarships.

In the period of the Mughal Empire, the education system was comprised of two kinds of educational institutions. These educational institutions were named *maktab and madrasah*. These institutions were run by the state as well as private individuals. *Maktab* was a primary education institution while *madrasah* was associated with higher education prevalent in the society at that time (Khan, 1835). A similar education system was also found in the Kathiawar Peninsula (Ahmad, 1934).

Remarkable educational reforms were brought in Junagadh State by Nawab Mahabat Khanji-II. He, due to his keen interest in education, opened new departments and educational institutions to provide educational facilities to the people. In recognition of the establishment of welfare institutions and public services, he was given the title of 'Sir' by the government of the United Kingdom (Ahmad, 1934, p.420; Watson, 1884, p.58). He established the first regular education department in 1854. Eighty educational institutions were operating in the state by the end of his reign. In the same year, he provided financial assistance for the promotion of modern sciences in Kathiawar. On March 17, 1854, Urdu, and Sanskrit schools were established in Junagadh city (Ahmad, 1934, p.361). He also paid special attention to the education of girls in the state and established a school for girls on September 4, 1862, which was named after Nawab's Begum Ladli Bibi Kanya Shala (School) (Ahmad, 1934, p.373).

In 1867, he built a library named after Prince Bahadur Khanji to promote the trend of education and academic research among the people of Junagadh (Ahmad, 1934, p.381). In the same year, a printing press was set up by the state to print magazines, books, and newspapers (Ahmad, 1934, p.381). In 1873, Nawab Mahabat Khan-II, in collaboration with the Mumbai Board of Education, started to raise

funds to open a modern school named Bahadur Khanji High School in the state. The school was inaugurated in the same year under the patronage of the Nawab (British Library, 2021).

In the reign of Nawab Bahadur Khanji-III, the state of Junagadh made further progress. Various educational institutes were financed and modern-style educational and health institutes were established (Ahmad, 1934, p.439). The Nawab established Muhammadan English Urdu Gujarati School in 1882 in which modern scientific education was given to the children. It was done to equip the people of the state with modern sciences. He further established *Mahabat Madrasah* in recognition of Sir Mahabat Khan's services in the state. The foundation stone of the school was laid on November 23, 1884, by Sir James Ferguson, Governor of Bombay (Ahmad, 1934, pp.445,447). On December 14, 1886, the *madrasah* was officially inaugurated by Sir James Ferguson. The construction of the *madrasah* cost a total of Rs. 80,000. A hostel was also built in the *madrasah* to accommodate the children. Scholarships were given exclusively to the gifted students of Junagadh. In this *madrasah*, students were taught Gujarati, Persian, Urdu, Arabic, and English languages (Ahmad, 1934, p.455).

In 1885, scholarships of Rs. 200 per month were announced for Junagadh students studying in the United Kingdom. The Mahabat Fellowship was established in recognition of the services of Nawab Mahabat Khanji. The students could easily complete their graduation at low fees in institutions located in other cities under this scholarship. On February 16, 1887, the Nawab announced the Victoria Jubilee Junagadh Scholarship in which Rs. 3000 per annum was fixed for those students going to England for education (Ahmad, 1934, p.461). In 1889, an amount of Rs. 30,000 was also given for a college in Gujarat (Bhalodia-Dhanani, 2012, p.139). Nawab Rasool Khanji, during his reign, expanded the library of Junagadh and a beautiful two-story building was erected on the main square in the middle of the city, along with a museum. The foundation stone of the building was laid in 1897 by Lord Sand Hurst, Governor of Bombay, and it was inaugurated in 1901 by Lord North Hart, then Governor of Bombay. The library contained 22,000 books in many languages besides Urdu, Persian,

Arabic, and Sanskrit. Many of these books were very rare (Lakhani, 1989, p.27).

Another remarkable development in his reign was the establishment of Baha Uddin College and Technical School in recognition of the services of Sheikh Baha Uddin, the trusted minister who served in the ministry during the rule of the three Nawabs of the state. When Sheikh Baha Uddin reached the age of 60 in 1897, his colleagues collected Rs. 60,000 for the construction of a monument for his sincere services to the state and the people. The government decided to build Baha Uddin College from this fund with an increase of Rs. 1.5 lac. The foundation stone of the college was laid in 1897. The construction of the college was completed in 3 years. It was inaugurated by Lord Curzon on November 3, 1900. The college was affiliated with the University of Bombay. Accommodation facilities were provided for the students living out of the station. Poor and deserving students were provided free admission and accommodation. Regular scholarships were also offered to gifted students (Ahmad, 1934, pp.519,534; Edwardes, 1907, p.35; Lakhani, 1989, p.26).

The reign of Nawab Mahabat Khanji-III was prosperous in which technical and industrial development was being introduced in the state. Therefore, the Nawab also focused on the technical education of the students of the state. He transformed the technical school into the Engineering Apprentice School in 1914. The school taught machine drawing, carpentry, electrical fitting, leatherwork, and other handicrafts in the English syllabus (Rendall, 1914, p.45). The Modern Bahadur Khanji High School was inaugurated on November 20, 1917, in a spacious building constructed for Rs. 300,000. The modern *madrasah* was constructed for Rs. 44,000 and was converted into Gracia College (Ahmad, 1934, p.667). Junagadh Anglo Vernacular School was started in 1929 by separating some grades of students from Bahadur Khanji High School (Ahmad, 1934, p.782).

Regarding the health system, in the Mughal period, there were government hospitals in every Sarkar of the provinces. In Gujarat, there were only two government hospitals Surat and Ahmedabad. In the smaller areas, the traditional health system was yet prevalent in which

patients were treated by local *hakims*. There were also pharmacies in the state for medical treatment where expert Greek physicians were appointed by the government. People were treated free of cost in these pharmacies (Khan, 1835). In the state of Junagadh, the traditional health system was used for more than a century. The state had small-scale dispensaries and pharmacies for the treatment of the people.

Further developments in the health system started during the reign of Muhammad Mahabat Khanji-II. In 1878, he built a charitable hospital in the state to get rid of an epidemic. Poor patients were treated for free in the hospital. It was the first hospital of its kind in the Indian Subcontinent (Ahmad, 1934, p.413). There was also a need for a hospital for the treatment of Leprosy on a large scale. Therefore, Nawab Bahadur Khanji-III established the Prince Albert Leprosy Hospital on March 21, 1890. The foundation stone was laid by Prince Albert Victor. The hospital provided free treatment for Leprosy to the poor people of the state (Ahmad, 1934, p.476; Lakhani, 1989, p.24).

In his reign, Nawab Rasool Khanji built Rasool Khanji General Hospital whose foundation stone was laid on December 2, 1896, by the Governor of Bombay, Lord Hurst (Ahmad, 1934, p.524). Moreover, a separate hospital for the treatment of women was set up in the state city of Rajkot where deserving and poor patients were treated free of cost (Ahmad, 1934, p.521). Nawab Mahabat Khanji-III built another hospital for the special treatment of women in the state, which was inaugurated on February 11, 1913, by Administrator Randall (Ahmad, 1934, p.636). In 1913, he also established the St. John's Ambulance Association to provide in-house treatment for patients and transport patients to hospitals. (Ahmad, 1934, p.636). In 1923, a maternity hospital for women was established at a total cost of Rs. 125,000 (Ahmad, 1934, p.736).

Religious and Cultural Perspective of Junagadh State

The state of Junagadh was multicultural, multi-ethnic, and multi-religious. The majority of its population was Hindu, and the Muslims made the second majority. There were also some people from other religions including Jainism, Buddhism and Christianity (Shah, 1998).

Furthermore, the people also belonged to many castes. Hence, maintaining peace and order in the state was also a challenge for the Babi family. The Nawabs ruled over the state of Junagadh by treating every subject on humanitarian grounds. It was due to the influence and company of Sufis that the Nawabs of Junagadh had often enjoyed (Ahmad, 1934).

In some Hindu communities, *Sati* and the killing of girls immediately after birth was an ancient ritual. The British government announced the abolition of the practice of *Sati* and daughter killing in India, but they had difficulty in implementing it. In 1838, Nawab Bahadur Khan-II imposed a complete ban on the such practice in the state. No such incident was reported in the state since the announcement of the ban (Watson, 1884, p.57). The Nawabs did strategic developments to promote multiculturalism and interfaith harmony in the state. They built stairways on many hills at which both Hindus and Muslims had religious places of worship. They also built separate institutions for minority groups to promote their education and training. Religious community centres were provided with daily food and monthly sums. This tolerance and religious harmony were also due to the close affiliation of the Nawabs with the Sufis of the state and their teachings.

The old and traditional religious places of worship were established on various hilltops in the state. However, people had to take difficult routes to reach the hilltops. Therefore, a plan was drawn up to build stairs on these hills. In 1888, during the reign of Nawab Bahadur Khan-III, 12,000 steps were built on Gorakhnath hill (Lakhani, 1989, p.25). In the reign of Nawab Rasool Khanji, stairs were built to reach Datar hill. Similarly, in 1900, stairs were built on three more mountain tops.

There were historical and traditional temples in the state which were run with the help of the state and rich individuals. These temples were also the centres of education for Hindus. Therefore, the religious education centres for Hindus were in abundance. The Nawabs of Junagadh focused on the development of mosques and *madrasahs* for the Muslims in the state as well. In the reign of Nawab Bahadur Khanji-III, the jewellers of Veraval city raised funds and established

Madrasah Taqwiat-ul-Islam for the education and training of Muslims. The Nawab visited Veraval city, inaugurated the Madrasa, and gave funds for it (Ahmad, 1934, p.467).

Nawab Mahabat Khanji-III built a mosque for Muslim students along with *Madrasah Shaukat-ul-Islam* for Rs. 150,000. On September 25, 1919, the school was inaugurated by Administrator HD Randall (Ahmad, 1934, p.671). Nawab Mahabat Khanji-III inaugurated *madrasah* Al-Muala on January 8, 1922 in Junagadh city. In this *madrasah*, free education was provided to the students along with residential and recreational facilities (Ahmad, 1934, p.710). *Tafsīr Ibn Kathīr* was translated from Arabic into Urdu as *Tafsīr Muḥammadī* by Maulana Muhammad bin Ibrahim Memon Junagadhi. This translation was completed during the reign of Nawab Mahabat Khan III and was continuously published in one part every month from 1928 to 1933. Furthermore, during the reign of Nawab Mahabat Khan III, the famous Islamic books were also translated into Urdu (Iraqi, 2004).

The Nawabs of Junagadh also focused on preserving the culture of the Junagadh region. In 1916, the Junagadh History and Archaeology Society was established to research the history and archaeology of the state of Junagadh (Ahmad, 1934, p.664; Sankalia, 1941). In the reign of Nawab Mahabat Khanji-III, a wildlife preservation institution was developed to preserve the Gir Forest and safeguard Asiatic Lions. The Gir Forest was the 60-square-mile forest that is a unique epitome of the last habitat of Asian lions. Apart from cows, deer, lions, and leopards, many other animals were found in the forest. Extensive measures were taken to protect this forest under the supervision of the forest department (Bhanusinh, 2006; Watson, 1884, p.3). The Nawab also started the Boys Scout Movement on March 7, 1928. Scout training was given to 108 students at Baha Uddin College, Bahadur Khanji High School, *Mahabat Madrasah*, and *Madrasah Al-Maala* under this movement. Scout uniforms and all other expenses were paid by the state (Ahmad, 1934, p.770).

In 1899, a famine struck due to the lack of rain, which caused huge losses to the poor. The state of Junagadh provided full relief to the poor and the farmers' tax was waived; the state spent Rs. 2 million on relief

operations (Ahmad, 1934, p.529). Nawab Bahadur Khanji-III allocated Rs 6 million for educational and various welfare institutions outside the state. He granted Rs. 600,000 for the state education fund and relief operations (Ahmad, 1934, pp.492-493).

The Nawab of Junagadh State established the Department of Protection of Orphans Property in 1883 (Ahmad, 1934, p.448). An orphanage named after Crown Prince Mahabat Khanji was also built in the state. Orphans were provided with accommodation and food in the orphanage. It was inaugurated by Crown Prince Mahabat Khanji and *Naib Dewan* (Ahmad, 1934, p.602).

Infrastructure Development

Nawab Mahabat Khanji-II took a deep interest in the development of the infrastructure of the state. Nawab Rasool Khanji brought the infrastructure development work of the state to its peak. Roads, markets, schools, colleges, hospitals, railways, and departments were built during his reign. The third round of infrastructure development was started by Nawab Mahabat Khanji-III. He reorganized the previously developed infrastructure and developed a lot of new sets of buildings, services, and systems.

Junagadh Postal Service was established in 1864 during the reign of Nawab Mahabat Khanji-II to connect one city with another city in the state and with surrounding and far states as well. The establishment of the postal service made it easier for the people of the state, especially the business community and the public sector, to communicate with each other (Ahmad, 1934, p.378; Lakhani, 1989, p.28).

In 1881, a large prison called Central Jail was built for Rs. 150,000. The prison could accommodate a large number of inmates and was so large that it was the largest prison in any state in Kathiawar and had no precedent in the entire Subcontinent (Ahmad, 1934, p.447; Watson, 1884, p.72).

In 1886, the foundation stone of the Junagadh State Railway System was also laid. The work of the railway system continued rapidly. Jetalsar station was completed in 1886, Junagadh city in 1888, and Veraval in 1889 (Ahmad, 1934, p.453; Lakhani, 1989, p.24). On

December 13, 1886, the Mahabat Mausoleum and the Jamia Masjid were erected (Ahmad, 1934, p.452). Nawab Bahadur Khanji-III allocated Rs 6 million for educational and various welfare institutions outside the state. He granted Rs. 600,000 for the state-funded education fund, construction of historic buildings, and relief operations; Rs. 6 million for railways; and Rs 2.5 for central jail, Dewan office, court buildings, and other structures (Ahmad, 1934, pp.492-493)

In the early twentieth century, electric power in the Subcontinent was limited to the offices of senior government officials in only a few large cities. But Mahabat Khanji made the plan to make Junagadh a city of lights which was completed on August 26, 1929. Lieutenant Colonel Keys inaugurated the electric power plant. The plant was named after Amir Sheikh Muhammad Electric Power Plant in recognition of his services to the state (Ahmad, 1934, p.775).

In October and November, water was abundant in Junagadh due to heavy rains but there was no extensive arrangement for its storage, and a large amount of water was lost every year. It would lead to water shortages for drinking and irrigating crops in the coming months. The Nawab decided to build a dam to resolve this problem. The foundation stone of a dam was laid on May 26, 1929. The dam project was completed in 1936 for Rs. 8 lakhs. The construction of the dam solved much of the water problem in Junagadh (Ahmad, 1934, p.774).

Nawab Mahabat Khanji-III built an air drum system in 1930 at the village of Kishod in Junagadh state, which was a unique project at the time. It led to the construction of a 1372-meter-long airport (Keshod Airport, 2021; Lakhani, 1989, p.32).

A regular telephone service system was also installed in the state. A total of 80 lines were laid out of which 48 were connected to the Raj Mahal, state government offices, and homes of government officials to provide timely notification in case of any emergency.

In the state of Junagadh, an efficient transport service system was introduced to provide people with transport facilities. The people of the state could easily travel to different cities which included Jaitpur, Chowara, Shahpur, Bahadurpur, Keshod Viraval, Banthali and Nawa Bandar. In all big cities, a bus station was also built.

Conclusion

This study has reviewed briefly the administration of the Junagadh State under the Babi Dynasty which was progressive and systematic. It was focused and targeted according to the requirements of the age and the people of the state. It cannot be denied that the Nawabs of Junagadh were working on modern education and administrative reforms in Junagadh. They built hospitals, scientific societies, dams, railways, postal systems, and many more advanced industrial units. The modern scientific developments in the state and the establishment of a network of administrative units reveal the progressive thinking of the Nawabs of Junagadh. The state of Junagadh was among the leading states of British India which was working on practical dimensions of modern education and healthcare system. The state was also equipped with the facilities provided by the technology of that time. These were the unique features of the state and the administration of Nawabs which made the state superior to the rest of the Kathiawar states. Moreover, the creation of the State Council to carry out the administrative affairs of the state strengthened the relationship between the people and the government of the state. Whenever a decision was taken by the state, the opinion of the people was sought through the advisory council. That is why the people had confidence in their rulers and the people never rebel against the decisions taken for the stability of the state by them. Junagadh was given special importance in the Kathiawar region. The Mughal emperors also established a provincial office in Kathiawar and a revenue office in Junagadh. Even during British rule, Junagadh had the power to collect taxes from all the states of Kathiawar and the administrative affairs of some states were also managed by Junagadh.

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Discrepancies in Indian Standpoints over Accession of Junagadh State within the Context of Indian Independence Act, 1947

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Abstract

List of Indian varying standpoints over accession of Junagadh during different events happening between August 15, 1947 to November 09, 1947 show vast level of discrepancies in such a way that duality of Indian leadership over this issue outshines. As this study highlights all the discrepancies in the political perspective of Indian leadership, one of its examples is, at one side, India supported self-proclaimed provisional government under headship of Samaldas Gandhi against the announcement vis-a-vis the accession of Junagadh State with Pakistan, and claimed Hindu majority population of the state and the Two Nation Theory as the fundamental reasons of this occupation. However, on the other side, it is controlling numerous Muslim populated areas (currently within or part of Uttar Pradesh, West Bengal, Bihar, Maharashtra, Assam, Kerala, Karnataka, Rajasthan, Gujarat and the Jammu and Kashmir) either by Redcliff-Nehru injustice or by direct occupation. Likewise, as India claims that Hindu population of Junagadh was against the accession to the state of Pakistan and it had been gathered in Bombay for liberating Junagadh from Nawab's regime; this study comparatively analyses this claim by the convention of Muslim Conference held on July 19, 1947 in Srinagar where Kashmiri Muslims had displayed their consent for joining Pakistan.

In line with the abovementioned argument, this study looks at articles 2(4), 7(1) and 19(3) of the Indian Independence Act, 1947 with

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a critical lens that provide concrete ground to analyse falsifications in Indian standpoints and illegal actions for occupying not only Junagadh but also several other princely states (including vassal states and feudal jagirs). Argument-based responses to Indian duplicity within the ambit of Indian Independence Act, 1947 not only deciphers flaws in foreign policy of Pakistan— foreign policy during last four to five decades regarding projecting Junagadh state dilemma— but also appreciates Imran Khan’s government to bring into account this issue at international fora once again. Moreover, by content analysis of the responses collected during the survey, study attempts to investigate what should be the responsibilities of President, Prime Minister, Information Minister, Foreign Minister, and Overseas Pakistanis in this regard.

Introduction

Paul Collier, a British development economist, defines ‘greed’ as informal but straightforward cost-benefit analysis among competitors where each segment tries to avail opportunities (Saygi, 2020). Keeping in view Paul Collier’s theoretical framework of ‘greed versus grievance’, this study looks at the case of Junagadh in terms of interrogating the greed factors of India.

Historically, Partition of the Subcontinent has varied perspectives where pro-Indian and pro-Pakistan historians have contradictory views. The major problem from Indian side has been traced as the greed factor for increasing the ‘power circle’ within the former territorial jurisdiction of British India. This investigation enables the analysts to holistically analyse the discrepancy in Indian standpoints for accession of Junagadh and its violations of Indian Independence Act, 1947, a core document to decide the principles of accession of princely states between India and Pakistan (Asghar, 2021).

Analysis of different developments for proposing Partition of India since 1940 clearly elaborates greed of Indian National Congress for turning down the Two-Nation Theory and claiming the entire Subcontinent as its territory at different forums rejecting the say of other stakeholders (Sandhu, 2012). The situation became worst when

dubious nature of articles 2(4), 7(1) and 19(3) in Indian Independence Act 1947 about future of princely states (including vassal states and feudal jagirs) facilitated desired interpretations from Congress leadership, Redcliff-Nehru injustice and forceful direct Indian occupation (Asghar, 2021).

Realistically, Indian greed for accession of Junagadh within the context of articles 2(4), 7(1) and 19(3) was exhibited when Sardar Vallabhbhai Patel claimed 'Two-Nation Theory' for expected communal riots as a justification for occupying Junagadh state, and, when Indian leadership assisted anarchist gathering of anti-Nawab elements in Bombay for creating de-facto pro-Indian provisional government (*Aarzi Hukumat*) of Junagadh under the leadership of Samaldas Gandhi (Katke, 2015). At both points, India portrays its double-edged attitude. This is because India had already denied Two-Nation Theory for occupying Jammu and Kashmir along with numerous other Muslim majority areas. Similarly, Indian leadership had also refuted peaceful political gathering of Kashmiri Muslim leaders under the platform of Muslim Conference in Srinagar to express the desire of the majority of Kashmiris to join Pakistan (Puri, 2010, p. 4).

Undoubtedly, Indian and Pakistani historians are on the same page that Junagadh was the first princely state that announced its accession to Pakistan on August 15, 1947 (Gandhi, 2018). However, diversity between the announcements of accessions from Nawab of Junagadh, Khan Sahib of Bantva-Manavadar, Sheikh of Mangrol and Jagirdars (feudal) of Babriawad firstly urges the study to find the nature of differences between international widespread literature belonging to India and Pakistan for either describing Junagadh dilemma or interpreting articles 2(4), 7(1) and 19(3) in the Indian Independence Act, 1947 regarding justifying their arguments.

Junagadh and Bantva-Manavadar in Internationally Widespread Literature: A Case in Point

Whenever literature about 'Partition of India' and the 'accession of princely states to India or Pakistan' is investigated, it is clearly

highlighted that almost every internationally acclaimed book examines Junagadh and Bantva-Manavadar within the context of Kashmir and other princely states. During the analysis of Asit Kumar Sen (1967), M. Aslam Qureshi (1976), Hameed Ali Khan Rai (1981), Sardar Ali Choudhry (1988), Sajal Nag (2007), Srinath Raghavan (2010), Rajendra Prasad (2010), Shahid M. Amin (2010), Josef Korbel (2015) and Harsh V. Pant (2015), it is evident that neither any author has described the annexation of Junagadh and Bantva-Manavadar to Pakistan nor the Indian occupation of both states within the individual context of socio-political statuses of these states.

On the one hand, Indian writers defend India's occupation while, on the other hand, Pakistani writers favour Pakistan's right over respective states. However, unlike some scholars¹ belonging to MUSLIM Institute, till date, no significant author has reviewed the accession of respective states to Pakistan and later the illegal occupation of India within the context of the Indian Independence Act, 1947. Therefore, it was strongly felt that not only the changing statements regarding Junagadh and Bantva-Manavadar at different times from Indian leadership should be reviewed within the context of Indian Independence Act, 1947, but also the views of intellectuals and researchers should be sought in this regard.

Therefore, this study figures out the articles 2(4), 7(1) and 19(3) of Indian Independence Act, 1947 that help in exploration of the possible ways to highlight the dilemma of Junagadh State (including Bantva-Manavadar, Mangrol and Babriawad) during 21st century.

Articles 2(4), 7(1) and 19(3) of Indian Independence Act, 1947

Within Indian Independence Act of 1947, article 2(4) deals with the territories of India and Pakistan, while clause 04 of this article clearly says that no princely state under pressure will accede to India or

¹ Essays and analytical reports written by Sahabzada Sultan Ahmed Ali (2022 & 2021), Nida Kanwal (2022), Bashir Muhammad Munshi (2021), Hamza Malik (2021), Dr. Aalia Sohail (2021), Dr. Samza Fatima (2021), Muhammad Waqar Advocate (2021), Nasir Abbas Shah (2021) and Muhammad Mehboob (2021) have been published and available at the magazine titled as Mirrat-ul-Arifeen International.

Pakistan (Indian Independence Act, 1947). Similarly, article 7(1) of this act describes the future relationship of princely states with either Great Britain or with the newly states after the given date. Sections a, b and c of the clause 01 of article 07 clearly discuss the end of all the agreements between princely states and the British Government but endnote of this clause emphasizes upon the continuation of agreements related to post and telegraphs, transit and communication, custom and other relevant matters (Indian Independence Act, 1947). At the same time, as clause 03 of article 19 focuses upon construction of constituent assemblies of new dominions, endnote of this clause does not compromise on representation of princely states and tribal areas in the constituent assemblies of newly emerging dominions (Indian Independence Act, 1947).

At the time of Partition, 175 princely states were experiencing direct suzerainty of the central government of British India, whereas remaining princely states (including vassal states and feudal jagirs) had been dependent upon provincial governments heading by the governor, lieutenant governor or chief commissioner. Moreover, British Government had also defined the difference between the terms ‘suzerainty’ and ‘dominion’ in the section 18 of Interpretation Act of 1889 as; all the princely states (including vassals states and feudal jagirs) are the part of dominion within British India, while respective princely states experience suzerainty within their territorial jurisdiction as rewarded by the British India (in the name of British Crown) (Pati & Ernst, 2007). Nonetheless, ambiguous features of Indian Independence Act, 1947 facilitated practices of Indian greed under dualism. For example;

➤ Only heads/rulers of princely states have been addressed in article 7(1-b), but signature requirement of either ruler or dewan (prime minister) for accession of any state with any new dominion is not mentioned (Asghar, 2021).

➤ Only the term ‘princely states’ is used in the articles 2(4), 7(1) and 19(3) of the act, while no distinction or no separate plan is defined for vassal states or feudal jagirs (Asghar, 2021).

- Among princely states, no difference is defined between ‘salute states’ and ‘non-salute states’ in this act (Asghar, 2021).
- Act does not describe its foundations and ratification on communal bases (Asghar, 2021).
- Geographical association between any princely state and newly formed dominion is not mandatory (Asghar, 2021).

Chronological Technicalities within Indian Contradictory Perspectives on Accession of Junagadh State

Besides the ambiguous nature of Indian Independence Act, 1947 regarding future of princely states, Indian standpoints for accession of Junagadh State clearly exhibit not only its contradictory attitude, but technical flaws such as:

1) As Junagadh was the first princely state to join Pakistan, Mountbatten and Narasimha Gopaldaswami Ayyangar agreed that Indian Independence Act does not require geographical connectivity of any princely state for joining either India or Pakistan. However, Patel expressed in one of his perspectives pertaining to the accession of Junagadh State with India because of geographical linkage. According to Rahul Noronha, as this is unofficial and without record, Mountbatten had given the hint that princely states must be geographically associated with either India or Pakistan (Noronha, 2020).

➤ It begs a perennial question that whether Mountbatten had the power to interpret any provision of the Indian Independence Act 1947 as he wished. One aspect that is not mentioned at all in the law: how can anyone, whether from India or Pakistan or anyone, make it a law, or give it the status of a law? (Asim, 2020)

2) When the State of Junagadh acceded to Pakistan, the Indian Deputy Prime Minister Patel asked Pakistan to withdraw the accession. He, at the same time, offered that India is ready to conduct a referendum in the state too (Nair, 2020).

➤ The request to withdraw the accession and the offer to conduct the referendum in state clearly shows that India had recognized the accession of the state of Junagadh to Pakistan and was aware that the

accession of the Junagadh to Pakistan is legal in accordance with Article 7(1-b) (Asghar, 2021).

3) In United Nations Security Council, India highlighted that Junagadh's accession to Pakistan was made against the will of the majority. They wanted to join India but Nawab ignored public sentiments (Hingorani, 2017, p. 132).

➤ But the Indian Independence Act, 1947 clearly authorizes only a ruler/nawab of any princely state under article 7(1-b) to decide accession to either India or Pakistan. Thus, the question arises that who gave the authority to India to know the will of the people or occupy any state on the claim of public will? (Asghar, 2021)

4) Vappala Pangunni Menon (secretary in the Ministry of the States, chaired by Patel) when visited Junagadh for convincing Nawab regarding accession to India, he also threatened in case of refusal (Zuberi, 2006).

➤ This was also the clear violation of article 2(4) where it is written that no state would be pressurized for accession either with India or Pakistan (Asghar, 2021).

5) Additionally, at that time, Junagadh State was in political proximity with neighbouring princely states and feudal jagirs (such as, Mangrol and Babriwad) due to attachment scheme 1943 introduced by certain amendments in the Indian Act of 1935 (Bangash, 2014). On the other hand, Bantva Manavadar was also a princely state but it chose to become vassal state of Junagadh in 1795. However, Menon argued that respective attachments and dependency have been ended by the implementation of Indian Independence Act, 1947. Therefore, Junagadh State has no concerns with the state of Mangrol and feudal jagir of Babriwad. At that time, Nehru also wrote a letter to Pakistan and British Government that, if Nawab will not withdraw its forces from Mangrol and Babriwad, India will send its troops for taking over the control of respective territories (Ankit, 2016).

➤ Critics are unable to find any article or clause in Indian Independence Act, 1947 which authorized Indian leadership to define the difference between princely state, vassal state or feudal jagirs. Moreover, if any state envisions its larger economic and security

interests along with the welfare of its subjects in subordination to another major state, it does not necessarily mean that its autonomy is completely lost or that it is no longer a separate state. Union of two or more states can never be considered as a sole state by any international law or by Indian Independence Act, 1947 (Asghar, 2021).

➤ History, at some points, becomes more critical in terms of analysing historical events when different segments of academia define one event in distinct paradigms. Same is the case with British India, and the later India and Pakistan where it has been difficult to trace differences between princely states and feudal jagirs; especially, when events happened in contradictions. As some feudal jagirs had been treated as the princely states like Mohrampur Jagir, Chirgaon (one of the part of Hast-Bhaiya; the group of feudal jagirs), Purwa (one of the part of Chaube Jagirs, having status of British protectorate during 1823 to 1947) and Punial; historians from both sides have different perceptions about rights of their heads/rulers/feudal lords regarding accession with either India or Pakistan. In between the debates about having ‘right’ and ‘no right’, Indian Independence Act, 1947 is silent on this issue (Asghar, 2021).

6) When Menon triggered Samaldas Gandhi (a nephew of Gandhi) to launch political gathering against Nawab of Junagadh in Bombay, he announced a parallel de-facto provisional government of Junagadh with the support of Indian Government, Gujarat States Organization and All-India States Peoples' Conference (also called Lok Parishads). Although, Indian Government fully sponsored this gathering, allowed de facto government to take control of Junagadh State, but when Pakistan exposed Indian activities and sponsorship in UNSC, India denied accepting this. At the same time, India declared all the gatherings and activities under the leadership of Samaldas Gandhi as the popular public expression in the state against decision of Nawab (JMC, 2021).

➤ When India claims the de-facto government of Samaldas Gandhi as the popular expression of the local people within the state, the question arises that whether Samaldas Gandhi was the citizen of Junagadh State? How a person born in Porbandar State (a neighbouring

state of Junagadh) can claim to be a voice of the people of Junagadh State? (Asghar, 2021)

➤ When Muslim Conference organized a convention in Srinagar on July 19, 1947 where Muslim leaders from entire Jammu and Kashmir gathered and adopted a resolution in favour of accession to Pakistan, neither India nor Pakistan were practically existing on world map. That is why no scholar can criticize that gathering as the politically and/or militarily backed by the Government of Pakistan. In fact, it was the pure exhibition of the Kashmiri Muslims' own desire for determining their future (Asghar, 2021).

On the other hand, at the time of political gathering under the leadership of Samaldas Gandhi, India had not only been appeared at world map but Indian Government also sponsored, funded and backed all the activities against the Junagadh's accession to Pakistan. Therefore, this is the reason that critics declare Kashmiris' demand for accession to Pakistan as the popular public will as compared to political gathering in Bombay under absolute hegemonic power of India as a state (Asghar, 2021).

➤ What is the legality of Gujarat States Organization or All India States Peoples' Conference to ratify self-claimed provisional government of Junagadh? There is no provision in the Indian Independence Act, 1947 which permits any organization or union of princely states to compel any state among them to join either India or Pakistan (Asghar, 2021).

7) For forcefully urging Nawab to withdraw his decision regarding accession to Pakistan and joining India, the provisional government and its stalwart militants blocked all the ways that lead to Junagadh State. Although, India as a state denied being involved in the matter, but it did not discourage the blockade. As a result, the blockade caused lack of basic necessities in the state. In order to avoid any potential humanitarian crisis, when Nawab moved towards Pakistan for seeking help, Indian army under the shadow of militants leading by Samaldas Gandhi entered in the state and took over the control of state administration on November 09, 1947 (DNA-Correspondent, 2007).

➤ As endnote of an article 7(1) of the Indian Independence Act, 1947 compels India and Pakistan not to stop princely states for any matter about post and telegraphs, transit and communication, customs and relevant; India clearly violated this provision by either triggering, facilitating or not discouraging state's blockage. Furthermore, Menon claimed that Nawab had delegated the powers to Shah Nawaz Bhutto for deciding state's future, and therefore, he reversed the Nawab's decision in favour of India. Critics are of the view that where is the authority letter and what is its legality when article 7(1-b) only authorizes head/ruler of the state to decide the state's future (Asghar, 2021).

➤ Moreover, some critics declare the documentation of Indian accession of Junagadh State as fake. This is because, India took over the control of state administration on November 9, 1947 while, Shah Nawaz Bhutto had also left the state on November 08, 1948 for Pakistan due to the fear of communal violence under the leadership of Samaldas Gandhi (Zaheer, 2021).

8) Yaqoob Khan Bangash quotes two letters of Shah Nawaz Bhutto which he wrote firstly to the Government of Pakistan and secondly to the regional commissioner (Bangash, 2014).

➤ After taking over the state administration from the Nawab, Shah Nawaz Bhutto wrote a letter to Liaquat Ali Khan that stated:

The Indian Dominion seem to have made out a perfect plan of strangling Junagadh on all fronts, internal and external, with the help of our own feudatories who have been bought over with promises of independence and aggrandizement; our supplies are being cut off. Non-Muslims are leaving Junagadh territory by sheer fright of threatened conflict, Muslim refugees from disturbed parts of upper India are pouring in; I earnestly appeal to the Pakistani Government for help. (Bangash, 2014)

Afterwards, he wrote another letter to the regional commissioner Buch:

The Junagadh Government, therefore, have requested that in order to avoid bloodshed, hardship, loss of life and property and to preserve

the dynasty, you should be approached to give your assistance to the administration. (Bangash, 2014)

➤ Irrespective of what Indian leadership claims, the theme of both letters clearly exhibits that Shah Nawaz Bhutto, asked help from the Government of Pakistan against blockade facilitated or sponsored by India, along with requesting an aid for Muslim refugees from different other territories of India coming in Junagadh as a federated part of Pakistan. At the same time, his letter to regional commissioner never shows his orientations towards India. He sought help only for protection and preservation of the socio-political and territorial structure of the state, and to avoid any kind of unrest in the state (Bangash, 2014).

After taking over the control of state, Nehru admitted in the telegram sent to Liaquat Ali Khan where he wrote that;

In view of special circumstances pointed out by Junagadh Dewan - that is the Prime Minister of Junagadh - our Regional Commissioner at Rajkot has taken temporarily charge of Junagadh administration. This has been done to avoid disorder and resulting chaos. We have, however, no desire to continue this arrangement and wish to find a speedy solution in accordance with the wishes of the people of Junagadh. We have pointed out to you previously that final decision should be made by means of referendum or plebiscite. We would be glad to discuss this question and allied matters affecting Junagadh with representative of your government at the earliest possible moment convenient to you. We propose to invite Nawab of Junagadh to send his representatives to this conference. (Khan, 2019)

And, in reply, Liaquat Ali Khan argued:

Your telegram informing that your Government had taken charge of Junagadh was received by me on November 10, 1947. Your action in taking over State Administration and sending Indian troops to state without any authority from Pakistan Government and indeed without our knowledge, is a clear violation of Pakistan territory and breach of International law, Indian Government's activities on accession of Junagadh to Pakistan have all been directed to force the State to renounce accession and all kinds of weapons have been used by you to

achieve this end. We consider your action in taking charge of Junagadh Administration and sending Indian troops to occupy Junagadh to be a direct act of hostility against Pakistan Dominion. We demand that you should immediately withdraw your forces, and relinquish charge of administration to the rightful ruler and stop people of Union of India from invading Junagadh and committing acts of violence. (Khan, 2019)

➤ During the analysis of respective conversation between both leaders, it has been highlighted that India occupied Junagadh when it had become the official part of the Pakistan. In the same way, whether question mark over originality, India claims that it took over the state administration on special circumstances highlighted by Dewan. The rudimentary question is that if Dewan did this, what was his credibility as a subordinate of the Nawab before or after September 15, 1947 when Pakistan officially recognized Junagadh's accession? In the Instrument of Accession, Nawab of Junagadh granted three matters to Pakistan which included external affairs, communication and defence. After this treaty, the letter of Dewan to Indian Commissioner for help had no *locus standi* as external affairs had already been granted to Pakistan. In addition, Nehru argued that India wanted to conduct referendum regarding examining will of the people of Junagadh. If India follows respective democratic principle, why not it followed during accession of numerous Muslim majority princely states, such as, Balasinor founded by Babis of Junagadh), Banganapalle, Baoni, Basoda, Bhopal, Hyderabad, Jafarabad, Janjira, Jaora, Kamadhia, Khadal, Kurwai, Loharu, Malerkotla, Muhammadgarh, Palanpur, Pataudi, Pathari, Radhanpur, Ramas, Rampur, Sachin, Savanur, Tonk, and Jammu and Kashmir (Asghar, 2021).

As an artificial exhibition, India conducted referendum on February 15, 1948 in Junagadh, Bantva-Manavadar and Babriawad under its own military patronage. Although, legal advisor to Mountbatten, Walter Monckton advised him to engage with Pakistan for any kind of plebiscite in Junagadh because Nawab had already acceded the state to Pakistan, but India neither allowed United Nations nor allowed Pakistan to send observers (Ankit, 2016).

9) On the other hand, India had also taken over the state administration in Bantva-Manavadar on October 22, 1947 (Khan, 2019). Indian police entered in the state, and Ghulam Moinuddin Khanji was placed under house arrest (Buyers, 2010). As India conducted artificial referendum in the state on February 15, 1948, it exhibited results of the referendum in two parts. The prime motive of highlighting separate referendum results of Bantva and Manavadar by India was to show the socio-political division between Bantva and Manavadar. When numerous Indian historians indicate Bantva as the state or feudal jagir headed by Khan Himmat Khan, while Manavadar as the princely state (or vassal state of Junagadh) headed by Ghulam Moinuddin Khanji, their aim is to disengage this territory from the Junagadh State dilemma (Asghar, 2021).

➤ Historically, states have been forming, growing, shrinking, and disappearing. If one intends to look at the territories in any state in pre-1947 context, then historians can consider any area to be part of different states during different times. Therefore, when time comes for the decision-making regarding acceding the states, the demarcation of states at a certain time is considered final, and the decision of accession is made on the basis of that specific demarcation. Thus, Indian act of projecting Bantva and Manavadar as two historically separate territories is falsified hypothesis that can never be proved (Asghar, 2021).

10) One of the leading Indian historians Rajmohan Gandhi argues that, “*Patel once desired Hyderabad for India, not Kashmir. However, accession of Junagadh with Pakistan changed the game*” (Gandhi, 2018). He further says that Hyderabad, Junagadh, Mangrol, Babriawad, Kalat, and Jammu and Kashmir even signed Standstill Agreement with India and Pakistan, but Junagadh’s accession to Pakistan diverted his mind with anger. Similarly, he also said that Indian leadership had also put pressure on the rulers of Kashmir, Hyderabad and Junagadh for accession with India during different times. Another significant point that has been extracted from his critical analysis about Indian occupation of Junagadh is; he admits Manavadar, Mangrol and Babriawad were Junagadh's feudatories (Gandhi, 2018).

By evaluating facts describing by Rajmohan Gandhi, study finds:

➤ Indian leadership had already designed its mind-set regarding which state should go towards Pakistan or India. And, this is again clear violation of article 2(4) in Indian Independence Act of 1947 that provided freedom of decision to the rulers of princely states for choosing their states' future (Asghar, 2021).

➤ As Mangrol and Babriawad signed Standstill Agreement with India and Pakistan, this event exhibited ambiguous nature of Indian Independence Act, 1947 once again that neither highlights any distinction between 'princely state', 'vassal state' and 'feudal jagir' nor defines time-limitation for considering finalization of any state or states' union boundaries. As attachment scheme in the Indian Act of 1935 encouraged states union, Indian Independence Act, 1947 is silent for either patronage of states union has to decide state's future or each state separately as per its pre-1935 territorial autonomous status. This is the reason that Nawab of Junagadh along with Pakistan claims that the State of Mangrol and feudal jagir of Babriawad had lacked the discretion regarding accession (Asghar, 2021).

11) Adrija Roy Chowdhury and Pranav Asoori, the Indian journalists, say that Indian leadership got enraged when it observed Junagadh's accession to Pakistan as against Jinnah's Two Nations Theory (Roychowdhury, 2017) (Asoori, 2020).

➤ If India justifies its anger against Jinnah's violation of Two-Nation Theory for accession of Junagadh State, questions among intellectuals rise that whether Indian leadership actually recognizes or opposes Two-Nation Theory.

➤ Although, almost all the socio-political segments within India and Pakistan accept that Partition of India has occurred on the bases of Two-Nation Theory, but the fact remains that the draft of Indian Independence Act, 1947 does not define Partition on communal bases. Therefore, the right of deciding accession was given to head/ruler of the princely states and not to the public will (exhibited either by political gathering, protests or referendum). However, if India recognizes Two-Nation Theory, then what is the justification of its control over numerous Muslim populated areas (currently within or part

of Uttar Pradesh, West Bengal, Bihar, Maharashtra, Assam, Kerala, Karnataka, Rajasthan, Gujarat and the Jammu and Kashmir) either by Redcliff-Nehru injustice or by direct occupation (Asghar, 2021).

Political Economy of Indian Accession of Junagadh

This is a fact that the concept of 'greed' as mentioned above often forces individuals to adopt dualism towards one another. It also encourages states to deprive one another from their rights. If we take the war phenomenon in point, then Collier's notion of greed can further be illustrated. The study of wars shows that behind every war, there is some sort of greed that belongs to one or both of the states. While the war economy does not ignore the greed of any third power in the war between the two states (Collier & Hoeffler, 2004). Same is the case with Indian occupation of Junagadh and Bantva-Manavadar.

The Indian leadership may ignore Indian Independence Act, 1947 or present various justifications for its varying rhetoric regarding the occupation of Junagadh and Bantva-Manavadar but the economic significance of both states can never be overlooked here which compelled India to occupy the respective territories (Asghar, 2021).

Being connected to the Arabian Sea, the existence of the Junagadh State at the most important geostrategic location made the state significant in various ways. Till 1947, the economic worth of Junagadh indicates that it was self-sufficient and was also capable of exports (Asghar, 2021; Global Security, n.d.).

The state not only had large reserves of limestone but was also rich in many minerals due to its hilly terrain. The abundance of forests not only made the state self-sufficient in timber and foodstuffs, but also other parts of British India were benefitting from respective stuff. Similarly, in agricultural commodities of state, such as, wheat, cotton, oil seeds, bananas, mangoes, onions and garlic were also supplied not only to the other parts of British India but numerous other regions of the world that resulted in collection of huge revenue (Asghar, 2021; Global Security, n.d.). Although this study could not find any appropriate data regarding state's planning in terms of promoting tourism, but numerous foreign visitors like Edward Balfour (1862),

William Dwight Whitney (1898) and Benjamin Eli Smith (1899) have described Junagadh in their travelogues or memoirs (Balfour, 1862, pp.124-125; Smith, 1899, p.170; Whitney, 1898, pp.105-107). It shows that Junagadh was also considered to be of international importance in terms of tourism.

Apart from all these, the state's seaports and sea lanes along coastal areas like Chorwad, Veraval, Sutrapada, Velan, Sarkhadi, Rajpara and Jafarabad were further enhancing the geo-economic worth of the state. The sea route was connecting the state not only with Pakistan but also with other parts of the world, which was resulting in increment of state exports (Asghar, 2021).

On the other hand, Bantva-Manavadar was not associated with Arabian Sea geographically but dependent upon Junagadh State in this regard. However, prominent agricultural products like wheat, cotton and vegetables had enabled the state to economically grow. Same was the case with feudal jagir of Babriawad, whereas majority of administrative affairs related to seaport of Mangrol were also the subject of Junagadh State. Along with other seaports of Junagadh, this port was also famous for fishing industry (Asghar, 2021).

Dilemma of Junagadh and Foreign Policy of Pakistan during 21st Century

Pakistan never recognized India's occupation of Junagadh or stopped showing the areas of Junagadh and Bantva-Manavadar on its map. Although, it has been a tragedy of Pakistan's foreign policy for the last few decades that only Kashmir has been mentioned at international forums, and there was no significant discussion regarding Indian occupations upon the state of Junagadh, Bantva-Manavadar and numerous other Muslim-majority areas since 1948 to onwards. However, the second decade of the 21st century will always be remembered because Pakistan not only once again began to declare Junagadh, Bantva-Manavadar and Sir Creek as its territories at every international forum, but in the event of the unveiling new map of Pakistan on August 04, 2020, attention was also drawn to the illegal occupation of these areas by India (Siddiqui, 2020).

