

The Illegal Annexation Of Kalat State

The country of Balochistan known as Kalat State was to be found on world maps up until around the year 1900 . Kalat State was bordered to the north by Afghanistan , to the west by Iran , then known as Persia , and to the east by the Kingdom of Sindh which later became part of British India . Kalat State had never been part of Moghul ruled India , it was a separate state of it's own . Kalat State was also never part of British India . All agreements between Kalat State and the British recognised the sovereignty of Kalat State , and the Khan i Kalat was recognised in all such agreements as the *de facto* ruler of Balochistan .

The issue that concerns us here is the illegal annexation , occupation and administration of Kalat State by Pakistan . Rather than go into melodramatics and a wide range of conspiracy theories , it would be best to try and stay within the known facts .

After much bloodshed and misunderstanding between the Baloch and the British , a series of treaties were entered into by both parties . The first was in 1839 , which was later followed by the treaty of 1854 , the final treaty being in 1876 . The treaty of 1876 enabled the British to station troops in Kalat State . However it must be pointed out that the British government never claimed the doctrine of paramountcy was applicable to its relations with Kalat State ; and nor has the Khan i Kalat ever admitted that the powers of paramountcy could be exercised against him and his government . Articles 1, 2 , and 3 from the treaty of 1876 give us an idea of the relationship between Kalat State and the British Government :

Article 1

The treaty concluded between the British Government and Meer Naseer Khan , Khan of Khelat , on the 14th of May 1854 , is hereby renewed and re-affirmed.

Article 2

There shall be perpetual friendship between the British Government and Meer Khodadad Khan, Khan of Kalat , his heirs, and successors .

Article 3

Whilst on his part, Meer Khodadad Khan , Khan of Khelat, binds himself , his heirs, successors, and sirdars, to observe faithfully the provisions of Article 3 of the Treaty of 1854, the British Government on its part engages to respect the Independence of Khelat, and to aid the Khan , in case of need, in the maintenance of a just authority and the protection of his territories from external attack, by such means as the British Government may at the moment deem expedient.

As mentioned previously the treaty of 1876 was the last agreement to be signed with regards to recognition of each others sovereignty between Kalat State and the British Government .

The Government of India Act 1935 had for the first time included Kalat State as an Indian State .This decision was taken without any prior agreement or consultation , and was a totally unilateral decision taken by the British Government of India . The Khan i Kalat after seeking legal advice lodged a protest against the provisions of the Act.In his letter he made the valid legal point that the unilateral decision taken to include Kalat State as an Indian State in the Act was in direct contravention of the 1876 Treaty signed between the British Government and the Kalat Government. In a personal letter to the Khan i Kalat , His Excellency the Crown Representative assured him that such reaffirmation was unnecessary and that his Excellency recognised the treaty of 1876 as fully valid in every respect , and that it would henceforth form the basis of the relations between the British Government and the Kalat State .

In the famous Simla conference in 1945 a series of talks began between Lord Wavell the Viceroy of India and the political leaders of the Indian Congress party and the Muslim League . There was no significant progress in these talks , however the British were duly worried about the worsening situation in the Indian sub continent , they could clearly envisage a situation of spiralling communal violence and a total loss of control . In short the British along with the Allies had just won a devastating war against Germany and Japan , an Indian sub Continent out of control would have been to much to handle . Therefore the British Government was looking at way's of transferring power as quickly as possible back to the people of the Indian sub continent .

Although Kalat wasn't an Indian State as acknowledged by the British , the future of Kalat State was however also on the agenda and inextricably linked with the affairs of India . In this atmosphere of hope and anxiety the Khan i Kalat Mir Ahmed Yar Khan had decided to appoint Muhhamad Ali Jinnah as his legal adviser with regards to the affairs of Kalat State . The Khan i Kalat was adamant that the best policy for Kalat State was to be totally free of the British and British influences . All the legal advice that he had received from his other legal advisers such as I.I. Chundrigar , Sir Sultan Ahmed , Sardar B. K.Memon and Sir Walter Monckton , was excellent and very favourable to the sovereignty and independence of Kalat State . The decision to appoint Jinnah as the legal adviser to Kalat State on the surface appears to be a very good decision . Jinnah had all the right credentials , he was a good lawyer , he was anti British , and we can not escape the trust factor he was a Muslim . The Khan i Kalat being a very religious individual , would have favoured this attribute along with being anti British more than anything else . Jinnah himself in reality didn't live up to any of these attributes , apart from being a good lawyer .

