



**MUSLIM Institute**  
Mission of Unity, Stability &  
Leadership In Muslims



Seminar on

# Indian Occupation on Junagadh Policy Options for Pakistan

Organized by

**MUSLIM Institute**

MUSLIM Institute and Centre for International Peace & Stability (CIPS), National University of Science & Technology (NUST), Islamabad organized a seminar titled "Indian Occupation on Junagadh: Policy Options for Pakistan" on Tuesday, November 15, 2016 at NUST, Islamabad. The seminar was organized in connection with November 9, 1947 when Indian forces illegally occupied the state. Vice Chancellor of Air University Air Vice Marshal (R) Faaiz Amir chaired the session whereas Nawab of Junagadh State H.E. Nawab Jahangir Khanji was chief guest on the occasion. Other prominent speakers were Chairman MUSLIM Institute Sahibzada Sultan Ahmad Ali, Associate Dean CIPCS, NUST Dr. Tughral Yamin, Expert on International Law & Former Federal Minister of Law Mr. Ahmer Bilal Soofi, Lt. Gen. (R) Saeed Uz Zafar, Maj. Gen. (R) Ali Baz, Former MNA Prince Adnan Aurangzeb Khan, Brigadier (R) Abdul Rehman, Assistant Professor Dept. of History QAU Dr. Farooq Ahmad Dar, Professor of Preston University Dr. Z. A. Qureshi and Research Associate of Research Society of International Law Mr. Abeer Mustafa. Research Associate of MUSLIM Institute Malik Asif Tanveer moderated the proceedings of the seminar.



*Honorable Speakers expressing their views observed as under:*

Junagadh state was founded in the year 1730 and it was ruled by the Nawab of Junagadh for almost 200 years. Nawab Muhammad Mahabat Khanji ruler of Junagadh at the time of partition decided to join Pakistan due to concessions and policy of Quaid-e-Azam Mohammad Ali Jinnah. Quaid-e-Azam showed tolerance while negotiating with the rulers of the states that is why Hindu rulers of different states were also happy with his policies. He also said that Pakistan would give maximum concessions to those states that would join Pakistan. For example, Pakistan would not overthrow the rulers; neither would they curtail the powers of the rulers. Therefore with the consultation with state council, Nawab Muhammad Mahabat Khanji sahib decided to accede to Pakistan. A communiqué was issued on August 15th and Nawab Muhammad Mahabat Khanji openly expressed his will to accede to Pakistan. On September 15th 1947 Nawab signed the letter of accession with Pakistan. Nawab of Junagadh was the first ruler of all states who actually signed the letter of accession with Pakistan. Later on, India compelled him to change this decision by force but failed. India applied the economic blockade of the state and then Indian forces on November 9, 1947 occupied the state. Then in order to make this illegal forced occupation legal, India held a sham referendum. Quaid-e-Azam reacted to the provisional government that was set up in Junagadh and informed Mountbatten that "I should say that any encroachment on the Junagadh sovereignty or its territory would amount to the hostile act". Following that Liaqat Ali Khan, a lawyer himself, in a telegram to Nehru on Indian occupation of Junagadh said that your action of taking over the state administration and sending Indian troops to the state administration without any authorization from the Pakistan government and indeed without our knowledge is the clear violation of the Pakistani territory and the breach of international law.



Nehru, Patel and Menon did everything to harm Pakistan and that no state should declare accession to Pakistan. Moreover, Mountbatten openly sided with India. According to the June 3rd Plan, future of the Indian states was to be decided by the memorandum of Cabinet Mission of 12th May 1946 the states were given two options, either to join one of the dominions i.e. India or Pakistan. Other option was to become independent. Moreover, geographical factor was not mentioned anywhere and we have to take into consideration when we discuss Junagadh issue. At the time of execution of policy, Mountbatten violated the rules. As there was no provision of geographical factor, still Mountbatten put pressure on the ruler of Junagadh that it is 300 km away from Pakistan and it should not join Pakistan. Likewise, Mountbatten discouraged the rulers of princely states to declare independence and same was the stance of Congress but the stance of Quaid-e-Azam was different. This compelled the Jinnah to say that Viceroy and Congress were following the policy which was completely contrary to the policy of the British government. Even Secretary of State for India, Listowel, criticized Mountbatten for violation of the rules. When the boundary commission was drawing the lines, in Punjab, there were minor lines with which they even divided the villages. But if you go back towards Sindh, from Islamgadh onwards, design which was going in the southeast of the direction, suddenly, it was taken in the southwest of the direction. Had this line been straight, Junagadh would have been part of Pakistan. It was intentionally drawn towards westwards and Run of Kach, a total desert, was given to India to save Junagadh.