Although, India strongly objected the new map, but Pakistan's strong diplomatic stance basseted most of the countries to remain silent on this issue. This was because of their political and economic interests with both; India and Pakistan. Another reason of this silence may be that some countries consider the issue of Junagadh and Bantva-Manavadar as a bilateral issue between India and Pakistan; therefore, they do not want to interfere (Zaheer, 2021). However, when Russia hosted the National Security Advisors' meeting of Shanghai Cooperation Organisation (SCO) member states, Ajit Dovel walked out from the meeting only because the National Security Advisor of Pakistan Moeed Yousaf had posted a new map of Pakistan in his background where the territories of Junagadh, Manavadar and Sir Creek were declared as Pakistani areas. Russia was hosting the meeting and India submitted its objection to Russia that the map should not be used as backdrop. However, argument of India was turned down and Pakistan was allowed to show the map which was the success as well as implied recognition of Pakistan's claim on its territories. None of the member states, including Russia, objected to Ajit Dovel leaving the meeting (Sahai, 2020).

This time, SCO consists upon China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, India and Pakistan as permanent members; Afghanistan, Belarus, Iran and Mongolia as observer states; Armenia, Azerbaijan, Cambodia, Nepal, Sri Lanka and Turkey as dialogue partners; and 'Association of Southeast Asian Nations', 'Commonwealth of Independent States', 'United Nations' and Turkmenistan as guest attendances. But, no one supported or appreciated Ajit Dovel's left over the meeting or, Indian objections over map projection or map authentication. Thus, analysts assume respective map diplomacy as the diplomatic success of Pakistan in the international arena where regional states recognized the issue of Junagadh and Bantva-Manavadar as an international dispute under the legal framework of international law (Zaheer, 2021).

Although support for Pakistan's position on the map at the SCO forum is a start, but Pakistan still has a long way to go to find a lasting solution of this dilemma. For this purpose, this study conducts a survey

where professors were consulted and asked about the policies of the State of Pakistan regarding the accession of Junagadh and Bantva-Manavadar to Pakistan. Another motive of this survey was to collect the intellectual perspectives about how Pakistan can expose India's illegal occupation of respective areas as well as how Pakistan can become the voice of the subjugated people of these occupied territories all over the world.

Sample

The convenient random sampling of the study (N = 20) consists upon professors of Pakistan Studies, History and Political Science with equal ratio from four institutions; The Islamia University of Bahawalpur, Sargodha University sub-campus Bhakkar, Government Postgraduate College Bhakkar and Government Postgraduate College Asghar Mall, Rawalpindi.

Instrument

A semi-structured questionnaire was designed for measuring as well as examining intellectuals' perspective about foreign policy of Pakistan towards Junagadh, Bantva-Manavadar and Kashmir in a way that what Pakistan should do to highlight respective dilemmas during 21st century. Among two parts of the questionnaire; first part was based upon four structured questions providing an option of YES and NO to the participants. However, reason for choosing YES or NO was to be provided in descriptive way. At the same time; second part consisted upon 07 open-ended questions giving the diverse content that is analysed via Nvivo v.10 software.

Results

The following table and interpretations exhibit the results drawn from the structured and open ended sections of questionnaire through distinct statistical formulas and content analysis techniques respectively.

Part I

Structured Questions				
No.	Questions		YES	NO
1	Do you believe that Junagadh and Bantva-Manavadar are the federated parts of Pakistan?		100%	0
2	(a)	Do you think that the dilemmas of Junagadh and Kashmir can be resolved as alternative to each other?	35%	65%
	(b)	Do you consider Junagadh and Kashmir as two cases of separate nature within Indo-Pak Subcontinent, must not be considered as alternative to each other?	65%	35%
3	Do you agree with the foreign policy of Pakistan towards Junagadh?		30%	70%

As questions no. 2 and 3 asked the reason of the response given by the participants, 35% respondents of 2(a) assumes dilemmas of Junagadh and Kashmir as alternative to each other because of geography and the public will of majority. On the other hand, 65% respondents of 2(b) argue that Junagadh and Kashmir are the two distinct issues within the Indo-Pak Subcontinent where Junagadh is linked via sea route while, Kashmir is geographically associated with Pakistan. Moreover, Kashmiris showed their pre-Partition public will in favour of futuristic Pakistan on July 19, 1947 without any foreign support whereas; India exhibited post-Partitioned sponsored gathering against Junagadh accession to Pakistan.

At the same time, 70% respondents of question 3 disagreed with foreign policy of Pakistan towards Junagadh and Bantva-Manavadar argued that Pakistan is not fully involved in proper projection of

respective dilemma. Even the territories of Junagadh and Bantva-Manavadar have once again been added in the map of Pakistan but neither the clause 'a' nor the clause 'd' of article 01 in the Constitution of 1973 specifies Junagadh and Bantva-Manavadar as the federated or accessed parts of Pakistan. However, 30% respondents of this question favoured foreign policy of Pakistan towards Junagadh and Bantva-Manavadar, considered exhibition of respective territories within the map domestically and internationally (at SCO forum) as good sign that would definitely affect Indian illegal position.

Part II

By content analysis of open ended questions presented in part II, study comes to know that;

1) 95% say that the 'President of Pakistan' should be entitled with the 'President of Pakistan, Junagadh and Bantva-Manavadar' until the article 01 in the constitution of 1973 does not specify respective states as the federated parts of Pakistan.

2) 85% desire to see the title of Prime Minister of Pakistan as the "*Prime Minister of Pakistan and the Representative of the States of Junagadh, Bantva-Manavadar, and the Jammu and Kashmir*". At the same time, 15% argue that there must also be federal minister for the affairs of Junagadh and Bantva-Manavadar similar to the federal minister for the affairs of Kashmir and Gilgit-Baltistan.

3) 70% want to see 'PTV Junagadh and Bantva-Manavadar' (or simply PTV Junagadh) as the responsibility of federal information ministry to truly project Indian illegal occupation.

4) 90% think that the separate desk should be established at each embassy of Pakistan for the people of Junagadh and Bantva-Manavadar, which should not only offer nationality but visa-free regime (after scrutiny). Respondents, at this point, quote once the Chinese policy of visa-free regime for the people of Arunachal Pradesh.

5) 30% wish to look the advertisements offers and the facilitations of the federal ministry for overseas Pakistanis regarding solving the issues of the people of Junagadh and Bantva-Manavadar, in abroad.

6) 65% think that there are not only the responsibilities of president and prime minister offices, and different federal ministries of Pakistan, but former ruling authorities of Junagadh and Bantva-Manavadar should also comprehend their own responsibilities for projecting this dilemma. For this purpose;

➤ There should be weekly press conferences for projecting Indian misconducts, violation of human rights and malpractices in Junagadh and Bantva-Manavadar.

➤ Nawab or Prime Minister of Junagadh should address the nation each month and their address should be telecasted on all news channels.

➤ There should be nomination or appointment of the state ministers/advisors for human rights, information and broadcasting, and inter-faith harmony. And, they should be responsible for frequent media talks and press releases regarding highlighting issue of Junagadh and Bantva-Manavadar in relevant dimensions.

7) 55% suggest constitutional amendments such as;

➤ Territories of not only Junagadh and Bantva-Manavadar but Gilgit-Baltistan and Jammu and Kashmir should be clearly declared as the federated parts of Pakistan (either as the provinces, federal administrative territories or federated states) in the article 01 of the constitution. For this purpose, government of Pakistan should not concentrate upon any international pressure but argue that Indian occupation can never undo pre-Partition public will of Kashmiris, and Partition-timed accession of the princely states of Junagadh, Bantva-Manavadar, Hunza, Nagar, and feudal jagirs of Punial, Kuh, Ghizar and Yasin to the Pakistan.

➤ There should be representation of Junagadh and Bantva-Manavadar in National Assembly and Senate.

➤ Like Kashmir Committee, there should be Junagadh Committee and Bantva-Manavadar Committees at federal level.

➤ Provisional Junagadh and Bantva-Manavadar secretariats should be established in Islamabad as current Nawab of Junagadh Muhammad Jahangir Khanji has also demanded (Nazar, 2020).

Recontextualization of Junagadh State Dilemma

Critical analysis of Indian Independence Act, 1947, Indian practices and the content analysis of responses during survey assists recontextualization and new historicism to the Junagadh State dilemma. Study traces;

1) Authentication of public will regarding joining anyone among two states, can only be acceptable before or at the time of Partition. Post-Partition exhibition of public will in favour of a party which has already occupied the respective territory claiming by other party at the same time too, has become disputed. Therefore, the issues of Junagadh and Kashmir are distinct in nature where Kashmiris had exhibited their consent in favour of newly emerging Muslim state before the birth of Pakistan. Similarly, Junagadh was the first princely state that declared its accession to Pakistan very next day after independence (Asghar, 2021; Zaheer, 2021).

2) No article of Indian Independence Act, 1947 discriminate between princely state, vassal state and feudal jagir. However, symbolic dependency because of personal relationship can never means Bantva-Manavadar as a part of Junagadh State but a separate princely state. On the other hand, complete financial dependency of Mangrol and Babriawad covered them under the Junagadh patronage (Asghar, 2021; Zaheer, 2021).

3) Geographical linkage was not mandatory as per Indian Independence Act, 1947 (Asghar, 2021; Zaheer, 2021).

4) Referendum for accession in any former princely state cannot be acceptable when anyone among two states has already occupied the respective territory. In case of Junagadh, India had recognized Junagadh's accession to Pakistan but later, it forcefully ended the writ of Nawab in the state, entered its troops, and then conducted so-called referendum. Similarly, referendum in Jammu and Kashmir would only be valid when pre-partitioned wish of Kashmiris would be honoured as well as electoral college for referendum will be based upon population ratio of Muslims and Hindus as per the 1947's demography of the state (Asghar, 2021; Zaheer, 2021).

5) If India can sign Standstill Agreement with Babriawad that was not the princely state but a feudal jagir completely dependent and subordinate to Junagadh, it means that India recognized no discrimination between princely state, vassal state and feudal jagir but only tried to disturb Pakistan by declaring Gilgit-Baltistan as disputed territory where self-sufficient feudal jagirs of Punial, Kuh, Ghizar and Yasin announced their accession to Pakistan at the time of Partition (Asghar, 2021; Zaheer, 2021).

Conclusion

Hence, study proves that Junagadh including Bantva-Manavadar, Mangrol and Babriawad is the part of Pakistan, and India had once recognized this accession. However, there is still a lot of work to be done by the Government of Pakistan to highlight the Junagadh dilemma, so that not only the federation of Pakistan under the Indian Independence Act, 1947 would be completed but also the duplicitous arguments from various quarters of India can be exposed before the world.

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Sifting Facts from Fiction about Junagadh

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Abstract

The objectives of this study are twofold to uncover the conspiracies hatched to deter the accession of Junagadh to Pakistan; and to highlight the benign just governance of the Muslim rulers of Junagadh who ensured non-discrimination and equitable and peaceful co-existence of the Muslims, the Hindus, and all others. The observance of the humane Islamic code of conduct brought harmony, development, and prosperity in the state of Junagadh. Since 1947, sizeable yet irresponsible analysis has emerged and numerous narratives have been written by intellectuals, academicians, military personals, journalists, and politicians from across the world. However, several distorted, exaggerated narratives were generated, propagated, and disseminated by India media to defame and malign Pakistan, Quaid-i-Azam and the Nawab of Junagadh. The present study tries to respond to some of those. The significance of the study lies in breaking the silence of Pakistani academia. As responsible citizens of Pakistan, it is our obligation to dispel the biased views and concocted myths surrounding the annexation of Junagadh. Great nations learn from their history to determine their future course of action. This study also highlights the Hindu-English alliance and manipulation to undermine the sovereignty of the state of Junagadh and tarnish the integrity of the character of the Muslim leadership of Junagadh and Pakistan. It draws upon empirical pieces of evidence documented in authentic research work. The methodology used is the textual analysis of selected historical texts.

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Introduction

This study aims at exploding the myths against the state of Junagadh and its Muslim rulers, how the decision of accession to Pakistan was reverted by the use of state power of India in collaboration with the British representatives. Later on, to justify this unjust move, negative propaganda was carried out through different means. The primary text used for this study is of Habib Lakhani's *Tarikh-i-Pakistan Ka Aik Faramosh Shudda Bab - Ilhaq-i-Junagadh*. It is a well-researched historical document and presents a counter narrative to the negative portrayal of the Nawab(s) of Junagadh and details of Indian-British nexus foiling the legal accession of Junagadh to Pakistan (Lakhani, 1989).

Junagadh was a princely coastal state in Gujarat ruled by the Muslims in British India, until its illegal annexation by the Union of India in 1948. Muhammad Khan Bahdur Khanji I declared independence from the Mughal governor of Gujarat State, and founded the state of Junagadh in 1730s. It came under British suzerainty in 1807 under Muhammad Hamid Khanji I. Junagadh became a British protectorate and the East India Company took control of the state. In August 1947, upon the Partition of India, Muhammad Mahabat Khanji III, decided to merge Junagadh into the newly formed Pakistan. With the Partition of India, the princely states were left by the British to decide whether to accede to one of the newly independent states of India or Pakistan or to remain outside them. The Nawab on August 15, 1947, announced, that Junagadh would accede to Pakistan. The Government of Pakistan accepted the accession on September 15. Later on, India sent its military into Junagadh while Nawab of Junagadh was in Pakistan and captured the state of Junagadh by overthrowing Nawab and the rights of princely state.

Demographics

Although since 1592 Junagadh has been ruled by Muslim rulers, yet the majority of its population is Hindu. Diverse ethnic and religious communities lived in mutual harmony. Junagadh was a 'little-regarded'

and ‘over-looked patchwork quilt’ of 3,337 scattered square miles and 700,000 people—of which 80 per cent were Hindus—in the intricate Kathiawar region in Western India. It had 866 cities and villages. The very fact that 80% of its population was Hindu is evidence of the tolerance and large heartedness of the Muslim Nawabs who ensured peaceful co-existence of different religious communities (Ankit, 2016).

What is Good Governance?

Junagadh was an example of good governance.

The World Bank defines governance as: the manner in which power is exercised in the management of a country's economic and social resources for development... Governance has been defined as the rules of the political system to solve conflicts between actors and adopt decision (legality). Governance is also ‘how government decision making affects people in that nation’. Governance and human development are closely intertwined, as sustainable human development is almost impossible without good governance. Relationship between income and capabilities is neither automatic nor constant. Good governance is a must to translate income or economic growth into human development (Nasir, 2021, pp. 171-175).

Education

Education can help to build an inclusive society, if the education system is uniform and provides equal opportunity to all. It acts as a social and economic leveller by providing opportunities of employment and business (economic power), increasing mobility on the social ladder (social power), and enhancing awareness and means to take part in decision making processes (political power).

In 1882 after the death of his father, Bahadur Khanji III assumed power. He was an education lover so he made education free upto matriculation. He generously donated to the higher educational institutions in India so that students from Junagadh could get admission there. During the reign of Nawab Rasool Khanji, *Bah-ud-din* College was established. Sheikh Bah-ud-Din was not formally educated but he served in the three successive governments of the Nawabs. On his

retirement at the age of sixty, he was presented sixty thousand rupees by the Junagadh government, he added twenty thousand and gave to the government which further added to that and established the college. The college was among the best Muslim Colleges of India and offered ample scholarship to all students. The college had only 15% Muslim students, however, all the rest were also treated alike, which is a conspicuous example of the generosity and religious tolerance of the Muslim rulers of Junagadh. In 1867 the first public library was established in the state containing twenty two thousand rare and valuable books. Thirty years later it was shifted to a three storied building in the heart of the city (Bhalodia-Dhanani, 2012).

Economic Resources and Development

Junagadh was the most important centre of Kathiawar region for centuries. In the colonial period, it was considered the second most prosperous and developed state of India (Lakhani, 1989). It had a seaport, its own railway, postal system and metalled roads. Lands were granted indiscriminately to all religious sacred places to raise revenue for their maintenance and sustenance. There was a proper system of state revenue generation. In 1887, railway system was introduced in the state. The predecessor of Bahdur Khan III was education lover and a Sufi who spent most of his time with different religiously enlightened people of various religions. He completed many projects started by his father. He got Prince Albert Leprosy Hospital established in 1890. During his reign Dewan Hary Roy started a lottery in which the prizes of one million fifteen thousands were given generating three and a half billion profit which was used to erect twelve hundred stairs to the top of Gorakh Noth hill. Similar kinds of stairs were erected to the two other hill tops as well. A museum was also established in its building. During the reign of Nawab Mahabat Khanji, who assumed his charge in 1920, education, business, transportation and industry flourished.

In the early decades of the twentieth century, Memons of Kathiawar spread their business and industries all over India and neighbouring countries. These people belonged to seven big cities of Kathiawar which were known for Memons' wealth and generosity. Their business

further flourished from 1940 onwards. It was extended to China, Malaya and Sri Lanka. Their business companies had more than hundred branches. These cities had all the modern facilities like schools, colleges, hospitals, markets, parks, roads, waterworks etc. Kathiawar industries were very famous all over the world. Crown Prince Dilawar Khanji established a syndicate for the business management company titled Dilawar Syndicate (Lakhani, 1989). The migration of the Memons and the Muslims of Kathiawar proved to be a blessing in disguise for the state of Pakistan. All these experienced, capable and competent people re-established their business and paved the way for the economic development of Pakistan

Environment Friendly Policies

Junagadh had massive forests, high mountains and vast fertile lands. It was known for its natural beauty and wealth. Nawab Mahabat Khanji's interest in plantation and forestry contributed to many eco-friendly projects. He implemented strict laws for the safety of jungles. He encouraged farming and rearing livestock. These animals were so well kept that they won prizes in many national competitions. A lover of animals, the Nawab was very fond of breeding good species of dogs and horses. He also loved art and drama (Lakhani, 1989).

Judicial System

Justice is a concept of moral rightness which may be based on ethics, rationality, law, religion, equity and fairness, as well as the rule of the law. There should be fair, equal and balanced treatment for everyone. Junagadh state had an excellent judicial system. Renowned jurist like Sir Feroze Shah Mehtha, Sir Chemon Lal and Sital War served in the state (Lakhani, 1989). Since the Hindu population was more educated so they were appointed on key administrative posts in great number, and for centuries they had been loyal to the Muslim rulers (Lakhani, 1989).

Democratic Structure of Government

Mahabat Khanji II became the ruler at the age of 13. The cabinet system evolved during his 31 years rule. Different ministers were appointed for different state functions who worked for the development in terms of infrastructure, beautification and many social reforms (Lakahni, 1989). Despite being a Nawab, he worked in a democratic manner like a constitutional ruler. The government had state council which had different members who were given different portfolios. The state council was led by *Dewan*, who worked as Prime Minister. The portfolios were awarded on the basis of merit and there was no state interference in their functioning. In 1947, Shvidut Rao Mankand was the senior most member of the council. There used to be an advisory council as well, selected transparently from the social workers, businessmen, educationists, scholars and landlords without any discrimination which worked as per requirement of the state. The city of Junagadh (the capital of Junagadh State) had a municipal committee. In 1947, famous Urdu writer Qazi Ahmad Mian Akhtar was its last chairman. *Punchaits* were also established to ensure peace and justice.

There was no political party in the state but in 1937 Congress established Purja Mundal which soon became non-functional. There was *Jamiat-i-Jawanan-i-Muslim* but that too was not very functional (Lakahni, 1989).

Religious Freedom

Shabu Parshad Desie held the highest office from 1934 to 1947, who told in a newspaper interview that 70% of Nawab Mahabat's government consisted of Hindus. Nawab Sahib respected all the religions and used to provide every necessity of life to Hindus' sacred places. The income of forty villages was reserved for this purpose. The same was done for the Muslims' sacred places. Food used to be distributed at 12 pm to all the needy people, irrespective of their religion. This practice was abolished after the migration of the Nawab in 1947 (Lakhani, 1989).

False Propaganda

All these aspects of the Muslim rulers of Junagadh are deliberately ignored or downplayed to tarnish their noble and progressive deeds so that the forcible accession of Junagadh to India can be justified. For example, Mujtaba (2011) blames the Nawab for desertion while exalting the character of Dewan Sir Shah Nawaz Bhutto. Since Junagadh was a prosperous and peaceful state where religious discrimination had never been in existence and the Muslim rulers and multi-religious population had been in full harmony, there was a strong likelihood that the state would accede to Pakistan.

The Indian ruling elites could foresee this accession so they started planning to overtake it. Sir Mogat Lal Prakh took the lead. He went to Bombay to gather likeminded people and arranged a meeting under the chairmanship of Dr. Patabhi Sitaramia on June 7, 1947 which was attended by the nephew of Mahatma Gandhi, who worked as an editor with a clearly partial newspaper of Bombay the *Wande Matram*. The meeting passed a resolution against the alleged prejudice of the Nawab of Junagadh and they decided to revive Parja Mandal in the state. This was the beginning of false propaganda (Lakhani, 1989).

Samaldas Gandhi led a campaign in public and media propagating that the Indian government would never accept Junagadh accession to Pakistan as it would cause great damage to the businesses of the neighbouring states. After the state's accession to Pakistan, Indian Defence Committee ordered the neighbouring states of Kathiawar to cut all supplies to Junagadh and block it till surrender. At the same time the Gujarati newspapers run by the Congress started publishing made up stories of the cruelties inflicted on the Hindus of the state which created fear in the heart of the Hindu population and it started migrating to the neighbouring states. It was also propagated that the state of Junagadh started inducting Sindhis, Balochis and Pathans in different state departments who were inflicting pain on the Hindus. The Indian press joined this propaganda in the noise of which the Muslim defence was hardly noticeable. One of the leading Hindu newspaper *Janam Bohme* owned by Amrat Lal Seith maligned the Memons for creating difficulties for the Hindus because of their loyalties to

Pakistan. Amarat Lal wrote in one of his editorials that the Indian government regarded Memons as the dividing factor among the Muslims and the Hindu population (Lakhani, 1989).

Partition, Accession and Manipulation

When the Partition of India was announced and the princely states were given the right to decide for the accession to any two of the states or retain their independence status, the ruler of Junagadh decided to accede to Pakistan. He was the first ruler of any princely state to accede to Pakistan. The Nawab sent his Dewan Sir Shah Nawaz Bhutto to deliver the 'Instrument of Accession' to Muhammad Ali Jinnah in person. Quaid-i-Azam accepted the accession and signed it on 15 September 1947 despite constant threats and persuasion by the Hindu and the British rulers. British and Indian machinery provoked some Hindu subjects to revolt which is termed as 'mobilization of violence' in re-fashioning Junagadh's sovereignty (Ankit, 2016). Menon (2021) describes in detail how the Indian and the British representatives tried all means to persuade the Nawab of Junagadh to accede to India failing which they exerted force to serve their purpose. The greatest pressure was exercised by the Governor General Lord Mountbatten and Indian Prime Minister Jawaharlal Nehru. Soon after the declaration of the accession, two letters were written by the Indian Secretary of the State Affairs, V. P. Menon to the Prime Minister of Pakistan directing him not to accept the accession request. On September 12, 1947, Nehru sent a telegram to the Prime Minister of Pakistan threatening him that if the Nawab of Junagadh tried to accede to Pakistan, the Indian government would never accept it. On the same day Lord Mountbatten sent a letter to Muhammad Ali Jinnah through the Indian Chief of Army Staff directing him to tell Pakistan that the British and the Indians would never accept any such decision and it would lead to a serious clash between India and Pakistan. He added that the state of Junagadh would be destroyed and surely Jinnah would not like the accession of a destroyed state (Lakhani, 1989). This attitude was a clear violation of all diplomatic norms and the rules and regulations of the Partition.

A hype was created in the Junagadh state to justify military intervention. The Nawab of Junagadh was threatened to change his decision, failing which India imposed a blockade on the state (Lakhani, 1989). Ankit (2016) notes,

The mobilization of Indian defence forces lead up to the accession of Junagadh in November 1947 and the management of violence directed at Junagadh's Muslims afterwards are yet another instance of the forcible incorporation of Indian princely states and Indian Muslims into the reconstructed post-colonial state.

This intervention was not the final settlement and though occupied by force, Junagadh did not accede to India, instead was occupied. Bangash (2015) writes,

The Government of India installed a governor and arranged a referendum on the status of the state, which took place on 20 February 1948.

A referendum that was denied to the Kashmiri majority population of Jammu and Kashmir despite UNO resolutions was conducted in Junagadh under military power. Consequently, Junagadh was integrated into India. The Indian media constantly propagated that Junagadh was not invaded but was taken over because the Nawab's government had collapsed.

Before that, on September 25, 1947, an interim provisional government for Junagadh was also established by the Indian Government with Samaldas Gandhi, a relative of the Mahatma, as its President and Rajkot was declared as its headquarter (Gandhi, 2018). Later on, the subordinate vassal states of Junagadh were also invaded and merged into India.

The Steadfastness of the Rulers of Junagadh

The state of Junagadh was besieged, the rulers were constantly pressurized and threatened but they remained steadfast. Nawab Mahabat Kanji wrote a letter to Quaid-i-Azam on August 29, 1947 stating that Junagadh was being criticized from all sides and a lot of pressure had been exerted in the form of threats and persuasion but by the grace of Allah Almighty he was steadfast. He urged Quaid to

declare acceptance of the accession. He added he was sending his Minister of Revenue Mr. A. K. Y Abrahani to decide terms and conditions (Lakhani,1989).

Declaration of the Acceptance of the Accession

On September 15, 1947, the Government of Pakistan made a declaration of the accession through an Extra Ordinary Gazette. The state of Junagadh declared it in its official Gazette on September 18, 1947 in the following words:

His Excellency, the Governor General of Pakistan has accepted the documents of accession presented to him by his Excellency the Nawab of Junagadh for the accession of the state of Junagadh to Pakistan. This accession is signed for foreign affairs, defence and transportation and communication the rest of the departments will be managed by the state itself and their sovereignty will not be impacted by this accession. (Lakhani,1989)

The state of Pakistan informed the Indian Government via telegram about the declaration and signing of the agreement. Soon after the declaration Lord Mountbatten called a meeting of his staff in which it was decided to resist it with all might and got it reverted. What happened as a consequence is the sad history of the use of might to usurp the right.

Conclusion

Fabricated, exaggerated, distorted narratives widely propagated by the Indians to malign the Muslim Nawabs are belied by the inclusive, tolerant, prosperous state of Junagadh. Good governance practiced by the Nawabs demonstrates their progressive mind-set and a humane cosmopolitan world view, where diversity is not only tolerated but also promoted.

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Accession of Princely States to Pakistan: A Comparative Study of Junagadh and Bahawalpur

Rana Pervaiz Iqbal* & Syed Mussawer Bukhari**

Abstract

Coming out of the umbrella of colonial imprint, both Pakistan and India witnessed the independence in August 1947. The British rule, spreading over the period of centuries, came to an end by asking the princely states of Indian Subcontinent to join Pakistan or India according to their will. Having two new states in Subcontinent, princely states were free to choose either Pakistan or India. Delegations were sent to Bahawalpur and Junagadh states by the leaders of both the new states. Bahawalpur and Junagadh, the two rich princely states, announced to join Pakistan. It was a huge reinforcement for newly established Pakistan in terms of economic and political scenario. Bahawalpur's accession was smoothly performed and completed whereas Junagadh State was occupied by India after its accession to Pakistan. Both the states were different in terms of social and political structure. The accession of both Junagadh and Bahawalpur had totally different scenario which urges the historians to revisit the history for new insights. The current study covers a comparison of the accession of two princely states, Junagadh, and Bahawalpur to Pakistan. The article further highlights the repercussions of the accession of these two states to Pakistan. Following the research question that what were the pre-decision and post-decision significances of accession to Pakistan by Bahawalpur and Junagadh, the study consists of three parts, introduction, data analyses and the conclusion based on the

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interpretation of the data. The historical method is adopted to conduct the research. The secondary resources as books, articles, magazines, newspapers and interviews have been reviewed for the study.

Introduction

Two of the prominent princely states, Bahawalpur and Junagadh, were among the few states which had a strong mechanism of the state structure in terms of finance, management, and defence. Both the states were the Muslim states and were promoting the Muslim culture in the Subcontinent. When the British came to Subcontinent, they made the whole territory their colony by declaring all the princely states a part of their empire. Junagadh, like other princely states, was free to take its own policies to run the affairs of the state. But foreign and defence matters were the power of the British rule. British were to decide and implement the policies regarding all the foreign affairs of the states. There were around 562 princely states which came under the rule of British empire in the Subcontinent. At the time of independence of Pakistan, Bahawalpur was ruled by Nawab Sadiq Abbasi and Junagadh was ruled by Nawab Mahabat Khanji. Junagadh State was the 5th largest state producing higher revenue and 2nd largest among Muslim states. Bahawalpur was also a large area state and was among the most rich Muslim states of that time. Both the states were having their own standing army and defence system (Nasir-Ud-Din, n.d.).

At the time of Partition of the Indian Subcontinent, Mountbatten primarily announced that all the princely states would be free to take decision of acceding with India or Pakistan. There was no restriction of the geographical limitations or boundaries. Any state might go with one of the new states and British would not interfere in the matter. However, later on, taking turn from his own words, the geographical limitations were imposed on the states before taking the decision of accession. This all was made in emergency to facilitate India so that rich states as Junagadh, could be part of India in order to make India stronger than Pakistan. Quaid-i-Azam, from the day first knew the united opposition of Britain and India. Indian officials were claiming that India is sacred for them and they would never divide the sacred

land. Most of the Indian leaders remained successful in convincing British representatives to give maximum of division to India which would benefit them on the other end would create problems for Pakistan (Khan, 2020).

The Partition brought a tough time for all the princely states of the Subcontinent. It was left over to the states to take the independent decision regarding joining either Pakistan or India. All the princely states including Bahawalpur and Junagadh were given the right through Indian Independence Act, 1947 to join any of the newly established Pakistan or India or remain Independent. All the states took the decision in the larger interest of the state and the public. Both Junagadh and Bahawalpur decided to join Pakistan. Rulers of both the princely states accepted Quaid-i-Azam's proposal to join Pakistan as Muhammad Ali Jinnah sent the delegations to rulers of different states (Ankit, 2016). The accession of Bahawalpur was successfully completed. The ruler of Bahawalpur State Nawab Sadiq Abbasi, wholeheartedly supported Pakistan and backed the newly established country with financial aid as well. Quaid-i-Azam visited Bahawalpur and paid gratitude to the congenial leader of the state for standing and acceding to Pakistan. On the other hand, Junagadh State's accession to Pakistan became controversial soon after the signing the accession agreement with Pakistan. The state was important for both Pakistan and India. The Nawab of Junagadh, Nawab Mahabat Khanji, signed the agreement with Pakistan to join it officially. It was termed as 'Instrument of Accession'. It was a decision of the State Council of Junagadh which passed the resolution to join Pakistan (Bangash, 2011). Nawab Mahabat Khanji visited Karachi and met Quaid-i-Azam. However, Indian factor was not out of the situation at that time. Afterwards, India created disturbance in the state of Junagadh and, on the grounds of law-and-order situation, Indian troops entered in Junagadh state and removed the flag of Pakistan from the official buildings. The Indian troops took over all the main parts of the state and Pakistan faced a new challenge as India occupied Junagadh which would be a strong part of the newly established Pakistan. It was the time of hardships for Pakistan.

This study provides an insight about accession of two princely states, Bahawalpur and Junagadh, to Pakistan. The accession of Junagadh and Bahawalpur have unique significance for the researchers. The accession of these states narrates different scenario as Junagadh state accession was snatched by India against the will of the state. Still Junagadh is under Indian control and the matter needs attention of the world. This study highlights the Indian occupation of Junagadh as the world should know the Indian actions in Junagadh.

Objectives of the Study

The study has been carried out with the following objectives,

To get the historical perspective of the accession of Junagadh and Bahawalpur to Pakistan,

To know the difference between the accessions of these two states to Pakistan,

To get the factual data about the consequences of the accession of these two states.

Variables

The decisions of the accession of two states, Junagadh and Bahawalpur, have been dealt as the independent variable of the research.

The outcomes of the decision of accession of Junagadh and Bahawalpur have been taken as dependent variable of the research.

Research Question

The research has been conducted by following the research question;

What were the pre-decision and post-decision significances of accession to Pakistan by Bahawalpur and Junagadh?

Background

The Nawab of Bahawalpur was a visionary leader of the state. He had taken many practical decisions for the betterment of the people of

the state of Bahawalpur. He saved rich culture of Islam in the state through Islamic education on modern basis and the Islamic architectural style in the state. Nawab Sadiq made the state a modern one even in the old times. The rights of the people were respected. Almost all the aspects of a social and welfare state were being practiced in Bahawalpur (Javaid, 2004).

Nawab of Bahawalpur did not handover all the powers of the state to the Government of Pakistan after accession. By joining Pakistan, Bahawalpur became a permanent and legal part of Pakistan but at the same time, the initial agreement between Pakistan and Bahawalpur explains that it was guaranteed that the Nawab of Bahawalpur shall keep the authority and control over the Bahawalpur State. The people of the state of Bahawalpur had been subject of its ruler. They always were of the belief that Nawab of Bahawalpur took such decisions which remained fruitful for the public. After the creation of Pakistan, people of the Bahawalpur State were of the belief that the Nawab Sadiq would certainly take the right decision either to join Pakistan or India or remain as separate state in the region (Zaman, 1999).

Regarding Junagadh, Bangash (2011) is of the view that decision of joining Pakistan by the Nawab Mahabat Khanji made the Indian leaders confused how to roll back the decision of the Nawab. It was not only in Junagadh but there were many states where India used its power to make the authorities change their decision and opt only to join India, not Pakistan.

Ankit (2016) writes that there had been many incidents of the forceful accession of princely states. Violence, law and order situation and other issues remained highlighted in the early period of the Partition of the Subcontinent. Same case was repeated in the state of Junagadh which was annexed by India as Nawab Mahabat Khanji acceded the state with Pakistan earlier.

Sardar Masood Khan, former President of Azad Jammu & Kashmir, while delivering a speech, said that in 1947, India entered in Junagadh against the will of the state. Still Junagadh is under Indian control and Muslims of the state are under severe oppression due to Indian biased policies. UN has also shown oblivion feedback providing India full

space to run the Junagadh state matters according to its policies. But Pakistan will continue to bring Junagadh and Kashmir back to Pakistan sooner or later (Khan, 2021).

Accession of Junagadh State to Pakistan

The announcement by Nawab Mahabat Khanji of Junagadh, in August 1947 about the accession of Junagadh to Pakistan, was accepted by Pakistan on September 15, 1947. Almost after one month of the creation of Pakistan Junagadh became part of Pakistan and the flag of Pakistan was raised at the state house of Junagadh. It was the first state ever which decided and joined Pakistan by signing the agreement between officials of both Pakistan and Junagadh. Like many other states, Junagadh was a princely state located in today's Gujarat under the suzerainty of British India. In the independence and Partition of British India of 1947, around 562 princely states were given a choice to either join the new Dominion of India or the newly formed state of Pakistan (Javaid, 2018).

At the time of Partition, the Nawab of Junagadh, Muhammad Mahabat Khanji III, was a Muslim ruler with the history of family rule for centuries on Junagadh State. He was a true Muslim although ruling over a state where Hindus were also living in a large number as permanent citizens of the state. When the issue of selecting either Pakistan or India came to him, Khanji chose to accede to Pakistan. An estimated 80% population of the state was Hindu. The Nawab decided to accede to the Dominion of Pakistan on August 15, 1947, against the advice of Lord Mountbatten, the Last Viceroy of the British Rule to the Subcontinent, who also kept on persuading Nawab Mahabat Khanji to accede to India and not to choose Pakistan. The Mountbatten's advocacy for the Indian side showed inner conspiracies against Pakistan. Indian side did not spare newly born state of Pakistan to damage in different ways. (Bangash, 2011).

Although, apparently, all the princely states were free to take the decision of joining any of the newly established states Pakistan or India; yet, the matter was not as easy as projected. All the major states, rich and geographically important, were contacted by India and

pressurised by Britain to accede to India for huge benefits. The accession of Junagadh to Pakistan started a new game plan in India to get the rich state back from Pakistan. The first 15 days after independence were very critical as the Nawab of Junagadh was wise enough to save the lives of the people of his own state. He did not want to create a situation of panic in the state. The state of Junagadh was known for its best social system and Nawab's best planning to gear up the life standards of the masses. On the issue of accession, Nawab Mahabat Khanji adopted the policy of wait and see for the best environment for the best interest of the public. But the decision could not be delayed to whom the state would accede. The decision was to be made on the ground realities and by keeping all the stake holders' in confidence. Presenting the spirit of the public and the state interests, Nawab Mahabat Khanji announced to accede to Pakistan. The flag of Pakistan was raised at the state building. All the matters were being settled down accordingly.

Indian leaders reached out to maximum states to get the consent to accede to India. Junagadh was the main target in this regard and Indian side wanted to have Junagadh as a part of India. After Junagadh's accession to Pakistan, India, taking advantage of some unrest in the Junagadh State, entered its forces by claiming that it would withdraw its forces as the situation would be normal in the state. Indian officials announced that India did not want to damage further law and order situation in Junagadh state. So Indian Regional Commissioner at Rajkot took up the charge of Junagadh administration only for a short interim period. As per their announcement, that had been done to avoid disorder and resulting chaos. Nehru sent a telegram to Liaquat Ali Khan saying that India would not stay in the state against the wish of the public. But India wanted to hold plebiscite in the state so that the real outcome of the public might be assessed. Liaquat Ali Khan replied to the telegram of Nehru. He responded that India had violated the international laws by entering in the state of Junagadh (Bangash, 2011). It was the decision of the Junagadh's government as well as the public to be with Pakistan. But India created disturbance in Junagadh state to have an excuse to enter in the state. Indian step to hold its temporary set

up in Junagadh would further damage the situation in the state. In nutshell, India took over the control of the whole state of Junagadh.

It was a pity that the Nawab of Junagadh, who was in Pakistan for legal proceedings of the accession, could not travel back to manage the situation in the state. Shortly after the incident of unconcealed violation of justice and fair play, Quaid-i-Azam Muhammad Ali Jinnah reached the United Nations so that the Indian's forceful game of occupying might be undone by the world powers.

Moving forward, 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. Most of the Memon community which is settled in Karachi came along Nawab of Junagadh (MUSLIM PERSPECTIVES, 2016).

Most of the print media representatives of that time raised many questions over the decency of the plebiscite being conducted by India to know the will of the people for the accession either with Pakistan or India. On February 26, Pakistan also showed its concerns and the violations which India carried out during the plebiscite to know the public opinion about the accession. Pakistan clearly called it a fake plebiscite in the Junagadh State that was aimed to take over the administration of Junagadh. In the plebiscite 222,184 votes were casted to join India and 130 to join Pakistan out of a total population of 720,000 of Junagadh and its feudatories. Only 15 percent (21,606) of Junagadh's Muslim population voted while 30 percent (179,851) of the non-Muslim population voted (Ankit, 2016). The total number of voters on electoral rolls was 200,569 and less than 10,000 Muslims voted for India. The overall results indicated frauds in the plebiscite of the state's fate. The casting votes and the turn out created many ambiguities. Pakistan did not accept the result of the plebiscite. India acted upon its plan to take control of the Junagadh state. Fake results of the plebiscite were made as a base for the permanent rule of India in Junagadh.

Pakistan kept on demanding to follow the constitutional framework for the accession of the states with India or Pakistan. But the Indian Government, as did in Kashmir, remained silent over the issue and

announced its legal set up in the state by declaring it a permanent part of India. Still Junagadh is under Indian control and Muslims of the state are under oppression of the Indian biased policies (Khan, 2021). The Junagadh state issue, legally and for humanity, is due to be resolved by the relevant agencies. Pakistan has shown Junagadh in its new map as a part of the country. Pakistan is doing efforts to become the voice of Junagadh state to make it again a part of the country.

Accession of Bahawalpur State to Pakistan

Established in 1609 by Nawab Bahawal Khan, Bahawalpur was a rich state of the Subcontinent. Tropical sun, sand dunes and tall date trees make the state unique to others.

Religion	Number	Percentage
Muslim	10,98,814	81.93%
Hindu	1,74,408	13.07%
Sikhs	46,945	3.50%
Others	46,945	1.05%

Source: (Report on the Administration of Bahawalpur State, 1954-46. Lahore: Civil and Military Gazzete, 1947.)

According to the census conducted in 1941, Bahawalpur had a population of 1,341,209. The state had more than 80% Muslims while rest of 9% belonged to other religions (Javaid, 2018). The population in Bahawalpur state in 1945, distributed according to the principal religions was as given in above table.

The state of Bahawalpur had a rich history of the social set up, economic affairs and the management of the state by the Nawab of the Bahawalpur. The state of Bahawalpur was considered as a modern state even in 20th century. The Nawab of Bahawalpur had worked a lot to facilitate the people of the state at their doorstep. Hospitals, educational institutions, infrastructure, and other basic necessities were provided to

the people of the state. Furthermore, Nawab Sadiq was kind to its neighbouring Muslim states and countries. He saved rich culture of Islam in the state through Islamic education on modern bases and the Islamic architectural style in the state (Nasir-Ud-Din, n.d.).

When Pakistan came into being in 1947, the leadership of Pakistan, Quaid-i-Azam sent delegations to different states to join Pakistan officially. Bahawalpur was an important state economically and strategically. Moreover, it was a Muslim majority state. Quaid-i-Azam was sure that the Nawab of Bahawalpur would certainly heed to the request of accession to Pakistan as Indian delegation also paid visit to Nawab Sadiq Abbasi with the request to join India.

It was a history of the Nawab family of Bahawalpur that the state did not allow any outer force to intervene in the matters of the state. The British statesmen in the Subcontinent were very close to Nawab Sadiq, yet they were not allowed to interfere into the matters of the state. Nawab Sadiq himself was steering the state very successfully and the people of Bahawalpur were happy with the administration of the Nawab of Bahawalpur. At the time of Partition and even during the independence movement, the state administration remained fully aware of the events taking place in the Subcontinent. Nawab of Bahawalpur, to empower the strength of the movement for separate homeland of the Muslims of the Subcontinent, wrote to Muhammad Ali Jinnah and assured him full support of Bahawalpur state to his struggle for Pakistan. The people of the state were of the belief that Nawab Sadiq would certainly take the right decision either to join Pakistan or India or remain as separate state in the region (Zaman, 1999). On 10th of August, Quaid-i-Azam paid special visit to the residence of the Nawab of Bahawalpur Nawab Sadiq Khan Abbasi and was warmly welcomed by the host offering special salute by the army of the Bahawalpur. This visit was a gesture of confidence which Muhammad Ali Jinnah had in the Nawab of Bahawalpur. Quaid-i-Azam knew that there would be difficulties to run the state affairs as poor economic structure was handed over to Pakistan. For the economic assistance, Quaid-i-Azam met with the Nawab of Bahawalpur who, being a true friend of Pakistan, Islam and Quaid-i-Azam, helped with open heart and

facilitated the new Islamic state (Shahab, 1977). On October 3, 1947 Nawab of Bahawalpur Nawab Sadiq Abbasi announced to join Pakistan. In accordance with the India Act, 1935, a written accession document was signed by the Nawab on October 3, 1947 and Quaid-i-Azam as Governor General signed it on October 5, 1947. By signing the agreement, Bahawalpur became a permanent and legal part of Pakistan (Khanam, 2016).

When the news of the accession of Bahawalpur to Pakistan spread out, there were some clashes among the Hindu Muslim community in the Bahawalpur State. The Hindus were inclined to join India to save their identity in the state. The Hindus were agitating to take the decision back and join India. But the decision was made by the Nawab of the state, and which can not be undone even by the strong propaganda by the Indian lobby. India offered huge bounties to the Nawab of Bahawalpur so that the important state might join India. However, Nawab Sadiq remained resolute and stood with Pakistan. In Bahawalpur, unlike Junagadh, India could not do any illegal activity against the will of the people and the government of the state. The decision of accession of Bahawalpur brought some changes in the state. Bahawalpur state was the homeland of multiple minorities as well. So analysing the future scenario of the accession of Bahawalpur with Muslim majority country Pakistan, many Hindus migrated to India from the State. Although, Nawab of Bahawalpur assured all the safety and facilities to the minorities in Bahawalpur, yet Hindus shifted to India permanently (Zaman, 1999).

The post accession scenario of Bahawalpur is altogether different from the accession of Junagadh. The Indian officials could not create disturbance in the state and even could not dare to send troops to Bahawalpur to occupy the state and make it part of its territory. The Bahawalpur state was equally important for India and Pakistan so same was the Junagadh state. But, unfortunately, Junagadh state could not remain with Pakistan, and India occupied Junagadh State and is still keeping it under unlawful control.

Conclusion

Accession to Pakistan by the two princely states depicts two different consequences. The new state of Pakistan was in severe need of such units which were economically and socially strong. Junagadh and Bahawalpur states were two of such states. India attempted to make Pakistan geographically and economically limited by the use of force and power in the matter of accession of the princely states. The Bahawalpur's accession was smooth and it joined Pakistan and no force could undo it ever. The state of Bahawalpur stood by Pakistan even before its accession. Nawab of Bahawalpur Nawab Sadiq Abbasi opened up a chain of cooperation steps for Pakistan as a sincere friend and part of the newly created country of the Subcontinent.