On the surface as already mentioned Jinnah appeared the right choice to handle the affairs of Kalat State . However it must be said that it was defiantly the worst choice any one could make ! There was a direct conflict of interests between the Khan i Kalat and Jinnah . The Khan i Kalat wanted to steer Kalat State into a position of strength and independence, and away from the influences of foreign powers . While Jinnah was the leader of the Muslim League , who wanted to establish a separate homeland for Indian Muslims called Pakistan . Although Jinnah payed lip service to the sovereignty of Kalat State , and expounded all it's virtues and rights on the departure of the British . Kalat State must have dangled before him like an "golden apple" .

Kalat State a large country , rich with natural resources , very sparsely populated , a magnificent coast line , and an important strategic location . Clearly the Khan i Kalat and the Baloch people had everything , while Jinnah had nothing , except the agreement in principle that India would be partitioned to form Pakistan . A Pakistan that no one yet knew how big it would be , and whether it would be an economically viable state or not . So as we can see there is a clear conflict of interests here . In a normal and civilised society , where a lawyer and his client have a conflict of interests , the lawyer is duty bound to decline his services , and to point his potential client to seek legal advise and representation elsewhere . Jinnah of course did nothing of the sort , he used his position as the Khan i Kalats legal adviser to completely undermine the sovereignty of Kalat State , and attempted to make Kalat State part of Pakistan .

With the British announcement that they were leaving , the situation with regards to Kalat State was uncertain . It has never been any great secret that at the time the British entered in to secret negotitaions with the Khan i Kalat , as to the future status of Kalat State . The British were keen to keep strong ties with Kalat State , and they offered to make Kalat State a protectorate , along the same lines as other countries in the Persian Gulf area . We know that apart from Jinnah , other groups had their eye on Kalat State as well , for many it was regarded as " easy pickings " . Even the Ahmadyyia sect had an outrageous plan to take over Kalat State and to establish a Ahmadiyya State . The Ahmadiyya sect kept a close eye on events in Kalat State , the following is from their own sources of information , even though it may not all be entirely accurate :

Mirza Mahmud made no secret of his political motives after his arrival in Pakistan. On 22 July 1948 he visited Baluchistan on a political mission where a secret Independent Baluchistan movement was going on with the British backings. He declared to turn Baluchistan into a Qadiani province so that it could serve as a base for further infiltration into territories of Pakistan.

It may be of interest to know that the Greater Baluchistan Scheme was prepared during the Second World War by pro-Axis elements. Hitler desired to reach India to inflict heavy blow on British Imperialism. After formation of the INA by Babu Subash Bose, Germany strongly felt the need to reach Baluchistan through Iraq and the Persian Gulf.

The plan was prepared in the State of Kalat. A book on Greater Baluchistan Plan was also published. The British confiscated all copies of the book in 1942.

With the end of the Second War, the British took keen interest in Baluchistan affairs for its strategic importance as it could prove a bulwark against Russian expansionism. They encouraged Independent Baluchistan elements. The political Agent of Quetta, D.Y.Fell, and the Congress party were involved in a conspiracy in Baluchistan. Khan of Kalat was assured all British help including recognition of the independent status of the state like that of Nepal. The British troops could station for fifty years as they had been in Egypt. To carry out this plan Col. Sir Jaffery Prior, the A.G.G. of Baluchistan visited Kalat to deliver Lord Mountbatten's message to the Khan. It was proposed that an All Baluchistan Conference should be convened to get support for the Independent Baluchistan Plan. The Khan conveyed the plan to the Quaid. He immediately took up the matter with Mountbatten. Lord Mountbatten sent the following secret message to Jaffery:

?Stop Baluch Conference. Khan Kalat Most untrustworthy.?

At the time of Partition, Khan Kalat again hobnobbed with the British to secure an independent status for Baluchistan. The Shahi Jirga of Baluchistan had already decided to join Pakistan in the end of June 1947 but the question of the merger of Kalat State was still unresolved. On 19 December 1947 the Foreign Minister of Kalat, D.Y.Fell, in reply to a question in Dewan-i-Aam stated that despite all efforts no agreement had been reached with Pakistan regarding the annexation of the State. The agreement related to the future relations between them. The Kalat State proposed to surrender the control of means of communications and foreign affairs to Pakistan but Pakistan insisted on unconditional annexation of the State, and encouraged the rulers of Makran and Lasbella to challenge the sovereignty of Kalat State.

