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Leadership In Muslims

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

Organized by
MUSLIM Institute

MUSLIM Institute organized a Round Table Discussion on “Accession of Junagadh to Pakistan: An Analysis” on Thursday, September 22, 2016 at National Library of Pakistan, Islamabad. The discussion was organized in connection with Junagadh's accession to Pakistan on September 15, 1947. Former Federal Minister for Law Mr. Ahmer Bilal Soofi chaired the session whereas Former Ambassador of Pakistan Aamir Anwar Shadani, His Excellency Nawab of Junagadh Nawab Jahangir Muhammad Khanji (via video link), Chairman MUSLIM Institute Sahibzada Sultan Ahmad Ali, Former Diplomat and Retired Additional Secretary Ministry of Foreign Affairs Ambassador (R) Ishtiaq Hussain Andrabi, Associate Professor, Dept. of Politics & International Relations, Quaid-i-Azam University Dr. Nazir Hussain, Associate Dean Centre for Peace and Conflict Studies, NUST Dr. Tughral Yamin, Associate Professor, Dept of History, Quaid-i-Azam University Dr. Farooq Ahmad Dar and Research Associate, Research Society of International Law (RSIL) Mr. Abeer Mustafa shared their view on the occasion. Researchers, analysts, university students and professors, journalists and lawyers participated in the discussion.



Honorable Speakers expressing their views observed as under:

Historically Junagadh was one of the five hundred and sixty two states in sub-Continent which came under British rule in colonial era. These states were independent in their internal matters whereas defence and foreign affairs were controlled by British rule. Junagadh was fifth largest state with regard to revenue in British India. In the partition plan of 1947, the states were given option to either join the newly established states of Pakistan or India or to remain independent. At that time, Nawab of Junagadh Sir Mahabat Khanji, who was the legitimate ruler of the state, signed the instrument of accession with Pakistan which was approved by constituent assembly of Pakistan on September 15, 1947. The decision of Nawab of Junagadh was carried in consultation with state council of Junagadh which included Muslim as well as Hindu members. Thus after signing the letter of accession, Junagadh became part of Islamic Republic of Pakistan and Pakistani flag was hoisted on state building there.

On 9 November 1947, India occupied Junagadh by intervening militarily. Due to military intervention and their atrocities, a large number of Muslims migrated from Junagadh to Karachi. According to history, Pakistan sent Major K. M. Azhar to Junagadh, where he came across Indian occupied forces. Pakistan could not send heavy military to Junagadh because of limited resources and already confrontation with Indian forces in Kashmir. Occupation of princely states by India was preplanned and in this regard British Viceroy Lord Mountbatten also helped India. Indian occupation on the state of Junagadh unveils the Indian malicious and aggressive intent. It is evidence from Indian's denial to recognize the existence of Pakistan from the very first day of Pakistan's independence. Indian's denial to recognize the existence of Pakistan also emanate from the occupation of Hyderabad Deccan and Kashmir. Indian Prime Minister confessed the role of India in the separation of East Pakistan and such confessional statement also reveals the Indian anti-Pakistan policy.



Pakistan defended the case of Junagarh at the beginning but unfortunately, with the passage of time, this issue got confined to only books. The most alarming fact is that, now it is disappearing even from our literature and the young generation doesn't show proper understanding of this issue. Self-respect and integrity is inevitable for nations in order to play a respectable role in the comity of nations. In this respect,

we have to propagate our legal claim regarding Junagarh as well as the cause of Kashmir. It will help emancipating both the occupied states from the illegal and immoral Indian occupation.

Quaid-i-Azam himself was a Barrister and believed in rule of law. The Nawab's inclination towards Pakistan was also due to the fact that Quaid-i-Azam was giving right to the rulers of princely states to freely decide about future of their states according to law. On the other side India was coercing the rulers into joining India. Lord Mountbatten also forced the states with different tactics to accede with India. It is on the record that Lord Mountbatten said that if he brought basket of states on August 15, Congress would be ready to pay him any price and that's why congress accepted him as Governor General of India.



By comparing Jammu & Kashmir with Junagadh, we observe that in case of Jammu & Kashmir the Maharaja of Kashmir, Hari Singh had left the Srinagar due to public uprising against him and practically had lost the control over the state. Furthermore India has not shown the so called letter of accession. Whereas the Nawab of Junagadh signed the instrument of accession with Pakistan with the consent of state council and handed over to Pakistan.