On the contrary, Junagadh faced challenges after the accession. Although the 'Instrument of Accession' is still saved duly signed by the Nawab Mahabat Khanji of Junagadh and Quaid-i-Azam Muhammad Ali Jinnah. As Junagadh was one of the largest Muslim states of the Subcontinent, its decision of joining Pakistan was a great success for Pakistan. The agreement was signed between Pakistan and the state of Junagadh, and it became an official part of state of Pakistan. Nawab of Junagadh visited Karachi to meet with the leadership of Pakistan. Keeping in all the scenario and losing hope of getting an important state of Junagadh as its part lawfully, India took the benefit of the situation and entered its troops to the state of Junagadh which had become a part of Pakistan. Indian troops removed the flag of Pakistan which was raised on all the official buildings of the Junagadh State. Nawab of Junagadh could not travel back to Junagadh and India announced to make Junagadh as its part. Since that day, Junagadh, as Kashmir and many other parts, is under the Indian control. Indian Government made Junagadh its part against the will of ruler and people of the Junagadh State. Pakistan has been keeping the Kashmir issue alive by raising it on different forums. Unfortunately, the Junagadh issue has been forgotten by and large. On the other hand, Bahawalpur State's successful accession to Pakistan is an example of the rule of law.

If the official announcement is declared, then the international community is bound to follow that declaration. Pakistan should follow the Junagadh case at the international level including United Nations. Pakistan has all the legal documents including the Instrument of Accession. Media forums should also be used in this regard. People should be given awareness regarding the forceful occupation of a state by India. The academia should also come forward to discuss the historical oppression by India and give a new spirit to the Junagadh State issue. There should be open debate over the Junagadh issue. The delegations should be sent to different countries to reveal the unlawful act of India. The people of Junagadh should also be approached to get the latest information regarding their current situation in the state. Strong stance of Pakistan over Junagadh state, proper advocacy of the issue at national and international level and unanimous stand of the stakeholders at the diplomatic juncture may pave way to get the Junagadh back from India and make it an integral part of Pakistan.

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Validity of Pakistan's Claim on the Issue of Junagadh: An Analytical Approach with a Brief Disuccion on Kashmir Issue

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Abstract

Along with other princely states, Junagadh was an economic and administrative part of Kathiawar region, ruled by a Muslim ruler Mahabat Khanji. Quaid-i-Azam Muhammad Ali being the barrister believed in rule of law, and he left decision upon the discretion of princely states that they were free to join either Pakistan or India, according to their own will. Nawab of Junagadh was impressed by Quaid-i-Azam, and he signed Instrument of Accession to Pakistan. The major part of the population of Junagadh was Hindu. India manipulated to create disturbance in law and order situation in Junagadh State. India held an illegal plebiscite under its military occupation, which showed that majority voted in favour of India. The research study reveals that occupation of Junagadh by India is invalid. Pakistan's claim on Junagadh is based on firm foundations, with documentary proof of accession. When viewed through the lens of international law, Instrument of Accession between Nawab of Junagadh and Pakistani state has attained the status of treaty and has tethered both parties firmly in its terms and conditions. In the context of international law, Nawab of Junagadh had the privilege of all the political rights on Junagadh state, even after its illegal occupation by India. Thus India's intervention and consequently challenging the sovereignty of a state is entirely illegal. Though plebiscite is the source

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of knowing public opinion, but in the presence of Indian forces this plebiscite would never qualify to the acceptable scales of transparency. India hails Junagadh plebiscite, but would never accept it for Kashmir. Moreover, Mountbatten also played key role in the illegitimate plot of Junagadh's annexation to India, and thus deliberately committed ultra vires (Misuse of power), for the sake of gaining the position of Governor General in India.

Introduction

In 1736 Junagadh was proclaimed as an independent state by Bahadur Khan Babi, who was the son of Sher Khan Babi. During the British colonial rule, in the terms of revenue, Junagadh had the status of fifth largest state in general and second biggest Muslim princely state, out of 562 states of Indian Subcontinent. Princely states were free in all matters except defence and foreign affairs, which were under the hold of British government. But Junagadh enjoyed privilege for having its own standing army and system of governance. After the declaration of Indian Independence Act, 1947, princely states had three options: either join India or Pakistan or in case of non-acceptance of these two options, they were given the choice of remaining independent.

Nawab Mahabat Khanji was the state ruler of Junagadh, at the time of Partition. With the consultation of State Council, comprising of both Hindus and Muslims, he entered into the agreement of accession with the Governor General of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah. Thus Junagadh became the first state to accede to Pakistan. On the state house of Junagadh, the flag of Pakistan was hoisted and the agreement of accession was culminated. For meeting necessary formalities of accession, Nawab left Junagadh for Karachi. As soon as he reached Karachi, Indian forces forcibly entered into Junagadh, and violated the sovereignty of the state of Junagadh, which had already become officially the part of Pakistan. In those days, Pakistan was a nascent state with inadequate resources. On the one hand, it had to face the internal difficulties, while on the other side it had to cope with usurpation of its Junagadh territory by Indian forces. By the instructions of then Governor General of Pakistan, Quaid-i-Azam

Muhammad Ali Jinnah, the case of Junagadh was filed in the United Nations, in January 1948. Like the Kashmir dispute, long ago, the dispute of Junagadh had been discussed in books, but the fact is that it has been forgotten in the tumults and upheavals of everyday challenges.

Pakistan's New Political Map

On August 4, 2020, on the day when India revoked Article 370 of Indian Constitution, new political map was unveiled by the Prime Minister of Pakistan. The new map included parts of Gujarat i.e., Sir Creek, Junagadh and Manavadar as parts of Pakistan. Issuing the new map, Pakistan has claimed that these territories belong to Pakistan (Bhat, 2020). In retaliation, India also unveiled a map in which Azad Jammu & Kashmir and Gilgit Baltistan were declared as the parts of India. India's retaliatory move was objectionable in the international community, thus China and Nepal objected and rejected and affirmed this move of India as raising territorial dispute.

Prime Minister of Pakistan stated that it was a first step to swift resolution on Kashmir dispute, and to convey message to international community including India that Kashmir, Ladakh, Junagadh, Manavadar and Sir Creek are forcibly occupied by India, and Pakistan has an actual right of ownership on these disputed territories. In fact, this move on the part of Pakistan was an answer of the abrogation of Article 370 of the Constitution of India, under which occupied Kashmir was annexed with India, and the held territory was bifurcated into two unions Jammu and Kashmir and Ladakh. Although Pakistan was late in retaliation but this counter attack on Indian propoganda affirmed its sole ownership on the illegally Indian Occupied Jammu & Kashmir, Junagadh and Manavadar. However, at this important juncture, it is very important to pay attention on some key points by the Government of Pakistan;

- What was object lying behind issuance of new map on this juncture?
- How will this map help to resolve Kashmir and Junagadh issue?

➤ What are other steps taken to end the brutal siege of Indian held Kashmir and Junagadh; and to restore the position of Nawab of Junagadh?

Pakistan urges for the right of self-determination of Kashmiris. It always respected the opinion of Kashmiris, and urged the international community to resolve the destiny of the people of Kashmir, according to their own will (Dawn, 2020).

At the same time, release of new political map by Prime Minister, revealed old disputes which were buried many years ago, just like the Junagadh issue which was found in books only. Thus the question arises why Pakistan claims over Junagadh? Justifications on the part of Pakistan are listed below.

Definition of Treaty under International Law

Treaties are regarded as important source of international law. Whenever any international dispute has to be resolved and it is brought before International Court of Justice, the first effort to be exerted is to find out whether there is any treaty between the parties on this imbroglio or not. International treaties enjoy same position in international law as legislation has in municipal law. In this respect international treaties are regarded leading source of International law.

Oppenheim (1955, p. 87) states that international treaties are like contractual characters which are settled between states or the organizations of state.

In view of the significance of the Law of Treaties, the international law commission decided in 1949 to attempt its codification in draft convention on the Law of Treaties. The commission completed its work in 1966. On May 23, 1969; the United Nations Conference adopted the Vienna Convention on the Law of Treaties. Vienna Convention 1969 on the Law of Treaties is comprised of 85 articles. Article 2 of the Vienna Convention 1969, on the Law of Treaties, elaborates the terms of international treaty between two or more than two states. Article 2 clearly describes which agreement gets the status of international treaty. Under this purpose, five steps are stated that give any agreement

the status of international treaty, between the two states that are hereinafter contained:

1- On the part of parties to treaty, accreditation of the representatives of state is essential;

2- Representatives of the parties to treaty, negotiate with each other and settle terms and conditions;

3- After negotiation and settling issues, representatives of the states, that are parties to contract, mark their signatures upon concluded agreement;

4- Fourth step is much more important, as compared to signature, because signature is not enough to give status of treaty to any agreement. For making any treaty, ratification is necessary along with signature. Here, ratification means to confirm the provisions of the agreement, or give approval of the signatures made by representatives of the states. Only after ratification an agreement between the states becomes treaty and gets the status of law;

5- And fifth step is accession and adhesion. Though states have not signed the treaties they can sign it so afterwards. When parties to the treaty have signed, other non-signatory states may also accept or adhere to that treaty.

International Law about Treaty in the Case of Accession of Junagadh to Pakistan

After considering the discussing 'treaty' in the light of international law, Instrument of Accession of Junagadh to Pakistan meets all the requirements. Pakistan has proof that it entered into the terms of treaty. India, that makes a lame claim about Kashmir, doesn't have even a valid piece of paper, regarding the handing over of Kashmir to India by Maharaja Hari Singh. Pakistan is fighting the war of Junagadh on international forum, under legal proof of Instrument of Accession, which is tantamount as a treaty in the eye of international law.

Nawab Mahabat Khanji was the representative of Junagadh. Apart from this, Mahabat Khanji didn't take this decision solely on his own will, but with the approval and consent of State Council, he decided to join Pakistan instead of India. Quaid-i-Azam Muhammad Ali Jinnah, as

the Governor General of Pakistan, was representing Pakistan. The agreement was not only signed, but also ratified, after which the flag of Pakistan was hoisted in the State of Junagadh, and it is a clear proof of this matter that the people of Junagadh agreed with the decision of states' representatives. History did not witness any protest on that occasion, even when majority of the people were Hindus. In the presence of their ruler, they did not raise the issue of any revolt. Furthermore, ruler of Junagadh, along with other important members of the state, came to Karachi for fulfilling further requirements of accession. In this scenario, one can easily derive that agreement, between the representatives of both states, enjoys the status of treaty under international law.

Junagadh had become an independent state; though earlier it was in the suzerainty of British crown, but after Partition of India and Pakistan, 562 princely states were free to choose one out of three options: either join with one from India and Pakistan or stay independent. State of Junagadh chose the option of accession to Pakistan. Thus, a valid and a legitimate treaty concluded between both states, and Junagadh became the part of Pakistan. The result emerges from the whole debate that Pakistan's claim on Junagadh is absolutely correct. Junagadh is part of Pakistan. Thus declaration of Junagadh as part of Pakistan is legitimate in the new political map of Pakistan, unveiled by the Prime Minister of Pakistan Imran Khan.

Illegitimate Intervention by India and Violation of International Law

Junagadh decided its fate in the favour of Pakistan. India coercively entered her forces into the internal affairs of the state, thus it illegally committed violation as per international law.

In this regard, Oppenheim (1955, p. 305) explains that if any state, for altering the actual circumstances of any other state, involves in a dictatorial manner and thus intermeddles in the affairs of that state, it is called intervention. International law does not support such intervention and prohibits this act.

Junagadh's accession to Pakistan was an internal issue of the state. In fact, under Article 2(7) of the UN charter, even United Nations is not eligible to intervene in the affairs of any state. Article 2(7) states that neither United Nations can intervene, nor it can call any state to bring their personal issues before it, under the charter of United Nations (Onuf, 1971).

Likewise under Article 2(4), all states shall refrain themselves from threatening or use of any force that is counted as attack on the territorial integrity and political independence of any state. In this connection, principal of non-interference has become firm, and it is applicable to all member states, for consolidating world peace and promoting mutual respect and harmony among states. The right of sovereignty, of all the state entities, is respected in the charter of United Nations. Apart from this, Helsinki agreement, which does not enjoy the status of treaty, it also presupposes the right of non-interference, fundamental rights, and respect of sovereignty.

Was Intervention by India in the Affairs of Junagadh Valid under the Principles of International Law?

History reflects that state of Junagadh had option to accede to any one of the states (India or Pakistan). The ruler of Junagadh expressed his interest to accede to Pakistan. Representatives of both states (Junagadh and Pakistan) met and agreement was concluded between them. Some facts reveal to us as following:

- At the time of accession, the people of Junagadh were not oppressed;
- Neither people of Junagadh asked for help to intervene, nor the state of Junagadh violated international law;
- State of Junagadh was not under the terms of treaty with India. In fact India had nothing to do with the affairs of Junagadh;
- No evidence was received about the violation of fundamental rights in Junagadh. In fact Junagadh was considered as a prosperous state;
- And Pakistan had not caused any harm to the territorial sovereignty of Junagadh. It was the independent decision of ruler and

the State Council of Junagadh to join Pakistan. Pakistan did not compel it.

Intervention in the affairs of a state is not allowed in any circumstances. After going through the whole chapter of intervention under international law, India's plea to enter her forces into a state is unjustified by any means. India is an offender in this case. India not only suppressed the right of sovereignty of Junagadh and Pakistan but also violated article 2(4) of UN Charter. The principal of non-intervention is the surety and founding pillar of the sovereignty of states. The governments of states recognize this principal. It is misfortune when states' practices go in contrary to the principle of non-intervention.

This criticism is well applicable to Indian actions in the case of Junagadh. It has committed dictatorial act by entering its forces without valid justification. In fact India may be regarded as a slayer of Article 2(4). Illegitimate act of India remains unjustified in any case. United Nations accepted the application of Pakistan and let the case to be fought on the platform. This phenomenon clearly shows that United Nations recognised Junagadh issue.

India's Contrasting Stance in Kashmir and Junagadh Cases

India claims for the Junagadh State on the basis that the majority of the population of state is Hindu. However, India is reluctant to apply same logic in the matter of Kashmir, as majority of the population in Kashmir is Muslim. On the basis of population, India should have been withdrawn from the dispute of Kashmir in favour of Pakistan.

India claims that referendum was held in the Junagadh State and almost 99% favoured India. Although that referendum has no validity as per international law. On the other hand, India is not in favour of referendum in Kashmir, whereas the people of Kashmir, Pakistan, and the whole international community have ever been adhering with this solution. India knows well that it will lose Kashmir. The case of Kashmir is still pending in the United Nations. Due to India's stubborn behaviour, Kashmir issue has not been resolved yet.

India claims that Kashmir's ruler had right to decide about the fate of Kashmir, then why it forgets that Pakistan had signed the Instrument of Accession with the ruler of Junagadh, and it is a proper way of accession recognized by the community of nations. India is denying and not accepting the clear proof of Pakistan in the case of Junagadh.

Mountbatten's U-Turn in the Matter of Junagadh

Junagadh was a princely state comprising of around seven million people. The major part of population was Hindu. Geographically Junagadh is surrounded by Indian territory and extends to Arabian Sea, but it has contiguity with Pakistan by sea and air.

On the occasion of Partition, Indian Independence Act, 1947 gave free hand to princely states that they were free to join any state or live independent. No impediment of geographical contiguity was imposed. On the basis of its political ideology, later on India compelled Mountbatten that the land of India is sacred and it should not be divided. Thus Mountbatten's all sympathies were lying with India, and history witnesses that he became first Governor General of India. Mountbatten shifted his motives and declared that on the base of geographical contiguity a state could get accession to either of the dominions. His vicious statement was detrimental to Pakistan. In this way he wanted to shrink Pakistan economically and geographically (The News, 2015). However, Nawab of Junagadh didn't care about his statement and declared the accession of Junagadh to Pakistan. Situation became complex when the ruler of Manavadar remained intact with the decision of the Nawab, while remaining two vassal states, Mangrol and Babariawad, went against Nawab's decision. This is the reason that Pakistan claimed Junagadh and Manavadar in its new political map (Iwanek, 2020).

Status of Nawab of Junagadh as Sovereign in Exile

After the Indian occupation on Junagadh, Nawab of Junagadh resided in Pakistan with the status of sovereign in exile. History is full of such kind of examples. For instance, in Gulf war, Iraq deposed Sabah's family from power in Kuwait. But the government of Kuwait

didn't leave hope and functioned properly as the government in exile from Saudi Arabia (Ottaway, 1990). For emphasizing the expression of Prince Saad the exiled government established a set-up of many ministers for his cabinet. Finally, with the help of coalition forces, Kuwait's exiled government got his country back. Likewise the president of Yemen Hadi Al Mansur is in exile for six years. Houthis toppled his government. He got shelter in Saudi Arabia and requested Saudi Arabia to intervene. Now Saudi led coalition, under the cover of Hadi's request to intervene, is fighting with rebellion to re-establish his government (Almonitor, 2021).

These examples clarify that the Nawab of Junagadh is also in exile. It is his right to go back to his homeland and rule. He came to Karachi, for fulfilling further steps of accession, but could not return back because Indian forces had occupied Junagadh, and there was great apprehension to his life there. Like other exiled rulers, under the international law, he is also sovereign in exile taking shelter in Pakistan. The Government of Pakistan treated him as a ruler of Junagadh. On the part of Pakistan, Junagadh case is pending. At the academic level, fight for Junagadh is also being fought now. It is the duty of international community to raise their voices in favour of Junagadh, otherwise oppressive countries like India will keep their illicit activities.

Conclusion and Recommendations

Junagadh is part of Pakistan and it should never be ignored. Unveiling of the new political map by the Government of Pakistan is a commendable step in this regard. This step is akin to the fact that Pakistan has recommenced its practical efforts to regain Junagadh.

Because of insufficient resources in its nascent phase, Pakistan could not defend Junagadh from illegal Indian occupation. Now both the government and academia in Pakistan are demonstrating their interest to pressurize India in the case of Junagadh. Pakistan must seek help from the international community and the international watch dogs of human rights in the matter of Junagadh to get the issue resolved as per international law. It is thus necessary to take following steps:

- Propagate the issue of Junagadh not only on international level but at national level as well through the tools of social media;
- At the academic level, the chapter of disputed lands between Pakistan and India must be added in the national curriculum of Pakistan in which all disputed issues should be highlighted. As today's students perceive that Kashmir issue is the only bone of contention between Pakistan and India;
- The case of Junagadh has already been filed in UN on the instructions of Quaid-i-Azam Muhammad Ali Jinnah. It is highly necessary to breathe new life by appointing expert lawyers of international law. Pakistan may seek help from the international jurists of international law, so as Pakistan could defend itself on the forum of United Nations;
- Pakistan should establish a desk in the foreign office of Pakistan, so as all issues related to Junagadh can be devised wisely and strategically;
- In the parliament, a committee of Junagadh is necessary to be formed;
- International community should be approached to play the role of mediator on the matter of Junagadh, so as the issue of Junagadh should be resolved;
- In Islamabad, a Junagadh house should be built for highlighting the case of Junagadh on both national and international levels;
- And the ruler of Junagadh and his family should be brought forward, so as their voices should be heard throughout the world.

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Junagadh State: An Examination of the Two Divergent Approaches

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Abstract

Located in the south-west of Gujarat, Junagadh state is one of the princely states of the Subcontinent which was comparatively more advanced and developed than the others. Its history is peculiar in nature and essence by virtue of two major and divergent approaches which has been highlighted in the existing but scarce literature. The two contending arguments can be dubbed as pro-Pakistani and pro-Indian. Although each of these assertions seem not free thoroughly from value judgment in the wake of partiality and biasness yet both have some firm elements that reinforce their respective claims over Junagadh State. Beside its history and subsequent development such as the story of accession versus annexation of the aforesaid state, the present piece of research reinterprets the already available historical records, facts and figures in order to impartially observe both the two schools of thought i.e., Pakistani school of thought and Indian school of thought because the topic concerned has recently been entered once again into the academic debate and discussion. Pakistan has recently unveiled a new political map causing a sharp reaction from India. While the new map reiterated their earlier claims over regions of Jammu and Kashmir and Ladakh as Pakistani territories. Sir Creek forms the boundary between the Indian state of Gujarat and the Pakistan's province of Sindh. It has been a subject of dispute between the two countries, often leading to clashes between their security forces. But it is Pakistan's claim over Junagadh, a part of coastal

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Gujarat, which brings up an interesting slice of history. However, the present paper would try to focus on the brief history of Junagadh state with reference to two divergent approaches i.e. pro-Pakistani and pro-Indian.

Introduction

Junagadh state was one of the most developed princely states of the Indo-Pak Subcontinent. Its accession to Pakistan on September 15, 1947 was the first test of the Indian Independence Act (Ali, 1967: 295-305) of July 1947, which permitted all the independent states of the Subcontinent to accede to either of the two countries i.e. India or Pakistan (Parekh, 2003: 16). Junagadh is a beautiful green land having multicolour valleys, high and low land, and water falls as well. It has the strategic port of Veraval on the Indian Ocean and the fabled temple of Somnath that was time and again conquered by the great Muslim ruler from Afghanistan popularly known as Mahmood of Ghazna. Later on, descendants of the Afghan warrior Babi tribe ruled this ancient state for several hundred years until September 1947. The Indian army attacked and occupied Junagadh along with neighbouring Manavadar when his highness Nawab Khanji acceded in favour of Pakistan. The recorded history of this state spanning over two millennia, demonstrates an amazingly harmonious society that flourished without any noticeable turmoil, except the said conquests of Mehmood. Junagadh absorbed, without any conflict, different religions in its fold. Arts, spiritual doctrines, warrior races, talents and trades landed on its prehistoric shores. Such a peaceful assimilation was an extremely uncommon phenomenon in the otherwise deeply divided society. In the context of Southeast Asia that even today chills the global spine by nuclear and other highly destructive forces that can and have changed the world permanently, the harmonious culture that exists in Junagadh consistently, is worthy of future studies (Bhanusinh, 2006: 522). The state of Junagadh lays near Girnar Hills in the southwestern part of the Kathiawar Peninsula. The many temples and mosques in Junagadh's vicinity reveal the city's long and complex history. To the east are the Uparkot, an old Hindu citadel; Buddhist caves dating from 3rd century

BC and the edicts of the Mauryan emperor Ashoka. The peaks of the Girnar Hills are dotted with Jaina temples (Sattar, 2013: 19).

The history of Junagadh shows that it was established in 1730s AD. The founder of this state was Muhammad Bahadur Khan Khanji I. In 1807, like other Indian states, Junagadh also signed an agreement with East India Company and came under the administrative control of the company. At that time its total population was about 500,000. Although its majority population was Hindu yet its ruler belonged to a Muslim Nawab family. When the Partition of India was decided, there were almost 562 independent states in the Subcontinent (Sandeela, 2021: 12 September). The largest states were Hyderabad-Deccan and Jammu and Kashmir. The states of Bahawalpur and Junagadh were the first ones which joined Pakistan. After Partition of the Subcontinent, sovereign ruler of Junagadh Nawab Muhammad Mahabat Khan acceded the state to Pakistan on September 15, 1947. India violated the border despite its accession to Pakistan. Pakistan's first Prime Minister Liaquat Ali Khan sent a telegram to Jawaharlal Nehru protesting the violation of international law (Afraz, 1989: 106-110). However, India seized the state forcefully within a short span. When Mountbatten said that there was no connection between Junagadh and Pakistan, Nawab Sahib told him that although there was no land connectivity between the two, yet Junagadh via sea was only 480 km away from Karachi. Hence, direct communication between Junagadh and Pakistan was much easy. After this clear denial, India decided to capture the state's assets and seize its borders by force. When resistance from Nawab was observed, the Indian army attacked Junagadh and seized its border areas. Consequently, Nawab of Junagadh moved to Karachi with his family. Pakistan presented the case to the UN Security Council which is still pending (Afraz, 1989: 106-110).

In August 2020, Government of Pakistan released a new political map of Pakistan. According to this map, Junagadh and Manavadar states are shown as part of Pakistan. Unfortunately, India occupied Junagadh state by force and now practically it is part of the Indian Gujarat. The official position of the Government of Pakistan is that India had occupied the state of Junagadh by force. In the unfolded new

map, Pakistan has shown the state of Junagadh as its integral part in order to clarify its political position and entice global attention. The state of Junagadh has recently come under limelight when it was displayed on the political map as part of Pakistan.

The issue of Junagadh was raised in the UN Security Council but it has not been resolved yet. Being illegally occupied by India, Pakistan dubbed this occupation as unjust and unlawful and against international law. Until the Nawab of Junagadh amends the document of accession to Pakistan, Indian occupation will continue to be considered illegal and unethical.

Geo-Strategic and Demographic Importance of Junagadh State

Junagadh was the premier state in the western Kathiawar region, commanding great strategic importance as a maritime state. On the three sides was the territory which had acceded to the dominion of India, and its only free outlet was to the Arabian Sea. In 1941, Junagadh had a population of over 0.67 million out of which eighty percent were Hindu, ruled over by a Muslim Nawab (Bangash, 2015: 107). The area in which Junagadh is situated in the Kathiawar Peninsula is bounded to the southwest by the Arabian Sea. It consists of a level plain except for the Girnar Hills and the forested Gir Hills, both of which have wildlife sanctuaries where the only wild lions in India survive. Agricultural products include cotton, grains, pulses, oilseeds, and sugarcane. The region is well supplied with harbours, the chief one being Porbandar (Portbandar, n.d.).

Located on the Kathiawar Peninsula, Junagadh's territory extends to the coast of the Arabian sea. While a boat's journey from there to Pakistan would not be a relatively long one, so, its importance for Pakistan is really noteworthy but contrary to that the same state is also important for India. Since then both the countries have their own distinct approaches regarding the issue due to which they foster their respective claims on the state of Junagadh. It seems that physical features and demography of the region is full of plenty of natural resources in the form of minerals, agriculture and green pastures and

also it is conducive for industrial development and installation of mega infrastructure in the days to come (Krishna, 2001).

The state of Junagadh was one of the few major Islamic states in the Subcontinent. Out of the eighteen Islamic states, it was the fifth largest in terms of area and the fourth largest state in terms of population (MUSLIM PERSPECTIVES, 2016: 97-102). It was the largest and magnificent state of Kathiawar. About fifty miles south of the state of Junagadh was the port of Veraval. It was the largest port of Junagadh. From this port, large sailing ships carried goods and passengers to Arab countries and East Africa. Historically, Kathiawar is considered as the greatest region of the Subcontinent which has given birth to two eminent personalities i.e. Muhammad Ali Jinnah and Gandhi. Its ports were used for trade and commerce with the world. Nawab Mahabat Khanji had developed it immensely and in his time its annual income had exceeded one crore rupees (Nangyana, 2020).

The demography of Junagadh reveals that the native people were hardworking, peace-loving and comparatively more advance in the field of education and intellectual development. The contribution of the people of Junagadh now living in Pakistan especially the role of *memon* community in strengthening the economy of Pakistan is remarkable (Akhtar, 2017). Being a welfare state, Junagadh was a hub of traders with maximum developments in the field of medical, education and social welfare offering equal opportunities to each and every one to avail, immaterial of cast and creed. The natives who migrated from Junagadh to Pakistan at that time, brought with them a lot of capital and on their arrival, they played a significant role in the economic revival and growth of Pakistan. Abdul Sattar Edhi, Hanif Muhammad and brothers and Javed Miandad from the field of cricket are some eminent examples who were basically from Junagadh state (Shah, 2020).

Pro-Pakistani Approach

When the British government was leaving India, all the princely states, which were under the overall suzerainty of the British crown but internally remained independent, were given a choice to join India or Pakistan or remain independent. While there is nothing on record,

Viceroy Mountbatten is said to have hinted that a princely state's decisions to join India or Pakistan ought to be geographically tenable. The ruler of Junagadh was Muhammad Mahabat Khan Babi III. Besides Babi, the other individual who exercised considerable influence on all the relevant matters of state was the *dewan* (prime minister) of Junagadh state, Shah Nawaz Bhutto. Babi decided to accede to Pakistan in September 1947, rejecting the reasoning that there was a lack of geographical tenability in Junagadh's accession to Pakistan by claiming that his state was linked to Pakistan by sea. Shah Nawaz Bhutto, the father of Zulfiqar Ali Khan Bhutto is said to have personally delivered the accession papers to Jinnah (Noronha, 2020).

According to the stance of Pakistan, the ruler of the state of Junagadh decided to join Pakistan but India forcibly occupied it claiming the accession as violation of the general principles of Partition. Junagadh's geographic contiguity with India and its majority Hindu population eventually paved way for its annexation with India. But the same right was denied by India to Kashmiris in case of Kashmir issue (Nisa, 2017: 23-57). On September 22, 1947 India pressurized the Nawab of Junagadh to reconsider his decision of joining Pakistan. When Nawab Sahib refused, the Indian Home Minister ordered the Indian forces to occupy the state. The Indian army attacked Junagadh and its border areas and occupied it. During this period Sir Shahnawaz Bhutto became the *Dewan* (the position equal to Prime Minister) of this state and continued to look after the affairs of the state. Nawab of Junagadh moved to Karachi with his family. After 1947, negotiations were held between Liaquat Ali Khan and Jawaharlal Nehru on various issues regarding the future of the state. Despite subsequent deliberations, no practical resolution of the issue came to surface. Pakistan presented the case to the UN Security Council. However, the Home Minister of India, Sardar Vallabhbhai Patel who wanted to demonstrate India's political writ over Junagadh, arrived there, visited the temple of Somnath and decided to reconstruct it. When the construction of Somnath was completed in 1951, he himself visited and inaugurated the temple (Syed, 2019). Hence, civil and military

administration seemed on one page as far as the forceful occupation of Junagadh state was concerned.

On August 4, 2020 Pakistan unveiled a new political map inviting a sharp reaction from India. While the new map reiterated their earlier claims over regions of Jammu and Kashmir and Ladakh as Pakistani territories, a new and a fresh claim was made over Junagadh and, to some extent, over Sir Creek in Gujarat (Noronha, 2020). The map demonstrates the official position of Pakistan with respect to Junagadh. It confirms the veracity of Pakistan's claim. The new political map is the first step to clarify Pakistan's position over Junagadh and project its claim at global level. Pakistan is striving to gain support of the international community on this issue because global recognition is the second step of this mega project. Unless and until one's position on a particular issue or area is not obvious things will not proceed in a favourable direction and do not bear desired consequences. In this context, maps are important while discussing territorial disputes between states. However, the Nawab's family still receives a royal stipend from the state of Pakistan and his status is that of a ruler in exile who is settled in Karachi which was federal capital of Pakistan at that time (MUSLIM Institute, 2020).

This historical context provides us with perspective on a political problem that has resurfaced, whereby Pakistan is laying claims to the ownership of Junagadh in the wake of unveiling of a new political map. The present Nawab (a ruler in exile) has also expressed solidarity with Pakistan and thoroughly rejected the Indian illegal, unethical and unlawful occupation of Junagadh state by India. Even he criticized the plebiscite of 1948 and termed Indian occupation of Junagadh as an 'illegal annexation' and a form of hypocrisy of India which time and again tries to destroy peace and stability of the region in general and Pakistan in particular (Waqas, 2021).

Pro-Indian Approach

According to this approach Junagadh was a state on the coast of Saurashtra surrounded by Indian territory, having no geographical contiguity with Pakistan, was, thus, practically part of India. Bounded

on three sides by states' which had acceded to India, and on the fourth by the Arabian Sea, it was the largest state in Kathiawar. It had enclaves in the bordering states of Gondal, Baroda and Bhavnagar, all of which had acceded to India, while other states, which had also acceded to India, had enclaves in Junagadh (Krishna, 2001).

The announcement about the accession of Junagadh with Pakistan outraged New Delhi which simply could not allow the presence of Pakistani territory deep inside India. Nehru wrote to Liaquat Ali Khan,

In case Junagadh became a part of the federation of Pakistan, Government of India cannot be expected to acquiesce to such an arrangement.

Jinnah, being a lawyer himself, was simply struck by such a statement from Nehru and wrote to Mountbatten saying that Nehru's objection was,

Totally inconceivable and untenable....the position of Indian states is very clearly defined and it was repeatedly accepted that after the lapse of paramountcy, every Indian state is independent and sovereign and free to join Pakistan or India Dominion.

Menon too, was surprised by the accession of Junagadh to Pakistan and noted that,

Junagadh was an economic and administrative unit embedded in and deriving its sustenance from Kathiawar. Its detachment would turn it into a hothouse plant with no powers of survival. (Bangash, 2015: 120)

According to India, in 1947 the leaders of the 51 villages that constituted the Babariawad territory had already declared their accession to India and as such the Government of India decided to take action. New Delhi maintained that with the lapse of paramountcy, the attachment schemes and vassal status of these states had also lapsed and as such they were no longer bound to Junagadh, and her decisions (Bangash, 2015: 107-120).

The government of India took over the administration of the state on November 9, 1947, under the pretext of restoring law and order. The government of Pakistan reacted strongly to this action and Liaquat sent

a telegram to Nehru protesting such blatant occupation of a state that had legally acceded to Pakistan. He wrote,

Your action in taking over the state administration and sending Indian troops to the state without any authorization from Pakistan government and indeed without our knowledge is a clear violation of Pakistan territory and breach of international law.

Nehru, arguing the need to regional stability refused the demands made by Liaquat for the withdrawal of Indian troops but promised a plebiscite on the issue (Bangash, 2015: 107-120).

This approach goes to state that the close geographical contiguity of Junagadh with India and the majority Hindu population are the two immediate causes of annexation of Junagadh by India. It has been with India since long and is home to famous Hindu temple of Somnath. Since Junagadh has been a part of the Kathiawar region before agreeing to become a part of India. This 'agreement' took its shape in the form of a plebiscite that, rather decisively, was won over by India (Waqas, 2021). In February 1948, a plebiscite was held in Junagadh and Bantwa Manavadar over the issue of joining India or Pakistan and the population overwhelmingly voted in favour of India. Over the next few days, the two princely states officially became part of India (Noronha, 2020).

Indian foreign office while criticizing Pakistan states that unveiling of a new political map by Pakistan is a baseless assertion. Accordingly, Pakistan's assertion of its claim to the Indian states of Gujarat and its Union Territories of Kashmir, Ladakh and Junagadh is a politically meaningless exercise and nothing else. Such ridiculous claims have neither legal status nor international credibility. In the like manner, some of the pro-Indian writers express that India had power at that time to occupy Junagadh and still has the power to maintain its control over it and whoever has power is victorious. As the proverb goes 'might is right'. It is neither valid nor enough to demonstrate Junagadh on a single-handedly sketched political map and make it as an integral part of Pakistan. The inclusion of Junagadh in the map of Pakistan is nothing else but just to make the heart happy. Thus ended a short but eventful period of Junagadh belonging to Pakistan, though even at that

time this status was confirmed only on paper. The Nawab and the Dewan fled to Pakistan, the principality's little force could not hope to put up resistance against the Indian army, and Pakistan did not attempt to send its forces in support of the tiny state, instantly leaving New Delhi in full control (Iwanek, 2020).

Conclusion

It may be concluded that India on the basis of plebiscite held on February 20, 1948, conducted under the aegis of the Indian army, acceded Junagadh state with India. This so-called plebiscite was in favour of India with the official count noting that out of a total of 1,90,870 vote casted, only 91 votes casted in favour of Pakistan. Thus, for India the matter was finally settled by this Indian administered plebiscite, whereas Pakistan never accepted these results and to date considers Junagadh a legal part of Pakistan. Indeed, the history of Junagadh is tied to the same fate as that of Jammu and Kashmir where decisions by the Indian government have overcomplicated matters by involving unconstitutional practices to defer decisions that go against their favour. Connecting with Junagadh geographically sets a historical precedence and is the first step towards setting up diplomatic relations with them. India has been acting as a regional bully, aggravating sensitive matters for its own political gain, Modi's legitimacy and claim to the Indian mandate is based on Hindutva and unabashed jingoism. It is ironic that they would see the new political map as an act of political absurdity and not the BJP narrative of inciting violence with their neighbour to gain favour with their people as political nuisance. Even though they have made their move on Kashmir, they have not solved the conflict but have only created more insecurity within the region and have to defend themselves twice, not only against regional players but against the international community as well.

This political problem develops into; a) The hypocrisy by the Indian government is juxtaposed with the Kashmir conflict and the treatment of the Kashmiri people by constitutionally removing them from the right to their own land after the abrogation of Article 370 and b) diplomatic and strategic leverage in the Indo-Pacific region which

delays Indian military and strategic plans. Considering the fact that Pakistan accepted the Nawab's Instrument of Accession, Pakistan's claim to Junagadh is albeit late but not unfounded. The illegal annexation of Kashmir sheds light into the matter of why Pakistan wants to pursue this matter and gain support from the international community regarding Kashmir and Junagadh. However, both the cases for Junagadh and Kashmir might pertain to a comparable phenomenon, they must be dealt as two different problems.

Junagadh became part of the Indian Saurashtra State until November 1, 1956, when Saurashtra became part of Bombay State. Bombay State was split into the linguistic states of Gujarat and Maharashtra in 1960, and Junagadh is now one of the modern districts of Saurashtra in Gujarat. Pakistan brought the case of Junagadh to the United Nations in January 1948. The UN Security Council commanded its commission on Kashmir to examine the conflict over Junagadh. The Kashmir conflict eclipsed the matter of Junagadh at the United Nations Security Council, where Junagadh's case is still unresolved. In 2020, Pakistan released a new political map that claimed Junagadh, Manavadar and Sir Creek as Pakistani territory. Pakistan Prime Minister Imran Khan unveiled a new political map that includes all of Jammu & Kashmir, Ladakh, Sir Creek and Junagadh. India has dismissed the map as an exercise in absurdity that made untenable claims to territories in India. These unreasonable assertions have neither legal validity nor international credibility. India has seen a so-called political map of Pakistan that has been released by Prime Minister Imran Khan. This is an exercise in futility and has no legal ground behind it. According to the pro-Indian approach, Pakistan has once again laid claim in the coastal region of Junagadh in Gujarat even after suffering a massive defeat during the 1948 plebiscite that eventually formalized the accession of Junagadh to India. Junagadh after all is, however, a disputed territory between India and Pakistan. Though the issue was raised in the UN Security Council decades ago but it has not been decided yet. The present Indian occupation of Junagadh is illegal and unlawful. There is no room for such sort of forceful occupation in the international law too. It will continue to be

considered illegal until the Nawab of Junagadh amends the document of accession to Pakistan. The instrument of accession is in the form of an international agreement. Although India rejects it and challenged its validity yet still the instrument of accession has an international status which has been recognized by the United Nations as well.

Notes

➤ A plebiscite was held on 20 February 1948, in which 91 out of 190,870 (from an electorate of 201,457) voted to join India, i.e. 99.95% of the population voted to join India (Noronha, 2020).

➤ Babi is credited with the initial conservation efforts for the Asiatic lion by marking out Gir as a protected forest.

➤ Porbandar city is located in western Gujarat state, (western India). It is situated in the western part of the Kathiawar Peninsula on the Arabian Sea coast. Porbandar was controlled by the Jethwa Rajputs since the 16th century. It was the capital of the former princely state of Porbandar (1785–1948) before it was incorporated into independent India. Nationalist leader Mohandas K. Gandhi was born in Porbandar in 1869, and both his birthplace and the neighbouring Kirti Mandir, a museum dedicated to Gandhi, are major tourist destinations.

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An International Law Perspective on the Case of Junagadh State

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Abstract

According to the Indian Independence Act, 1947, the Sovereign of Junagadh State His Highness Nawab Sir Mahabat Khanji, in consultation with the State Council of Junagadh, acceded to Pakistan and signed the Instrument of Accession with Quid-i-Azam Muhammad Ali Jinnah. Later on, the Indian Army forcibly occupied Junagadh on November 9, 1947. By this act of aggression, India intentionally breached the sovereignty of Pakistan which was a violation of Article 2(4) of the United Nations (UN) Charter. Indian occupation is also illegal under International Humanitarian Law like Article 42 of the Hague Regulation 1907, Articles 27 to 34, and Articles 47 to 48 of the Fourth Geneva Convention. Keeping in view the illegal occupation, Pakistan took the case of Junagadh to the UN in January 1948. United Nations Security Council Resolution 39 of January 20, 1948, and UNSCR 51 of June 1948 are related to the case of Junagadh. As far as the validity of accession is concerned, it is pertinent to mention that a treaty has significant importance in the eye of international law as Article 38(1) of the Statute of the International Court of Justice identifies treaties as a key source of international law. According to Vienna Convention on the Law of Treaties 1969, the Instrument of Accession of Junagadh State is a valid treaty that is still intact. Although the convention is post-dated yet the accession conforms to the

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principles of the convention. This study analyses the aforesaid resolutions to trace the legal roots of the Junagadh dispute, its current status, and the stance of India and Pakistan on Junagadh. This study is conducted by analysing different agreements and treaties related to the case. Qualitative approach has been adopted to analyse the facts and figures for reliable results.

Introduction

The Subcontinent, initially, was divided into two physical entities; one was under the direct control of the British Government while the other one, consisting of 562 princely states, was under indirect control. The princely states housed approximately a quarter of the Subcontinent's population and roughly one-third of the entire territory. The British Empire devised special policies for the princely states from time to time to keep a check on their affairs. Although the states were independent in their internal affairs, British Empire tried to influence their affairs for its interests (Lee, 1910). At times, British officials misinterpreted legal terms to support the wishes and desires of the Empire. It also reveals the vague and twisted nature of international law which was often implemented in the princely states during the 19th and 20th centuries (Benton, 2009). The relationship between the princely states and British Empire was not only complex but also based on interests. The princely states played a vital role in the devolution of British colonial power in Subcontinent, resultantly faced repercussions after the Partition (Copland, 1997).

Junagadh State was the fifth-largest in terms of revenue generation among princely states of British India while the second-largest among the Muslim states. Junagadh State also had an independent system of governance. Every possession, that went to the making of the major princely states, existed in Junagadh State at that time. It was a welfare state providing free education, healthcare, and food for everyone. It also had its system of railways as well as postal services.

At the time of Partition of the British India, His Highness Nawab Mahabat Khanji was the sovereign ruler of Junagadh State. Besides being the Vice President of the Red Cross Society of India in 1929, the

prestigious and esteemed title of ‘Nawab of Junagadh’ was weighted with royal honours such as the 1931 Knight of the Grand Commander of the Order of Indian Empire and 1946 Knight Commander of the Order of the Star of India. The Nawab of Junagadh was ranked at the top in Kathiawar in terms of gun salute, having a personal and local 15-gun salute, and a permanent 13-gun salute.

With the proclamation of the Indian Independence Act of 1947, princely states were free to decide, either to accede to the dominion of India or Pakistan or to remain independent. His Highness Nawab Mahabat Khanji choose to accede to Pakistan. The decision to join the state was not solely that of the Nawab rather a collective decision of the State Council that included Muslim and Hindu members representing their relevant communities living in the state. When Hindu representatives were asked what their decision for acceding to Pakistan was, they said,

We don't know Jinnah or Gandhi, we know you because your forefathers have led us for several hundred years. Whatever you decide would be in our best interests. (Khalid, n.d.)

Nawab of Junagadh His Highness Nawab Mahabat Khanji sent a signed Instrument of Accession to Quaid-i-Azam that was accepted by Mr. Jinnah and signed on September 15, 1947. According to Instrument of Accession, three subjects namely defence, external affairs and communication were handed over to the state of Pakistan; however, the sovereignty of the state of Junagadh i.e., the *Gaddi* and the *Pagri* vested in person whoever may be the Nawab of Junagadh State from time to time in perpetuity. The Junagadh State, thereby, became the first princely state to join Pakistan and the Pakistani flag was hoisted high on the state buildings of Junagadh.

In all these affairs, Indian officials were also working in the interests of Congress to secure maximum benefits for the future State of India (Hodson, 1985). Even after the Partition, the Indian Government was facing a lot of issues and complexities in the amalgamation of princely states. V. P. Menon, who served Government of India in the Ministry of States, was given the task by the Government of India as a minister to resolve these issues by hook or by crook (Menon, 1961).

Consequently, the Indian Government abused power and illegally captured the princely state of Junagadh which had already acceded to Pakistan (Ali, 1967). On November 9, 1947, India, with the force of its military might, illegally took over the physical possession of the territories of the state while the Nawab of Junagadh had come to Pakistan to meet Quaid-i-Azam in Karachi. This illegal Indian occupation was against the will of the people of Junagadh and its State Council that was represented by Muslim as well as Hindu communities.

States' Policies on Accession

The princely states were not directly governed by the British Government under the British Raj; rather a Royal Monarch was operating under the law of indirect authority (Ramusack, 2004). Following the 3rd June Plan, during discussions with the states' negotiating committee, which included their representatives' guidelines, the Viceroy confirmed that the accession of a state to one or the other would be a matter of free choice (Khanam, 2016).

From the very beginning, India was not ready to accept the state's independence status, and in a meeting between Viceroy and Indian leaders on June 13, 1947, Nehru claimed that the states have no right to declare independence (Khanam, 2016). Mountbatten, on the other hand, could not hide his bias in favour of Congress and functioned as an honest broker in the subject of state admission. He changed his mind from time to time, mostly to serve the interests of the Indians. On April 22, he stated that states would be free to choose a constituency regardless of geographical constraints. However, then exposed the bias by advising rulers to consider geographical constraints while making accession to a dominion. It was neither mentioned in the Indian Independence Act nor supported by the aforesaid Act.