Regarding illegal occupation of Junagadh there are five violations for which India is responsible. First violation is the violation of the instrument of the accession and by extension it was the violation of Cabinet Mission and the Act of Independence. So, it can be internationally challenged. Second is that no uniform principle of accession was followed. Kashmir is a different story, Hyderabad is a different story and so is Junagadh. In every case a different approach under Mountbatten was adopted, just to benefit India. Third violation is sham referendum again in the violation of instrument of accession. When a referendum is conducted in a territory which is an issue between two independent states, there has to be a representative of a world body. Was there any UN representative there? Was there any Pakistani representative? NO. It was a sham referendum. There were 201457 registered voters at the time of referendum of those 190780 casted their vote in the referendum, among those 190780 only 91 voted against union with India. It is evident that this referendum was under the force of gun. Everything about the Indian action against the Junagadh is illegal immoral and unethical. Then is the violation of the international law. Indian occupation on Junagadh is blatant violation of 'Article 26' of 'Vienna convention of law on treaties'. Junagadh accession with Pakistan is in complete uniformity of international law. Therefore Pakistan approached UN on this occupation where this issue is still unresolved. The last one is the human rights violation as India established economic blockade of Junagadh. People were dying of hunger and everything was finished. There are five violations on which India can be made accountable and could be taken to the international court or to the UN.



Pakistan needs to adopt three dimensional strategies to tackle Junagadh issue. The first direction is to be undertaken by the government, because the first thing we look towards is the government. Unfortunately, we are not able to pursue the issue at the international forums especially the UN. Under article 99 of UN charter, Pakistan can approach the UN secretary general, who can take step to resolve this issue. There was a small objection paper submitted by the government of Pakistan to the UN and thereafter everybody went quiet. As the Junagadh issue is very much there in political educational and research circles even the map of Junagadh was also always displayed with the map of Pakistan but after this issue became dormant. Government of Pakistan needs to reopen this case at the international forums. Instead of looking towards

the government which is already focused on Kashmir, younger generation of Pakistan needs to be educated about the issue of Junagadh and they need to spread the message widely. Regular seminars should be conducted and proceedings of seminars should be made international. Message should be spread on the social media as well as newspapers. A Junagadh house must be designated in Islamabad; it will be a strategic allotment. This allotment is for the interest of Pakistan to keep its case alive in doing so we will also honor Nawab of Junagadh, and will honor the contributions by his family. Pakistan needs to work on Junagadh in educational and Research field and especially young generation needs to be kept aware regarding this issue. Indian Government commemorated 9th November as the provisional government day of Sate of Junagadh the day when the provisional government was set in Junagadh. Now it is important that How Pakistan reacts on this case.



**Interactive Session**



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

Kashmir is entirely a different issue and Junagadh is a separate issue, legal documents of both have difference. There is need to raise the Junagadh issue at the international level. There are two major differences between Kashmir and Junagadh case, in case of Junagadh, Nawab himself signed the letter of accession with Pakistan and which was also accepted by Quaid-e-Azam Mohammad Ali Jinnah the then Governor General of Pakistan, the legal documentation is complete. In case of Kashmir the letter of accession itself is controversial. So here is the huge difference between the two. In case of Kashmir plebiscite is recommended by UN and that too is because the case is disputed, it is not resolved, there is no legal document available in the case of Junagadh, even the plebiscite which took place there it was conducted by India itself without the consent of UN. It's not necessary that whatever has happened about seventy years back it cannot be retrieved, if you make a very strong case then it can be sorted out.