Letter of accession is a legal instrument which is carried between two states and is valid for accession. This instrument has the status of a 'Treaty' in international law. If we analyze status of Junagadh in the light of International law then it is evident that Junagadh is integral part of Pakistan. Instrument of Accession is Binding Legal Contract between the states and it acts as the legal transfer of title between the state acceding and the state acceded to. It is valid like a Treaty under International Law. According to Vienna Convention on the Law of Treaties, 1969 Article 2: Use of Terms 'Treaty' means an international agreement concluded between states in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. Hence according to law, the Instrument of Accession of Junagadh to Pakistan has following aspects:

1. Is an international agreement
2. Concluded between States

3. In written form
4. Governed by international law
5. In a single instrument

Therefore, all the conditions of a 'Treaty' under International Law are fulfilled. Issue of Junagadh is legally alive until such instrument of accession is intact (intact means, legally intact). According to Article 26 of Vienna Convention on the law of treaties, every treaty in force is binding upon the parties to it and must be performed by them in good faith (Pacta Sunt Servanda).

The agreement of 'Instrument of Accession' between Quaid-e-Azam and Nawab of Junagadh which also bears the signature of Nawab of Junagadh is an important legal instrument and an international treaty which is in complete uniformity with International law. The status of His Excellency Nawab of Junagadh is very unique in international law. In the eye of municipal law and international law, the legal status of Nawab of Junagadh is 'Sovereign in Exile' who has certain rights under international law. That someone who has lost the occupation or possession of his territory but has the legal document and therefore his legal treatment will determine how we treat this case. In simple language of law, we say that, you have Registry but not Possession, so rights exist and such rights are acknowledged in International law. A Sovereign who is on our territory in state of exile, we need to respect him. So keeping this issue legally intact the square of the Junagadh is still visible on the map of Pakistan as a disputed territory.

The instrument of accession of Junagadh with Pakistan is binding on Pakistan and case of Pakistan is very strong legally in this regard. When Junagadh was occupied, Pakistan protested and also approached UN but unfortunately later on didn't persuade this case. Same is the case with Bangladesh where India conspired to separate East Pakistan from Pakistan and made it a separate state. We don't ponder that India from the day first is trying to cut down the territory of Pakistan. Unfortunately we forgot the Junagadh issue and a piece of land was also reserved for the Junagadh House in Islamabad but regrettably there was no follow up on its construction and land mafia grabbed the piece of land. To revive the Junagadh issue after the seventy years of accession of Junagadh to Pakistan we should arrange an international conference on this issue and we should publish detailed study about it. Young generation should be kept aware of this issue which is only possible if its history and details are included in the text books. Junagadh should be included in every map of Pakistan. Pakistan should raise this issue at the international level so that international community is also made aware of it.

Interactive Session



After speakers expressed their views, interactive session was held and speakers answered various questions in detail. Gist of the session is as under:

Junagarh is part of our history but unfortunately we terribly lag behind in highlighting this issue. Our new generation is unaware about the issue of Junagarh despite the fact that Pakistan enjoys legal right on Junagarh. It has been thirty years that our foreign office didn't raise the Junagadh issue. If china can strive for a period of hundred years in order to annex Hong Cong then why can't we. We can rectify this mistake from our history by propagating awareness on this issue. India occupied Junagadh through military intervention. In this military adventure not only vehicles but also tanks were used. Till date both the parties of this document, Nawab of Junagarh and Pakistan maintain their legal status in this case. We should keep on organizing such type of discussions so that we remain aware of what we achieved and what we have lost.

Recommendations

On the basis of discussion and suggestions put forward in the seminar, following recommendations were made:

- Pakistan should raise the issue of Junagarh time and again at international level and particularly it should raise this issue on the forum of United Nations.
- Junagadh and Kashmir issue are separate issues and there is need to deal with both issues separately with due significance and both issues should be raised on United Nations forum.
- Pakistan should constitute a Junagadh committee in parliament of Pakistan responsible for working on this issue.
- The establishment of Junagadh house in Islamabad should be ensured.
- The foreign office of Pakistan should establish Junagadh desk, responsible for devising strategy to ensure that the issue is settled in accordance with the relevant laws.
- Researchers and analysts should work on new dimensions of the issue of Junagadh while keeping in view current international geo-political scenario and support policy makers in fighting this case.
- A comprehensive study of this issue should be included in the text books of Pakistan affairs so that our new generation could grasp facts and figures of this issue.
- Media should play a vibrant role in creating awareness regarding this issue among general public.