Congress and its leaders, especially Nehru, threatened and pressurized the rulers to secure the accession of states. On April 18, 1947, Nehru, while addressing the All-India States' People's Conference that was organized at Gwalior, publicly stated,

Any State which did not come into the Constituent Assembly would be treated by the country as a hostile state (Khanam, 2016).

On the other hand, the policy of Muslim League for the accession of princely states was very lucrative; multiple states, even of Hindu majority, were willing to join Pakistan like Jodhpur, Jaisalmer, Udaipur, etc. Muhammad Ali Jinnah clarified,

We do not wish to interfere with the internal affairs of any state. Such states as wish to enter the Pakistan Constituent Assembly of their free will and desire to... negotiate with us shall find us ready and willing to do so. If they wish to remain independent and... to negotiate... any political or any other relationship with Pakistan, we shall be glad to... come to a settlement which will be in the interest of both. (Business Recorder, 2004)

India, having fear of a domino effect, believed that if Junagadh was allowed to accede to Pakistan, there were chances that other states such as Jodhpur, Jaisalmer, Udaipur, etc., might also accede to Pakistan as these states were already negotiating with Mr. Jinnah for accession. When Indian leadership came to know that Junagadh formally acceded to Pakistan on September 15, 1947, Pundit Nehru and his government started protesting against Pakistan and refused to recognize Junagadh's accession to Pakistan. On September 17, 1947, Sardar Patel, Pundit Nehru, and all members of the cabinet, before the meeting with Mountbatten, decided to take military action against the Junagadh State and they were anxious that,

The Government of India should not show weakness over Junagadh issue....

Similarly, V. P. Menon, the Secretary of State, arrived in Junagadh and insisted to the Dewan of Junagadh that Junagadh should withdraw its accession to Pakistan.

India left no stone unturned to stop other states from acceding to Pakistan. Even Indian leadership offered Nawab of Bahawalpur, the richest Muslim state in the Subcontinent, to become the first president of the 'Confederation of Rajasthan' consisting of states of the region which he categorically rejected. Therefore, when Junagadh State acceded to Pakistan, the Indian government decided to occupy Junagadh and started devising the matters accordingly (Ali, 2022).

Initially, Indian Naval forces started patrolling Junagadh's Veraval port to search and examine all boats approaching Junagadh by claiming that ammunition was being transported to Junagadh from Pakistan. The then Indian Naval Chief Rear-Admiral J.T.S. Hall was reluctant to take action because even if transportation of ammunition happened, it was legal for Junagadh according to the international maritime laws, commonwealth conventions, and joint defence council agreements as it was transportation between two parts of Pakistan. Though Hall conveyed his views to civil leadership, V.P. Menon ignored his views and ordered the forces to take strict measures (Ali, 2022).

On September 17, the Indian Army blocked all supplies to Junagadh such as fuel, coal and ration. Moreover, air and postal links were disconnected; roads and railways were blocked. Whole saga was planned to spread fear of war among the masses and to force the Nawab to reconsider his decision of accession. Finally, Junagadh was completely sealed from all sides and a law-and-order situation was orchestrated to create a pretext for Indian interference in Junagadh. Pakistan protested against the Indian hostile actions. Mr. Jinnah had earlier sent a telegram to Mountbatten on September 19, 1947, and termed any encroachment on Junagadh's sovereignty or its territory as a 'hostile act.'

Till November 1947, the administration of the state was out of supplies. The state was facing the ruination of war. On November 9, 1947, the Indian army advanced its troops; the occupation was made and the Indian army removed the Pakistani flag and hoisted its flag on the state house and the rest is history.

Indian Illegal Occupation of Junagadh

With the declaration of the Indian Independence Act, of 1947, India created hurdles for Pakistan, since they were unwilling to accept Pakistan's existence. Nehru, Patel, and Menon did everything they could do to prohibit princely states to join Pakistan. Even though there was no provision for geographical elements, Mountbatten pressed the Nawab of Junagadh not to join Pakistan because it is few hundred miles away. Similarly, Mountbatten prevented princely states' rulers from

declaring independence and Congress also took the same attitude. While His Highness Nawab Mahabat Khanji was in Karachi, after signing the Instrument of Accession with Pakistan, India, on November 9, 1947, seizing the opportunity, advanced its soldiers into Junagadh. The state was already thrown into chaos by Shamil Das Gandhi and his associates, and the Indian Army occupied Junagadh (Nazar, 2020).

Instrument of Accession and the Law of Treaty

According to the principles of international law, the Instrument of Accession of Junagadh with Pakistan is a legally valid ‘treaty’ between two sovereign states. According to Article 2 of the Vienna Convention on the Law of Treaties, 1969, ‘treaty’ means an agreement between two or more states or countries in written form and governed by international law. All the conditions prescribed for a ‘treaty’ under international law are fulfilled in this case. For example this Instrument of Accession;

1. Is an international agreement;
2. Concluded between two states;
3. In a written form;
4. In a single instrument;
5. Governed by international law.

As a result, all of the requirements for a ‘treaty’ under international law have been met. The issue of Junagadh will continue to be legally alive until such a formal instrument of accession is intact.

Illegal Forced Occupation Under International Law

The conduct of the occupying force is governed by the law of occupation, in particular, international humanitarian law (IHL), also known as the laws of war (*Jus in Bello*), as well as international human rights law (ICRC, 2004; ICRC, 2010).

Article 2 of the Fourth Geneva Conventions of 1949 applies to any territory occupied during international hostilities. It also applies in a situation where the occupation of state territory faces no armed resistance. The same situation applies to the case of Junagadh as at that time no armed resistance was made against Indian forces just because

the people were so scared of the heavy weapons installed by the Indian forces.

Any act of war and occupation of territory is against the norms and principles of international law. Notwithstanding that India waged war against Pakistan and surrounded the territory by deploying the armed troops of the army, air force, and navy around Junagadh.

Relevant Principles Under International Law Governing Occupation

The duties of the occupying power are spelled out primarily in the 1907 Hague Regulations under Article 42-56. The Fourth Geneva Convention (GC IV, art. 27-34 and 47-78), as well as some articles of Additional Protocol I and Customary International Humanitarian Law lay out the occupying power's responsibilities. Agreements between the occupying force and local authority cannot deprive the people of occupied territory of the protection provided by international humanitarian law (GC IV, art. 47), and protected persons cannot relinquish their rights under any circumstances (GC IV, art. 8).

Article 45 of the Fourth Geneva Conventions of 1949 states that it is forbidden to compel the inhabitants of occupied territory to swear allegiance to a hostile power. Despite having a clear direction, tanks and heavy weapons were deployed and the local people of Junagadh were forced to take allegiance with India in the form of a so-called referendum.

According to His Highness Nawab Jahangir Khanji, the court of Junagadh State, was decorated with more than a hundred gold chairs and many silver chairs, which India stole. Costly chandeliers, imported carpets, and many antique items were looted. Moreover, the wealth of Nine-Nawabs was available in the *Tosha-Khana*. Many boxes full of jewellery, diamond, gold, and silver in *Tosha-Khana* were plundered by India. Article 47 of the Fourth Geneva Conventions of 1949 states that pillage is forbidden, yet India plundered the wealth of Junagadh. Particularly India is still extracting natural resources from the territory that in no way belongs to India. India is benefitting from the gold, marble and other minerals of Junagadh. The seashore of Junagadh also

has the resources of oil and gas which is another reason for the Indian occupation of the territory. In this regard, His Highness Nawab of Junagadh has billions of dollars claim against the Republic of India for which India is accountable.

Case of Junagadh in the United Nations

The United Nations is an international organization that was established to maintain international peace and security and to take collective actions for the prevention and removal of threats to peace. According to articles of the UN Charter, the occupation of the territory of Pakistan, i.e., Junagadh State, by India was an attack on the principle of equal sovereignty hence an attack on the sovereignty of Pakistan. The act of aggression and occupation by Indian forces disturbed the peace and security of the region which in turn is still a point of ignition between the states. After the scenario of occupation, India attempted to justify its unlawful and forcible occupation through a fraudulent referendum.

On February 20, 1948, India gathered a group of individuals under the supervision of the heavily weaponized Indian Army and said that they were holding a referendum. The so-called referendum turned out in India's favour as it was held under duress and fear. Only 91 votes were cast in support of Pakistan out of a total of 1,90,870 (Khalid, n.d.). Nawabzada Liaquat Ali Khan replied to the referendum by saying,

We don't accept this referendum since the status quo has been changed and the decision has been twisted.

As a legal response to the aggression and unlawful behaviour of India, Pakistan's Foreign Minister, Sir Zafarullah Khan filed a case in United Nations. He wrote a letter to United Nations on January 15, 1948, in which he made a complaint to the Security Council to deal with the disputes between India and Pakistan, including Junagadh. The detailed letter also covered Pakistan's reply to India's complaint and explained the situation in Junagadh. Pakistan called the action on the part of the Government of India a 'direct attack' on its territories and an aggression against Pakistan. Pakistan's complaint against India was that Junagadh, Manavadar, and some other states in Kathiawar, which

lawfully acceded to Pakistan, had been forcibly and unlawfully occupied by the armed forces of India. The Government of Pakistan requested the Security Council,

To arrange for the evacuation from Junagadh, Manavadar, and other states of Kathiawar which have acceded to Pakistan of the military forces and civil administration of the Indian Union, and to restore these states to their lawful rulers. (United Nations, 1948)

India-Pakistan Question at United Nations: A Success of Pakistan's Stance

It is pertinent to mention that it was India that brought the case of Kashmir to the United Nations. To solve this issue, proceedings on the dispute were initiated in the United Nations with the agenda titled 'Jammu and Kashmir Question'. India was quite pleased with this title of the agenda. Later on, Pakistan brought the case of Junagadh to the United Nations and mentioned that it is not only the issue of Kashmir that needs resolution rather other issues between Pakistan and India, particularly the case of Junagadh which India illegally occupied, also need resolution. To discuss Junagadh along with the Kashmir issue, Pakistan demanded that the agenda of the discussion should be changed as Junagadh cannot be discussed under the ambit of the agenda title 'Jammu and Kashmir Question'. India was unhappy with this request as India desired not to have any discussion on Junagadh because India had no solid grounds and plausible justifications to support its illegal occupation of Junagadh. Therefore, India vehemently contested for no change in the agenda. However, the stance of Pakistan was accepted and India was defeated. Hence the title of the agenda was changed to 'India-Pakistan Question' which brought Junagadh within the ambit of ongoing discussion (Khan, 2021).

Once India left with no argument on the said title, India designed a second plan to stop discussion on Junagadh by saying that the Kashmir issue should be discussed first as it is a matter of great urgency. By demanding the same, India was utilizing delaying tactics to avoid any progress in the case of Junagadh. The then Foreign Minister of Pakistan

clarified his stance and replied to India by writing a letter on January 20, 1948,

With the understanding that the Kashmir question would be discussed first as a particular case of the general India-Pakistan dispute, though this would not mean that consideration of the other issues (including Junagadh) in the Pakistan complaint would be postponed until consideration of the Kashmir question had been completed.

The Foreign Minister of Pakistan clarified the stance that Kashmir is important for Pakistan; however, other issues i.e., Junagadh must be considered on a parallel basis owing to their weightage. And no issue would be postponed until the resolution of the Kashmir issue.

It was the Indian stance that discussion on other issues would be postponed until the resolution of the Kashmir question. Many Indian-sponsored intellectuals still raise the argument that the Junagadh issue should not be discussed nationally and internationally until the resolution of the Kashmir issue. Moreover, they give an illogical argument that taking up of Junagadh issue will damage the case of Pakistan on Kashmir. The following section will analyse the impact of the Junagadh case on Pakistan's stance on Kashmir.

Junagadh Case and its Impact on Kashmir Cause of Pakistan

There is often a misconception that if Pakistan would take up the Junagadh case, it will lead to discrediting the stance of Pakistan on Kashmir. However, there is nothing in laws that would have the same impact rather legal experts suggest that as per international law, raising the debate on the Junagadh issue will lead to having a flourishing impact on Pakistan's stance on Kashmir as the argument of Junagadh vehemently supports the case of Kashmir. According to Nawab of Junagadh His Highness Nawab Jahangir Khanji,

When India claims Junagadh on the basis of majority Hindu population then it must quit Kashmir because the majority population of Kashmir is Muslim. If India claims Kashmir on the basis of Maharaja's signed so-called Instrument of Accession with India then India must quit Junagadh because Nawab of Junagadh had signed

Instrument of Accession with Pakistan. When India claims on the basis of wishes of people of Junagadh then why it does not extend the same right to numerous freedom movements in India that wish to get independence from India? In short, the case of Junagadh exposes the double standards of India.

Secondly, a case cannot be decided by ignoring the facts of the time when the issue arises. If the Junagadh issue was raised in 1947, then its solution will also be made keeping in view the facts and scenario of 1947. In 1947, when the accession happened, at that time people were happy and there was no unrest or resistance from the people of Junagadh on the accession. It proves that the accession was according to the wishes of the people of Junagadh. Therefore, India cannot claim that the Junagadh case should be decided as per people's wishes as it had been already ascertained. Once a territory has legally acceded, its people cannot be asked again and again to decide to whom state they want to accede after a lapse of time. Hence, the accession of Junagadh to Pakistan is based on the Instrument of Accession and also on the wishes of the people of Junagadh which was reflected through the opinion of the State Council. Thus, from any cannon of law, the Indian occupation of Junagadh is unjustifiable and illegal.

A glance at the Pakistani narrative describes Junagadh's accession to Pakistan to be legal because as per the Indian Independence Act 1947, it was to Nawab Mahabat Khanji to decide accession with either state. The Nawab, exercising his right, signed an Instrument of Accession with Pakistan. According to international law, Junagadh is part of Pakistan which is under the illegal occupation of India.

Moreover, so far as the so-called Instrument of Accession between Maharaja Hari Singh and India is concerned, it is very clear that Lord Mountbatten explicitly mentioned that this instrument of accession is subject to the wishes of the people of Kashmir (Pakistan Lawyer, 2020). Hence Indian so-called Instrument of Accession is conditional. However, the Instrument of Junagadh with Pakistan is absolute. Even, Kashmir's accession is bogus and fake (Lamb, 1992; Lamb, 1994). Even if for a while the signed instrument of accession of Kashmir is deemed to be bona fide even then the accession has no validity as its

legitimacy was instantly challenged because the people of Kashmir rejected the accession and showed resistance in the form of uprising. While in contrast, in Junagadh, things were perfect till around three weeks after the accession. In Kashmir, there was a huge uprising of Kashmiris against the Maharaja and they demanded to join Pakistan. Soon after that Maharaja fled from Kashmir, as the people rejected him. The contrasting behaviour of the population of the state demonstrates very clearly that the so-called Instrument of Accession of Maharaja with India was fake and void ab initio. Junagadh is India's legal fault line and the case of Pakistan on Junagadh is very strong. Therefore it should be raised at national and international forums.

The Paradox of Geographical Contiguity

One other misconception is often propagated that the Indian Independence Act advised the princely states to consider geographical contiguity while deciding on accession. Firstly, this statement is a misunderstanding because there is no reference for geographical contiguity, it has no legal binding as there is no such clause in the Act. Secondly, the Indian Independence Act gives the right of accession to the rulers of princely states and they were free to accede to any dominion or remain independent. However, it was just a biased opinion of Mountbatten who, during a discussion, advised rulers of princely states to consider the geographical contiguity while deciding on accession. Mountbatten's opinion cannot be treated as a law. Rulers were not bound to Mountbatten's sole opinion rather they had to consider the Indian Independence Act of 1947 which was the sole authority concerning annexations. Thereby, Junagadh's accession decision by Nawab is equally valid till now as per the Act. Further, many states existing in the modern world are operating collectively without having any concern for geographical contiguity, and being linked by land is not a prime concern for accession. The State of Alaska in America is an explicit instance to support the same argument. The distance from Alaska to the USA is around 2840 miles. If a state (Alaska) that is more than 2800 miles away from its federation (USA) can smoothly function as a state then why not a state (Junagadh) that is

only 300 miles away from its federation (Pakistan) can function. As per international law, the Junagadh case of Pakistan has strong legal standings and at any forum of the world it is an incontestable and winning case for Pakistan. Whenever Pakistan discusses the Junagadh case, the Indian narrative is shattered and India has no legal cover for this.

Pakistan should raise its voice for the Junagadh cause and Junagadh should never be forgotten as it supports and strengthens the case of Kashmir as well, which in turn, leads to revealing the double standards of India.

United Nations Security Council Resolutions on Junagadh

Summary of UNSC Resolution 39 (1948)

The Security Council adopted 'Resolution 39' on the 20th of January 1948 regarding the dispute between Pakistan and India after the Partition. The Security Council established a commission that would investigate the issue referred to it by the representatives of Pakistan and India regarding the situation in Jammu and Kashmir and also concerning the other situation set out by the Foreign Minister of Pakistan in his letter dated January 15, 1948 to the Secretary-General in which Pakistan complained the illegal occupation of Junagadh State by India.

Summary of UNSC Resolution 51(1948)

The Security Council again adopted 'Resolution 51' on June 3, 1948 in which the Commission was directed to proceed without delay to the areas of dispute between Pakistan and India. The commission would report to the Security Council regarding the matter which are raised by the Foreign Minister of Pakistan in a letter dated January 15, 1948.

International Recognition

The Government of Pakistan unveiled a political map of Pakistan on August 4, 2020, after the decision of the Federal Cabinet. The map includes the State of Junagadh as part of Pakistan which reaffirms the

commitment of the State of Pakistan to resolve the Junagadh issue. On September 15, 2020, the new map received endorsement by Shanghai Cooperation Organization (SCO). On that day, the SCO conducted its online meeting of National Security Advisors of its member states and categorically rejected India's claim. India, represented by Ajit Doval, had raised an objection against Pakistan on the display of the political map by falsely claiming that the new map showed sovereign Indian territories as part of Pakistan. Pakistan responded that India, under international law, had no legal right to claim the internationally recognised disputed territory of Indian Illegally Occupied Jammu & Kashmir (IIOJ&K) as part of India. Moreover, Junagadh which is part of Pakistan cannot be objected to being shown as the territory of Pakistan. Moreover, Islamabad vehemently rejected New Delhi's assertions that the newly released political map of Pakistan included any part of the Indian territory. The SCO agreed to Pakistan's stance and the session was conducted with the new political map displayed clearly in the background during the whole meeting. It was an implied recognition of Pakistan's stance which states that Junagadh is Pakistan.

Pakistan's Obligation towards Junagadh

Since this Instrument of Accession is bilateral and the sole treaty which governs the relationship between Pakistan and Junagadh and therefore it is of paramount importance, that the State of Pakistan is bound to respect and fulfil the obligations of the Instrument of Accession as a moral obligation as well as under the international law of *Pacta Sunt Servanda* which means pact should be respected.

Conclusion

Junagadh is a legal part of Pakistan but under illegal Indian occupation. India violated the Instrument of the Accession which means the violation of an international treaty and by extension, it was the violation of the Indian Independence Act of 1947. Thus, according to Article 26 of the Vienna Convention on the Law of Treaties, India's possession of Junagadh is unlawful. Junagadh became an actual part of Pakistan after signing the Instrument of Accession, and the Pakistani

flag was flown for 56 days on top of the State Buildings in Junagadh. India deployed its army into the state of Junagadh on November 9, 1947, and unlawfully invaded the territory.

India attempted to conceal the truth about the situation in Junagadh by presenting false arguments on the platform of the United Nations saying Jammu and Kashmir is the most significant problem between Pakistan and India and they were partially successful in the same. The case of Junagadh is still pending in United Nations and needs to be revived. Clause 9 of the Instrument of Accession applies to the current Nawab of Junagadh, H.H. Nawab Jahangir Khanji, who is optimistic to regain his State from India. The current Government of Pakistan, in a new political map released in 2020, claimed Junagadh, Sir Creek and the Manavadar as the territory of Pakistan. The act is the right step in the right direction. The current Nawab of Junagadh, H.H. Nawab Jahangir Khanji, and the current Dewan of Junagadh, His Excellency Sahibzada Sultan Ahmed Ali, are active and vibrant for the peaceful resolution of the conflict as per the norms and principles of international law.

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Accession of Junagadh State with Pakistan in the Light of International Law on Occupation

Samza Fatima*

Abstract

Pakistan's claim over Junagadh State is quite solid and legitimate even though the authorities have failed to keep this matter alive. According to international law, the agreement of the 'Instrument of Accession' between the Nawab of Junagadh and Quaid-i-Azam is an important legal instrument and an international treaty. Therefore, this issue must be recognized on the national and international level. Several methods may be taken to re-energize this problem at the international level, but every course will require a lucid understanding of the legal dimensions of the matter in the light of international law and treaties. This study aims to analyse the illegal Indian occupation of the state of Junagadh and the legality of the claim of Pakistan over the state. It generally outlines the illegal occupation and its adverse impacts worldwide particularly on Junagadh. It elucidates how the Indian occupation of Junagadh is illegal. Furthermore, it envisages a comprehensive and strategic mode of accountability and compensation for the act of the illegal occupation. Finally, it defines a promising way out to be taken by the Government of Pakistan to resolve the issue at the international level. The results will have theoretical and practical consequences for Pakistan's strong claim on Junagadh. It makes a substantial contribution to the ongoing debate on the subject and contributes to the current literature.

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Introduction

According to Article 42 of the 1907 regulations governing the Laws and Customs of War on Land,

Territory is declared seized when it is truly positioned under the authority of the opposing army. (Regulations, 1907)

The profession is restricted to the locations wherever such power takes reputable and may use. The ICTY (2003) (International Criminal Tribunal for the former Yugoslavia) has declared,

Occupation is defined as a transitory phase following the invasion and before the agreement on the cessation of hostilities.

According to Adam Roberts, who wrote in 1984, the phrase 'illegal occupation' is

...almost usually used to mention an occupancy that is seen as the product of hostile and illegitimate military expansion.

Even now, a quarter-century later, this remark stays true. Simultaneously, the infringement of the right to self-determination is a major topic of discussion. The *jus ad bellum* violation is a consequence of this offence. Under instances where the occupation is in jeopardy, it may also act independently. According to Article 26 of the Vienna Convention on the Law of Treaties, India's possession of Junagadh State is unlawful, and it should be restored to Pakistan. Muhammad Jahangir Khanji, the Nawab of Junagadh, championed this stance on several occasions.

This study is divided into various segments. In the next segment, the study investigates the impact of illegal occupation. To this extent, the study endeavours to describe the illegal occupancy of some states. However, the main essence of this segment is the worldwide negative impact of illegal occupation. The third segment inspects how the occupation of Junagadh by India is illegal in the context of international law. For this purpose, in this segment, this study surveys the relevant laws like International Humanitarian Law (IHL) and International Human Rights Law (IHRL). Prior to that, this segment also provides a brief discourse on the history of Junagadh within this framework so that it becomes easier to understand and pinpoint the issue of Junagadh. In the fourth segment, the study explores how the illegally occupied states

should be compensated and provides a way in which the illegal occupation of Junagadh should be compensated. In the end, there is a conclusion and a way forward to the resolution of Junagadh issue.

Occupancy Worldwide and Its Negative Effects

This study examines worldwide experience in the area of unlawful occupancy, with a focus on the negative effects of such occupancy. It begins with the fact that the legal term ‘illegal occupation’ exists; however, not all employment fit under this category because occupation is not always illegal. The coalition partners' particular authorities, liabilities, and commitments under applicable international law as the inhabiting controls below the united expertise in Iraq were confirmed by Security Council Resolution 14839 which was enacted in 2003. Furthermore, references to the word ‘illegal occupancy’ are discriminatory enough to rule out the idea that it is used arbitrarily.

Except for the Security Council (SC) takings accomplishment to the imposing of an unvarying set of rules, when a regional state is unlawful as it violates a peremptory erga portents norm likewise, the proscription on the use of force or the obligation to respect the right of people to self-determination, states must ultimately decide whether to uphold legality or not. Occasionally, states will recognise an illegal territorial position as legitimate.

For example, Sweden's responses to the Soviet capture of the Baltic States in 1940; Australia’s acceptance of Indonesia’s seizure of East Timor are couple of instances. If the term ‘illegal occupation’ is confined to the professions that are shaped or preserved in the contravention of the absolute requirement, however, a relinquishment is unenforceable (Benvenisti, 2012, p.920).

The situation of occupation is addressed in three general United Nations resolutions. According to the United Nations Charter, the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among states, adopted in 1970, a State's territory cannot be subjected to military occupation as a result of the use of coercion in contravention of the Charter's provisions (ICRC, 2012).

This proclamation underscores the long-standing ban against illegally occupying territory by force. The same restriction may be found in two additional United Nations declarations, albeit they are far less well-known. In the 1969 Declaration on Social Progress and Development, the expression 'illegal occupation' is used explicitly. There must be complete compensation for social or economic damages caused by aggression and the aggressor's unlawful occupation of land, including restitution and reparations.

According to the 1987 Declaration on the Enhancement, the Effectiveness of the Principle of Not Threatening or Using Force in International Relations,

Neither the threat nor use of power in the acquisition of territory, nor the threat or use of force in the occupancy of territory in violation of international law, will be acknowledged as lawful conquests or occupations.

The 1969 and 1987 declarations improve nonentity to the 1970 announcement that is the firmest formulation of expected global rule, in terms of calling an occupation illegal. In completely three leaflets, the unlawfulness of the profession is connected to defilement of the exclusion on the usage of the forces. Nonentity of them defines the conditions underneath which the usage of forces (hence profession) is banned. The Security Council should make this preliminary determination in light of UN Charter Articles 2(4) and 51. Individual states are typically free to determine whether or not to use force unfluctuating as soon as the Security Council is summoned to handle a precise issue. Nonetheless, there are two declarations that are noteworthy because they deal with the implications of an occupation's illegality.

Illegal Occupation of Junagadh in the Light of International Law

Junagadh was a princely state in pre-partition India, and at the time of Partition, over 550 states were given the option of joining either Pakistan or India. The Nawab of Junagadh decided to join Pakistan. However, India seized the state since it was enclosed by Indian land

and had only access to the Arabian Sea, compelling the Nawab to migrate to Karachi (Raghavan, 2010).

In this context, the accession paperwork is significant because it is solid and legitimate proof in proving that Junagadh is a part of Pakistan. The Instrument of Accession is a written international agreement between states that is controlled by international law and included in a single instrument. The matter of Junagadh would remain legitimate as long as the Instrument of Accession remains intact. (MUSLIM PERSPECTIVES, 2016)

Junagadh had around 3,337 square miles area and a 100 miles shoreline along the Arabian Sea with several ports. Junagadh was among the richest princely states in the Subcontinent and a welfare state that gave free education to its inhabitants and assumed responsibility for providing healthcare to all of them (Ankit, 2016).

Nawab Mahabat Khanji signed an agreement of accession to Pakistan in September 1947. The Constituent Assembly of Pakistan ratified the accession pact. On November 9, 1947, India landed soldiers and conquered the Junagadh State in the absence of Nawab. Pakistan presented the matter of Junagadh's occupation to the UN Security Council.

Current Nawab of Junagadh Nawab Jahangir Khanji has stated categorically:

The Junagadh State has the legislation of accession with Pakistan [that] meets all the requirements of an accession under the Vienna Convention on Law of Treaties. (MUSLIM PERSPECTIVES, 2016)

Jahangir Khanji added:

The Hindu and Muslim populations in Junagadh, according to the Nawab of Junagadh, Nawab Mahabat Khanji, nevertheless reaffirmed their loyalty to the Nawab of Junagadh. Junagadh would be part of Pakistan, as Indian Prime Minister Narendra Modi should be aware. Junagadh's inclusion in Pakistan was a dream of Quaid-i-Azam and my grandfather.

The inability of Pakistan to effectively raise the concerns of Junagadh and Hyderabad before the United Nations has assisted India in concealing its colonial hold on these states as well as over Kashmir.

Junagadh's former ruler Mahabat Khanji acceded to Pakistan. The Nizam of Hyderabad, Nizam Mir Usman Ali, had likewise refused to join the Indian Dominion and had opposed the Indian design for 13 months, till September 1948. Following that, India staged one sided plebiscites under its military power in both locations, knowing that both states had a Hindu majority. The same government seized Kashmir and then consistently rejected calls for a referendum under Security Council's resolution since Kashmir is a Muslim majority state, revealing India's imperialistic ambitions.

Pakistan carried the issue of the Junagadh to the United Nations in January 1948. The United Nations Security Council (UNSC) was tasked with investigating the issue of the Junagadh. The Kashmir issue overshadowed the unresolved issue of the Junagadh in the UNSC.

Kashmir is a disputed treaty between Pakistan and India. Likewise, the fate of the Junagadh state is also still undecided and uncertain. However, India has illegally occupied both states by utilisation of absolute corrupt power. Hence, the issue of Junagadh can be seen in context with the issue of Kashmir. Because up to an extent, international laws and protocols have been violated by the Indian illegal occupation of both treaties.

Occupations are controlled by both International Humanitarian Law (IHL) and the International Human Rights Law (IHRL), which India must follow due to its sanction of the key IHRL and IHL agreements, as well as the claim of expected global law (Koutroulis, 2012). Occupation has long been considered a fact of life. Land must be "truly put under the control of a hostile force," according to Article 42 of the 1907 Hague Regulations on Land Warfare as well as the predecessor, Article 42 of the 1899 Hague Regulations on Land Warfare. The underline meaning is that a territory is considered occupied when in reality it is placed under the authority of a hostile army. It is a profession, like the one described above, considered as an international armed conflict under Common Article 2 of the 1949 Geneva Conventions. As a result, the laws of war that apply to an international armed conflict, in particular the Fourth Geneva Convention, apply to India as an occupying power in the situation of Jammu and Kashmir

and Junagadh. This includes, for example, the responsibility to defend the people of Indian-occupied Kashmir and Occupied Junagadh as well as maintain public order and safety. Furthermore, India is responsible for allowing and facilitating the fast and unhindered transit of humanitarian aid for people in need, it is necessary to treat people with humanity, without prejudice, and without their essential rights (Koutroulis, 2012).

The rights given by International Human Rights in the profession should continue to smear even if the terrain was acquired illegally. India argues the situation in Kashmir is an important one of the 'internal turmoil', apparently because such cataloguing would exclude the occupied territory and its people from the protections of the universal humanitarian rule. An occupation, on the other hand, is a factual occurrence that does not need the occupying power to recognize its existence under international law.

During an armed war or occupation, international human rights legislation also applies. In its 1971 Advisory Opinion on Namibia, the International Court of Justice (ICJ) accepted the application of "certain broad principles, such as those of a humanitarian nature" to occupied countries. Furthermore, in its Wall Opinion, the ICJ determined that Israel was bound by the "International Covenant on Civil and Political Rights in its occupied territories." As an effect, Indian duties under international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESR) continue to apply to its occupied people. To fulfil the occupying power's humanitarian law objective of maintaining public order, human rights-based law imposition norms must be applied, which is where the two regimes of humanitarian and human rights law meet (Kontorovich, 2017).

To highlight the legal status of term annexation and then to relate it with the annexation of Junagadh has generated some controversy. Despite clarity in the definition of annexation under international law that considers it an illegal action, the states have a legal obligation not to recognise such illegal annexations, according to international precedence. The European Union's Directorate-General for External

Procedures endorses that the nations undertake subsequent strategies in the event of professions and unlawful captures (Kontorovich, 2017);

➤ In a categorical declaration, there would be no acknowledgment of the annexation.

➤ Annexation-supporting actions such as investment are prohibited, including funding for the financial activities in the engaged region below the auspices of the inhabiting authority.

➤ If the occupation violates international law, penalties against the occupying state may be imposed.

➤ Individuals that are responsible for or profit from the annexation will face consequences including asset freezes and visa bans.

It is a fact that the illegal occupation of Junagadh breaches a dictatorial rule of the global rule that functions erga signs and is linked to the regional position. As a result, in Junagadh, an unlawful profession has been set up in the desecration of the exclusion of the usage of forces and the rights to autonomy. This investigation will serve as the foundation for a thorough study of particular vocations that have been ruled unlawful by United Nations bodies. More specifically if the occupation of Junagadh is seen with these spectacles then it is clearly an illegal occupation gained by utilisation of the absolute corrupt power that not only had violated the autonomy but also exploited the fundamental rights of the people of the state.

Compensation to Victims of Junagadh under International Law

In general international law, it is commonly accepted that a state that commits an internationally illegal act owes full compensation to the victims of that crime. It must first cease to break the law. Given the conditions given in that item, that is the destruction is related to the occupation's actual presence, the violation's end involves the occupation's end. Even when an occupation is legal, it must come to an end at some time; but, unlike a 'regular' occupation, an unlawful occupation must be halted immediately and without prior discussion under basic state accountability rules. Under international law, further

remedies, like a recompense for the damage caused by the unlawful profession, may be needed. For instance, 1969 Declaration requires the aggressor to compensate victims for losses sustained as a result of illegal occupancy. In this way, the international forums should play a vital role in the resolution of the issue of Junagadh. They must have to compensate the aggrieved state and try to end the violation of international law.

The ICJ held Uganda accountable for the profession of Ituri as distinct damage in the context of Armed Activities (ICJ, 2005). At the time of the ruling that was issued, Uganda had previously left the Democratic Republic of Congo, thus termination was no longer essential. Despite this, the court ordered Uganda to compensate the victims of the profession as well as wrongdoings. This duty has yet to be given a specific form at the time of writing.

Moreover, following Iraq's takeover of Kuwait, a claim for reparations for unlawful occupation was raised. Resolution 674 (1990) of the United Nations Security Council stipulated that,

Iraq is liable for any loss, injustice, or injury caused to Kuwait and other nations, as well as their residents and businesses, as for the reason of Iraq's invasion and unlawful takeover of Kuwait.

According to resolution 687 in 1991 which created the United Nations Compensation Commission, Iraq would be accountable under international law for any direct deprivation, damage or wrongdoing as a result of its illegal invasion and occupancy of Kuwait. The United Nations Compensation Commission recognized its compensation qualifying standards. One of the activities that qualified applicants for recompense was,

... measures by officials, employees, or agents of the Government of Iraq or its controlled institutions during that period in connection with the annexation or occupation.

Iraq was thus held accountable even if the behaviour in issue was not a breach of international law in and of itself but only became such as a consequence of the use of unlawful force. The United States provided the following broad explanation for the mechanism:

Baghdad must hear it from us loud and clear: unjustifiable aggression has fatal consequences, and Iraq ought not to benefit from its heinous disrespect for the supremacy and territorial righteousness of another country.

The real financial burden of international accountability for an unlawful occupation is another factor that may influence its deterrent power. On the other hand, global accountability for actions approved out in conformity by the occupation law but under the unlawful profession has a lower deterrent effect if it ensures not adding meaningfully to the monetary load previously expected by an inhabitant. In many cases, if the inhabitant's actions were in detail submissive by the law of occupancy in the specific case, it means that affected persons have already received some compensation. Attributing international responsibility for such behaviour will add nothing to the financial weight, as the harm has been fully compensated. Of course, there will be accountability for activities that the occupier is permitted to take out under the law of occupancy without recompense to the people. International accountability will only dissuade an occupier from pursuing the occupation if the financial effect of these activities is considerable (Ronen, 2012).

International criminal law is one means of bringing accountability home without endangering the population's wellbeing. The prospect of criminal responsibility may discourage those in charge of executing the occupation's policy. On the other hand, that will compel and adhere to global caring laws, ensuring the profession is conducted in accordance with the Geneva Conventions. In another way, their willpower not to be detained and liable for the occupation's illegality as a result of a breach of *jus ad bellum*, nor will they be held liable for the occupation's illegality as a result of an infringement of the rights to the independence (ICRC, 2012).

Alternative policies would amount to the legitimization of the wrongdoing due to state's actions. Because the infractions in question constitute *erga omnes* peremptory rules, they cannot be excused or their consequences be accepted. The criterion of non-recognition is broken when a state recognizes a situation that has developed as a result of a

breach of a peremptory norm. Both the unlawful usage of forces and failure to respect peoples' right to self-government is the major openings under Draft Articles 40. Draft Article 41, in principle, prohibits governments from recognizing the consequences of such violations as legal. The first query is whether or not non-recognition is a proper reaction to illegal occupancy.

The unlawfulness of the profession begs the query of whether a tenant in the unlawfully occupied territory has exact self-protection. In Wall's case, the ICJ ruled that the legal integrity to self-defence proposed by Article 51 of the United Nations Charter cannot be used when a danger to the state originates within occupied territory. As a matter of principle, Christine Gray believes that an unauthorized occupant cannot utilize the right to self-defence. Comments rejecting South Africa's, Portugal's, and Israel's claims of self-defence in occupied regions, and saying that three invaders' usage of the forces were absorbed in contradiction to real fight of people exercising their rights to self-government, support the argument. This is a reasonable depiction of government locations, reinforced by the clarifications of global treaties banning the usage of forces to deny people their rights to self-government. However, it contended that understanding international law is flawed.

To summarize, assigning accountability and answerability for unlawful occupancy of Junagadh in the way that makes accountability supported out by a law of profession may aid as the protective to unlawful inhabitants. Though, the efficiency of that strategy is arguable. The fact that it distorts the difference between *jus ad bellum* and *jus in bello* is its most distinctive trait. If an occupier's responsibility accrues regardless of whether the actions are legal, a realistic approach must recognise that an occupant is just as likely to continue its unlawful behaviour as it is to flee the illegally held territory of Junagadh.

Conclusion and A Way Forward to Resolution of Junagadh Issue

This study explores that an unlawful occupation is one that is founded on violating an imperious norm that operates *erga omnes* and is intrinsic to the occupation's existence. When these criteria are combined, the *ius ad occupationem* is produced. The most prevalent scenarios that fulfil these conditions are a breach of *jus ad bellum* and an infringement of rights to self-government.

The absence of variance between *jus ad bellum* and *jus in bello*, at least where the latter is founded on a breach of *jus ad bellum*, is an evident aspect of the direct repercussions of illegality. The primacy of this distinction is increasingly being questioned, both doctrinally and practically. Instead of debating whether the distinction is fading into obscurity, maybe a better question is whether we must expedite that unavoidable procedure. This basic trouble with that growth route, specifically including the occupant's rank to the legality of occupation, is that it may end up doing more harm than good to people below job by creating the valid legislation fewer strong and additional vulnerable to operation.

It does not appear that changing the way the law of occupation is implemented is an appropriate solution. A loss in the occupant's rights or status, on the one hand, is unlikely to encourage it to remedy the illegality by leaving the region; on the other hand, such a reduction is likely to raise questions about the population's rights. A specified collection of restrictions, that is the complete code of occupation, should apply to the people in the region. The latter, obviously, offers concessions to an illegally operating state. It does not, however, go in regard to treating it differently or punishing it for its illegitimate behaviour. The infringement of the occupation will be demonstrated through the implementation of specific codes of conduct.

Another deliberation is when the occupier refuses to recognize the property's legal status. A ritualistic approach, within which a legal code (the law of occupation) is applied to a circumstance governed in practice by a completely other body of law (the occupier's domestic law), may end up doing more distress than good to the people. An

additional pragmatic approach would allow for some pliancy in the implementation of the law of occupation. In practice, most queries come to light after the tenant has been evicted. By that time, a rejoining or new sovereign has assumed power, allowing them to pursue a variety of policies. Other countries may follow that sovereign's example to bridge the gap between formalistic and practical methods.

To summarize, the inclusion of the notion of unlawful occupation in international law opens up a slew of new possibilities for undertaking, but with a few limitations. The guiding philosophy should be that the well-being of individuals who work illegally should be safeguarded rather than sacrificed in the sake of high policy. As a result, while there are good and desirable features to unlawful occupation, it should be pursued with prudence.

To bring Junagadh closer to Pakistan, the stance of Pakistan has to be active and optimistic both at the national and international levels. At the national level, a Junagadh secretariat should be formed in Islamabad. November 9 was designated as a dark day since it was on this date in 1947 when India captured Junagadh. International law and standards were violated during the occupation. A living country should remember and act in accordance with its past. There must be regular sessions and awareness seminars on the subject in order to aware the people about the significance of this issue. It must be highlighted repeatedly and strongly at United Nations, as Pakistan's stance is legally strong enough on the accession of Junagadh State.

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Issue of Junagadh: Dead or Alive

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Abstract

The study undertakes to see if the Issue of Junagadh has some life in it and can Pakistan make a case out of it. The study aims to answer certain questions that unveiled during the literature review. The study uses mixed research methodology to come up with more rigorous findings. It uses open ended questions for the university faculty of the departments of Pakistan Studies, Political Science, and International Relations functioning in Pakistani universities. The study also uses extensive literature review for cross verifications of the different claims surfacing in the numerous studies. The study outlines the need of strong measures if Pakistan really wants to take this issue to a logical and favourable conclusion.

Introduction

With the release of new political map of Pakistan unveiled by premier Imran Khan on August 4, 2020 (Siddiqui, n.d.), the issue of State of Junagadh received a fresh life line and came to the front again from the backburner after decades of Indian illegal occupation of the state since November 1947. State of Junagadh presents one of the many unresolved contentions between India and Pakistan. Muslim ruler of Non-Muslim majority state Nawab Sir Mahabat Khanji backed by his Council, with quite a few Hindu members, decided on August 15, 1947 and officially acceded to Pakistan on September 15, 1947. However, India refused to accept this accession citing principles of geographical contiguity, majority of the population's religious belief, and alleging

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secret deals between Nawab of Junagadh and State of Pakistan. Pakistan alleged India of instigating riots inside the state and forging ‘*Aarzi Hukumat*’ (temporary government) based in Bombay leading to blockade by Indian forces reducing the ruler of the state, who was in Pakistan at that time, to the status of Sovereign in Exile. Meanwhile, India took over the state and held a plebiscite in the state in February 1948 with majority of the population voting in favour of India. Hence, India claims the state’s accession to India. Pakistan claims the state’s accession to Pakistan was according to Indian Independence Act, 1947, therefore, the state still remains part of Pakistan but under Indian occupation. Pakistan took this issue to UN where the case is still pending. The study in hand aims to explore details of the issue and suggest measures accordingly. Following section presents literature review. It follows with the research methodology, analysis and findings, and conclusion sections respectively.

Literature Review

Nawab Bahadur Khan Babi proclaimed independent state of Junagadh in 1736 when the Mughal Empire started losing its grandeur. The state, later on, while retaining its independence conceded defence and foreign affairs to the British. Indian Independence Act of 1947 gave princely States of India option to join either of the two dominions (Indian Independence Act, 1947). Some studies suggest provision of the third option of remaining independent as well (MUSLIM Institute, 2016).

On papers, Muslim League had stood victorious as its demand of separate country was conceded, however, Viceroy Mountbatten, was determined to keep Pakistan as small as possible (Ghose, 1993; Tinker, 1970). He, through under the table deals with Congress, succeeded in his biased plan by depriving Pakistan the accession of Hyderabad, Junagadh, and Manavadar. It was surely against the principles of Partition but according to the whims and wishes of the Viceroy Lord Mountbatten (Malik, n.d.). At the time of independence, Junagadh collected 5th largest volume of revenue among 562 princely states and stood second largest among the Muslim states. Hence it enjoyed a

privileged status at that time. It also had its standing army and proper governance system (MUSLIM Institute, 2016).

Although the state of Junagadh was surrounded by Indian territories, considering contiguity through Arabian Sea route the state decided to accede to Pakistan and completed all formalities of accession to make it legal. Nawab Sir Mahabat Khanji was head of the Junagadh at that time who decided and signed Instrument of Accession to Pakistan and the Constituent Assembly of Pakistan approved this accession on September 15, 1947. Sir Shah Nawaz Bhutto, the Prime Minister (Dewan) of Junagadh State is also said to have played his influential role in this decision (Bhutto, n.d.). He told visiting V.P. Menon, envoy of Mountbatten, that the State's accession to Pakistan was legally completed in accordance with the international law i.e., 1) an international agreement 2) between the two states 3) in written form 4) in a single instrument 5) governed by international law, and only Government of Pakistan was responsible to look after the state (Malik, n.d.). Nawab's decision came after his consultation with the State's Council that included both Muslim and Hindu members. Thus Pakistani flag was hoisted in the state after completion of the legal process (MUSLIM Institute, 2016; Soofi, n.d.). Once the agreement of accession was formalized the Nawab arrived at Karachi to deliberate procedural details of the accession (Soofi, n.d.). However, India considers his visit to Karachi as a result of attack by *Aarzi Hukumat* whose establishment is again controversial as India claims it to be formed by public of Junagadh and Pakistan considers it a result of Indian backing from Bombay (Malik, n.d.).

Meanwhile, on November 9, 1947, India, referring to geographical contiguity and Hindu population (Vaish, 2011), with the backing of Viceroy Mountbatten who otherwise did not hint about geographical tenability's consideration in the princely states' decision to accede to either of the new Dominions (Bhopal, n.d.), refusing to accept the Instrument of Accession and blaming it a result of secret deals, citing a reproduced speech of Dewan, Khan Bahadur Abdul Kadir Mohammed Hussain dismissing rumours of joining Pakistan and Legal Advisor to the Nawab, Nabi Bakhsh's private meeting with Mountbatten

indicating his intention to advise the Nawab to join India (Menon, 1955), intruded Junagadh with its armed forces and militarily occupied the state (Malik, n.d.; Vaish, 2011). It forced a large number of Muslims to migrate to Pakistan and barred the return of the Nawab from Pakistan to Junagadh reducing him to Sovereign in Exile (MUSLIM Institute. Prime Minister of Pakistan Liaquat Ali Khan accused India of violence and breach of international law (Malik, n.d.). Pakistan approached the UN, however, no progress has been made to this day (Soofi, n.d.). When India approached Pakistan for a democratic settlement, the latter demanded the same for Kashmir and former extending this demand to include Hyderabad as well (Gandhi, 1991; Menon, 1957). Before any culmination of the negotiation, India forcibly annexed Junagadh on November 9, 1947, held a plebiscite next year in the occupied state, and declared that the people had voted in favour of India (Gandhi, 1991). Many scholars see India's move as bullying the princely states to accede to it (Bhutto, n.d.). Pakistan failed to actively pursue this case in United Nations (Subramanian, n.d.) resulting in confining it to the shelves only. Even literature on the issue is not only very limited but also very old and even available literature mostly comes from either India or other foreign authors. It is very recent that MUSLIM Institute with the backing of the Sovereign in Exile has started brainstorming the issue again. The issue is dismally absent from Pakistan's education outlines and only marginally mentioned in Pakistan Studies course that surely fails to draw students' attention and skips their frame of mind quickly. Pakistani youth is not aware of the issue. Nations willing to play active role in the community of nations stand firm to their self-respect and integrity. The recent inclusion of Junagadh in the new political map is a fresh blood line. However, it needs to be properly rejuvenated and raised in public conscience because only backing from within would help emancipation of Junagadh (MUSLIM Institute, 2016).

This precarious case presents us with many legal questions seeking answers such as: 1) could the Princely States have opted for independence? 2) Did the ruler has powers to accede to Pakistan on his own? 3) Does the Council's backing carry legitimate weight? 4) Does

Council's backing equate peoples' representation? 5) Did on 7 November, Junagadh's court, facing collapse, invite the Government of India to take over the State's administration? 6) Did Dewan of Junagadh, Sir Shah Nawaz Bhutto, invite the Government of India to intervene? 7) Could Dewan invite India once the state had acceded to Pakistan? 8) Had the Dewan influenced Nawab's decision to accede to Pakistan, why would he later on invite India to take over? 9) What is the legal status of India's intervention in the presence of instrument of accession? 10) What is the legal and moral status of the plebiscite held under occupying forces? 11) What is the status of the states' accession to India when it had already acceded to Pakistan and the process of accession had been already completed? 12) What is the status of UN resolution in the presence of Simla Accords which reduced many contentions to bilateral level? Renowned politicians have recorded their versions of the respective events afterwards. 13) How these views are reviewed by the current Sovereign in Exile and other experts? 14) Is UN Convention on Law of Treaties of 1969 applicable on this issue? The available literature is scarce and seems politically driven rather than meeting the honest academic standards. The issue has very marginal space in Pakistan's education outlines fearing that even our educated stratum knows minimal about the issue.

Methodology

The study used two folded objective i.e. posing these open ended questions to the most educated and most relevant class of the society i.e., university faculty to gauge the details of the issue whereas the response itself and the response rate would also help better understand how much alive is the issue in the country. Often studies use Likert Scale to quantify the response but using this technique also limits the ability to gauge depth of the respondent's grip and knowledge. Normally, this shortfall is covered with reverse questions. This technique is very useful while dealing with common people who are not aware with the research techniques but using this technique for the most educated and active research community seems inappropriate. Hence, the study is opted for direct and open ended questions requiring

the respondents to come up with answers from their knowledge base rather than just popping up with yes or no answers. This helped gauging the genuine depth of the knowledge of the respondents. Population of the study primarily comprised of two strata one being university faculty working in the departments of Pakistan Studies, Political Science, and International Relations and the second tier of respondents, using snowball technique, were referred by these faculty members or approached through social media. Hence the study findings suggested measures to beef-up the country's case internationally. The study applied mix research methodologies to find answers to the questions. Primary source included responses from the respondents and secondary source included content analysis of the literature. Analysis attempted to fill the grey areas mentioned above.

The study used Google Chrome to identify relevant departments functioning in different universities of Pakistan with the search keywords like 1) Department of Pakistan Studies 2) Department of Political Science, and 3) Department of International Relations in Pakistani Universities. First ten pages of each search were skimmed for provision of faculty contact details. Hence, the available email IDs were collected from the relevant pages. If email IDs were not available but the respective department or university was available on Facebook, the study used it to create a post with a brief introduction of study and questionnaire to reach to the potential respondents. If the Facebook page of the respective department or university did not allow creation of the post, the study used messenger to reach out to the people in charge and requested them to share the most among the potential respondents. A few WhatsApp groups of potential respondents were also approached. Hence, a total of 505 faculty members of the respective departments functioning in different universities across Pakistan were approached requesting for their response to the questions, 133 other highly educated members were approached through WhatsApp groups for their responses. Whereas the study used 16 messenger messages to the university authorities to disseminate the questionnaire among potential respondents, it also used about 30 Facebook pages of the different universities with the same request.

Following section attempts to analyse the responses and literature aiming to come up with a fresh insight into the issue.

Analysis and Findings

Although the study uses open ended questionnaire to avoid half thought responses and attract genuinely academic responses to this important issue and it succeeds in avoiding the fake high response rate, however, the most received responses fall short of the expected academic excellence. The responses were largely not backed by the evidence and mostly composed of short phrases i.e., yes, no, not sure, may be, do not know, did not read etc. Respondents were also not just highly educated but were educated in most relevant areas. Hence, their inability to grasp the issue reveals that the issue of state of Junagadh has a very dismal acknowledgment even in the most relevant educated class of the society let alone the educated people in other disciplines, students, and the common people at large. One of the many reasons may also be the fact that Pakistani text books fall short of providing the in-depth analysis of the issue to the students and are limited to only one liner introduction of the issue of state of Junagadh in Pakistan Studies course outlines let it be the school, college, or university course. Though very unfortunate but there is an understanding that most students take these courses in school and college under compulsion of being compulsory course rather than deliberately selected course. However, the university education is supposed to be more focused and shrouded with in-depth analysis of the relevant issues. The same seems missing in this case, at least. Whereas the recent inclusion of Junagadh in the new political map issued by Pakistan gives fresh air to the issue, it would need much more to bring it to the active life again. The government needs to adopt multipronged approach by including in-depth knowledge in the education outlines of the country on one hand, and increasing awareness in the professionals, diplomats, politicians, lawyers, academicians, and general people on the other hand. Lobbying at international forums is a well proven technique of winning hearts and minds of the targeted stakeholders but it would also need thoroughly equipped lobbyists who know all the different aspects of the issue,

possible objections by India and rebuttal to those objections. National and international conferences inviting the learned people to showcase their analysis and spreading the outcomes to the general people would also help rejuvenate the issue. Use of print and electronic media along with social media have become important and integral part of the awareness campaigns. Foreign office needs to gear up its efforts internationally as it has been decades since it actively voiced for Junagadh.

Academic studies are supposed to be honest in their findings. Since the available literature largely comes from politicians and journalists, their write-ups do not seem to be academically driven rather such studies tend to build the case from their perspectives and in the course academic honesty is mostly compromised. This seems very true in this case as well because just by knowing the nationality of the author one can conclude the end result. Indians have tried to prove this case in their favour and Pakistanis have tended to mould the case in their favour. Even wording of the write-ups against the other stakeholders seems heavily biased and at times self-contradictory. The following analysis of some excerpts reveals more about it.

One study (Subramanian, n.d.) states,

After failing over a month to get a response from Pakistan to an offer by Nehru 'to accept and abide by the verdict of the people of Junagadh in respect of the accession of the State to either of the Dominions', starting from the last week of September to the end of October, India put in place a series of measures that held the threat of military action against Junagadh, mainly by deploying troops around the state, in an effective blockade.

It gives the impression as if Pakistan did not respond to Nehru's offer and hence India was compelled to take measures but this is not true as accepted by Gandhi (1991) and interestingly the same author in the same article states,

Raj Mohan Gandhi wrote in his biography of Patel: 'Pakistan attempted to set off Kashmir against Junagadh. When we raised the question of settlement in a democratic way, they (Pakistan) at once told

us that they would consider it if we applied that policy to Kashmir. Our reply was that we would agree to Kashmir if they agreed to Hyderabad.

It clearly shows that the author knew a response had come from Pakistan which he earlier tried to implicitly deny. Similarly when Menon (1957) alleges the Nawab of Junagadh of taking all the valuables with him while fleeing to Karachi without giving an evidence of his claim others (Daruwalla, 2017; Subramanian, n.d.; Vaish, 2011) simply repeat this allegation without searching for the reference. Whereas such allegation without giving substantial evidence popping up from India make it prone to suspicion, Pakistan's silence on these allegations gives weight to Indian stance. Similarly, while Indian studies prefer using words like 'flee, fleeing, fled' for the Nawab's departure for Pakistan, Pakistani study (Soofi, n.d.) indicates his arrival in Karachi aimed at formalizing the detail of the accession. Although (Malik, n.d.) considers that the Nawab's arrival at Karachi resulted from the disturbances in Junagadh, he accuses these as engineered by India. Such loaded phrase come with some implicit intentions to influence the readers' minds rather than stating the truth. For example the Nawab's love for dogs is used as loaded phrases in different studies such as (Bhopal, n.d.; Gandhi, 1991).

Bhopal (n.d.) refers that the appointment of Sir Shah Nawaz Bhutto as Dewan of Junagadh was against the unwritten norm of the prominent princely states where Dewan would come from other religious ranks, however, he fails to mention that his predecessor Abdul Kadir Mohammed Hussain was also a Muslim (Menon, 1955). Bhopal (n.d.), Gandhi (1991), Subramanian (n.d.) accuse Sir Shah Nawaz's appointment as a result of a palace intrigue but would not give any detailed account of such intrigue while Menon (1957) suggests he took over as Dewan when his predecessor was abroad for medical treatment in May 1947. Gandhi (1991) in a quest to make his case stand stronger claims it was the Nawab who was abroad. Pakistani studies such as (Bhutto, n.d.) either state his appointment without even hinting about any intrigue or simply do not comment on the circumstances that led to his appointment. Casual approach to research is also exhibited by a study when Vaish (2011) claims August 17, 1947 as the date of

Nawab's decision to accede to Pakistan whereas quite a few studies (Annexation of Junagadh, 2021; Menon, 1957; Subramanian, n.d.) state August 15, 1947 as the date of announcement of his decision. This could be due to a misunderstanding as the news of the Nawab's decision appeared in newspapers on August 17, 1949 (Gandhi, 1991) and Vaish (2011) failing to pay attention took it for the decision's date. Such phrases covered with hatred may pacify the national audience but any neutral mind would promptly question the integrity of the author. Similarly authors from both sides would build their cases using literature that favours their stance rather presenting an unbiased and academic study. Indian authors keep quoting Sir Shah Nawaz's correspondence with the Quid-i-Azam Muhammad Ali Jinnah portraying the adverse situation of the treasury (Gandhi, 1991; Subramanian, n.d.), no Pakistani study would affirm or deny such correspondence, even the Bhutto family (Bhutto, n.d.) while praising Sir Shah Nawaz's great contributions to Pakistan does not state anything about his correspondence with Quid-i-Azam Muhammad Ali Jinnah, his talks with Samaldas Gandhi, head of *Aarzi Hukumat*, or his reported invitation to India for taking over the Junagadh's administration, and his relinquishing of the charge to Indian official (Gandhi, 1991; Subramanian, n.d.). Besides, studies from both side have fallen prey to a misunderstanding that the states had a third option of remaining independent (Annexation of Junagadh, 2021; MUSLIM Institute, 2016; Soofi, n.d.), the report refers Memorandum on States' Treaties and Paramountcy presented by the Cabinet Mission on May 12, 1946 and Section 7(1)(b) of Indian Independence Act, 1947 but we do not find unambiguous evidence to this claim. The Partition plan was chalked out in Indian Independence Act, 1947 and a prelude was presented in the said Memorandum earlier. Third important character was the Viceroy Mountbatten. The best that Memorandum presents is 1) the desire of the Indian States to contribute to the Partition plan and 2) if the States fail to enter a federal relationship with the successor government or governments in British India, these must enter into a particular political arrangement with it or them (Cabinet Mission's Memorandum, n.d.). Accordingly the States had to come up with some

political arrangements involving either or both Dominions even if the State(s) failed to enter a federal relationship with either of these new Dominions. Hence the Memorandum is categorically no way near to offer a third option of remaining independent. Furthermore, the report cites Section 7(1)(b) of Indian Independence Act, 1947 but this section cites nothing that substantiates the claim of third option as it only declares lapsing of the British suzerainty and states

7. (1) *As from the appointed day-*

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise , and (Indian Independence Act, 1947)

This section states lapsing of the Crown's paramountcy and returning all powers to the respective states, however, this ambiguity and absence of categorical mentioning of the independence may lead to different interpretations (Farrel, 2003) that can be contested. Whereas section 4 of the same clearly indicates that nothing would stop these states from joining either of the new Dominions as it states:

(4) Without prejudice to the generality of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions. (Indian Independence Act, 1947)

Hence, the impression that the princely states had a third option of remaining independent has ambiguity in the Independence Act, 1947. Third important character in affirming this assertion was Viceroy Lord Mountbatten but he is on record for advising these states on June 3, 1947 to join either India or Pakistan rather than remaining independent (Ghose, 1993; Tinker, 1970). His advice to them was irrespective of geographical contiguity (Bhopal, n.d.), however (Soofi, n.d.) states that he later on emphasized on the same. But he does not provide evidence

of his assertion. Many of the states were too small to stand independent (Farrel, 2003). Furthering the argument it is logical to have many states opting to remain independent had there been any such option but the fact that all of these states eventually joined either India or Pakistan also suggests absence of the impression of any third option of remaining independent.

Since, the Partition plan did not categorically address the criterion of accession of the princely states to either of the Dominion, it was left to the rulers of these states. Since all other rulers of their respective states had used their discretionary powers to decide about accession, this can in principle be exactly true in case of Nawab of Junagadh who opted to accede to Pakistan just like Nawab of Hyderabad. Although this decision was not in principle discretionary as the decision had the Council's backing whose composition was hetro-religious. If India objected to accession of Junagadh and Hyderabad to Pakistan based on geographical contiguity and religious affiliations with India, it must also extend the same leverage to Kashmir.

Similarly, Council of the State of Junagadh existed since years before any glimpses of Partition and its decisions had always been accepted as support to the Nawab's decisions. It was not construed for the sole purpose of backing or refusing Nawab's decision of accession. Hence, its backing of Nawab's decision of accession carried legitimate weight as per traditions of the state at that time. Hence, although the prevailing norms of the time allowed Council to influence the state affairs one cannot equate its backing with the true people's representation. This is again very true for all other princely states.

Although the literature from Indian side suggests that the Junagadh's court invited the Government of India to take over the State's administration. It falls short of providing the evidence of such invitation. However, literature from Pakistan also fails in providing any rebuttal to this claim. This also comes as surprising stance because courts are normally supposed to dispense legal contentions between its subjects rather than intervening in the State's affairs. The literature does not shed light on the whereabouts of the petitioner whether someone filed a petition or it was a *suo moto* action on part of the court,

who filed the petition and who were the defendants, how long the proceedings lasted? The study also finds that the court's jurisdiction is normally confined to the territory of the state and it cannot seek enforcement of its decisions from outside the State.

Indian claims that Dewan of the State, Sir Shah Nawaz Bhutto, asserted influence on the Nawab's decision to join Pakistan seems fair as the Bhutto organization itself claims credit for this influence (Bhutto, n.d.). But to say that it was coercion seems far from reality. Dewan was not superior to Nawab. Further, it would have been easier for the Nawab to seek help from India in any such event and the help would have been readily available as well owing to its geographical contiguity with India and the latter's obsession with keeping India as large as possible. The fact that Nawab did not seek help from India negates any impression of coercion from Dewan. Indian literature also suggests that Dewan of Junagadh invited India to intervene and take over, but it does not provide evidence of such invitation. India's two different assertions contradict each other. On one hand India claims that Dewan influenced and coerced the Nawab in its decision to accede to Pakistan and on the other hand it claims an invitation to India from the same Dewan to intervene and take over the administration. How can both be true at the same time? The claim that Dewan held talks with head of the *Arzi Hukumat* and invited him to takeover (Subramanian, n.d.) is not supported with much proofs. Even if the Dewan invited India to take over, he was only a former head of the government in Junagadh, not head of the state and was not legally authorized to do so as after state's accession to Pakistan he had lost his any such powers. In presence of Instrument of Accession, India's annexation is illegal and its subsequent actions also carry no legal weight. Furthermore, India immediately held plebiscite in Hindu majority Junagadh, but it failed to do the same in Muslim majority Kashmir till date even after agreeing to it in UNSC Resolution 39. The Indian claim that only 91 out of 190,870 votes were casted in favour of Pakistan only adds to suspicions against the transparency. Out of about 40 thousand Muslim voters, it should have been a much higher number in favour of Pakistan where the ruler was also Muslim and had been ruling for centuries. It shows that the

Muslim population was extremely persecuted and forced to migrate. Such a high turnover of voters in a plebiscite under the conditions of high tension and turmoil only adds to the suspicions. This was an illegal plebiscite held under the auspices of occupying forces and doomed to be biased.

Although, the Indian intervention and forceful annexation of Junagadh is illegal in literal terms and Pakistan's claim over the territory is *de jure*, India enjoys the *de facto* control over the areas. It has been decades since Pakistan actively challenged this position except through the recent launch of new political map. Pakistan would need much more to win over international sympathies in the wake of real politics where India offers a big market and much more to the international stakeholders.

Indian authors have stated the Indian leadership's willingness to hand over Kashmir to Pakistan in return of Hyderabad and Junagadh (Subramanian, n.d.) but Pakistan's acceptance of Junagadh's accession changed their minds (Gandhi, 1991) blaming the accession a result of the secret deals between the State of Junagadh and Pakistan (Menon, 1955). Although they refer to some documents as evidence of such secret deals, they do not provide any such document. India refers to a reproduced speech of the Dewan Khan Bahadur Abdul Kadir Mohammad Hussain rejecting the allegations of joining Pakistan; and importing Baluchis and Hurs into the state forces, and affiliating the local college with the Sindh University. However, they do not give any account of the speech that when this was originally delivered? We are still unaware of the context of the speech and furthermore, if this argument is taken as pretext to invade and annex Junagadh by force, where are the moral standings of the notions given as India's willingness to let Kashmir join Pakistan? How could India justify the self-contradiction? Similarly, Sardar Vallabhai Patel's assertion, that permitting Junagadh to accede to Pakistan could instigate communal tensions in Gujarat (Annexation of Junagadh, 2021; Menon, 1957) and hence it was imperative for India to annex Junagadh, presents a political mind-set rather than a principled stance. If this logic of possible turmoil is accepted then even the Partition should not have

taken place. It was duty of India to assure peace in its areas rather than invading and annexing the state of Junagadh. Such a stance can relate to any ordinary political leadership about it can never be associated to a principled leadership. Political preferences can change but principles cannot be compromised. Indian leadership's such statements of their willingness to concede Kashmir to Pakistan after its forceful annexation of Kashmir, Hyderabad, and Junagadh are only camouflage of their maligned intentions. India miserably fails to justify its self-contradictory stances on Hyderabad, Junagadh on one hand and in Kashmir on other hand (Bhutto, n.d.).

According to the current Nawab of Junagadh, Muhammad Jahangir Khanji, since accession of Junagadh to Pakistan fulfils all the conditions of a treaty under international law, it is binding upon the parties under article 26 of Vienna Convention on the Law of Treaties, therefore Indian occupation of Junagadh is a violation of the Vienna Convention on Law of Treaties, 1969 (Soofi, n.d.). Although the issue is still pending a resolution in accordance with the UNSC Resolution 39 but with the signing of Simla Agreement 1972 India interprets it as relegated to bilateral level. While section ii of the agreement allows for other mutually agreed peaceful means (Simla Agreement, 1972), it is unlikely that India would ever agree to this option. Hence, whereas legally there is a provision of taking it to international forums practically Pakistan stands with a difficult challenge. A different interpretation may arise from the fact that the successor of the late Nawab and Sovereign in Exile is alive and has actively started taking it to the media. Hence, involvement of the third party into the contest may provide a pretext to supersede Simla Agreement which is a bilateral arrangement.

Conclusion

Whereas the issue is legally intact, it has no visible awareness among even the most relevant educated let alone the general masses. One of the many reasons may also be the fact that the issue has long lost its venom for the policy makers and the same is reflected in our text books that fall short of providing in-depth analysis of the issue to

the students. This is exactly true for all levels of education courses. Whereas the recent inclusion of Junagadh in the new political map issued by Pakistan gives fresh air to the issue, it would need much more to bring it to the active life again. The government, if serious in addressing it, needs to adopt multipronged approach by increasing its awareness among different stratum of the society and reaching out to the stakeholders both locally and internationally. National and international conferences inviting the learned people to showcase their analysis and spreading the outcomes to the general people would also help rejuvenate the issue. Using print and electronic media along with social media would also be helpful. Foreign Office needs to gear up its efforts internationally as it has been decades since it actively voiced for Junagadh. Academic studies are supposed to be honest in their findings. Such studies help in making realistic and proper strategies to achieve the objectives. There are several claims that are not substantiated with the evidence coupled with complete mum from other side. This calls for brutally honest research endeavours, rather rhetoric, are pivotal to surface the ground realities. These studies must be unbiased and academically motivated rather than pacifying the political objectives.

Answering the respective research questions, the study finds that the princely states had to join either India or Pakistan rather than remaining independent, the Nawab, in accordance with the prevailing circumstances of that time, had all the powers to freely decide the state's accession to either of the countries. Both countries, principally, needed to abide by one yardstick for all the states and adopting different approaches towards different states could only be politically motivated but not always principally correct. Council of the Junagadh State carried legitimate support for the Nawab's decision but it could hardly equate with the people's true representation in pure democratic sense. The study does not find substance in the claim that the court or Dewan invited India to take over. However, this is also not clear that they did not. However, even if the Dewan invited India, he did not have the legal powers to do so as by then the state had legally acceded to Pakistan and only the Government of Pakistan could decide for the state's future. Although disturbances in Junagadh initiated after its

accession to Pakistan as against Kashmir where Maharaja approached India for help against his subject that had stood against him and India maneuvered his position in acceding Kashmir to India. All parties need principally to agree to a similar mechanic across the states ensured in the Indian Independence Act. However, India has succeeded in taking over all the contested states and it seems that Pakistan has also been quiet over India's occupation of Hyderabad and Junagadh, if not Kashmir. The recently issued new political map has drawn attention of the world but it would need consistent pursuance to keep this attention intact. India's occupation of Junagadh is illegal in strict terms but Pakistan's prolonged silence has rendered it almost settled status and now Pakistan would need to do much more to make a real case out of it. Pakistan needs to come up with some strategy that could supersede Simla Agreement to make this issues heard at international forums.

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New Political Map of Pakistan: A Case Study of Junagadh State Accession

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Abstract

On August 4, 2020, Government of Pakistan unveiled the new political map of Pakistan. In this map, Pakistan has reiterated Junagadh State as its part of territory. After a long time, Pakistan officially, by redrawing its new political map, reclaimed territory of Junagadh State in front of the international community. This study explores the historical account of the Partition of Indian Subcontinent to discuss accession of princely states specially accession of state of Junagadh to Pakistan. Furthermore, the legality of accession document of Junagadh state signed by Pakistan's Founding Father Muhammad Ali Jinnah and Nawab of Junagadh State is explored. The study further discusses the legality of claim made by Pakistan on Junagadh State in new political map.

Introduction

On August 4, 2020, the Government of Pakistan unveiled a new political map of Pakistan. While addressing the press conference, Prime Minister Imran Khan termed the new political map as 'official map of Pakistan' and further added,

It would be used in schools, colleges across the country and internationally.

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Pakistan's Foreign Minister, Shah Mahmood Qureshi, while addressing the press conference, said that Federal Cabinet had agreed on the new map. Pakistan's Prime Minister also reaffirmed,

The new map correctly depicts disputed regions as so. Pakistan only wishes for the dispute to be resolved according to the resolutions of the United Nations Security Council (UNSC). (Siddiqui, 2020)

The new map also marked Jammu and Kashmir as a disputed territory between India and Pakistan. It is mentioned in the map that final status has to be decided in accordance with the relevant United Nations Security Council (UNSC) resolutions. The map also extends the Line of Control (LoC) beyond the NJ980420 to the Karakoram pass. Furthermore, Pakistan rejected, under Thalneg Doctrine, Indian claim on eastern and western banks of Sir Creek. In addition, Pakistan for the first time merged and integrated Federally Administered Tribal Area (FATA) into Khyber Pakhtunkhwa (KPK) Province. Finally, Pakistan reclaimed the state of Junagadh and Manavadar into the new political map (Naseer & Tahama, 2020).

India, in a press statement by Ministry of External Affairs, declared,

We have seen a so-called political map of Pakistan that has been released by Prime Minister Imran Khan. This is an exercise in political absurdity, laying untenable claims to territories in the Indian State of Gujarat and our Union Territories of Jammu & Kashmir and of Ladakh. These ridiculous assertions have neither legal validity nor international credibility. (MEA, 2020)

Pakistan's Foreign Office rejected Indian statement over new political map of Pakistan and stated that,

The political map issued by Pakistan emphatically reaffirms this abiding commitment. (MOFA, 2020)

Expert of international law, Mr. Ahmer Bilal Soofi stated,

By issuing this map, Pakistan has exercised its executive authority to document its position regarding its territorial disputes with India.

He further added that territorial claims over disputed regions could be exercised through legislation, executive action and judicial pronouncements. Pakistan's decision to use the executive authority in this case may also be followed by its legislative action (Saeed, 2020).

On December 25, 2020, Pakistan Post issued new commemorative postal stamps on the occasion of anniversary of Quaid-i-Azam Muhammad Ali Jinnah (Pakistan Post, 2020). The message from the stamp, having new political map including Junagadh as part of Pakistan's territory, was clear that Pakistan reiterates its commitment and claim on Junagadh.

This study is focused on a brief historical background of the events that had taken place during the Partition of Subcontinent concerning Junagadh's accession to Pakistan. This study also explains the strategic and economic significance of the Junagadh issue for Pakistan.

Significance of Research

On Kashmir dispute, huge amount of research work is available; however, on Junagadh issue, there is very little published research available. This study aims to highlight the strategic, economic and legal dimensions of the Junagadh issue and suggest way forward for policymakers to pursue the case further.

Historical Background of the Issue

a) Indian Independence Act, 1947 and Accession of Princely States

During British rule, Indian Subcontinent was divided into two geographical entities. One part was British India which was directly ruled by the Imperial British while the other part was divided into more than 560 princely states comprised of approximately one third of India's territory and one quarter of the population (Khanam, 2016). The princely states were ruled by their respective rulers but fell under the suzerainty of British rule through treaties and agreements (Ali, 2009). The Indian Independence Act of 1947 was passed by the British Parliament on July 11, 1947. The Act divided British India into two independent dominions of Pakistan and India. In this Act, it was stated that the British suzerainty over the princely states would be terminated by August 15, 1947 (Indian Independence Act, 1947). When British paramountcy ended, the princely states became sovereign states on

August 15, 1947. It was stated in the 3rd June Plan of Partition that the policy towards the Indian states stated in the Cabinet Mission Memorandum of May 12, 1947, remained unchanged. The operative part of the memorandum reads,

All the rights surrendered by the states to the Paramount Power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them. (Ali, 2009)

According to the Indian Independence Act of 1947, princely states were given the choice to remain independent or accede to either of two dominions, India or Pakistan. When States were given three options to decide their future, the policy of Quaid-i-Azam Muhammad Ali Jinnah as well as the Muslim League was clear about the future of the princely States. As he stated,

The legal position is that with the lapse of paramountcy on the transfer of power by the British all the Indian states would automatically regain their full sovereign and independent status. They are, therefore, free to join either of the two dominions or to remain independent. The Muslim League recognizes the right of each state to choose its destiny. It has no intention of coercing any state into adopting any particular course of action. (Ali, 2009)

On the other hand, Congress and its leaders specially Nehru threatened and pressurized the rulers to secure the accession of states. On April 18, 1947, Nehru, while addressing to the All-India States' People's Conference, that was organized at Gwalior, publicly stated,

Any State which did not come into the Constituent Assembly would be treated by the country as a hostile state. Such a state . . . would have to bear the consequences of being so treated.

Viceroy Mountbatten insisted all the princely states to accede either Pakistan or India. On August 15, 1947 Nawab of Junagadh Nawab Mahabat Khanji decided to accede to Pakistan.

b) Accession of Junagadh to Pakistan

On August 15, 1947, Nawab of Junagadh Nawab Mahabat Khanji wrote to Quaid-i-Azam Muhammad Ali Jinnah about his decision to accede state of Junagadh to Pakistan. He wrote,

My government has decided to accede to Pakistan, join Pakistan Constitutional Assembly. Shortly, deputing representatives for negotiating terms of accession and of standstill agreement. Kindly arrange to confirm. (Zaidi, 1993)

As Nawab Mahabat Khanji announced his decision, the announcement to this effect was published in the Gazette of Junagadh 'Dastrural Amal Sarkar Junagadh' on August 15, 1947. The Government of Junagadh on August 15, 1947, announced its decision to accede to Pakistan in the following paragraph. That states,

The Government of Junagadh has during the past few weeks been faced with the problem of making its choice between accession to the dominion of India and accession to the dominion of Pakistan. It has had to take into very careful consideration of every aspect of this problem. Its main pre-occupation has been to adopt a course that would, in the long run, make the largest contribution towards the permanent welfare and prosperity of the people of Junagadh and help to preserve the integrity of the state and to safeguard its independence and autonomy over the largest possible field. After anxious consideration and the careful balancing of all factors, the government of the state has decided to accede to Pakistan and hereby announces its decision to that effect. The State is confident that its decision will be welcomed by all loyal subjects of the state who have its real welfare and prosperity at heart. (Menon, 1955)

Later on, Nawab of Junagadh sent a delegation to Pakistan under the leadership of Mr. Ismail Abrahani with an Instrument of Accession with his signature (Hodson, 1969). The Constitutional Assembly of Pakistan approved the proposal and the Governor-General of Pakistan signed the Instrument of Accession. So, the Junagadh state legally acceded to Pakistan and became its part on September 15, 1947 (Ali, 2009). Nawab of Junagadh was the first sovereign ruler who signed the Instrument of Accession with Pakistan. Pakistan was given control over

three areas like foreign affairs, defence, and communications of the state.

c) Indian Reaction and Actions Against Accession of Junagadh to Pakistan

When Indian leadership came to know about Junagadh's accession to Pakistan, Pundit Nehru and his government began protesting to Pakistan and refused to recognize Junagadh's accession to Pakistan. They also threatened and pressurized the Nawab of Junagadh to accede to India but Nawab of Junagadh stood firm on his decision.

On August 31, 1947, in his letter to Quaid-i-Azam Muhammad Ali Jinnah, Nawab of Junagadh wrote,

The reports in press must have given you an idea that Junagadh is showered with criticism all over. Thanks to Almighty, we are firm. We expect an early announcement of the Pakistan government regarding Junagadh's accession to it. (Zaidi, 1993)

On September 17, 1947, Sardar Patel, Pundit Nehru and all other members of the cabinet, before the meeting with Mountbatten, decided to take military action against the Junagadh State and they were anxious that,

Government of India should not show weak over Junagadh issue... (Hodson, 1969)

Indian leadership wanted to put maximum direct or indirect pressure on Nawab and stationed the troops around the borders of Junagadh (Hodson, 1969). Secretary of State, V.P Menon, arrived in Junagadh on September 17, 1947 and met with Dewan of Junagadh Sir Shah Nawaz Bhutto. He carried the message of Indian government insisting that Junagadh should withdraw its accession to Pakistan (Menon, 1955).

On the same day, Indian troops dispersed around the borders of Junagadh. Kathiawar Defence Force was formed. An economic blockade was imposed. All rail communications from India to Junagadh were cut off (Hodson, 1969). There was also a shortage of food. On September 24, 1947, Gandhi, during the prayer meeting held in Delhi, condemned the accession of Junagadh to Pakistan in strong words (Bhatt, 2020).

The *Aarzi Hukumat* (Provisional Government) was formed in Bombay on September 25, 1947 under the presidency of Samaldas Gandhi and its headquarter was moved to Rajkot near the Junagadh. When V.P. Menon met with leaders of Congress at Taj Mahal Hotel, Samaldas Gandhi said,

People were prepared to take the law into their hands and that they would organize themselves and march on Junagadh.

Samaldas Gandhi was also committed to set up a parallel government against the Junagadh State and organize an intensive controversy throughout the Kathiawar (Hodson, 1969). The *Aarzi Hukumat* was established by non-Junagadhi people; the Nawab of Junagadh and Pakistan never recognized that government. As it is clear from the meeting of V. P. Menon that India provided full support to and backed the *Aarzi Hukumat*. Samaldas Gandhi gave all credit for his activities to Patel and claimed that without the support of Patel, there was little chance of their success (Dar, 2014).

On September 25, Prime Minister of Pakistan sent a telegram to India and asserted that Nawab of Junagadh had acceded to Pakistan. Pakistan also conveyed to India that the accession was in accordance with the formula of division given by the Indian Independence Act and Junagadh had become part of Pakistan. On October 27, Sir Shah Nawaz Bhutto wrote a letter to Jinnah and described activities of *Aarzi Hukumat*. He wrote,

Our principal sources of revenue, railways and customs, have gone to the bottom. Food situation is terribly embarrassing though Pakistan has come to our rescue with a generous allotment of food grains. There has been a harsh treatment of Muslims travelling on Kathiawar railway lines who have been subjected to several kinds of hardships and humiliations. (Hodson, 1969)

On October 31, Sir Shah Nawaz wrote a letter to Ikramullah, who was Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Pakistan, in which he sought help and directions from Pakistan. Meanwhile, the Nawab sent a telegram from Karachi to Sir Shah Nawaz asking him to use his 'judicious discrimination as the situation demanded'. On November 8, Sir Shah Nawaz Bhutto sent the

senior member of State Council Major Harvey Jones to Butch Regional Commissioner at Rajkot and requested him to restore law and order situation in Junagadh and to save the state from complete administrative breakdown (Hodson, 1969). However, it is clear that since Junagadh had already signed the Instrument of Accession and foreign affairs were handed over to Pakistan, therefore, the Dewan had no authority to negotiate with Indian authorities.

After receiving the letter, head of Indian administration informed V.P. Menon who was in Delhi. V.P. Menon informed Pundit Nehru, Sardar Patel and other members of cabinet. A formal order was drafted and a notification was issued to take administration of Junagadh. On November 9, 1947, Indian Forces took over the control of Junagadh State (Keesing Archives, n.d.). Pundit Nehru sent a telegram to Prime Minister of Pakistan conveying the information about taking over control of Junagadh (Ali, 2009).

In view of special circumstances pointed out by Junagadh Dewan that is the Prime Minister of Junagadh – our Regional Commissioner at Rajkot has taken temporarily charge of Junagadh administration. This has been done to avoid disorder and resulting chaos. We have, however, no desire to continue this arrangement and wish to find a speedy solution in accordance with the wishes of the people of Junagadh. We have pointed out to you previously that final decision should be made by means of referendum or plebiscite. We would be glad to discuss this question and allied matters affecting Junagadh with representatives of your government at the earliest possible moment convenient to you. We propose to invite Nawab of Junagadh to send his representatives to this conference.

On November 11, 1947, Prime Minister of Pakistan, Liaquat Ali Khan, protested against Indian actions (The New York Times, 1947) and replied to Nehru's telegram (Ali, 2009),

Your telegram informing me that your government had taken charge of Junagadh was received by me on November 10, 1947. Your action in taking over State Administration and sending Indian troops to state without any authority from Pakistan Government and indeed without our knowledge, is a clear violation of Pakistan territory and breach of

international law. Indian Government's activities on accession of Junagadh to Pakistan have all been directed to force the State to renounce accession and all kinds of weapons have been used by you to achieve this end. We consider your action in taking charge of Junagadh Administration and sending Indian troops to occupy Junagadh to be a direct act of hostility against Pakistan Dominion. We demand that you should immediately withdraw your forces, and relinquish charge of administration to the rightful ruler and stop people of Union of India from invading Junagadh and committing acts of violence.

The Prime Minister of Pakistan Liaquat Ali Khan made a press statement which was also communicated on November 16, 1947 to Prime Minister of India. Press statement read as follow,

In spite of the gravest provocation, we have refrained from any action which should result in armed conflict. We could with full justification and legal right could have sent our forces to Junagadh but at no time since the accession of state, was a single soldier sent by us to Junagadh and our advice throughout to the state authorities was to exercise the greatest restraint. Manavadar, another State which had acceded to Pakistan and Mangrol and Babriawad have also been occupied by Indian troops. (Razzak, 2011)

However, on February 20, 1948 Indian government organized a unilaterally referendum in Junagadh. A majority of votes were cast in favour of accession to India (Guha, 2017). Pakistan, which was in no way associated with the referendum, refused to recognize its validity and legality. A complaint lodged by Pakistan with the Security Council of the United Nation which is still pending and unresolved (Ali, 2009).

Legal Aspects of the Junagadh Issue

On November 9, 1947, when the Indian administration had taken the control of Junagadh state, Pakistan's Prime Minister Liaquat Ali Khan in his telegram sent to Nehru on November 11, 1947, termed Indian action to intervene in Junagadh as clear violation of Pakistan's territory and breach of international law (Ali, 2009). As Junagadh state legally acceded to Pakistan, Indian intervention in Junagadh was the first violation of Pakistan's sovereignty and international borders. Powers of

all the foreign affairs were handed to Pakistan as per Instrument of Accession, therefore, without consent and knowledge of Pakistani Government, Indian intervention and taking control of the state was violation of the international law.

The Instrument of Accession was a legal document and signed by both sovereign rulers of the states. The Instrument of Accession is a clear-cut written document that is available. Instrument of Accession, that bears the signature of heads of two sovereign states, is significant legal document and the international treaty which is in complete accordance with international law that is still valid (Soofi, 2020).

The Instrument of Accession in international law has the status of 'the treaty'. Article 2 of the Vienna Convention on the law of Treaties 1969 defines the term 'Treaty' as,

Means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or states or more related instruments and whatever its particular designation. (The Vienna Convention on The Law of Treaties, 1969)

Therefore, according to international law, Instrument of Accession of Junagadh is an international agreement, concluded between States in written form, governed by international law and in a single document. Hence according to Article (2) of the Law of treaties, all the conditions are fulfilled in case of Junagadh accession with Pakistan. Vienna Convention on the law of treaties, also stated every treaty in force is binding upon the parties to it and must be performed by them in good faith (Pacta Sunt Servanda).

At that time, Foreign Minister of Pakistan, Sir Zafarullah Khan approached the United Nations on behalf of Pakistan to address the issue. However, the issue is still pending on the agenda of United Nations (Soofi, 2020).

Strategic and Economic Importance of Junagadh

Mahan (2011) identified the importance of the sea for various purposes. For example, command on the sea power is significantly important for economic and military purposes. Mahan also defined sea

power as a combination of international trade and commerce, overseas bases and merchant and naval shipping.

The state of Junagadh situated in Kathiawar peninsula has a territory of 3,337 square miles where the southwest boundary is bounded by the Arabian Sea. Junagadh has also a coastal line that comprised of almost 100 miles with many ports including the principal port Veraval. Junagadh State was a commercial and manufacturing centre operated through railroads and highways. Due to its geostrategic importance as a maritime state, Nawab Mahabat Khanji was fully aware of the strategic importance of Junagadh. Junagadh's Veraval port has sea route with Karachi port and it is easily accessible from Junagadh to Pakistan (Ali, 2009).

Due to its location and a hundred miles coastal line with Veraval port in the Arabian Sea, there are multiple strategic options for Pakistan that would be opened. Indian Ocean Region (IOR) has significance due to sea routes for both trade and naval purposes. The significance of this region revolves around its unique geography, geopolitics, economic gravity and maritime usage. This region also remains important in writing and research of most of the economists, defence analysts, experts of resources management and even climate analysts of the world (Rizvi, 2019).

Economically, hundred miles coastal line has significance due to its sea resources not only for naval power but also for economic purposes. In sea, Pakistan can get a large area of exclusive economic zones due to Junagadh. Junagadh can play an important role in uplifting the economy of Pakistan due to its territorial and sea resources. The territory of Junagadh has abundance of mineral resources like limestone, marls, black-stone, gravel and building limestone.

Conclusion

Junagadh's accession with Pakistan is according to the Indian Independence Act, 1947 and Nawab of Junagadh exercised his power as a sovereign ruler to accede to Pakistan. Junagadh state is legally part of Pakistan as Pakistan has an Instrument of Accession duly signed by Governor-General of Pakistan Quaid-i-Azam Muhammad Ali Jinnah

and Nawab of Junagadh State Nawab Mahabat Khanji. The forceful occupation of Junagadh by India is a complete violation of international law and violation of the sovereignty of Pakistan.

Pakistan has never accepted Junagadh as part of India. It has categorically rejected the referendum held by India in Junagadh State under the military occupation. Pakistan has maintained its legal claim on Junagadh. The Government of Pakistan has shown Junagadh and Manavadar in its new political map reiterating the commitment of the state towards Junagadh. In today's world, Junagadh carries strategic and economic importance for Pakistan. Junagadh that has 100 miles of a coastal line with a major trading port of South Asia Veraval is economically and militarily important for Pakistan.

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The Revival of Junagadh Issue in the 21st Century: Challenges and Prospects

Tariq Khan* & Mujahid Hussain Sargana**

Abstract

After the announcement of the Partition plan of the Subcontinent by the last Viceroy Mountbatten, the option was granted to princely states of the Subcontinent to join either Pakistan, India or to remain independent. Junagadh was the first princely state whose ruler decided to join Pakistan but India imposed economic blockade and then forcibly occupied Junagadh. Pakistan filed a case in the UN Security Council but no progress has been made since 1947. This study has explored the history of territorial claims or movements, motivating factors and contemporary pillars, challenges, and prospects of reviving the Junagadh issue in the 21st century based on the literature review as secondary data.

Introduction

Before the Partition, there were 562 princely states in the Indian Subcontinent and Junagadh was the second largest and richest Muslim state. The Indian Independence Act of 1947 gave imperial states the power to join either Pakistan or India or to declare independence. Junagadh was the first princely state to formally accede to Pakistan on September 15, 1947.

In 1947, Nawab Mahabat Khanji, after consulting the Junagadh State Council, approved the accession. The Indian government pressurised the Nawab of Junagadh to reconsider his choice. When he

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refused to change his decision, India imposed an economic blockade on the state. It shut down the state's postal services as well as air access and sent 3,000 policemen along with 5,000 extremist Hindu gangsters who seized the state machinery in Junagadh. Thus, India established illegal domination over Junagadh (MUSLIM PERSPECTIVES, 2016).

Consequently, Junagadh is one of the oldest unresolved issues in the United Nation. The inclusion of Kashmir and Junagadh in the new political map of Pakistan is an important step for the revival of the decades-old issue of Junagadh.

Objective of the Study

Before understanding the revival of the Junagadh claim, it is important to comprehend the historical background of territorial claims or movements. From the historical perspective, we will be able to assume why and how a country makes territorial claims and how it starts movement on its basis. This will also improve our understanding of the relevant issues further. Consequently, here we will discuss comprehensively the evidence of territorial claims and movements from the history or especially Muslim world along with a comparative analysis of the ways of resolution for territorial claims in the context of conventional and contemporary settlement methods.

Territorial Claims: Evidence from History

In fact, states exist within the geographical parameters or territory which is also an important element of a state to secure its sovereignty. In the historical context, we will not go too far; however, we will take a look at evidence from the past few centuries just to position the start time of territorial claims over the globe. Numerous territorial claims began between or after the WWI (1914-1918) and WWII (1939-1945) as well as the Cold War (1947-1991). Even though, according to the data, ICOW which is known as the Issue Correlates of War was basically a project with the aim to collect data on territorial claims over the globe and especially in South America. So far, the project ICOW has classified almost 841 territorial claims that existed in the duration of 1816 to 2001. This interval has been separated into two time periods

one is from 1816 and the second, beginning from 1900. During the 19th century, the biggest group of territorial claims began in the Western Hemisphere. The colonies of Spain in Latin America decolonized and settled their borders. According to data, the quantity of new claims in the region has declined from seventy-eight to fifty since 1900. (Frederick, Hensel, & Macaulay, 2017)

The number of territorial claims that Europe made in the 19th century were 54 which has increased to 182 since 1900. Numerous new states were created after the First World War as well as the Cold War. The territorial claims that Asia as well as Oceania made in the 19th century were 54 and 165 respectively since 1900, in which most of the regions have been liberated since the Second World War. The Middle East and the African region had also seen territorial claims in the 19th century in which most of the states were caught up in colonial competition among European great powers and have seen more claims after the Second World War (Hensel & Mitchell, 2016).

After or during the First and Second World Wars, a few states occupied other states or their territories and several have decolonized them with the alliance of other states. Many conflicts and territorial claims continued even after the First and Second World Wars. Since 1914, a series of civil wars based on radical political ideologies and fights between communist as well as anti-communist forces continued. The Russian and Finnish civil wars, German revolution, Estonian, Latvian, Polish wars with Soviet, Irish wars, and Egyptian revolution have given rise to new territorial claims and the foundation of new states even after World Wars (IWM, n.d.).

Evolutionary History of Territorial Claims or Movements by Muslims

Muslim history, till the Ottoman Empire and beyond, is replete with many legal territorial claims. Other than that, we will not have a discussion about all-time claims; however, we will bring to light the occupied territories of Kashmir, Palestine and Azerbaijan, the situation is very much clear. Kashmir has been occupied by India since the Partition of the Subcontinent in 1947. Palestinian territories, West Bank

and the Gaza Strip have been occupied by Israel since 1967. Territorial conflict between Armenia and Azerbaijan has its origin dating back to the early 20th century; on the other hand, the present conflict started in 1998. At this point, it is important to mention the Pakistan Movement, a movement initiated by the Muslims of the Subcontinent to create an independent state namely Pakistan, the foundation of which was laid since the War of Independence in 1857, achieved on the base of Islam along with its basis that goes back to the state of Medina.

Conventional and Contemporary Territorial Claim

There are two ways of territorial claim resolution; one is peaceful and the second is war. Though, it is the common perception that the conventional, traditional, or old way of dealing with the resolutions of territorial claims was through war. The territorial dispute resolution is based on the nature of the territorial claim. There are two types of territories i.e., contiguous and non-contiguous territories. The contiguous territories are those that have borders with the claimant state or country. Non-contiguous territories are those that have no direct borders with the claimant state but are placed at some distance from borders. Countries that share common borders or have contiguous territories are more likely to fight wars with each other than non-border territories or non-contiguous territories. Mostly, territorial claims lead to militarized conflict and the majority of wars have been fought between or among countries entangled in one or more territorial disputes (Mitchell, 2016).

The treaty of Westphalia was signed to end the thirty years of the European War in 1648. Three European countries France, Netherlands and Spain were empowered and there was a shift in the balance of power in Europe. This treaty was the basic framework towards modern international relations. Subsequently, the First and Second World Wars as explained previously changed the power politics. The world was fed up with the ongoing incidents of wars and disputes (Patton, 2019). The program by U.S president Woodrow Wilson to settle WWI and build relations among great powers came forward with new perspectives. WWII ended with the unconditional surrender of Western major

powers because they realized that war is not the certain way of solution. Afterwards, the foundation of international institutions and organizations such as the United Nations, World Bank as well as International Monetary Fund (IMF) provided platforms for the world to resolve their matters. The modern or dominant international relations theories provide with an inclusive way to resolve territorial disputes or claims (House, 1918).

Territorial Claims: From the Lens of International Relations Theories

The theoretical literature and mainstream international relations theories reveal why and when a territorial dispute matters. Theories also explain why a territory is important and why states want to involve themselves in territorial disputes. Hence, theories clearly affirm that no rational state will give up the territories that define the physical or historical parameters of its territories. International relations explain multiple factors that drive territorial claims or disputes including strategic and economic benefits, geographical proximity or contiguity, nationalism, rivalry, mistrust and territory. It also discloses that territory is a significant factor that produces tensions or conflicts between states but not all territorial disputes are upshot in the outbreak of war based on many rationales. The likelihood of war or disputes will escalate on the basis of economic benefits, material interests or rivalry between states especially those that share contiguous borders, and more importantly when the material interests are interconnected to identity or ideational values.

From the realist perspective, a state is always ambitious to enhance its material power, gain interests and maintain a balance of power in the system of international relations. The anarchic nature of the realist approach for absolute gains may increase tensions, aggression and security dilemmas which lead to war. Consequently, we can conclude that the suggestions of realist scholars to resolve territorial disputes peacefully cannot be an attractive choice.

Neoliberals and constructivists hold different assumptions and logic that provide us with an alternative way to resolve territorial disputes or

claims. Although these theoretical measurements may not be sufficient on their own to provide a satisfactory response to the resolution of territorial disputes, they are better able to find a solution to the problems of territorial disputes than realism.

Constructivism emphasizes ideational values including social, cultural, and historical factors and national identity that determine the interests and behaviours of states in the international system or global politics. In neoliberalism, states are encouraged to collaborate with each other for their better prospects of prosperity and rational stability in the international system by building institutions, norms and common understanding based on mutual trust. Furthermore, literature shows that the liberal approach may have problems in dealing with ideational aspects whereas a constructivist way is incapable of establishing formal negotiations among states. Hence, an interactive framework stands on the arrangement of different approaches and values from these mainstream international theories, especially liberalism and constructivism are best suited to resolve territorial claims or disputes (Choi & Eun, 2018).

Nature of Claim of Junagadh Territory

Junagadh is a non-contiguous or non-border territory connected with Pakistan at a distance of almost 480 km from Karachi. Constructivism clearly enlightens ideational values including culture and history. Here, the nature of Junagadh territory has a historical background that connects it with Pakistan. The British Empire had not paid any attention to the consequential impact of the ill-planned Partition of India, especially on the concern of the future of princely states. A set of guiding principles was announced without focusing on the cases of elements that may violate these principles. The Indian Independence Act of 1947 clearly indicates that the last Viceroy Mountbatten and secretary of state of India noticeably advised the rulers of these states to decide on either India or Pakistan. Officially these states would become independent on August 14, 1947 with an apparent option either to join Pakistan or India conforming to the spirit as well as guiding principles as stated in the 3rd June 1947 Plan. These guiding principles of state

accession to either India or Pakistan were laid down on June 3, 1947 succeeding the Partition plan of the Subcontinent. The 3rd June Plan also elucidated that decision of accession of princely states was given to the rulers who had the right to choose either Pakistan or India regardless of any kind of ethnicity, religion or territorial proximity (Saif, n.d.).

Why Pakistan claims Junagadh State?

Following the guiding principles of the 3rd June Plan and Indian Independence Act, Nawab Mahabat Khanji, who was Nawab and ruler of Junagadh at the time of Partition, reached an agreement with the Governor General of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah and signed the Instrument of Accession of Junagadh with Pakistan. Nawab of Junagadh did not make any decision alone but with the consultation of the members of the Junagadh State Council which included both Hindu and Muslim members. With the consultation, consensus and agreement of State Council members, Nawab made the decision to accede Junagadh to Pakistan and on September 15, 1947, officially, Junagadh became the first princely state to accede to Pakistan. Afterwards, on November 9, 1947, the Indian army forcibly occupied Junagadh (Bangash, 2014).

An Overview of the Junagadh Issue

It was India's illegitimate aspiration to gain all princely states including Kashmir and Junagadh. Literature shows that there was a so-called provisional government of Junagadh announced on September 25, 1947 led by Samaldas Gandhi who was the nephew of Gandhi. It was argued and believed by scholars that this was a tool used by the Indian government to capture Junagadh. After the accession of Junagadh State to Pakistan, India occupied Junagadh illegally and afterwards proposed that the future of the state would be determined by the people through a referendum or plebiscite to legalize its unlawful occupation. Unfortunately, many states, that wished to join Pakistan, faced Indian wrath due to their geographical position including Junagadh, Manavadar, Hyderabad and Kashmir (Cheema, 2016).

Most of the states were contiguous with India and more than 500 states joined India. Mountbatten himself had taken a turn to impose geographical contiguity to facilitate India's illegal desire to occupy Junagadh and Hyderabad states despite of his announcement of accession of princely states in the Partition plan that gave right to the rulers of states to decide. This was a planned strategy of India that influenced Mountbatten to limit Pakistan economically and geographically small.

On the instruction of Quaid-i-Azam Muhammad Ali Jinnah, the issue was raised in the United Nations. At first, the Junagadh issue remained in discussion, but its importance was diminished with the passage of time (Al-faqr, 2021).

Princely states like Junagadh, Hyderabad and Kashmir were forcibly occupied by India. With the Partition of the Subcontinent, the British colonial marks were left in India, and now India is retaining its legacy. Even after the Partition of the Subcontinent, colonialism, bigotry, prejudice, religious intolerance and contradictions still exist within India, which is represented by the so-called Indian secular state through its antagonistic attitudes and aggressive actions.

Since the Junagadh case was filed in the United Nations, there is no further evidence of solid progress. Pakistani government has a clear-cut stance and foreign policy on Junagadh by introducing a new official political map indicating Junagadh and Manavadar on the map. By presenting this new map, the government has given a new lease of life to the Junagadh movement (Global Security, n.d.).

Factors Motivating the Junagadh Movement in the 21st Century

It is important to mention here the encouraging factors that have helped in initiating and promoting the Junagadh movement.

Ideational Values

Ideational values made up of social, cultural and historical factors identify the interests and behaviour of any state. The historical experiences or cultural perspectives of any nation describe its identity,

interests and overall behaviour in international politics. Pakistan attaches great importance to ideological values as it is a country based on the ideology of Islam. Pakistan can never forget its historical aspects, ideational values and the efforts of its founders, which is why Pakistan has launched a new movement to accede Junagadh to Pakistan.

Instrument of Accession: The Legal Right

In consonance with the Indian Independence Act, 1947 and 3rd June Plan, Nawab Mahabat Khanji with the consultation of members of Junagadh State Council signed the 'Instrument of Accession' with Quaid-i-Azam Muhammad Ali Jinnah to accede Junagadh officially to Pakistan. The legal document 'Instrument of Accession' gives the right to Pakistan to be the claimant of Junagadh. Expert on international law, Mr. Ahmer Bilal Soofi says that the Instrument of Accession that was signed between Nawab of Junagadh and Quaid-i-Azam Muhammad Ali Jinnah is an important legal apparatus and has a status of international treaty according to international law (MUSLIM PERSPECTIVES, 2016).

Pakistan's Geo-Economic and Strategic Interests

China's mega-projects BRI and CPEC have given a new impetus to Pakistan's geo-economic and strategic interests due to which Pakistan's global importance has improved. Many issues have been ignored by previous governments. Such as Africa is a very important region which is developing rapid economic growth. Pakistan has generally neglected to establish relations with this region on the economic and political foundations. The contemporary foreign policy has not only raised the issue of Kashmir and Junagadh but also put the policy into practice to strengthen Africa's ties as Junagadh carried important maritime role in Arabian Sea which is of the prime importance for Pakistan's trade with African region. Consequently, Pakistan's new foreign policy priorities are playing an important role in highlighting the Junagadh issue (Rashid, 2018).

Counteract India's Aggressive Behaviour

In South Asia, India uses various evil tactics, sometimes with China, sometimes with Nepal and sometimes with Pakistan especially in Kashmir, to establish regional domination, and these tactics lead India to aggression as seen in Junagadh as well as Kashmir case. Pakistan is in a position to counteract this aggressive behaviour of India. However, Pakistan has decided to counteract and take back all illegal territorial occupations from India that were historically as well as legally part of Pakistan through legal, political and diplomatic means. Howley (1991) has expressed his views in his research on Kashmir that the world must view India's aggressiveness towards Pakistan with an eye on its overall conduct since the Partition. India violated the standstill agreement and cut off all communications and supplies as well as used an economic blockade against Junagadh which was violation of international law.

Since Partition, India has been interfering in the internal affairs of Pakistan. The arrest of Kulbhushan in Baluchistan, the issue of running fake news, and the lockdown in Kashmir are proof of India's clear hostility towards Pakistan. During an interview with the researcher, international relations analyst Prof. Dr. Muhammad Khan says that India has never accepted Pakistan as an independent as well as a nuclear state and due to which it has maintained this resentment and is continuing its violent operations in Kashmir to destabilize Pakistan. Pakistan has exposed India by giving importance to Junagadh and Kashmir issues (Khan, 2021).

Pakistan's New Political Map

The new political map of Pakistan has put not only India but the whole world especially Indian allies in a quandary situation (The Express Tribune, 2021). This new map is mobilizing the Junagadh movement.

Contemporary Pillars of Reviving Junagadh Issue

Many people as well as institutions working on Kashmir because Kashmir is also the cause of tension between Pakistan and India which

has been going on for seventy-three years. However, none of them except four key players worked to highlight the Junagadh issue in real essence. Here are the following four key players or characters in reviving Junagadh cause in the 21st century.

The Government of Pakistan and New Milestones

This is the priority of Pakistan's new foreign policy goals along with novel milestones to protect geo-economics and geo-strategic interests, Pakistan's image and soft power, and protection of Pakistan's peace, stability and territorial integrity and sovereignty.

To further strengthen the issue of Kashmir and Junagadh, Pakistan introduced a new political map which not only reinforced the Junagadh cause but also encouraged the characters working on it. It is a fact that whatever is done at the government level is encouraged to be done. By highlighting the issue of Junagadh, the government has included itself in the fundamental pillars of the movement.

Nawab Muhammad Jahangir Khanji is the present Nawab of Junagadh and grandson of Nawab Mahabat Khanji who acceded Junagadh to Pakistan. Now, Nawab Jahangir Khanji has been trying to highlight the issue of Junagadh in the form of a movement and is always ready to bring this issue before the world to fulfil his grandfather's dream to make Junagadh part of Pakistan. Nawab Jahangir Khanji says that Junagadh was Pakistan yesterday, Junagadh is Pakistan today and Junagadh will be part of Pakistan in future too.

Dewan of Junagadh

Sahibzada Sultan Ahmed Ali is the 10th descendant of renowned Sufi; Sultān Al-'Ārifin Sultan Bahoo (1629-1691 A.D). Mr. Ali is a young international scholar who has represented Pakistan on many platforms addressing various issues of international importance around the world. (Al-faqr, 2020)

Most importantly, Nawab Jahangir Khanji, in view of Mr. Ali's tireless efforts over the last twenty years, appointed him as the Dewan (Prime Minister) of Junagadh. The oath-taking ceremony of the new Prime Minister Dewan of Junagadh, Sahibzada Sultan Ahmed Ali was

held on December 10, 2020, at Junagadh House, Karachi, Pakistan. Nawab of Junagadh Nawab Muhammad Jahangir Khanji took a formal oath from the Dewan of Junagadh State and on this occasion, Sultan Ahmed Ali was given the traditional *Dastar* (turban) of Junagadh State and was also given the royal declaration of appointment.

Role of MUSLIM Institute in Highlighting the Issue of Junagadh

Since 2012, MUSLIM institute is organizing seminars and conferences not only on Kashmir but has been highlighting the Junagadh issue. MUSLIM Institute has played a significant role in featuring the Junagadh issue under the leadership and chairmanship of Sahibzada Sultan Ahmed Ali. MUSLIM Institute is the fourth pillar of the Junagadh movement and is playing a vital role in promoting the issue of Junagadh. Dewan of Junagadh, Sahibzada Sultan Ahmed Ali along with Nawab Muhammad Jahangir Khanji is busy meeting with high-level political leadership as well as foreign diplomatic missions in Pakistan for the case and awareness of Junagadh in the 21st century (MUSLIM Institute, 2016).

Prospects for Junagadh Movement

Following are the prospects for Junagadh Movement:

- Junagadh Movement will expose Indian atrocious behaviour towards Muslims, especially within India and Kashmir.
- Movement will be helpful to expose Indian hostility against Pakistan.
- Movement will support and make the Junagadh case more strong in the international community as well as in the UN Security Council.
- The Junagadh movement will revive Pakistan's global image and territorial sovereignty.
- Junagadh movement will not only help to resolve the Junagadh issue but also the issue of other occupied states Manavadar, Hyderabad and Kashmir.

- Junagadh will be the biggest prospect for Pakistan. Junagadh is a maritime state consisting of important ports that will be helpful for Pakistan to expand its CPEC project especially to connect with the African region and Pakistan will have a triangle of ports.

Recommendations

Following are recommendations on the basis of research and the study:

- It is the right of Pakistan to claim Junagadh on the basis of official documents and Partition plans.
- Pakistan must organize seminars and conferences to create awareness among the public as well as highlight the issue in the international community through media.
- Wherever Pakistan is raising the issue of Kashmir let it keep the issue of Junagadh with it.
- Civil society and the public must play a role and help Nawab of Junagadh as well as Dewan of Junagadh to highlight the Junagadh case.
- Through the Junagadh movement, Pakistan must officially reopen the Junagadh case to the UN Security Council.
- If India affirms the same logic in the UN Security Council that Junagadh had been occupied on the basis of Hindu majority as well as contiguous borders and re-cancels the Partition plan, then Pakistan should not make any legal concessions to India and demand all the states that are Muslim majority in India including Lakshadweep representing 98 percent, Jammu and Kashmir above 70 percent, Assam 32 percent, West Bengal 27 percent, Kerala 27 percent etc.
- If India claims that Junagadh is contiguous to it, then there are so many examples of non-contiguous territories under the control of faraway countries. For example, the USA has non-contiguous Alaska and Hawaii, UK has Northern Ireland, Russia has Kaliningrad and many other countries have non-contiguous parts including Indonesia, Argentina, Malaysia, Spain, Turkey etc.

Conclusion

India had forcibly occupied Junagadh state even after the official announcement of the accession of Junagadh according to the Partition plan and Indian Independence Act. The claim on Junagadh is the legal and constitutional right of Pakistan. Junagadh has proof of its accession with Pakistan in the form of a legal document Instrument of Accession. Pakistan had also filed a case in UN Security Council which was not brought into much debate. There is a need to start the Junagadh movement for better resolution and awareness about the Junagadh issue. The contemporary pillars are playing an important role in highlighting the Junagadh issue in front of the international community through the revival of the Junagadh cause in the 21st century.

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Modern Discourses on Junagadh Issue: A Critical Analysis

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Abstract

On August 4, 2020, the Government of Pakistan revealed the new political map of Pakistan which showed the Junagadh State as part of Pakistani territory. Recently there have been discussions in academic circles and civil society about the legal aspects of Junagadh State's accession. After the Partition of British India in 1947, Junagadh State acceded to Pakistan but was afterwards occupied by India. In this study, the modern discourse, and developments on the Junagadh issue are critically analysed. What were the efforts made on the issue in the previous century? What are the recent developments on the issue? What are their key characteristics and achievements? How different is this discourse from previous ones? What is the impact of this discourse? It is strived to critically analyse the facts and figures by using historical sources, archives, interviews, newspapers, and other available sources. The sources are interpreted and analysed finding causal connections among events, comparing competing historical narratives, and identifying interpretations of history.

Introduction

The state of Junagadh was one of the princely states of British India. Its ruler was a Muslim, and its 80% population was Hindu (Menon, 1955). It was a prosperous and welfare state which was focusing on the education, economic condition, and well-being of its people by

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equipping itself with the latest technology and governing system of the time (Ahmad, 1934). In 1947, at the time of Partition, princely states were given a constitutional right to join either India or Pakistan. The Nawab of Junagadh, Nawab Mahabat Khanji, acceded Junagadh to Pakistan. The decision of accession was a nightmare for the Indian leadership. Therefore, India contained the state for a month and usurped it on November 9, 1947, by using its military power (Ali, 1967). Pakistan raised the issue in the UN Security Council which is still pending. Afterwards, the issue was not much followed up and the efforts of the then Governments of Pakistan were mostly nominal and ceremonial. They were limited to only recognizing the Nawabs and commemorating the issue at intervals. Therefore, the struggle for the Junagadh issue declined in the twentieth century. However, the Nawab of Junagadh and his family kept raising their voices for the resolution of the issue.

In the 21st century, the Junagadh issue is being raised on multiple platforms using different options. The Junagadh State Muslim Federation commemorated all the important days of the Junagadh issue and spread awareness in the first decade. *Mirrat-ul-Arifeen International* being one of the largest publishing urdu magazines, under the editorship of Sahibzada Sultan Ahmed Ali, highlighted the Junagadh issue and raised awareness among the masses through the publication of several articles. A series of ‘The Struggle for Unity of Ummah Seminars’ was conducted by *Islahee Jamaat & Aalmi Tanzeem Al-Arifeen*, an edifying movement patronized by Sahibzada Sultan Muhammad Ali. Validity of the claim on the Junagadh issue was propagated to the political circles of Pakistan through the efforts of the organization.

In the second decade, the efforts led to a more constructive and strategic course of action through the platform of *MUSLIM Institute*, a think tank founded by Sahibzada Sultan Muhammad Ali. It organized multiple discussions and seminars to bring the issue to the attention of the government of Pakistan, politicians, heads of different institutions and organizations, and electronic and print media. This also provides recommendations and policy guidelines to the Government of Pakistan

and its concerned ministries to raise the issue on the international level for a just and legal solution.

These efforts were calculated and directed, therefore, they proved effective and fruitful. It gradually developed the social and political consciousness of the public and politicians about the issue which led the process towards synthesis. In August 2020, the Government of Pakistan included the state of Junagadh in the new political map of Pakistan which brought the Junagadh issue in limelight (Iwanek, 2020). Resultantly, national, and international media started discussing the issue. The government was urged to raise the issue in the UN and other international forums. A few months later, Nawab of Junagadh appointed Sahibzada Sultan Ahmed Ali, Chairman of MUSLIM Institute, as a Dewan of Junagadh State (The Express Tribune, 2020b). Soon after his appointment, he invigorated the Junagadh issue along with Nawab of Junagadh and met with different politicians and ambassadors of different countries to discuss the issue of Junagadh.

This study aims at analysing modern discourse on the Junagadh issue developed by the efforts made in the current century through the platforms of different organizations, institutes, and media forums. It presents a critical analysis of their strategies and actions to find patterns which led to the developments on the issue.

Literature Review

Copland's (1991) analysis has been found more comprehensive and factual compared to his other contemporaries. He has discussed the complex relationship between the princely states and British Empire. He unfolds a detailed account of the role of princes in the devolution of British colonial power in India. He also discusses the repercussions of these relationships after the Partition. Hodson (1969) analysed the events of the Indian Partition based on the findings of his observations and that of his contemporaries. He, somehow, covered the personal accounts of Indian officials who were involved in seeking the interests of Congress. Menon (1961) has given a comprehensive description of the issues and complexities faced in the amalgamation of princely states in India. Menon was given the task by the Government of India

as a minister to resolve these issues. Menon has gone into more personal accounts of events which creates problems in connecting the dots. He also missed some important course of events at the time of annexation. Ali (1967) described the events of the Partition based on his observations of the events. His writing is considered a primary source on the events of Partition which gives descriptions of the events. The accounts of events described by Ali are close to most of the sources than that of Menon. Ahmad (1934) has described a comprehensive history of the Nawabs and the structure of the government in the reign of each Nawab. It is an excellent primary source on the political, economic, and social history of the state of Junagadh. Lakhani (1989) collected most of the Gujarati literature written on the history of the Junagadh state and its people. He scrutinized a detailed account of events of the illegal annexation of Junagadh by India. He also shed light on the events of the migration of Junagadh community after the annexation of the state. Furthermore, legal documents, different newspapers which covered the events of the Junagadh issue at that time, and reports of the UN have also been used. The primary and secondary sources on the efforts made in the latter part of the twentieth century are very few.

Mirrat-ul-Arifeen International, as mentioned earlier, is a key source of these activities since the time of its publishing in April 2000. Likely the initiatives of MUSLIM Institute have been considered and relevant information sources and publications have been accessed from its website. The constitutional and legal documents of Pakistan, memoirs, official ceremony records, magazines, recorded interviews, newspapers, YouTube channels, official websites, reports, and policy papers of research institutes and different organizations have also been consulted. A few interviews with Nawab of Junagadh and social media platforms of the Junagadh State Muslim Federation are the primary sources available about the federation. In these interviews, the Nawab of Junagadh has described the history of the foundation, its purpose of creation and the different activities of the organization. The social media accounts of the organization contain significant information about its activities. These sources have been interpreted and analysed

by employing deductive and inductive argumentation, finding connections among events, comparing competing historical narratives, and identifying interpretations of history.

Historical Background

Introduction to the State of Junagadh

Junagadh was a premier state of the group of Kathiawar States located in the southwest of Kathiawar. In the eighteenth century, Sherkhan Babi established his rule in Junagadh, and it has been ruled by his decedents (Menon, 1955). It came under the suzerainty of British Imperialism when they occupied Subcontinent. The state was independent in its internal affairs, however, the external affairs, defence, and foreign affairs were controlled by the British. There were schools and colleges where primary, secondary, and technical education were free for all the residents of the state. It also provided scholarships to deserving students which would cover not only tuition fees but also the expense of accommodation, food, and clothing. The state would feed the people through its well-organized *Langar Khana* (free food) service (Ahmad, 1934, p.794-795). The state was providing free medical services, and the first leprosy treatment center in the Subcontinent was built in Junagadh (Ahmad, 1934, p.520). There were 16 seaports in Junagadh among them Veraval was the most important. Furthermore, it had its standing army, judicial system, railway system, postal system, wildlife preservation system, water filtration system, electric power system, land revenue system, construction system, agricultural department, archaeology and history society, printing press, airport, trade centres, factories, museum and many more (Ahmad, 1934).

Junagadh Issue

According to the Indian Independence Act, 1947, British India was divided into India and Pakistan. The rulers of princely states, according to the act, were given a constitutional right to either concede to India or Pakistan. The Nawab of Junagadh, Nawab Mahabat Khanji, decided to

accede to Pakistan. The Instrument of Accession, signed by the Nawab of Junagadh, was accepted by the Governor-General of Pakistan, Muhammad Ali Jinnah and Junagadh became part of Pakistan on September 15, 1947. However, the decision of accession was against the expectations of the Indian government (Menon, 1955). Initially, at the request of Mountbatten, the Indian government tried to convince the Nawab to reconsider his decision and later on pressurized him directly and indirectly as well (Hodson, 1969, p.431). However, the Nawab did not change his decision. Finally, Indian leadership took aggressive and militant action. They landed military troops on the Kathiawar Peninsula and surrounded the State of Junagadh and the Kathiawar region (New York Times, 1947a). They also imposed an economic blockade on Junagadh and cut off the supply of the state (Ali, 1967).

The situation was worsened by the militant group formed by the Bombay-based Hindu extremists led by journalist Shamaldas Gandhi, nephew of Gandhi. The motive of the group was to overthrow the Nawab. The rebellious militant group started capturing villages in the surroundings of Junagadh by force, and they persecuted the native people. They were recruiting more people to create an army to invade Junagadh (New York Times, 1947a). All this created a chaotic situation in the state (Ali, 1967). The administration of the state was getting out of control and the violence of the extremist groups was adding fuel to the fire (New York Times, 1947b). On November 9, 1947, India, using force, occupied the state and called it a temporary control to maintain the law and order in the state (New York Times, 1947c) which was a pretext to usurp the state of Junagadh created by the government of India itself.

Developments on Junagadh Issue

In January 1948, Pakistan raised the issue of Junagadh in the UN Security Council (United Nations, 1948, p.55). The case was considered by the Security Council on February 18, 1948. The proceedings of the case happened for only two days and UN Security Council postponed the case to proceed first on the Kashmir issue (United Nations, 1948, pp.63-71). In the next sessions of the UN

Security Council on ‘The India-Pakistan Question’, Junagadh issue was discussed indirectly in the discussion of the Kashmir issue (United Nations, 1950, p.11). There is no particular proceeding of the UN particularly on the Junagadh issue till now and the issue remains unresolved.

Apart from the legal efforts at the forum of the UN, Pakistan did multiple national efforts to address the Junagadh issue. In the 1960s, Pakistan Post issued some commemorative postage stamps with a printed map of Pakistan that included Junagadh and Manavadar as territories of Pakistan. In April 1961, President Ayub Khan recognized Nawab Dilawar Khanji as Nawab of Junagadh, after the death of Nawab Mahabat Khanji in November 1960, in a ceremony held in Junagadh House Karachi (Lakhani, 1989, p.186). Nawab Dilawar Khanji was appointed as Governor Sindh by Zulfikar Ali Bhutto to honour the Nawab of Junagadh for their sacrifices (Lakhani, 1989, p.187). Nawab Dilawar Khanji laid the foundation of the Junagadh State Muslim Federation to promote the Junagadh issue (Raah TV, 2012).

Modern Discourse on Junagadh Issue

Several organizations and institutes owned the Junagadh issue as a national cause. The modern discourse on the Junagadh issue has been developed primarily by the efforts of the following organizations and institutes.

Junagadh State Muslim Federation (JSMF)

Junagadh State Muslim Federation (JSMF) is an organization that is working on furthering the cause of Junagadh since the late twentieth century. The current Nawab of Junagadh, Nawab Muhammad Jahangir Khanji, discussed the inauguration of the organization in a TV interview conducted by Raah TV. According to the Nawab, the organization was founded by Nawab Dilawar Khanji in the late twentieth century. He was also the patron in chief of the JSMF until he died in 1989. Since then Nawab Jahangir Khanji is heading and managing the activities of the organization. The primary purpose of the

organization is twofold: Disseminating the in-depth details of the Junagadh case and working for the well-being of the Junagadh and Kathiwar communities living in Pakistan. Its organizational structure makes it easier to perform different activities. The organizational body of the JSMF is elected from the Junagadh community after a certain period (Raah TV, 2012).

The organization has done a myriad of efforts to uplift the Junagadh issue at the national and international levels. The key activities of the organization over the last two decades are given below.

- Celebrating Junagadh Solidarity Day on the 20th of April to create awareness among the masses about the Junagadh issue (Dawn, 2007).
- Celebrating the Accession Day of Junagadh to Pakistan on the 15th of September.
- Commemorating the Day of Annexation of Junagadh by India on the 9th of November as a Black Day to condemn the illegal occupation of Junagadh by India and organizing rallies in different regions of Karachi carrying charts and banners with slogans condemning the annexation of Junagadh and claiming Junagadh a legal part of Pakistan.
- Organizing protests and holding press conferences against the illegal occupation of Junagadh by India (Dawn, 2011).
- Arranging official delegates of the JSMF to meet with renowned politicians to discuss the Junagadh issue and urge them to raise the issue at the national and international level.
- Organizing sports competitions in Karachi to raise awareness of the Junagadh issue among the people.
- Working for the well-being of the Junagadh community in Pakistan and conducting activities focusing on health, education, and family celebrations of the Junagadh community (Raah TV, 2012).

Nawab Jahangir Khanji was also interviewed by multiple local TV channels in this period from the platform of the JSMF. The activities of the organizations were also covered by print and electronic media of

Pakistan which proved helpful in echoing the voices of the organization in different political circles of the country (Dawn, 2014).

Islahee Jamaat & Aalmi Tanzeem ul Arifeen

Islahee Jamaat is a reformist movement that was established in 1987. Later Aalmi Tanzeem ul Arifeen was established later on. It was created by Sahibzada Sultan Muhammad Asghar Ali (1947-2003) who was a decedent of the renowned Sufi Sultān Al-'Ārifīn Sultan Bahoo (Ali, 2004a, p.12). The activities of the organization include spiritual reformation of the Muslim ummah and propagation of the ideology of Pakistan. The organization, in 2004, conducted a series of seminars to raise awareness on the Junagadh issue among others that were held in major cities of the country. The first seminar of the series was held in the capital city of Pakistan, Islamabad (Mirrat-ul-Arifeen International, 2008). In the seminars held in October 2008 and June 2010, the Nawab of Junagadh was also invited to raise his voice regarding the Junagadh issue (Mirrat-ul-Arifeen International, 2008). The organization used to invite renowned politicians, defence analysts, diplomats, ambassadors, research scholars, heads of the departments of different institutions, political leaders, and religious scholars to these seminars. Memorial 'Junagadh House' along with 'Kashmir House' and 'Palestine House' is also built at the head office of the organization at the Shrine of Sultān Al-'Ārifīn Sultan Bahoo in Shorkot, Jhang (Aziz, 2019).

Mirrat-ul-Arifeen International

This is a magazine, for urdu readers, covering current affairs, spirituality, history, Pakistan studies etc., and is playing a vital role in bringing and flourishing humane ideas and activities. Its first edition was launched in April 2000 (Ali, 2004a), and is published on monthly basis. In this magazine, Junagadh issue has been discussed multiple times along with the Kashmir issue and relevant topics on the history of Pakistan (Ali, 2004b). Since the interview of the Nawab of Junagadh, Nawab Jahangir Khanji, in 2007, conducted by the magazine, an enhanced focus on the Junagadh issue has been observed (Mirrat-ul-Arifeen International, 2007). The magazine continued the same and

published several articles on accounts of the activities of the organization related to Junagadh (Mehboob, 2021).

Nazaria-i-Pakistan Trust

Nazaria-i-Pakistan Trust is a national academic institution for promoting and projecting the ideology of Pakistan as enunciated by the founding fathers of the country. It organized a seminar on the Junagadh issue on September 15, 2010 (Nazaria-e-Pakistan Trust, 2010). Furthermore, Mirrat-ul-Arifeen also published a report on the seminar in its October 2010 issue (Rehan, 2010).

MUSLIM Institute

MUSLIM Institute, a research-based think tank, was founded in March 2012 by Sahibzada Sultan Muhammad Ali who is also the Patron in Chief of Islahee Jamaat & Aalmi Tanzeem ul Arifeen (Nawaz, 2012). Sahibzada Sultan Ahmed Ali is the Chairman of the Institute. The institute promoted the cause of Junagadh through seminars and round table discussions.

Round Table Discussions

Round Table Discussion on Junagadh: A Tragedy lost in History

This Round Table Discussion (RTD) was organized on November 23, 2015, in Islamabad. In this RTD, the history of the Junagadh issue, the gradual fading of the issue in the twentieth century, and the legal status of Junagadh were discussed. Furthermore, law experts discussed the legal and political status of the state of Junagadh concerning international law and the charter of the UN (MUSLIM PERSPECTIVES, 2016).

Round Table Discussion on Accession of Junagadh to Pakistan: An Analysis

This RTD was organized on September 22, 2016, at the National Library of Pakistan, Islamabad. In this RTD, the legal status of

Junagadh and the Instrument of Accession of Junagadh with Pakistan were focused. International law experts and different political experts discussed the importance of the legal status of the state of Junagadh (MUSLIM Institute, 2016a).

Seminars/Webinars

Seminar on Indian Occupation on Junagadh: Policy Options for Pakistan

The seminar was organized in collaboration with the Centre for International Peace & Stability (CIPS), National University of Sciences and Technology (NUST) on Tuesday, November 15, 2016, at NUST, Islamabad. A comprehensive discussion on the Junagadh issue was made regarding the historical accounts of the 1947 and 1948 events (MUSLIM Institute, 2016b).

Webinar on Accession Day of Junagadh:

A webinar was organized on September 14, 2020, to commemorate the Accession Day of Junagadh. The participants recognized the importance of the issue and encouraged the efforts of the institute to propagate the issue through its forum. In this webinar, the importance and influence of social media were brought under discussion. The youth of the country was encouraged to use social media forums to bring the issue to a demanding level on every forum (MUSLIM Institute, 2020).

Seminar on Commemorating Junagadh Black Day:

The seminar was organized on November 10, 2020, in Islamabad to commemorate the Junagadh Black Day. In this seminar, the importance of the Junagadh and Junagadh issue came under discussion in light of the speeches of the founder of Pakistan, Muhammad Ali Jinnah (The Nation, 2020).

Mainstream Media

Interviews of Nawab of Junagadh

The electronic and print media has been playing an important role in creating awareness about the issue among the masses. There were a few interviews of Nawab of Junagadh earlier in this decade. Two of them were conducted by Waqt News and Raah TV. In September 2016, an exclusive interview of the Nawab was conducted by Neo News (Neo TV Network, 2016). After the unveiling of political map of Pakistan, a large number of news channels have conducted interviews of Nawab of Junagadh focused on the Junagadh issue.

News Articles

In the first decade of the 21st century, there were a few news articles in different national newspapers of Pakistan. These articles mostly covered the activities and ceremonies of the JSMF. Recently, the number of news articles written on the issue has gradually increased. Analysts and journalists around the country have started writing on the history of the illegal occupation of Junagadh very frequently to raise their voices for the propagation of the issue (Dawn, 2010; The Nation, 2012).

Efforts of the Government of Pakistan

In 2012, Atlas Word issued a map of Pakistan shared by the Survey of Pakistan, which showed the Junagadh and Manavadar territories of Pakistan. However, this map was not propagated and presented at international forums. On August 4, 2020, the Government of Pakistan unveiled its new political map. On this map, Pakistan reiterated its claim on the territories of Junagadh and Manavadar. This map was shown at the SCO meeting held in September 2020 and no country except India objected to that (The Express Tribune, 2020a).

Impact of the Modern Discourse on the Junagadh Issue

The Modern discourse on the Junagadh issue has created a domino effect which took the issue from national to international level. The Junagadh issue is taking the form of the *Junagadh Freedom Movement*.

The unveiling of the new political map of Pakistan sparked a series of debates among top international news agencies. The issue has been highlighted through electronic and print media of the world including in India (Gupta & Ahmad, 2020; Iwanek, 2020; Noronha, 2020).

On December 10, 2020, Nawab of Junagadh, Nawab Jahangir Khanji, appointed Sahibzada Sultan Ahmed Ali as Dewan of Junagadh State (The Express Tribune, 2020b). In the last year, many mainstream news channels of Pakistan have conducted interviews with Nawab of Junagadh Nawab Jahangir Khanji and Dewan of Junagadh Sahibzada Sultan Ahmed Ali and have aired special reports on the Junagadh issue (BOL News, 2020; PTV World, 2021). Similarly, the hashtag and the slogan ‘#JunagadhIsPakistan’ have been observed trending on social media. Nawab of Junagadh and Dewan of Junagadh State have met with the ambassador and representatives of the European Union and some countries to discuss the Junagadh issue (Pakistan Observer, 2021).

On August 14, 2021, a ceremony was held in Junagadh House Karachi in celebration of the Independence Day of Pakistan. In this ceremony, Dewan of Junagadh State presented 14 points of the Junagadh Resolution (Dunya News, 2021) which reflect the current and future course of action on the issue.

Analysis

In the twentieth century, the Junagadh issue did not get particular focus except in the early years of the creation of Pakistan. Pakistan since its independence faced multiple issues including the Junagadh issue that went uncatered with time. However, Nawab Dilawar Khanji did an excellent effort by creating the Junagadh State Muslim Federation which played its role to raise the Junagadh issue and supporting the Junagadh community in Pakistan. JSMF did efforts to

keep the Junagadh issue alive in the 21st century but also strengthened and propagated it gradually.

The activities and writings produced from the platform of Islahee Jamaat & Aalmi Tanzeem ul Arifeen, Mirrat ul Arifeen, MUSLM Institute and other organizations have made commendable efforts in raising the voice for the just resolution of the issue.

MUSLIM institute provided a broader picture of the agenda in a more organized and structured way which was in line with the requirements of the developing political consciousness of national and international institutions and community. The more profound expression of the propagation of the Junagadh issue was observed in the unification of the individual efforts whose symbol was the active participation of Nawab of Junagadh in the activities of the MUSLIM Institute. This was not only a symbolic unification, but it embraced and recognized individuals who were working on the case of Junagadh.

Among others, the inclusion of Junagadh in the political map of Pakistan by The Government of Pakistan was a diplomatic and national triumph apart from the fact it gave a boost to the Junagadh issue and strengthen the efforts of the last two decades done by several organizations. The Government of Pakistan also achieved another diplomatic edge over India by doing the same. It was to retaliate against the revocation of Articles 370 and 35A (Peerzada, 2019) and the enforcement of lockdown in Indian Occupied Jammu and Kashmir by the Indian government. It is evident that the Junagadh issue is gaining momentum and taking a shape of a movement.

Conclusion

Junagadh issue has been rediscovered with the collective efforts of the organizations, institutes, media, and the Government of Pakistan. In the previous efforts, the primary focus was, somehow, to keep the issue alive in the history of Pakistan. Therefore, those efforts were mere ceremonial and impotent; however, in modern discourse, the Junagadh issue has been presented, explained, and propagated by research and other institutions using publications, rallies, protests, discussions, seminars, conferences, print, and electronic media, and social media

forums. Junagadh State Muslim Federation struggled hard to keep the issue alive. These efforts are persistent and measured in terms of their effect on a certain scale. The gradual development of social and political consciousness about the issue among the public and politicians along with the consolidation of individual efforts in creating a unanimous expression of the will is the culmination of the efforts, so far, achieved by the modern discourse which is not seen since the birth of Pakistan. This expression of the will to act distinguishes the modern discourse from the previous in dealing with the Junagadh issue. Both, Nawab and Dewan of Junagadh, are working with high spirits on raising the issue on international forums. They are also making versatile and strategic developments. The announcement of 14 points of the Junagadh Resolution, is setting the stage for more fruitful results in the following years. Thereby the Junagadh issue is no more dormant and suppressed. It is now standing on more sound political and legal foundations to tackle the challenges of the time.

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Socio-Political and Economic Role of Junagadh Community in Pakistan

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Abstract

Junagadh became the first princely state to accede to Pakistan when Nawab Mahabat Khanji, after discussion with his State Council, reached an agreement with Quaid-i-Azam and signed the 'Instrument of Accession'. In a hostile reaction, India applied an economic blockade, sparking chaos, to create a pretext for Indian interference. On November 9, 1947, the Indian Army advanced its troops towards the Junagadh State and illegally occupied it with force. At that time Nawab of Junagadh was in Karachi to discuss accession-related issues. A good number of people from Junagadh migrated to Pakistan who played an important role in the development of Pakistan. In this research, it is tried to explore and analyse the socio-political and economic role of the Junagadh community in Pakistan. For instance, the role of the Memon community in the stability of Pakistan's economy, the brilliant services of Muhammad Brothers in cricket team of Pakistan, Social welfare role of Abdul Sattar Edhi is well respected and paid tribute across the world. There are many people like them who belong to Junagadh State and are working for the prosperity of Pakistan. This study is conducted by employing the inductive method using historical sources and interviews. It is tried to use a qualitative approach to analyse the facts and figures for reliable results. The sources are to be evaluated through internal and external criticism to uncover reliable findings and to create a better understanding.

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Introduction

Junagadh State was the first princely state of British India which acceded to Pakistan by signing the 'Instrument of Accession' in the wake of the Indian Independence Act, 1947. As the state acceded to Pakistan, Indian authorities not only refused to accept its accession to Pakistan but also illegally occupied the state with the use of force and military aggression. At that time His Highness Nawab of Junagadh State Sir Mahabat Khanji was in Karachi to settle the accession matters. At that time many people from Junagadh community migrated to Pakistan showing their love, respect and affiliation with the sovereign of state and ideology of Pakistan. The people of the community not only showed their solidarity and affiliation with Pakistan by migrating to Pakistan but also worked very hard for stability and prosperity of Pakistan.

Statement of Problem

Junagadh state is the legal part of Pakistan. The people of Junagadh and Pakistan have a history of respect, love, and mutual understanding. Junagadh community has strengthened the ties with their social, political and economic services for Pakistan. In this study the role of the Junagadh community in Pakistan from Partition to date is explored. The major focus is to answer the following questions:

1. How Junagadh community helped the newly born country with their skilled workforce and sources?
2. What is the political role of the Junagadh community in Pakistan?
3. What is the social role of the Junagadh community in Pakistan?
4. What is the economic role of the Junagadh community in Pakistan?

Review of Literature

In this research the secondary data is reviewed for an understanding of this issue. Apart from the available material on the subject,

interviews of the people of the Junagadh community are used in this study.

Menon (1961) discusses the accession of the leading states with India in detail. He also discusses the state of Jammu & Kashmir and its occupation by India. He presents the Indian stance about Junagadh while ignoring the other side of the issue. He discusses the communication between Indian authorities and Junagadh's Nawab from the accession of Junagadh state to the Indian aggression.

Watson (1884) provides comprehensive account of the Junagadh state. His writing is the part of the Bombay Gazetteer consisting of the Junagadh contribution to the Kathiawar portion. It includes the description, history, geography, economy, trade and commerce, industry and manufactures, society, culture, customs, traditions, religion, political system and political leaders, administration, justice system, health system, education, revenue and finance system.

Chambell-Johnson (1951) covers the period of Mountbatten as Viceroy of India and also his meetings and political developments as the first Governor-General of India. He offers the Indian stance on Partition and post-Partition accessions of states.

Lakhani's writing is one of the primary works in Urdu language on Junagadh. He provides the historical background of the state of Junagadh from its foundation to the rule of the Babi dynasty and the whole period of the Babi dynasty's Nawabs who ruled the Junagadh state. He also discusses the British period, relation of British with the state of Junagadh and the relations of Junagadh with local states around Junagadh. He also discusses the migration of Junagadh's sovereign to Pakistan and the Junagadh community in Pakistan. He presents a detailed account of the role and economic services of the Junagadh community in Pakistan (Lakhani, 1989).

Thaplawala notes the details of accession of Junagadh with Pakistan and the Indian aggression that how Indian troops illegally entered in Junagadh and occupied the state. The whole thesis is supported by the pictures, coins and postage tickets with the map and name of Junagadh as the part of Pakistan (Thaplawala, 2011).

Guha (2003) covers the socio-political history of India from Partition after the death of Gandhi. He discusses the history and process of the accession of the Junagadh with Pakistan and Indian occupation. The author presents the Indian stance on the Junagadh issue.

Ernst and Pati assesses the place of the Indian princely states within the history of South Asia and weave together hitherto uncharted areas. They employ a multi-disciplinary approach and critique some of the received paradigms of conventional historiography about Princely India, leading the reader into new realms of discussion such as literary constructions, aspects of political economy and legitimacy, military collaborations, gender issues, peasant movements, health policies and the mechanisms for controlling and integrating the states. The contributors focus on a range of states in different regions and base their analysis on hitherto unused or underused archival sources. General policies of the British towards the states are thoroughly discussed which is very helpful to understand the case of Junagadh as well (Ernst & Pati, 2007).

Ali (1967) has presented brief, candid and concise coverage of almost all the events leading to the emergence of Pakistan. He notes details about Junagadh issue that how Junagadh acceded to Pakistan and how Indian forces occupied the legal territory with aggression.

Research Methodology

In this study, tools of methodology employed are internal criticism and external criticism through the techniques of content analysis. An inductive and deductive approach is adopted to sift the political propagation and narratives for original data. The qualitative method is employed to analyse the historical sources. The findings of historical sources are verified through the open-ended and close-ended interviews of the people of the Junagadh community. Online material was reviewed by using the comparative method with historical sources for cross verification. Time, geographical constraints, and a conflict between both countries are the major hurdles in accessing the data on the subject.

Historical Perspective

Junagadh State was a princely state among the 562 states which were indirectly controlled by British India. The state was located at the south-west of the Kathiawar Peninsula. It had 3,337 square miles and 700,000 population (Ali, 1967). Demographically, the state had 80% Hindu and 20% Muslim population (Hodson, 1969).

Junagadh state was the premier state of Kathiawar principality and peripheral states of Junagadh used to pay the tax to the Junagadh state. The community living in the Kathiawar Peninsula and its surrounding regions has played a pivotal role in the economy and politics of Pakistan. The famous business groups like Adamjee, Dadabhoys, and Dawood belong to the said community. The ancestors of the founder of Pakistan, Muhammad Ali Jinnah, belonged to Kathiawar region. In fact, there was a close affection between the community and Muhammad Ali Jinnah due to common lineage, language and religion. This relationship was the foundation of the role which the community played in the history of Pakistan. In the first half of the 20th century, the community stood with Jinnah to support his freedom movement. After the defeat of the All India Muslim League (AIML) in 1937, it was the Memon community who supported AIML financially, morally and practically in the region. The presiding members of the AIML's Ward C. belonged to the community. Many conventions or conferences of AIML were organized and funded by the community. Memons generously contributed to the Muslim Press Fund and Muslim League Fund created by Quaid-i-Azam. In 1940, Quaid-i-Azam himself visited and addressed every nook and corner of Kathiawar including Manavadar, Rajkot, Kutiyana, Porbander, Ranawav, Bantva, Jetpur and Wanthli to collect donations. The community presented him bags full of donations. This shows the importance of the community and region for Quaid-i-Azam and AIML (Moosa, 2013; Thaplawala, 2009).

When on November 9, 1947, Indian forces occupied the state (Ali, 1967; Hodson, 1969), the Muslim population of the state was forced to leave the state of Junagadh which migrated to Pakistan. In the same month, violence started in the other areas of Kathiawar: Batnava, Rajkot, Manavadar, and Porbander, which forced other people of the

community as well to migrate to Pakistan (Thaplawala, 2011). The emigrants of the Junagadh community were helped by Memons already living in Pakistan. The people of the community worked hard in different walks of life especially in economy, education, social welfare and politics. They gained a unique place in the history of Pakistan due to their endeavours and contributions.

Migration of Junagadh Community to Pakistan

In October 1947, the provisional government, under the leadership of Shamaldas Gandhi, started violence and captured many villages of Junagadh in which they committed grave violence against the people of Junagadh which spread fear among the people of the state. The people from the Kathiawar states and Bombay province started migrating to Pakistan. It included the majority of three mercantile communities: Bohras, Khojas and Memons (Khalidi, 1998). Migrants came to Pakistan through the port of Porbander. The Police Commissioner of Porbander helped them a lot in migration. The Memons living in Porbander provided them with food and other facilities for basic needs. The majority of the Muslim population of Memons migrated from Junagadh to Pakistan in 1947 (Lakhani, 1989; Levin, 1974). Later, the Memons living in the areas of Bantva, Manavadar and Kutiana moved to Pakistan due to the atrocities and persecutions of Indian forces. A.R. Thaplawala is one of the personal witnesses of the atrocities who migrated with them (Thaplawala, 2011; Thaplawala, 2009).

Historical Background

The majority of the Muslim population belonged to a historical commercial community known as Memons (Moosa, 2013). According to Levin and Thaplawala, Memons date back between 14th and 15th centuries when a group of 700 Lohana Hindu families, from Thatha, Sind, accepted Islam in 1350 or 1422 A.D. They embraced Islam through the efforts of a Muslim Sufi preacher Syed Yusuf-Ud-Din, simply called Pir Yusuf Sindhi, who was a descendant of a renowned Sufi Master, Shaykh 'Abd Al-Qādir Al-Jilānī. Pir Yusuf Sindhi gave them the name '*momin*' (believer) which changed to 'Memon' in the

course of time (Levin, 1974; Thaplawala, 2009). When they accepted Islam, they were socially and commercially boycotted by the other people of their community. Therefore, they migrated from their hometown and dispersed to different parts of the region. They were principally famous for two prominent features. The predilections of the community for trade and business are the unique features of the whole caste. These people were from the same ancestry and dispersed in Kathiawar, Kutch and Southern Sind. They were tied by the common caste, customs, traditions and religion (Levin, 1974). Therefore, the community of Junagadh contains a larger group of people who were geographically dispersed and socially connected through common traditions and culture.

Administrative Role for Settlement of Refugees

Memon community played a pivotal role in facilitating the people migrating to Pakistan. They were helping the people to reach Karachi via ships. They were providing the refugees shelter and food along the way. Furthermore, the Memon community in Pakistan formed an Okhai Memon Jamat that managed the residence and allocation of land to the migrating people. In November 1947, thousands of migrants were reaching at the coast of Karachi. The administration of Karachi was worried to manage funds for their protection and survival. It organized a meeting of Memon community to urge them to donate to this cause. Resultantly, they created a Memon Relief Committee whose administrative body was chosen from the political and social figures belonging to Memons of Kathiawar. The committee started its services by providing shelter, food and water to the people arriving at barren railway station located within the boundaries of Khokhrapar, Sindh and Rajhistan. It also started a train to bring the migrants to Karachi. It established camps in Karachi to facilitate the migrants. Memon community also created a Volunteer Core which managed the basic needs of the migrants living in the camps. The committee spent Rs. 150,000 in the first year which increased to Rs. 600,000 in the coming years. It continued its services till 1955 and benefitted around 2 to 2.5 million emigrants (Lakhani, 1989; Thaplawala, 2009).

Political Role

His Highness Nawab Dilawar Khanji succeeded His Highness Nawab Sir Mahabat Khanji as the head of the Royal House of Junagadh. In 1961, the President of Pakistan, Ayub Khan, recognized him as Nawab of Junagadh on behalf of the state of Pakistan. Nawab Dilawar Khanji played a significant role in the politics of Pakistan and the issue of Junagadh. He served as the Governor of Sindh from 1976 to 1979. He founded Junagadh State Muslim Foundation to raise the issue of Junagadh at the national level (Lakhani, 1989). A general of the Pakistan Army A.O. Mitha belonged to the Memon community. He was among the minds behind the creation of Special Services Group Pakistan. In 1969, he was appointed as the Chairman of National Police Commission to bring police reforms (Dawn, 2009). Ashraf W. Tabani was a famous Memon businessman who remained Governor Sind and Provincial Minister of Finance, Industry and Taxation from 1981 to 1984 (Khan, 2004). Mahmoud Haroon was a veteran politician of Pakistan who belonged to the Memon community. He served as Federal Interior Minister, Governor Sind, Federal Defence Minister, Mayor of Karachi and Chairman of Dawn Media Group. He was also the founder of the Khaleej Times newspaper (Dawn, 2008; Khaleej Times, 2008). Yusuf Haroon was another prominent Memon figure in the politics of Pakistan. He was a member of Muslim League and close aide of Quaid-i-Azam. He also served as Chief Minister of Sind and Governor of West Pakistan (The Nation, 2011). Nisar Memon was a member of the Senate of Pakistan.

Role of Junagadh Community in Economy

There were multiple challenges being faced by the newly born Pakistan; refugee settlements and financial hardships were the major challenges. There was a need for financial resources for the settlements of refugees. Junagadh community had their businesses and industry in Pakistan before Partition and at the time of Partition Nawab of Bahawalpur state and Junagadh community especially the Memon

families financially supported the Muslim League and Pakistan. There are some examples of this role discussed here.

In the early days, the survival of Pakistan's economy was entirely based on human skills and capital. Memons migrated with their entrepreneur skills to Pakistan at the time of Partition. They started various businesses, especially trading firms in East and West Pakistan while focusing on establishing industrial units in Karachi and other parts of the country (Lewis, 1970). In 1954, the investment in Karachi Stock Exchange reached to 48.3% by Memons and 17.7% by other Gujarati communities. The profit from these investments was used to establish new trading and industrial firms (Parekh, 2003). In 1960, the population of Memons was only 0.16% of the total population of Pakistan; however, they owned every 4th private industry or business unit in Pakistan. Furthermore, there were twenty-two business families at that time, among them seven were Memon which were commercial, trading and industrial giants of Pakistan (Levin, 1974). Till 1971, the investment of Memons in different sectors of Pakistan included Banking & Insurance 13%, Woollen Textile 72%, Cotton Textile 26%, Synthetic Textile 50%, Paper Industry 29%, Jute Industry 33%, Cement & Chemicals 45%, Vegetable Oil 18% and 27% in miscellaneous sectors of Pakistan. The different businesses of Memons paid Rs. 691 million in taxes in the same year which amounted to 27% of total tax collection (Parekh, 2003).

Adamjee Group

Adamjee group is one of the oldest business groups in the Indian Subcontinent founded by Sir Adamjee Haji Dawood Bawany. He was one of the prominent sponsors of the Muslim League and also had close ties with Quaid-i-Azam Muhammad Ali Jinnah. In 1947, he established Muslim Commercial Bank (MCB) to provide institutional money management services in Pakistan. He created a private airline in Pakistan, Orient Airways, on the request of Quaid-i-Azam. It was then merged with Pakistan International Airlines. He was also among the founders of the State Bank of Pakistan. He funded Pakistan with huge sums at the time of the financial crisis. In 1949, Sir Adamjee

established a huge Jute factory in East Pakistan which employed over 25000 employees. He formed Patrakola Team Company in the early days of Pakistan when there was no such plant in the country. The company owned its farms for plantation and factories to produce fine tea. He created Adamjee Industries Limited which established multiple textile and paper production plants in the country. Quaid-i-Azam once said about him,

If we had a dozen men like Sir Adamjee, Pakistan would have been achieved earlier (Adamjee Group of Companies, 2021).

The group assets reached Rs. 2.25 billion in 1966-67. In 1971, the group employed above 35,000 employees in East Pakistan and had 20 different commercial and industrial units operating in different areas of Pakistan (Thaplawala, 2011). Adamjee Group has been an active and one of the largest contributors of economic revenue to the state of Pakistan. Currently, the group is doing its business in power, trading, textile, manufacturing, mining, pharmaceuticals, engineering, plastics and polymer, minerals, chemicals, automotive, investment and financing and banking through its eighteen different corporate platforms and production plants (Adamjee Group of Companies, 2021).

Dawood Group

Dawood Group is named after the Dawood Family who migrated to Pakistan from Kathiawar. They had lost their business at the time of Partition. The business was re-established and spread by Ahmad Dawood in Pakistan. Dawood Cotton Mill was established in 1951. The group acquired Karnaphuli Paper Mill in East Pakistan which fulfilled the newspaper requirements of the country until 1971 (Dawn, 2002). In 1968, Dawood Group established a joint venture with American Hercules Group named Dawood Hercules Chemicals. It was the largest Ammonia and Urea Plant at that time. It sold its products under the trademark of 'Babar Sher'. In 1971-1972, the group became the largest group of companies in Pakistan. There were 20 different business ventures of the group which included the largest industrial units of Pakistan at that time. The prominent business ventures included: Dawood Cotton Mills, Lawrencepur Woollen and Textile Mills,

Burewala Textile Mill, Paper Mills in Karnaphuli, Dawood Jute Mill, Dawood Mines and some plants of chemical synthetic fibres (Thaplawala, 2011). In the coming years, Dawood Hercules changed itself from the chemical industry to an investment and holding company of mega industrial units of private firms under its present name DH Corp. It acquired 27% shares of the Engro Corporation in 1997 which increased to the majority of shares in the coming decade giving it much control over Engro Corporation (DH Corporation, 2020; Hussain, 2003). In 2012, the company acquired 169.74 million shares of Hub Power Company to fight the energy crisis (Babar, 2016; Hussain, 2012). In 2020, the group launched a new company named Empirica AI to provide Artificial Intelligence and IOT services to the industrial units of Pakistan (Business Recorder, 2021).

Rangoonwala Group

Muhammad Ali Rangoonwala, known simply as Rangoonwala, was an industrialist and philanthropist involved in the Pakistan Movement. He was much interested in establishing industry in Pakistan and persuaded other industrialists in this cause. He established the first edible oil factory and was the pioneer in this sector of Pakistan. He also struggled for the development of trade and industry in Pakistan. His efforts resulted in the formation of Pakistan Trade Bodies Ordinance 1960. He was the founder and chairman of renowned financial institutions in Pakistan. It includes Karachi Chamber of Commerce and Industry, Pakistan Chamber of Commerce and Industry, International Chamber of Commerce of Paris, and National Bank of Pakistan. He had been the director of the State Bank of Pakistan and among the founders of the Karachi Stock Exchange. (Rangoonwala Group, 2021).

M. H. Dadabhoy Group

Dadabhoy had been in business for a long time before the Partition. It was Abdul Ghani Dadabhoy who migrated to Pakistan on the call of Quaid-i-Azam and established his family business in 1946. He started trading in cotton commodities, however soon, set up his factories dealing in ginning, steel and edible oil. After the death of Abdul Ghani

Dadabhoy, his sons started new ventures in cement, sanitary and plastic ware, agriculture equipment, real estate and a paper sack. In the 21st century, the group worked hard in the sectors of cement, energy, sack paper and trading. They have nine companies under the umbrella of the group. In 2004, the assets of the group were over Rs. 5000 million (Mhdadabhoy, 2021).

Bawany Group

Bawany Group was founded by Seth Ahmad Ibrahim Bawany when he installed his first textile unit, Bawany Violin Textile Mills, in Karachi after the inception of Pakistan. The group was led by his son Yahya Ahmad Bawany who made it a successful leading group from 1953 to 1971. The major projects of Yahya Ahmad in this era include Ahmad Bawany Textile Mills, Bawany Jute Mills, Bella Artifitex, Eastern Tube, Eastern Chemical Industries, Orient Water Works, ABL Brick Fields, Bawany Coconut Estates, Bawany Tea Estate, Khulna and RR Textile Mills, Bawany Sugar Mills, Madina Textile Mills, Annoor Textile Mills and Balotra Textile Mills. After 1971, he established Kotri Spinning Mill, Al-Ameen Textile Mills and acquired Yusuf Industries and Paramount Limited. In the following years, he established Bawany Air Products and Latif Jute Mills. Some of these companies were sold in the coming years. However, the group is still thriving (Bawanyair, 2021).

AKD Group

AKD Group was founded as a real estate company in 1947 by Abdul Karim Dhedhi, who belonged to Junagadh (AKD Securities, 2021). It extended its sphere by taking interest in stock broking in 1973 and later expanded to mutual and banking funds (Salahuddin, 2012). In 2013, the group was praised by Reuters and The Independent being the largest domestic corporation in Pakistan (Buncombe, 2013; Houeld, 2013). In 2018, the group has been termed as ‘Capital Market Giant’ by the Dawn Media Group (Ayub, 2018). Currently, the group is dealing in the business of Real Estate, Hotels & Tourism, Infrastructure,

Telecom, Natural Resources and Financial Services (AKD Securities, 2021).

ARY Group

ARY group was founded by Abdul Razzak Yaqoob, belonging to Memon family, in 1972. Prior to this, started the gold business in 1960 (Dawn, 2014). The group launched its private TV channel in 2000 known as ARY Digital. In 2004, it started ARY Musik, ARY News and ARY Qtv. ARY Digital is being aired in Pakistan, Europe, America and the Middle East (ARY Digital, 2021).

Social Role of Junagadh Community in Pakistan

Education

The community has established educational boards and built educational institutions. It also built many foundations to finance these academic institutions. The process was initiated by M.A. Rangoonwala who is known as the 'Father of Education' in the community. After the migration, the community built over a hundred educational institutions which were nationalized in 1970s. The organizations which built these institutions included Memon Educational Board, Pakistan Memon Women Educational Society, Jetpur and Kutiana Memon Associations, etc. The prominent names of the institutions are the following: Dawood Engineering College (Now Dawood University of Engineering and Technology), Adamjee Science College, Usman Institute of Technology, Ayesha Bawany Academy, Rounak-e-Islam Girls College, Dawood Public School, Ahmad Bawany Academy, Memon Institute of Data Processing, Adamjee Institute of Information Technology and Memon Industrial and Technical Institute.

Furthermore, the foundations built to fund these institutions include The Dawood Foundation, Adamjee Foundation, Junagadh State Muslim Foundation (JSMF), Aziz Tabba Foundation, Aisha Banaway Waqf and many more small trusts (Thaplawala, 2009). These foundations are still working to promote education and research in different areas of Pakistan on small and large scales.

Art and Architecture

The journey of art in the Memon community can be traced back to the famous Urdu Poet Wali Dakani, who belonged to the Memon Community of Gujarat (Khan, 2004). Muhammad Umar Memon is a renowned Pakistani name in Islamic, Persian, Arabic and Urdu Literature (Salman, 2019). He translated many books from English and Arabic to Urdu and from Urdu to English. His works on Urdu fiction introduced many Urdu writers to other parts of the world. *The Essence of Camphor* and *Snake Catcher* are among the notable works of Naiyer Masud translated into English by Umar. In 1987, VM Art Gallery was built by Rangoonwala Trust under the headship of Asif Rangoonwala to promote fine arts and arts education in Pakistan. In 2004, The Dawood Foundation built Mariam Dawood School of Visual Arts to promote the education of arts along with other branches of knowledge (The Dawood Foundation, 2021). In architecture, the community is famous for building mosques because it builds mosques whenever its people move to new place (Thaplawala, 2009, p.17). The New Memon Mosque of Karachi is one of the biggest mosques of Karachi. The foundation stone of the Mosque was laid by Khawaja Nazimuddin on August 24, 1949 (Nasiruddin, 2010).

Health and Medical

In the sector of health, the community has done a myriad of extraordinary activities. The community has built the following many healthcare institutions to support not only healthcare but also other services. Some of them have been expanded to medical research institutes. A list of the prominent institutes is given below: Bantava Khidmaat Committee Hospital, Usman Memorial Hospital, Hussaini Hospital, Fatima Bhai Hospital, Suleman Dawood Dialysis Centre, Al-Shifa Trust Eye Hospital, Tabba Heart Institute, Tabba Dialysis Centre, Memon Medical Institute, Kutiana Memon Hospital, Memon General Hospital, Kathiawar Hospital, Bantva Anis Hospital, Patel Hospital, Al-Mustafa Medical Centre, Al-Mustafa Eyecare Centre, Saylani Hospital, Edhi Hospitals and Healthcare Centres.

Furthermore, there is a network of dispensaries, clinics, blood banks, first aid centres and other primary healthcare centres under the umbrella of multiple foundations and trusts run by the influential figures of the community. These centres were primarily made to benefit the people of the Junagadh community in Pakistan. However, they expanded their horizon and started treating all the people in their respective areas according to their permitted capacities (Thaplawala, 2009; Personal Interviews, 2021).

Social Welfare

The community is famous for its philanthropy and social welfare works in Pakistan. There are many small and large social welfare foundations and trusts which have always helped the country not only at the time of national emergency but also in supporting the deserving people through every possible means. The notable foundations and trusts being run by the community are given below.

Edhi Foundation

Edhi Foundation was founded by Abdul Sattar Edhi who belonged to Bantva-Manavadar a tributary locale of Junagadh State. Edhi migrated to Pakistan with his family in 1947. He lived his life to help and serve others and rendered tireless efforts. He started with small works of social welfare and a collection of charities for social causes. In the following decades, the network of the foundation expanded. It has been the largest welfare organization in Pakistan which helped the country in times of national disasters and crisis through its services. It has also been involved in social welfare projects in other parts of the world as well. In 1997, the foundation made its name in Guinness Book Record for being the largest volunteer ambulance organization (Glenday, 2010). In 2016, the State Bank of Pakistan urged the banks to donate to Edhi Foundation for its cause. Recently, the foundation offered the government of India to send a fleet of 50 ambulances equipped with medical assistance to cope with Corona Virus emergency in India (Hindustan Times, 2021). Currently, the foundation is providing the following prominent social welfare services (Edhi

Welfare Organization, 2021); ambulance service, hospitals, children services, Edhi homes, orphanages, educational services, graveyard services, refugee assistance, marriage bureau service, *langar* service (free kitchen), charitable shop, Edhi animal hospital, rehabilitation centre and welfare centre.

Saylani Welfare Trust

Saylani Welfare Trust was founded by a famous Pakistani religious scholar Maulana Bashir Farooq Qadri, belonging to Gujarati Memon family, in 1999. It is working on many social welfare works since its inception. The trust was providing food to over 30,000 people per day through its nearly 100 centres. It was spending around Rs. 30 million per month to meet its end (Nafees, 2014). The trust is offering its services for the following social welfare projects; Saylani Dastarkhawan, Saylani RO Plant, Saylani Job Bank, education, healthcare, family adoption and wedding help.

Aziz Tabba Foundation

Aziz Tabba Foundation was established in 1987 to treat and facilitate, primarily, the patients of heart and kidneys. It increased the sphere of its services from healthcare to education and social welfare over time. Currently, the foundation is providing the following services; heart and kidney hospitals, house aid rehabilitation, educational aid, vocational training, marriage aid, *ration* services and water distribution and filtration.

The Dawood Foundation

Dawood Foundation was founded by Ahmad Dawood, the founder of Dawood Group, in 1960. It was mainly occupied with educational projects to promote and support education in Pakistan. It built schools, colleges and a university in the country. It also built hospitals and donated to many other hospitals to promote healthcare in the country. Recently, it has been found in rendering its services in disaster relief (The Dawood Foundation, 2021).

Bantva Memon Jamat

Bantwa Memon Jamat is social welfare institution which was established on June 2, 1950. It was built to help and facilitate the emigrants of the Memon community in Pakistan. It is helping the people of the community in different walks of life. In the early years, it built educational institutions to promote education in the community. It worked hard to provide social welfare and health care facilities to the community. It is still working, even at the level of towns and villages, to help the people of the community (Bantwa Memon Jamat, 2021).

Sports

The Mohammad Family, Hanif Mohammad, Raees Mohammad, Wazir Mohammad, Mushtaq Mohammad and Sadiq Muhammad belonged to Junagadh community. They are considered as the pioneers of Pakistani Cricket. Hanif Mohammad, among all of them, was a legendary cricketer of Pakistan (Faridi, 2020). He is revered as the ‘Original Little Master’ by ESPN Cricket Info. In test cricket, he played 55 matches including the first match for Pakistan. In 1958, he made a world record by scoring 337 runs in the Barbados Test. It was considered the longest innings which lasted for 970 minutes. In 1959, he also made a record for the highest first-class score by scoring 499 runs against Bahawalpur which was broken by Brian Lara 35 years later (Espncricinfo, 2016). He also remained the editor of Cricket Magazines which he helped to flourish in 1972 (Mason, 2016). In the present times, the community has played a considerable role in the revival of international cricket culture in Pakistan. In 2015, Salman Iqbal, CEO of the ARY Digital Network, supported Pakistan Super League (PSL) by purchasing the franchise of Karachi Kings which is still under his ownership. Aqeel Karim Dhedhi, the Chairman of AKD group, sponsored the franchise in 2016 (ARY News, 2016).

Conclusion

The analysis of the historical facts and the current role of the Junagadh community shows that there are historical ties between the

people of Junagadh and Pakistan. The people of Junagadh respected and loved Quaid-i-Azam Muhammad Ali Jinnah as their leader. This love and affection inspired them and they did not hesitate to sacrifice their belongings. The people of the Junagadh community migrated to Pakistan when Pakistan was facing many difficulties like lack of economic resources and administrative infrastructure. The people of Junagadh not only joined hands with the administration of Pakistan to assist them in the process of settlement but also presented their financial resources to curtail the economic difficulties of Pakistan.

The people of the Junagadh community served in almost all fields of Pakistan. On a political level after the accession, they stand with their political commitment to Pakistan and did not scramble due to pressure from Indian authorities. Socially, the people of Junagadh served in all social fields of Pakistani society like education, art and architecture, literature, education, health, sports, and media. Economically, the Junagadh community not only supported at the time of Partition but also provided immense revenue to Pakistan through industrial development. The role of the Junagadh community in Pakistan is inspirational.

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Geo-Political Importance of Junagadh State in the Indian Subcontinent

Muhammad Bashir Janjua *

Abstract

Geo-politics is the art of utilizing geography in devising the political strategies and foreign policies since it is highly politically applicable. Most of the international alliances and rivalries are contingent on geo-strategic principles. Indian Subcontinent is fighting the formidable and never-ending geopolitical war since its independence. Disputes over states of Kashmir, Hyderabad, Manavadar and Junagadh remained the reason of political antagonism between Pakistan and India. Junagadh, one of the princely states among more than 500 such states, with predominantly Hindu population, contrarily, with Muslim ruler, was initially acceded to Pakistan, eventually annexed by India through plebiscite held on February 20, 1948. Pakistan remained sceptical about the poll expressing it as the cynical manipulation and utter violation of international laws and UN provisions. Ironically, state of Junagadh failed to grasp international limelight and media attention likewise Kashmir. Junagadh is situated at the bottom of Mount Girnar within Kathiawar peninsula in western Indian state of Gujarat. Environed by land on three sides, it is accompanied by Arabian Sea to the southwest having 100m coastline, connecting it to Pakistan. Kathiawar peninsula is a part of the west coast of India which remained a historically dominant trade route in transoceanic trade with other countries. Sailing through the waters of Arabian Sea,

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Junagadh is around 500 km away from Karachi. Its proximity to the sea and vicinity to the forests are signifying its importance as sea trade route and as land trade route. Nearness to the Arabian Sea also highlighted the state on the tourist map as it is the home of number of beaches. Moreover, the city is manifesting architectural splendours, telling stories of ancient times, making it the tourist destination. Its mineral and limestone blessed land adds to the region's economy by strengthening the mining and quarrying industry while giving it the geographical mileage, consequently, meting out the geopolitical consideration to the city. Moreover, due to its diversified land, agriculture sector is leading in the region along with the mining and quarrying industry. The fertile land of Junagadh provides the valuable agriculture merchandise for agro trade. Prime geographical location of Junagadh compels Pakistan and India to reiterate their claim over the city. The study under consideration highlights the geo-political importance of Junagadh being a recent source of contention in Indian Subcontinent.

Introduction

The term geopolitics was coined by combining two Greek words: geo (land) and politics (policy) (Gibas-Krzak, 2020). Geopolitics describes the relationships between geographical realities of an area and its international affairs (Cohen, 2003). The concept of geopolitics since late 19th and early 20th century emerged as an important discourse in contemporary world. Geopolitical significance is an important aspect of relation between states which have common borders. In case of Subcontinent (India and Pakistan), geopolitical deliberations owe their significance to the very act of Partition of India into two independent states. According to Dodds (2003),

In international geopolitics power is basically related to the area, population, resources, and industrial potential of the state, as modified by geographical location and level of technology.

Geographically, Junagadh is located at 21.52°n 70.47°e at the foot of Mount Girnar, with the Arabian Sea to the southwest, Porbandar to the north, and Amreli to the east. It has an average elevation of 107

meters (351 ft) above sea level (Trivedi & Vachhrajani, 2012). The city is a gateway to famous Gir forest which is the natural habitat for the last existing population of Asiatic lion. Apart from Gir, there are Girnar ranges, Barda hills and extensive grasslands known as vidis, which also support a variety of wildlife especially avifauna. Junagadh is now situated in the Gujarat state of India, which is bounded primarily by Pakistan to the northwest and by the Indian states of Rajasthan to the north, Madhya Pradesh to the east, and Maharashtra to the southeast. Gujarat also shares a small segment of its southeastern border with the Indian union territory of Dadra and Nagar haveli, and no part of the state is more than 100 miles (160 km) from the sea (Srivastava, 1986).

Revisiting History of Junagadh

In 1525, Khengar was succeeded by his son Noghhan. Tatar Khan Ghori was now independent. In his time Jam Raval conquered Harar and built Navanagar. In 1551, Noghhan was succeeded by his son Shrisingh, who lived until 1586. During this time, Tatar Khan Ghori died and was succeeded by his son Amin Khan Ghori. Akbar conquered Gujarat, although Sorath remained independent under the Ghorian empire. On the return of emperor Akbar to Agra in 1573, he issued orders that Sorath should be defeated from Amin Khan Ghori (Emperor). Vazir Khan tried but could not succeed. The Mughal's defeat of Gujarat, the fall of the Gujarat Sultans, the invasion of Jam, and the Ghori's independence thinking all added to the confusion that followed the escalation of Sultan Muzaffar's escape in 1583 and the subsequent war of attrition (Shukla, 2016).

During the turmoil Amin Khan Ghori and his son Daulat Khan Ghori supported Muzafar's case, as well as Jam and Lomakhuman of Cherdi. The exact date of Amin Khan Ghori's death is unknown but occurred about 1589-90. After the siege and capture of Junagadh in 1591-92 by Naurang Khan, Syad Kasim, and Gnjar Khan; Khengar was ousted from his Silbagasra estate, and Raizada resigned from Junagadh. Daulat Khan Ghori was killed by his wounds during the siege, and from now Junagadh became the seat of the state Faujdars (military

commanders) at Sorath in obedience to the King's commander in Ahmedabad.

Junagadh's first Faujdar was Naurang Khan and, next, Syad Kasim. The most famous were (1) Mirza Hisatar Khan (2) Kutbud Din Kheshgi, and (3) Sardar Khan. Of these Mirza Hisatar Khan ruled Sorath from about 1633-34 to 1642 (Sheikh, 2008), when he was appointed Prime Minister of Gujarat. This time he left his son Inayatullah as a Faujdar in Junagadh while he himself ran the Gujarat government from its capital, Ahmedabad. During the time of Mirza Hisatar Khan the fortresses of Junagadh were completely renovated. Kutbud din was another Faujdar, and his position became active about 1653 to 1666 (Shafqat & Shafaqat, 2007). About 1664, he conquered Navanagar and seized power. Sardar Khan also distinguished himself during the Faujdar of Sorath, by the strength of his reign and by the construction (1681, AH 1092) of Sardarbaug (palace) and the excavation of Sardartalav (the great gate). He built a cemetery at Sardarbaug, but died in Thatta, Sindh, and is said to have been buried there and not in Junagadh. He was a Faujdar from 1666 to 1686, but in 1670 he temporarily went to Idar and was replaced by Syaddiler Khan. The last of the Faujdars was Sher Khan Babi, who became independent and took the title of Nawab Bahadur Khan (Shafqat & Shafaqat, 2007).

Muhammad Sher Khan Babi was the founder of the Babi dynasty of Junagadh in 1654. His descendants, Babi Nawabs of Junagadh, conquered vast areas in south of Kathiawar. However, during the fall of the Mughal empire, the Babis took part in the struggle for the Gaekwad dynasty of the Maratha empire that ruled Gujarat during the reign of Muhammad Mahabat Khanji. Muhammad Khan Bahadur Khanji proclaimed independence to the Mughal ruler of Gujarat, and founded Junagadh in 1730s. This allowed Babi to retain the sovereignty of Junagadh and other provinces. Junagadh came under British suzerainty in 1807 under Muhammad Hamid Khanji-I, following the second Anglo-Maratha war (Batchu, 2009).

In 1818, the British East India Company took control of it, but the territory of Kathiawar never came under the direct administration of the British empire (Lee-Warner, 1913). Instead, Britain divided it into

more than a hundred princely states, which lasted until 1947. These princely states were independent in the management of their internal affairs but the defence and foreign affairs were the responsibility of the British government.

Junagadh Conflict – How did it Begin?

Junagadh during Partition of Subcontinent

At the time of Indian independence in 1947, British India was divided into two sets of territories, one under direct British rule, and the other under the suzerainty of the British Crown, with control over the internal affairs remaining in the hands of their hereditary rulers. The latter included 562 princely states, having different types of revenue sharing arrangements with the British, often depending on their size, population and local conditions. Lord Mountbatten had initially declared that the states were free to decide on accession, even if the geographical boundaries were with any country, but he later reversed his decision. Attempts were made to obstruct the annexation of the state of Junagadh to Pakistan by justifying the borders of a state with India or with Pakistan. On November 9, 1947, the Indian army advanced into the state and occupied it, removed the Pakistani green crescent flag and hoisted the Indian flag '*Taranga*' (Ankit, 2018).

Accession

The instrument of accession was a legal document first introduced by the Government of India Act, 1935 and used in 1947 to enable each of the rulers of the princely states under British Paramountcy to join one of the new dominions of India or Pakistan created by the Partition of British India (Copland, 1991). The instruments of accession executed by the rulers, provided for the accession of states to the dominion of India or Pakistan on three subjects, namely, defence, external affairs and communications. The 562 princely states existing in India during the period of British rule were not parts of British India properly, having never become possessions of the British crown, but were tied to it in a system of subsidiary alliances. The Government of

India Act, 1935 introduced the concept of the instrument of accession, wherein a ruler of a princely state could accede his kingdom into the 'federation of India'. The federation concept was initially opposed by the Indian princes, but it is believed that they came around to its acceptance by the beginning of WWII.

In 1947 the British finalized their plan to quit India, and the question of the future of the princely states was a mystery for them (Copland, 1991). As they were not British, they could not be partitioned by the British between the new sovereign nations of India and Pakistan. The Indian independence Act, 1947 provided that the suzerainty of the British crown over the princely states would simply be terminated, effective from August 15, 1947. That would leave the princely states completely independent, even though many of them had been dependent on the government of India for defence, finance, and other infrastructure. With independence, it would then be a matter for each ruler of a state to decide whether to accede to India or Pakistan.

At that time Nawab Muhammad Mahabat Khanji of Junagadh signed the accompanying document 'Instrument of Accession' with the then Governor General of Pakistan Quaid-i-Azam Muhammad Ali Jinnah (GUPTA, 2019). It was not a personal decision of the Nawab of Junagadh rather it was done with the consent of all communities, and on September 15, Junagadh was the first state to join Pakistan and the green crescent flag of Pakistan was hoisted on the state house. Hence, Junagadh became a regular part of Pakistan.

The principality of Babariawad and Sheikh of Mangrol reacted by claiming independence from Junagadh and accession to India, although the Sheikh of Mangrol withdrew his accession to India the very next day. When Pakistan accepted the Nawab's Instrument of Accession on September 16, the Government of India was outraged that how Muhammad Ali Jinnah could accept the accession of Junagadh despite his argument that Hindus and Muslims could not live as one nation. Sardar Vallabh Bhai Patel believed that if Junagadh was permitted to go to Pakistan, it would exacerbate the communal tension already simmering in Gujarat.

On September 15, 1947 Nawab Muhammad Mahabat Khanji of Junagadh acceded Junagadh to Pakistan, ignoring Mountbatten's perspectives and arguing that Junagadh should accede to Pakistan by using sea. The rulers of states, challenging the suzerainty of Junagadh, Mangrol and Babariawad reacted via maintaining their independence from Junagadh and acceding to India.

India asserted that Junagadh was not contiguous to Pakistan and, believing that if Junagadh was permitted to accede to Pakistan, communal tension already simmering in Gujarat might worsen, refused to accept the Nawab's accession to Pakistan. The Indian authorities mentioned that the Hindu become in majority in the state and called for a plebiscite to determine the query of accession (Raghavan, 2010). India sent troops to the frontier, and occupied the principalities of Mangrol and Babariawad, which had acceded to India.

After the signing of the treaty, on October 26, Nawab of Junagadh visited Karachi to settle the legal and documentary issues of accession - but in the absence of Nawab, Shamaldas Gandhi and their operatives spread chaos in the state in order to justify the Indian attack (Gulzar, 2019). In 1947, Sir Shah Nawaz Bhutto, father of Zulfiqar Ali Bhutto joined the council of ministers of Nawab Muhammad Mahabat Khan III, and in May 1947, had become his Dewan or Prime Minister. He decided to invite the Indian government to intervene and wrote a letter to Mr. Buch, the Kathiawar Regional Commissioner for the Indian government. Fearing an outbreak of communal violence, on 9 November 1947, the Indian government assumed the state's administration to re-establish peace. Nawab's soldiers were disarmed, with Dewan Bhutto leaving for Pakistan a day before. At the same time Nehru sent a telegram to then prime minister of Pakistan Liaquat Ali Khan stating that :-

In view of special circumstances pointed out by Junagadh Dewan that is the prime minister of Junagadh – our Regional Commissioner at Rajkot has taken temporary charge of Junagadh administration. This has been done to avoid disorder and resulting chaos. We have, however, no desire to continue this arrangement and wish to find a speedy solution in accordance with the wishes of the people of

Junagadh. We have pointed out to you previously that final decision should be made by means of referendum or plebiscite. We would be glad to discuss this question and allied matters affecting Junagadh with representatives of your government at the earliest possible moment convenient to you. We propose to invite Nawab of Junagadh to send his representatives to this conference.

Prime Minister Liaquat Ali Khan replied:

Your telegram informing that your government had taken charge of Junagadh was received by me on November 10, 1947. Your action in taking over state administration and sending Indian troops to state without any authority from Pakistan government and indeed without our knowledge, is a clear violation of Pakistan territory and breach of international law.

However, on November 9, 1947, the Indian army advanced into the state and occupied it, removed the Pakistani green crescent flag and hoisted the Indian flag ‘taranga’.

Subjugation to India: Plebiscite of February 20, 1948

Despite, the legal adviser Monckton told Mountbatten on September 24, 1947 that Pakistan's consent would be needed for any plebiscite India wished to conduct in Junagadh because of the Nawab's accession to Pakistan, a plebiscite was conducted by Indian government on February 20, 1948 without presence of international observers. According to them 99.95% of the population voted to join India. Nehru had shifted from his earlier position of allowing a plebiscite under the UN and now said that it was unnecessary for a plebiscite to be held under the UN though it could send one or two observers if it wished to do so. On the other hand, India also made it clear that it would not under any circumstances postpone the plebiscite so as to allow the United Nations or Pakistan to send observers. But the Indian government rejected the protests of Pakistan and proposal for invitation of the Dewan to interfere.

Differing Perspectives

From the Viewpoint of Pakistan

The Junagadh case is another miserable story about dividing the Subcontinent. Pakistan is willing to win over Kashmir. Hyderabad, Junagadh and Manavadar, located on the Kathiawar peninsula in Gujarat, and parts of Punjab have been lost due to the political hypocrisy of the Congress establishment and the tyranny of the Viceroy Lord Mountbatten. India expanded and Pakistan shrank by it. These were not dividing principles, but tactical steps. When India broke the shackles of justice, Quaid-i-Azam approached the United Nations to find a legal solution to the problem.

The issue of Junagadh has been raised in books but no attempt has been made to highlight the issue at the international level - unfortunately the case has not been fought as it should have been. Let the legal claimant make progress on this issue and take control.

From the Viewpoint of India

India believed that if Junagadh was permitted to accede to Pakistan, communal tension already simmering in Gujarat would worsen, and refused to accept the Nawab's choice of accession. They pointed out that the state's population was 80% Hindus, and called for a plebiscite to decide the question of accession. Whereas, at the time India cut off supplies of fuel and coal to Junagadh, severed air and postal links, sent troops to the frontier, and occupied the principalities of Mangrol and Babariawad that had acceded to India. The problem that is so entrenched in international law and self-interested politics is that on the one hand, India does not have any accession document on Kashmir that has any evidence in the library of India or in the United Kingdom. But the state has a clear annexation document even though matters were settled between Pakistan and Junagadh to the extent that the state's foreign affairs, defence and communications matters will be handed over to Pakistan but still India occupied Junagadh aggressively - it is only because of India's double standards.

From the Viewpoint of People of Junagadh

Nawab was of the view that although the state of Junagadh has no land route to Pakistan, it is possible to connect by sea as the state has a sea distance of around 500 km from Karachi. The subordinate states of Junagadh state were Mangarwal and Babriabad. On November 9, 1947, the Indian army invaded the state of Junagadh. Meanwhile, a group of people formed an interim government headed by Samaldas Gandhi, a nephew of Gandhi. The government of India called him *Mujahid Azadi*.

Issue of Junagadh in the Perspective of International Laws

Breach of Vienna Convention on law of Treaties

The unlawful occupation of Junagadh state by India is clear breach of the principles of law of treaties as inscribed in Vienna Convention at Vienna on May 23, 1969 (Aust, 2006), which provides the states parties to the present convention, *considering* the fundamental role of treaties in the history of international relations, *recognizing* the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful cooperation among nations, whatever their constitutional and social systems, noting that the principles of free consent and of good faith and the Pactasunt Servanda rule are universally recognized, *affirming* that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law, *recalling* the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained, *having in mind* the principles of international law embodied in the charter of the United Nations (Kelsen, 2003), such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all states, of non-interference in the domestic affairs of states, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all, believing that the codification and progressive development of the law of treaties achieved in the present convention will promote the purposes

of the United Nations set forth in the charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of cooperation among nations, affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of the present convention.

Role of United Nations – Apologist for India

The issue of Junagadh is caught in international law and the real politics. That on one hand in the case of Kashmir there is no 'instrument of accession', even in the library of India, but 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, defence 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 a fact that decolonization is not completed but it's a new colonization by India that continues even in the 21st century.

Junagadh and the sovereign in exile the Nawab of Junagadh are still waiting for the justice. Since, Sir Zafarullah Khan filed the case in UN, no progress has been made yet in this regard. The successive governments did not project the case of Junagadh forcefully where it deserves. Kashmir issue 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 great concern. Similarly, Pakistan should have forcefully presented the case of Junagadh, Manavadar and Hyderabad not only at the UN forum but also on media, on international forums. Efforts to be made 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.H. Nawab of Junagadh has been single handedly doing this effort internationally and regionally and now in Pakistan. Therefore, Government of Pakistan should take up this issue at the international forums as the representatives of the state decided in the favour of Pakistan and India forcefully occupied it.

Why Junagadh State Matters Geopolitically?

Geography

Ancient names of Junagadh were Karan Kubj, Manipur, Revant, Chandraketapur Navendarpur, Girinagar and also known as Puratanpur. After 1820 AD British Government gave the name Junagadh which is re-granted by the state and is popular in the public. Junagadh is now located in Gujarat Province of India. The total area of Junagadh is around 8,846 square kilometers, while the total population was 24,48,173 having population density 277 persons per square kilometer according to 2001 census. The key languages spoken are Gujarati, Hindi and English. The literacy rate is 68.35 percent.

The Importance of the Geographical Location

Junagadh was the premier state in the western Kathiawar region of the Subcontinent, commanding great strategic importance as a maritime state. It can be considered to be a geospatial space connecting with Arabian sea. Its surface area covers about 8,846 square kilometer. The region is predominantly mountainous and consists of a number of landscapes that vary in terms of terrain, climate, hydrographic network, soil, flora and fauna, and social relations. United Nations Convention on the Law of the Sea (UNCLOS) 1982 provides the generally accepted legal framework governing maritime claims and the delimitation of maritime boundaries where such claims overlap (Nordquist, 2011). A key achievement of UNCLOS was agreement on the limits, or breadths, of national zones. According to UNCLOS, the breadth of a coastal state's territorial sea is not to exceed 12 nautical miles from baselines along the coast. Before this, there had been no agreed limit, so the UNCLOS definition was a significant step forward. Coastal states can also claim a contiguous zone (for issues such as customs) out to 24 nautical miles (Nordquist, 2011). In a major development, UNCLOS also introduced the concept of the exclusive economic zone (EEZ) within which the coastal state has sovereign rights over resources but not full sovereignty. States have sovereign rights over seabed off their coastlines as part of their continental shelf. Beyond these national

claims to coastal waters, the oceans are divided into international seabed zones and the high seas above these. Junagadh as a coastal state plays a central role in global maritime regulation and enforcement (Bautista, 2015). The role of the coastal state complements, supplements, and counter-balances those of the port state, the flag state, international organizations, and other entities that enforce maritime rules, regulations and standards.

Comparison of the Case of Junagadh with other Disputed Regions between Indo-Pak in a Nutshell

Compared to India's vacillating Kashmir policy, Pakistan's Kashmir policy has all-along been quite extremely balanced and consistent (Varshney, 2019). India has been changing its policy objectives and tactics with the passage of time according to periodic developments. Undoubtedly, Kashmir dispute is a complicated issue because of India that has exercised overwhelming influence over its policies since Partition. While India views Kashmir as Muslim majority state whose ruler opted to accede to India, India strictly refrained from applying the same principle to Junagadh whose ruler decided to join Pakistan. Instead India forcibly occupied the state as far as Junagadh, Hyderabad and Jodhpur were concerned, India insisted that these states should join India primarily because of the Hindu majority population in those states despite the fact that the rulers of Junagadh and Jodhpur opted to join Pakistan (Cheema, 2019), whereas Hyderabad opted to stay as an independent state. By this criterion, Kashmir should have automatically joined Pakistan as it enjoyed overwhelming Muslim population and physically contiguous to territories forming Pakistan. However in the case of Kashmir, India not only applied concerted political pressures on the ruler to accede to India and once the ruler of Kashmir had signed the instrument of accession, India relegated the guiding principles of geographic proximity and aspiration of the people to a secondary place and forcefully projected the legalistic approach as the primary basis for accession.

The on-going Kashmir dispute is the product of hurriedly worked out Partition plan by the British Empire. Not much attention was paid

to the consequential impact of ill-planned Partition of India. As far as the future of princely states was concerned, only scant attention was paid to the issue and a set of guiding principles were announced without focusing on cases of possible violators of the guiding principles.

Conclusion and the Way Forward

Give a New Life to the Case of Junagadh

Mr. Imran Khan, Prime Minister of Pakistan on 4th August, 2020, unveiled a new map on the one year anniversary of the scrapping of Article 370 in Jammu & Kashmir. All of Jammu and Kashmir, Ladakh, Sir Creek are included in the map and also Junagadh is shown as a territory of Pakistan. India has not accepted Pakistan's move labelling as 'an exercise in political absurdity'. As per Indian view, it was laying untenable claims to territories in the Indian state of Gujarat and 'our Union Territories of Jammu & Kashmir and Ladakh'. The inclusion of Junagadh whose decision to join India was formalized through a referendum in 1948, was not accepted by Pakistan then. After the initial resistance, Junagadh has never been a major issue between the two neighbouring nations until now, unlike Jammu & Kashmir.

Accentuate the Issue through Media Alarmism at Local and International Level

Nawab of Junagadh Muhammad Jahangir Khanji while addressing a press conference on November 9, 2020, appealed Prime Minister of Pakistan to become an ambassador of Junagadh as he did in the case of Kashmir and highlight the issue of liberation of the state from Indian occupation at all international forums. He said that a secretariat of Junagadh should be established in Islamabad to bring the princely state closer to Pakistan. He said November 9 was observed as a black day, as on this day in 1947 India occupied the territory of Junagadh. The occupation was against the international law and norms, living nation should remember its history and act accordingly. (Associated Press of Pakistan, 2021).

Nawab of Junagadh state Muhammad Jahangir Khanji and Dewan of the state Sahibzada Sultan Ahmed Ali met with European Union ambassador to Pakistan Roulla Kaminara on March 15, 2021 and discussed the way forward.

Recently, the Junagadh State Muslim Federation has announced to take revolutionary measures regarding education and health to facilitate students for securing admission in higher educational institutes. According to the press statement issued by the Federation, a library and research center would be inaugurated. Also, initial progress has been made for the establishment of cancer hospital and medical college. The Federation also vowed to launch a census campaign. In a cabinet meeting, the Junagadh State Muslim Federation General Secretary Abdul Aziz Arab gave a detailed briefing and by consensus, some important decisions were made. It was decided that Junagadh library and research center would be inaugurated on September 15, 2021. The center would provide free scholarships to the students of the Junagadh state communities for securing admissions in higher educational institutes. Also, free courses for primary and secondary school levels would be conducted. The proposal would be presented to Governor Sindh and Chief Minister Sindh. The meeting reviewed the census campaign. As many as 12,000 census forms had been printed while the software work being in the final stages. The meeting appointed the new General Secretary of Ajmeri Jamaat Muhammad Ali Ajmeri for the post of Joint Secretary (Yousafzai, n.d.).

August 4, 2020 marks the day when Government of Pakistan releases its new political map showing Junagadh as its integral part. Dewan of Junagadh state Sahibzada Sultan Ahmed Ali hailed the steps taken by govt. and said,

Including Junagadh in Pakistan's new political map has infused a new spirit into the case of Junagadh. It has given a new ray of hope to the Junagadh community. It has also paved the way in reviving the issue internationally. Nawab of Junagadh Nawab Muhammad Jahangir Khanji is leading the cause of Junagadh. We are determined to take our due right from illegal Indian occupation. Occupied Junagadh and Kashmir represent worst examples of colonialism even in 21st century.

Furthermore, these are incomplete agenda of Partition of Indo-Pak Subcontinent. International community has to step forward for resolution of such issues for sustainable peace in South Asia... Just like occupied Jammu & Kashmir, diplomatic efforts should be accelerated to highlight the issue of Junagadh worldwide. We urge the international community especially the regional powers to give Junagadh its due right by practically completing the accession of Junagadh to Pakistan. As in the legal domain, it is already a part of Pakistan and it will remain as Pakistan. (Pakistan Observer, 2021)

Vigorous Foreign Policy – Recur the Claim Over Junagadh in UN and Other Relevant Forums

The Government of Pakistan should revive the accession case of Junagadh state at various international forums, including the United Nations, as the instruments of accession are still intact. This case is unique as the Nawab lost the territory, but has all the legal rights. The Indian occupation of Junagadh is illegal and violation of the Instrument of Accession that the then Nawab of Junagadh had signed with Pakistan.

Pakistan now needs to build a strong narrative for Junagadh and fight the case proactively. Junagadh case should be taken forward along with Kashmir and other such cases. The Nawab of Junagadh is leading the cause and Pakistan should support him as he remains the legal heir. A committee may be constituted having mandate to sensitize the Junagadh issue to the international community about its illegal occupation by India. Diplomats, academicians, politicians, journalists, researchers and people from different walks of life must participate proactively.

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Annexures

Presidential Remarks

His Highness Nawab Muhammad Jahangir Khanji*

First of all, I thank participants and guests of honour Dr. Mujeeb Ahmad, Mr. Ahmer Bilal Soofi, Mr. Afrasiab Mehdi Hashmi Qureshi, Maj. Gen. Shahid Ahmad Hashmat (Retd), Gen. Ehsan Ul Haq (Retd) and Sahibzada Sultan Ahmed Ali. All respect goes to His Excellency Sahibzada Sultan Muhammad Ali who is the decedent of Sultān Al-'Ārifīn Sultan Bahoo and elder brother of Dewan of Junagadh State, Sahibzada Sultan Ahmed Ali. Sahibzada Sultan Muhammad Ali is the founding father of the MUSLIM Institute. I visited the house which was constructed at the Shrine of Sultān Al-'Ārifīn Sultan Bahoo, named as the 'Junagadh House' to keep the movement of the Junagadh State alive. Today's conference is the manifestation of the commitment to the cause of Junagadh. The support of Sultan Sahib is behind the greatest achievement of the Junagadh cause and all my gratitude goes to Sahibzada Sultan Muhammad Ali.

I also thank Prime Minister Imran Khan for showing Junagadh on the political map of Pakistan. I believe that the power of the pen is mightier than the sword for the sake of reviving Junagadh movement, especially for Delhi.

Listen Prime Minister Modi! we never forget Junagadh and we all are saying one thing that is 'Junagadh is Pakistan'.

Here, I want to get your attention to the so-called referendum, which was held during the tenure of the first Prime Minister of Pakistan - Nawab Liaquat Ali Khan. That referendum was held under the shade of arms. I repeat the words that were spoken by Liaquat Ali Khan, "We never accept the referendum" and today I would like to say the same, "I never accept the referendum". The policies that were formed by

* These remarks were delivered by Nawab of Junagadh State H.H Nawab Muhamad Jahangir Khanji during the Conferenc "Junagadh: Challenges & Prospects" organized by MUSLIM Institute on September 14, 2021 in Islamabad.

Liaquat Ali Khan are still followed by today's government. According to these policies, Nawab of Junagadh should be restored and when Nawab comes to the administration then a referendum should be held under the supervision of Nawab. With this, we accept the referendum otherwise not.

I give admiration to MUSLIM Institute and Mr. Ahmer Bilal Soofi because of his keen belief that the Junagadh cause supports the Kashmir cause. I also request the Government of Pakistan to put Junagadh's cause on the national and international forums. I thank writer Bashir Muhammad Munshi who is writing a book with the title "History of Junagadh" and that book will become the sword of treasure for the Junagadh movement. Once again, I thank all participants and social activists and advise media persons to support and highlight the Junagadh cause and the vision of the MUSLIM Institute.

Special Remarks

Ahmer Bilal Soofi*

Junagadh is a unique issue which deserves priority. The Nawab of Junagadh continues to be the ‘Sovereign in Exile’. He is a Sovereign in Exile because his grandfather visited Pakistan to resolve technicalities of Instrument of Accession and could not go back; as the Indian forces took over Junagadh in November 1947. Before that, a formal Instrument of Accession was executed with Quaid-i-Azam.

Sometimes, people say that stand on this issue can contradict our position on Kashmir. This is not a correct view. Kashmir’s accession instrument was conditional. However, the accession instrument of Junagadh is not conditional. It has no qualifier in it; it is an unconditional accession. The instrument of Kashmir had an in-built condition which was evident from the letter of Mountbatten which he wrote few days later. The Instrument of Accession of Junagadh is clearly without a qualifier. It is a valid instrument which has recognition under international law.

The principles of international law state that after the UN Charter in 1945, no one can occupy the territories by aggression, but one can transfer the title through instrument of accession. Therefore, occupation is declared illegal, and no one can acquire new territories and cannot be an aggressor any longer. ‘Wars’ have become unlawful, yet the instrument of accession is the only legal vehicle through which the title in a territory can be transferred. In the case of Junagadh, we have an instrument of accession that was then implemented in domestic law through a gazette notification, both on the Pakistani side and in the gazette of the state of Junagadh as it existed then. Thus, an instrument

* International Law Expert and Former Federal Minister for Law, Justice, Parliamentary Affairs and Human Rights. These remarks were delivered by him during the Conference “Junagadh: Challenges & Prospects” organized by MUSLIM Institute on September 14, 2021 in Islamabad.

which was valid under international law, was legally acted upon and continues to be in force today in law.

What Pakistan can do, and what the family of Nawab of Junagadh should do? They have multiple options. The family of Nawab has an option to retain their status and that status must be respected within the domestic legal framework of Pakistan i.e., should be provided with more proactive legal formulation, because through his title we are linking up our claim to the territorial unit of Junagadh.

Pakistan has now come up with a map; the government deserves appreciation for issuing this map in which we have not only documented Pakistan's claim relating to Siachen and Sir Creek, but also laid our territorial claim on Junagadh and reaffirmed it. Regarding Siachen that map demonstrates that beyond NJ9842, the line shall proceed Northwards to Glaciers, not going straight up but keeping in view the previous course of direction, resultantly Siachen falls into Pakistan.

Likewise, the map also asserts a territorial claim in respect of our sea resources: the concave coastline, in Sir Creek region. We now have demonstrated our version that if line is extended towards sea, then lot of area of high seas including exclusive economic zones falls in Pakistan. And the third claim that has been asserted in this map is relating to Junagadh. In the new official map of Pakistan, Junagadh State appears as the territory of Pakistan.

Maps are also very significant evidence of exercising sovereign authority and executive authority. This map has been issued by the Survey General of Pakistan under a specific Federal act. Earlier, the Survey General of Pakistan was merely an office in the Ministry of Defence. Now, it is a statutory body which is created by federal law. That federal law authorizes the Survey General of Pakistan to prepare maps, in respect of territories of Pakistan.

If the Survey General of Pakistan, pursuant to a federal law, makes a map, then it is a legislative assertion of title by the state of Pakistan in respect to the state of Junagadh. Therefore, this is a huge quantum leap in terms of legal development. It may not be politically well noticed but

under international law this is a very important development, and it needs to be taken further.

By 'taking further' it means explaining the case of Junagadh to foreign states, making them realize that this is yet an issue to be resolved.

There are many states in India that are clamouring for their individual independent rights even today. Some of these states are wrapped around present Bangladesh and they all have serious issues. The present Government of Prime Minister Modi is making efforts to negotiate with them, to enter into commercial incentives sort of negotiating deals to assuage that sentiment, but that is not working truly.

India is entering into a phase where it is facing existential crisis; a territorial crisis because of its diversity. We have diversity as well, but primarily six ethnicities have come together: Punjabi, Sindhi, Baluchi, Pakhtun, Kashmiri and Gilgiti. But in India, more than hundred diversified nations, tribes, small communities that have come together, to form the union of India

When India talks about Akhund Bharat or when it talks about dreaming that this entire region will be under Akhund Bharat: Bangladesh, Nepal, parts of Pakistan, Sri Lanka and some say even Afghanistan, then they are talking about much larger, futuristic, illegal assertion of claim, which they cannot maintain under international law. However, the idea of Akhund Bharat is being raised at formal global forums and also by the officials of Indian Government which is startling. Initially it was only by a few RSS followers but today, it is being owned by officials of BJP. This over assertion or advocacy of untenable legal position will eventually lead to an internal collapse. That is what we see in many states which have hegemonic designs. These designs have certain shelf life, and after the shelf life such designs result in terrible mess.

Junagadh continues to be an unsettled issue, in terms of where it should go and in terms of its fate. The other states of India are trying to find the similar fate. I believe that Pakistan's support to Junagadh is

crucial, because we need to bring this to notice of international community.

The massive Junagadhi community in Pakistan should be given special concessions. The kind of concessions and attention that could be granted is open to debate. Junagadh community in Pakistan has very fine entrepreneurs. They are superb managers. Wherever they have served, they have been excellent: economy, banking, trade, community, sports etc. This entire precious community needs to be leveraged, and that leveraging would also help in long terms to the cause of Junagadh. Similarly, the strategic dimension of the Junagadh issue, its importance, significance, historic links with Pakistan and 90 kilometres of coast line should be given special attention.

His Highness Nawab of Junagadh should be appreciated for continuing to raise this issue in Pakistan. Supporting him is a part of our national duty. If Quaid-i-Azam entered into an undertaking, we would want that undertaking to actualize properly. That is a duty which people like us will continue to do. We really appreciate His Highness Nawab of Junagadh and his family that they have been raising this issue for Pakistan. I believe that now we have found a much better direction. The government is beginning to raise the issue at various levels.

I also do appreciate Sahibzada Sultan Ahmed Ali for his outstanding support. While he holds legal title of Dewan of Junagadh, at the same time he is a very fine scholar and leveraging his personal resources to raise this issue of Junagadh. He, his whole family and family of Nawab of Junagadh deserve appreciation. They could have dropped the cause but they chose not to. Had His Highness Nawab of Junagadh chosen to relinquish the title and settle for a claim compensation package, then the assertion of the claim for Pakistani side would have suffered.

In the end, I appreciate the works of MUSLIM Institute, and I feel immensely gratified and moved by looking at the names of the scholars; members of faculty of various universities that have come together. The fact that we have meaningful academic work going behind the Junagadh issue will prove to be critical and crucial for the future of Junagadh and its people. I am also thankful for the foreign

delegations that are here in the conference. I believe some of them will be hearing about this issue for the first time, but this is how you discover the nature and kind of disputes in this region. We as a state, as a country and as a community are prepared and want peaceful resolutions to these issues. We do not want to engage in any conflicting situation where we have to use force.

Role of Dewan (Prime Minister) of Junagadh: A Historical Perspective

Remarks by Bashir Muhammad Munshi*

Anyone who is aware of the history of the Indian Subcontinent is aware of the fact that the Junagadh and Kashmir issues are vivid examples of political and imperial manoeuvres. History depicts the collusion between the Hindu Congress and the enemies of Muslims during the Partition, from the womb of which, the problem of Junagadh was born. The leaders and people of Junagadh, from the very beginning, were involved in the most successful and historical struggle for a separate homeland "Pakistan" in the subcontinent under the leadership of the Quaid-i-Azam. In this regard, Quaid paid a special visit to Kathiawar and Junagadh. Moreover, Quaid also belonged to our area called Paneli, and, even before the Partition, he served as an adviser and assistant in the legal affairs of the state. There was regular communication between the state of Junagadh and his Bombay office.

As soon as the Islamic State of Pakistan was established, Nawab of Junagadh State Sir Mahabat Khanji rejected every tempting offer of the Congress and sacrificed all his possessions for Pakistan. Also, on September 15, 1947, at the behest of Quaid-i-Azam, he acceded the Junagadh State to Pakistan.

The new Indian rulers came to power with a colonial mind-set. After failing, despite the use of all kinds of illegal and inhumane tactics to get hold of Junagadh, finally, by ignoring all international norms and laws, with the help of the armed forces India illegally occupied Junagadh, a unique state of Pakistan.

* Renowned Writer & Journalist, Karachi. These remarks were shared by him during the Conferenc "Junagadh: Challenges & Prospects" organized by MUSLIM Institute on September 14, 2021 in Islamabad.

Coming to the subject i.e., role of prime ministers in the state of Junagadh, the first Nawab of the Babi dynasty, Sher Khan Babi i.e., Bahadur Khanji I (1748-1758), assumed the title of Nawab and founded an independent state. He appointed Dalpatram, a man from the Nagar community of Junagadh, as Dewan. After the death of Dalpatram in 1751, Jagannath Morarji was appointed as Dewan of the state.

During the 17-year reign of the second Nawab Mahabat Khanji I (1758-1774), Jagannath, Somji Jakar, Dayal Seth, Mewalal, Sher Zaman Khan Babi, Popat Parekh, Bhimkhoja, Amarji Nanavati etc., were next 11 Dewans.

10 Dewans were appointed during the reign of the third Nawab Hamid Khan (1774-1811),

Fourth Nawab Bahadur Khan II (1840-1811) appointed 12 Dewans,

Fifth Nawab Hamid Khan II (1840-1851) appointed 4 Dewans,

Sixth Nawab Mahabat Khan II (1851-1880) appointed 8 Dewans,

Seventh Nawab Bahadur Khan III (1880-1892) appointed 2 Dewans,

Eighth Nawab Rasool Khanji (1892-1911) appointed 10 Dewans.

Then there were 3 administrators in the British administration (1911-1920).

10 Dewans served during the reign of the 9th Nawab Mahabat Khan Ji III (1920-1947).

Thus, there were 72 Dewans during the reign of 9 Nawabs of the Babi dynasty for two centuries.

The Dewan was not only a special advisor in the administrative affairs of the state, but he also handled all the administrative responsibilities. Moreover, the administrative matters of the heads of each department were approved by the signature of the Dewan. Apart from this, the financial affairs of the state i.e., the Ministry of Finance were also under Dewan. It was called treasury in the local language.

Under the Dewan was the post of Assistant Dewan i.e., *Naib Dewan*, which was held only as a revenue assistant. The Dewan had the power to levy and collect revenue. In the Dewan office, there were also clerks, secretaries, and personal secretaries. They were appointed by the Dewan. In addition to this, the *Darughah* was also an important

position. Among other positions, *musharraf* (chief worker), custodian of offices, *hazrat nawis*, etc., were also involved in the administrative affairs of Dewan.

The state of Junagadh has been very fortunate in that it has been able to have very competent Dewans. Among these Dewans, apart from British Dewans, there have been local and non-local Dewans like Dewan Khan Bahadur from 1942 to 1947. Abdul Qadir Muhammad Hussain was Dewan of Junagadh from August 28, 1942 to May 30, 1947. And on the same day, Nawab Mahabat Khanji issued *Shahi Farman* No. 379 and appointed Shahnawaz Bhutto as Prime Minister (Dewan). On November 9, 1947, when India illegally occupied the state of Junagadh, he left for Karachi from Keshod Airport in Junagadh State, thus remaining the Prime Minister of the state for only 162 days.

Sheikh Bahauddin, appointed as Prime Minister, was the brother of Nawab Mahabat Khanji II. The prime minister had the overall powers of defence, army, revenue, and the foreign department. At that time, there was no constitution of separate ministries in the states, all the responsibilities were entrusted only to the prime minister. For the first time in 1871, the institution of police along with civil and criminal courts was established in Junagadh State. And all these matters were also under the direct supervision of the prime minister. Furthermore, there were 19 departments under the supervision of the Dewan of the state, such as the *Huzoor Office*, Country Office, Treasury, Post office, Police, Education, Army, Forests, Settlement, etc.

An interesting thing is that this state of Junagadh had a distinction among all the states of Kathiawar, that is, before the establishment of the state, only the Mughal soldiers managed the administration there. All the area was under their control. During this period, the Mughal soldiers used to collect taxes from the Hindu kings of large and small states as representatives of the Mughal Empire. One type of tax was a regular kind of tax. While there was another special type of tax called *zar talabi*. Regarding *zar talabi*, the Mughal soldiers only ordered to give so many goats, cows, camels, money, grains, etc. In this way, Mughal soldiers used to collect taxes in their own way keeping in mind the condition of their area. This type of tax was *zar talabi*. The tax was

fixed under a contract or after administrative negotiations. British Government gave the authority to the Nawabs of Junagadh to continue to collect tax in the same way. And Britishers said that Nawab would receive tax from other states too. At that time, Junagadh state received *zar talabi* from 137 small and large states. And from all the states, taxes were received after the consent of the prime minister of Junagadh. However, if the prime minister wanted, he used to receive tax through the army. By 1947, the state of Junagadh received *zar talabi* from 137 states.

In 1862, under the patronage of the then Dewan Gokulji Jhala, a special flag of the state and the royal seal were prepared. In this royal seal, the rising sun and the sailing ship on the sea and the tiger are reflected. On page number three of the invitation to this conference dated September 14, 2021, the image of the same royal seal is presented.

If we take a bird's-eye view of the past, 330 years ago, a source of spiritual light emerged in the subcontinent, whose blessings are inexhaustible day by day and till today. He has been blessed with the special permission of the creation of guidance and correction

شد اجازت باھو را از مصطفےٰ

خلق را تلقین بہ کن بہر از خدا

Bahoo (ﷺ) is bestowed with permission from the court of Prophet (ﷺ) that he should give (spiritual)-instruction of intimacy of God to creation.

Since the blessed birth of Sultān Al-‘Ārifīn Sultan Bahoo (ﷺ), the scent of signs of exhortation and grace has remained intact even in this era.

چڑھ چناں تے کر رشنائی تارے ذکر کریندے تیرا ھو

Rise ‘O’ Moon and shine, stars are engaged in your ‘Dhikr’ (remembrance) - Hoo,

In the family of Sultān Al-‘Ārifīn Sultan Bahoo (ﷺ), Sultān Al-Faqr Sultan Muhammad Asghar Ali (ﷺ), was born in 1947 on the 27th of Ramadan, *Laylah Al-Qadr* (the night of decree), at dawn. This was also the first day of the creation of Pakistan. The birth of Sultān Al-Faqr and the appearance of the Islamic Republic of Pakistan at the same time is not an accidental or coincidental process, but the realization of a great plan of Allah Almighty. In addition, Honourable Sultān Al-Faqr was a distinguished scholar, and a perfect guide, moreover, he laid the foundation stone of Islahee Jamaat & Aalmi Tanzeem ul Arifeen.

His excellence in the world of spirituality and knowledge has no limits and neither can they be confined to the realm of speech and writing.

Sahibzada Sultan Muhammad Ali, the 10th descendent of Sultan Bahoo (ﷺ), has founded a research think-tank, MUSLIM Institute. Few years ago today, I came across an article in *Mirrāt-ul-Arifeen* titled ‘Junagadh: A Tragedy Lost in History’, which was based on the account of a round table discussion on the issue of Junagadh State organized by MUSLIM Institute. That article touched my heart and mind. My heart was captivated by the motives and the spirit of the Chief Editor of *Mirrāt-ul-Arifeen* (His Excellency Sahibzada Sultan Ahmed Ali) and the spirit of the MUSLIM Institute.

The blessed existence of Sahibzada Sultan Ahmed Ali is also worthy of respect for us, the people of Junagadh, because a few months after the establishment of Pakistan, the issue of Junagadh was discussed in the meetings of the Security Council and there was hope due to the Indian Independence Act, 1947. But due to unknown reasons, it was removed from the foreground and pushed into the background and thus slowly the Junagadh issue became a lost tragedy in the history of Pakistan. His Excellency has made successful efforts to revive this half-life issue and laid a strong foundation for this issue. Moreover, Sahibzada Sultan Ahmed Ali is also the Dewan (Prime Minister) of Junagadh State.

I have read some lessons about the bitterness of 86 years of life. The memories are not forgotten. The joys of the people of Junagadh at the time of the Partition of India and the accession of the state of Junagadh

are also well preserved. Along with the slogans of *takbīr* ‘*Allaho Akbar*’, ‘*Pakistan Zindabad*’ was echoing everywhere. In the last 75 years, I have seen relatives, men and women, and pious elders here and there with heartfelt regrets and praying for ‘Junagadh is Pakistan’ from their hearts and leaving the world. God will surely accept these requests.

There was a movement in the unseen, as through the *ḥayd rūḥānī* (spiritual-grace) of Abū Al-Ḥasan Kharqānī (ؒ), Sultan Mahmud Ghaznavi destroyed the idols of Somnath and had a clear victory and made his name forever in history with the title of idol-slayer. Somnath Temple was in Junagadh State. In this way, once again in modern times, the family of Sulṭān Al-‘Ārifīn Sultan Bahoo (ؒ), hoisted the flag of ‘Junagadh is Pakistan’ and now the process of freedom movement of Junagadh has come into action.

Chronology of Events

1736

Bahadur Khan Babi, son of Shayr Khan Babi, announced an independent state of Junagadh.

1807

An agreement was reached between Colonel Walker, Junagadh State and peripheral states of Kathiawar, which was named 'Walker Settlement'.

January 24, 1940

Quaid-i-Azam Muhammad Ali Jinnah visited Junagadh, Bantva-Manavadar and other states of Kathiawar. Fund was raised for All India Muslims League. Dawn newspaper was initiated with these funds.

August 15, 1947

Junagadh State announced accession to Pakistan.

August 15, 1947

Nawab of Junagadh wrote to Quaid-i-Azam Muhammad Ali Jinnah about his decision to accede to Pakistan.

August 15, 1947

The announcement of the decision was published in the Gazette of Junagadh State which was known as *Dastrural Amal Sarkar Junagadh*.

August 31, 1947

In his letter to Quaid-i-Azam Muhammad Ali Jinnah, Nawab of Junagadh wrote about his steadfastness despite Indian tactics to pressurize him.

September 9, 1947

Pakistan and Junagadh State signed the Stand Still Agreement.

September 15, 1947

The Constituent Assembly of Pakistan approved the accession. Junagadh became part of Pakistan as the Instrument of Accession carrying signatures of First Governor General of Pakistan Quaid-i-Azam Muhammad Ali Jinnah and Sovereign of Junagadh State Nawab Mahabat Khanji came into effect.

September 17, 1947

Sardar Patel, Pundit Nehru and all members of the Indian Cabinet, before their meeting with Mountbatten, decided to take military action against the Junagadh State.

September 17, 1947

V.P Menon arrived in Junagadh and met with *Dewan* of Junagadh Shah Nawaz Bhutto carrying the message of the Indian Government and also threatened the Nawab of Junagadh.

September 17, 1947

Indian troops dispersed around the borders of Junagadh.

September 18, 1947

India gathered troops on the borders of Junagadh, Manvadar and Mangrol.

September 21, 1947

Manavadar announced its accession to Pakistan.

September 25, 1947

Under the supervision of V.P Menon, an *Aarzi Hukumat* (Provisional Government) of Junagadh was formed in Bombay under the presidency of Samaldas Gandhi.

September 25, 1947

Prime Minister of Pakistan sent a telegram to India and asserted that Nawab of Junagadh had acceded to Pakistan.

October 22, 1947

Indian Forces occupied Manavadar.

October 24, 1947

Nawab Mahabat Khanji arrived in Pakistan for consultations with the Pakistani government.

October 27, 1947

Sir Shah Nawaz Bhutto wrote a letter to Quaid-i-Azam Muhammad Ali Jinnah and described the activities of *Aarzi Hukumat*.

October 31 1947

Sir Shah Nawaz wrote a letter to Ikramullah, in which he sought directions from Pakistan.

November 1, 1947

India occupied Mangrol and Babariwad.

November 5, 1947

The Junagadh State Council held a meeting in wake of chaos and law and order situation created by *Aarzi Hukumat*.

November 8, 1947

Dewan of Junagadh Sir Shah Nawaz Bhutto sent the senior member of the State Council Major Harvey Jones to Butch Regional Commissioner at Rajkot requesting his assistance to take temporary control of the state in restoring law and order situation in Junagadh and to stop the bloodshed of the innocent citizens.

November 9, 1947

Indian forces occupied the Junagadh State.

November 9, 1947

Nehru wrote a letter to the Pakistani Prime Minister informing him about the Indian decision to take control of Junagadh.

November 11, 1947

Prime Minister of Pakistan Liaquat Ali Khan replied to Nehru's telegram and termed Indian actions in Junagadh as "a clear violation of Pakistani territory and breach of International law."

November 16, 1947

The Prime Minister of Pakistan Liaquat Ali Khan made a press statement which was also communicated to the Prime Minister of India.

15 January, 1948

Foreign Minister of Pakistan Sir Zafarullah Khan approached the United Nations on the behalf of Pakistan to address the Junagadh issue.

January 20, 1948,

United Nations Security Council Resolution 39(1948) was passed in which the commission was formed to settle Jammu and Kashmir and other disputes including Junagadh between India and Pakistan.

February 20, 1948

The Indian Government unilaterally organized a referendum in Junagadh.

February 26, 1948

Pakistan's Foreign Minister Zafarullah Khan protested in the UN Security Council, on the referendum in Junagadh State under Indian occupation, during the debate on Junagadh.

November 7, 1959

Sovereign of Junagadh State His Highness Nawab Mahabat Khanji passed away.

November 8, 1959

Muhammad Dilawar Khanji became the Nawab of Junagadh.

July 30, 1989

Nawab Dilawar Khanji passed away.

July 31, 1989

Nawab Muhammad Jahangir Khanji became the Nawab of Junagadh.

August 4, 2020

The Government of Pakistan unveiled a new political map of Pakistan that included Junagadh as part of Pakistan.

December 10, 2020

Nawab of Junagadh appointed Sahibzada Sultan Ahmed Ali as Dewan of Junagadh State.

August 14, 2021

Dewan of Junagadh State presented 14 points of "Junagadh Resolution" in Junagadh State House, Karachi during Independence Day celebrations.

September 14, 2021

International Think-Tank MUSLIM Institute organized the first ever National Conference on Junagadh in Islamabad.

Junagadh Resolution Adopted in Karachi on the Occasion of Independence Day

نواب آف جونانگڑھ نواب جہانگیر خانجی کے زیر اہتمام جشن آزادی پاکستان تقریب میں دیوان آف جونانگڑھ صاحبزادہ سلطان احمد علی صاحب کے "قرارداد جونانگڑھ" کے تاریخی 14 نکات

آج مورخہ 14 اگست 2021ء کو جونانگڑھ ہاؤس میں جشن آزادی کی تقریب میں قرارداد جونانگڑھ کے چودہ نکات پیش کرتا ہوں جو کہ درج ذیل ہیں:

1. جونانگڑھ کے عوام پاکستان کی تمام سیاسی جماعتوں سے مطالبہ کرتے ہیں کہ وہ جونانگڑھ کے مسئلے کو اجاگر کرنے اور ہندوستان سے اپنا حق واپس لینے کے لئے اس کو اپنے عملی منشور کا حصہ بنائیں۔
2. حکومت پاکستان سے گزارش ہے کہ جونانگڑھ کمیونٹی کو درپیش مسائل کے حل کے لیے خصوصی توجہ دے۔
3. فیصلہ کیا گیا ہے کہ جونانگڑھ اسٹیٹ کونسل اور جونانگڑھ اسٹیٹ ایڈوائزری کونسل کے تمام ممبران کا اعلان جلد کیا جائے گا۔
4. صدارتی آرڈر نمبر 15 آف 1972 جونانگڑھ ریاست کی پاکستان کے ساتھ الحاق کی دستاویز کی شق نمبر 9 کے ساتھ براہ راست متصادم ہے جس پر بانی پاکستان قائد اعظم محمد علی جناح کے دستخط ہیں اور جوڈیلو میٹس اور سینئر سیاستدانوں کے بقول دستاویز الحاق ایک مقدس دستاویز ہے کیونکہ اس پر بابائے قوم کے دستخط ہیں۔ لہذا حکومت پاکستان کے لیے ضروری ہے کہ وہ ریاست جونانگڑھ کے معاملے کو مد نظر رکھتے ہوئے صدارتی آرڈر نمبر 15 آف 1972 پر نظر ثانی کرے۔ مسئلہ جونانگڑھ بین الاقوامی نوعیت کا ہے اور دوسری شاہی ریاستوں سے مختلف ہے جو پاکستان میں

- شامل ہونے کے بعد پاکستان میں ضم ہو گئیں۔ اس لیے جونا گڑھ کو مختلف انداز میں دیکھے جانے کی ضرورت ہے۔
5. حکومت پاکستان سے پر زور مطالبہ کیا جاتا کہ وہ 15 ستمبر کو ہر سال جونا گڑھ کے پاکستان سے الحاق کے پیش نظر ”یوم الحاق جونا گڑھ“ کے طور پر منائے اور 9 نومبر کو جونا گڑھ پر بھارت کے ناجائز غیر قانونی قبضے کے دن کو ”یوم سیاہ“ کے طور پر منائے تاکہ مسئلہ جونا گڑھ کے مقصد کو یاد اور زندہ رکھا جاسکے۔
6. تمام میڈیا ہاؤسز سے ہم گزارش کرتے ہیں کہ وہ مسئلہ جونا گڑھ کو اپنے پروگرامز، ڈاکو مینٹریز اور نیوز بلیٹنز میں خصوصی جگہ دیں۔ خاص طور پر 15 ستمبر اور 9 نومبر کے حوالے سے خصوصی نشریات نشر کی جائیں۔
7. حکومت پاکستان سے مطالبہ کیا جاتا ہے کہ وہ کشمیر سیکریٹریٹ کی طرح اسلام آباد میں جونا گڑھ سیکریٹریٹ قائم کرے، تاکہ مسئلہ جونا گڑھ کو وسیع پیمانے پر اجاگر کرنے میں وسیع پیمانے پر پیش رفت کی جاسکے۔
8. حکومت پاکستان سے گزارش ہے کہ مسئلہ جونا گڑھ کے بارے میں عوام میں آگاہی بڑھانے کے لیے اسلام آباد کی کسی مرکزی شاہراہ کو جونا گڑھ کے نام سے یا نواب سرمہا بہت خانجی کے اسم گرامی سے منسوب کیا جائے۔
9. ہم پاکستان کے دفتر خارجہ اور خاص طور پر آئر بیل فارن منسٹر مخدوم شاہ محمود قریشی صاحب سے مطالبہ کرتے ہیں کہ وہ اسلام آباد میں موجود تمام ممالک کے سفارت کاروں کو سرکاری خط لکھیں تاکہ جونا گڑھ پر 9 نومبر 1947 کو بھارت کے غیر قانونی قبضے کو بے نقاب کیا جاسکے جو کہ اخلاقی اور اصولی طور پر بین الاقوامی قوانین کے خلاف تھا۔
10. ہم پاکستان کے دفتر خارجہ اور آئر بیل فارن منسٹر مخدوم شاہ محمود قریشی صاحب سے یہ بھی مطالبہ کرتے ہیں کہ وہ اقوام متحدہ اور اس کے تمام ذیلی اداروں کو مسئلہ جونا گڑھ کے متعلق لکھیں۔

پاکستان کو چاہئے کہ اقوام متحدہ کے سامنے جوناگڑھ کے پاکستان سے الحاق اور بھارت کے غیر قانونی قبضے کو واضح کرے جو کہ فوجی طاقت کے زور پر کیا گیا اور جو اقوام متحدہ کے چارٹر اور دیگر کئی بین الاقوامی قوانین کی کھلی خلاف ورزی تھی۔

11. وفاقی اور تمام صوبائی وزارت برائے تعلیم سے مطالبہ کیا جاتا ہے کہ مسئلہ جوناگڑھ سے متعلقہ مواد کو مطالعہ پاکستان اور جنرل نالج کے نصاب میں شامل کیا جائے۔

12. آئزبیل صدر محترم اسلامی جمہوریہ پاکستان اور آئزبیل وزیر اعظم اسلامی جمہوریہ پاکستان سے گزارش کرتے ہیں کہ وہ ہر سال 15 ستمبر کو یوم الحاق جوناگڑھ کے موقع پر ریاستی سطح پر پالیسی بیان جاری فرمائیں۔

13. 1730 سے 1947 تک جوناگڑھ کا جو رقبہ رہا ہے خاص طور پر 1947 میں جوناگڑھ اور پاکستان کے درمیان جو معاہدہ طے ہوا اسکی زو سے جوناگڑھ کا تمام رقبہ آج بھی عملاً پاکستان ہے اور یہی وہ قانونی جواز ہے جس کی بنیاد پر ہمارا یہ سلوگن ہے کہ ”جوناگڑھ از پاکستان“ (جوناگڑھ پاکستان ہے)۔ اور پاکستان کی اُس زمین پر بھارت کا قبضہ غیر قانونی، غیر اخلاقی اور غیر آئینی ہے۔

14. آج کے عظیم اجتماع میں موجود جوناگڑھ کی تمام نمائندہ جماعتیں، نواب آف جوناگڑھ عالیجاہ نواب جہانگیر خانجی، نوابزادہ علی مرتضیٰ خانجی، اور میں خود بحیثیت دیوان آف جوناگڑھ اور یہاں موجود تمام معزز شرکاء یہ عزم کرتے ہیں کہ ہندوستانی تسلط سے ریاست جوناگڑھ کی آزادی تک ہماری جدوجہد پر امن طریقے اور قانونی طریقے سے جاری و ساری رہے گی۔

Translation

‘Junagadh Resolution’ passed during the Independence Day Event at Karachi on August 14, 2021 organized by Nawab of Junagadh H.H Nawab Muhammad Jahangir Khanji. The resolution was presented by Dewan of Junagadh State H.E. Sahibzada Sultan Ahmed Ali.

1. The people of Junagadh call upon all the political parties of Pakistan to make it a part of their manifesto to raise the issue of Junagadh and take their rights back from India.

2. The Government of Pakistan is requested to pay special attention to solving the problems being faced by the Junagadh community.

3. It has been decided that names of all the members of Junagadh State Council and Junagadh State Advisory Council will be announced soon.

4. Presidential Order No. 15 of 1972 is in direct conflict with Clause No. 9 of the Instrument of Accession of Junagadh State to Pakistan signed by the founder of Pakistan Quaid-i-Azam Muhammad Ali Jinnah. According to diplomats and senior politicians, Instrument of Accession is a sacred document because it is signed by the father of the nation. Therefore, the Government of Pakistan must revise the Presidential Order No. 15 of 1972 keeping in view the issue of Junagadh State. The problem of Junagadh is international in nature and different from other princely states which were merged into Pakistan after joining Pakistan. However, Junagadh needs to be dealt in its own perspective.

5. Request the Government of Pakistan to observe September 15 every year as ‘Junagarh Accession Day’ in view of the accession of Junagadh to Pakistan and November 9 as ‘Black Day of Junagadh’ on the illegal occupation of Junagadh by India. Both days should be commemorated to keep the Junagadh cause alive.

6. Request all media houses to give special space to the Junagadh issue in their programmes, documentaries, and news bulletins and arrange special broadcasts on September 15 and November 9 in particular.

7. Request the Government of Pakistan to set up a Junagadh Secretariat in Islamabad, similar to the Kashmir Secretariat, so that

special attention can be dedicated to highlight the Junagadh issue on a larger scale.

8. Request the Government of Pakistan to name a main highway in Islamabad after Junagadh or Nawab Sir Mahabat Khanji to increase public awareness about the Junagadh issue.

9. We request the Foreign Office of Pakistan and especially the Honourable Foreign Minister Makhdoom Shah Mahmood Qureshi to write official letters to the diplomats of all the countries in Islamabad to denounce the illegal occupation of Junagadh by India on November 9, 1947 while exposing the occupation which was morally and in principle against international law.

10. We demand the Foreign Office of Pakistan and Honourable Foreign Minister Makhdoom Shah Mehmood Qureshi to write to the United Nations and all its subsidiary bodies regarding the issue of Junagadh. Pakistan should clarify before the United Nations the accession of Junagadh to Pakistan and its illegal occupation by India, which was carried out using force and which was a clear violation of the Charter of the United Nations and all other canons of international law.

11. Federal and provincial ministries of education are requested to include historical literature related to the Junagadh issue in the curriculum of Pakistan studies and general knowledge.

12. The Honourable President of the Islamic Republic of Pakistan and the Honourable Prime Minister of the Islamic Republic of Pakistan are requested to issue a policy statement at the state level on the occasion of Junagadh's accession day every year on September 15.

13. The area historically belonging to the state of Junagadh from 1730 to 1947 is part of the Pakistani territory since the agreement reached between Junagadh and Pakistan in 1947 and this is the legal justification based on which our slogan is 'Junagadh is Pakistan'. Therefore, India's occupation of Pakistani land is illegal, immoral, and unconstitutional.

14. All the representative parties of Junagadh present in the great assembly today, the Nawab of Junagadh H.H Nawab Jahangir Khanji, Nawabzada Ali Murtaza Khanji, and myself as Dewan of Junagadh and

all the honourable participants here resolve that the state of Junagadh shall be freed from Indian dominion. Our struggle for freedom will continue peacefully and legally.

Resolution of the Conference “Junagadh: Challenges & Prospects”

MUSLIM Institute

M/RES/2(2021)

Date: Sep 14, 2021

Resolution of the National Conference on Junagadh organized by MUSLIM Institute on September 14, 2021

Participants of the National Conference on Junagadh,

Recalling the fourteen points of previously adopted ‘Junagadh Resolution’ dated August 14, 2021 and the policy statements of Nawab of Junagadh,

Reaffirming respect for the sovereignty, territorial integrity, political independence of Junagadh State,

Reiterating our commitment to continue the peaceful struggle for independence of Junagadh and that we will never step back from our legal claim on Junagadh State,

1. Urge Government of Pakistan to amend Presidential Ordinance No. 15 of 1972 which is directly in conflict with Article 9 of Instrument of Accession of Junagadh which was signed by Sovereign Ruler of Junagadh State His Highness Nawab Mahabat Khanji and a person no less than the founding father of Pakistan Quaid E Azam Muhammad Ali Jinnah;

2. Suggest the Government of Pakistan to commemorate every year the day of 15 September as ‘Accession Day of Junagadh’ and the day of November 9 as ‘Black Day of Junagadh’ by hosting National and International conferences on the subject of Junagadh and Honourable President, Honourable Prime Minister and Honourable Foreign Minister of Pakistan may issue policy statements on the aforesaid subject;

3. Draw the attention of the Government of Pakistan to call a joint session of Parliament and Senate to;

- (a) proclaim Pakistan’s territorial claim over Junagadh State;
- (b) adopt joint solidarity resolution about Junagadh State;

4. Request the Government of Pakistan to establish Junagadh secretariat, like Kashmir Secretariat, which would be helpful to serve the cause by highlighting the issue on a broad spectrum.

5. Further request the Government of Pakistan to establish Junagadh House in the Federal Capital to assert its territorial claim on the State of Junagadh;

6. Suggest Government of Pakistan to form a Ministerial Committee having members from Ministry of Law, Ministry of Foreign Affairs, Ministry of States and Frontier Regions, Ministry of Defence, Cabinet Division etc., to develop national narrative and strategy on the cause of Junagadh;

7. Urge Foreign Office of Pakistan to take up this issue and continue to advocate legality of the cause through periodic official statements. For the same purpose, the Foreign Office should also establish a desk on Junagadh dedicated to the legal claim;

8. Urge Government of Pakistan to publish National Gazette of Junagadh State;

9. Request Government of Pakistan that sustainable and long-term national policy on Junagadh should be formulated. Moreover, during state level visits Junagadh cause should be raised to lobbying international support for the cause.

10. Emphasize that topics regarding Junagadh state and issue should be added in the national curriculum;

11. Recommend Higher Education Commission of Pakistan to establish Junagadh Chair in country's top five universities;

12. Further recommend that print and electronic media houses should give due coverage to the cause of Junagadh;

13. Congratulate the Post Office of Pakistan on issuing postal stamps regarding the new political map and further demand that Post Office should issue a special stamp bearing the picture of national hero His Highness Nawab Mahabat Khanji in recognition of his and Junagadh communities' services for the Pakistan Movement;

14. Urge all political parties of Pakistan to make settlement of Junagadh issue a permanent part of their political manifestoes.

ANNEXURES



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