W.Wilcox gives the following version of the annexation of Kalat State: Khan Kalat had employed Englishmen a few days before Pakistan to command his army and serve him as Foreign Minister. On 12 August 1947 *New York Times* reported that 'Pakistan recognised Kalat as an independent sovereign state with the status different from that of the Indian States.' The next day *The Times* printed a map of Kalat and Makran as independent states. On 15 August, the Khan proclaimed Kalat independence. Douglas Fell, the Foreign Minister looked for help from the British to maintain the independent status of the State and the Khan's brother and uncle sought aid from Kabul.

In January 1948 Liaqat Ali Khan met Kalat Defence Minister in Peshawar. The Quaid saw the Khan and other sardars when he travelled to Sibi to address Shahi jirga. On 25 February the Kalat National party sponsored a 'non accession bill' in Awan-i-Aam (Lower House) and Fell left for London in search of support. *Dawn*, Karachi carried the following banner line: 'The Khan of Kalat has direct treaty relations with the British.' Consequently Pakistan decided to move its army into Baluchistan and recognised the accession of Makran, Kharan and Lasbella thereby isolating Kalat from the sea and the Iranian border. Khan of Kalat announced his decision to join Pakistan unconditionally on 27 March 1948.

After the Kalat's accession, Prince Karim a relative of the Khan was dismissed from the Governor-ship of Makran. He escaped to Afghanistan to recruit a tribal army for fighting against Pakistan army. Fell and Anderson supported the rebel leader and got financial support from Khan of Kalat. On 16 June, Karim and other rebels were arrested by the

Pakistan Army. Khan of Kalat in his autobiography calls the Agent to the Governor General, Foreign Minister and Col.S.B.Shah, as black sheep who opposed to the idea of Kalat's merger with Pakistan.

As can be clearly deduced from the above , the Ahmadiyya sect had more than just a passing interest in the affairs of Kalat State .

Talks on making Kalat State a British protectorate were doomed to failure from the start for two reasons . The first being the conflict of interest between the Khan i Kalat and Jinnah . The British politician's in London had different opinions as to the future of India , once the British had left .Lord Mountbatten the last Viceroy of India , was clearly not happy with the idea of partitioning India , Lord Mountbatten along with the prominent members of the Congress party , Mahatma Ghandi and Jawaharlal Nehru were of the opinion that it wouldn't be economically or politically good for India .The Congress party was dead set against the partitioning of India .However the insistence of Jinnah and the Muslim league for the partition of India along religious lines could not be ignored . When Lord Mountbatten's Partition Plan was announced on 3 June 1947 , and finally agreed to by the Congress Party and the Muslim League. Jinnah's' hand was considerably strengthened , Jinnah along with the Muslim League now had their demands met for the creation of a separate Muslim homeland , the only issue left was as to how much territory they would acquire . Under such circumstances , the " golden apple " namely Kalat State could not be let go of so readily .

Jinnah being the legal adviser to the Khan i Kalat drove a wedge between the Khan i Kalat and the British . This suited his purposes nicely , the plan to make Kalat State a British protectorate would never materialise .

The infamous Shahi Jirga which was held on 29 June 1947 has always been a bone of contention . Many still believe that the vote by the Shahi Jirga / Quetta municipality was a conspiracy by the British to get what was known then as British Baluchistan to accede to Pakistan . There was no legal requirement for a plebiscite to be held . Once again Jinnah and the conflict of interests come into play . Any lawyer "worth his salt " would have advised the Khan i Kalat that there was no reason to comply with the British request to hold a vote on this issue . That is if it was requested by the British ? In the Khan i Kalats autobiography titled " inside Baluchistan " , the events of 29 June 1947 are not even mentioned . Many people strongly believe that it was Jinnah who manipulated the situation in order to get a vote held on the future status of British Balochistan . The view point here is that Jinnah had sufficiently panicked the Khan I Kalat into making him think that the British would remain in British Balochistan , therefore always wielding their influence in the region . British Balochistan was the parts of Kalat State that had been handed over to the British for administration purposes along with all rights and privileges , and in perpetuity . In exchange for granting the British these rights , the Khan i Kalat of the day would receive an annual sum to compensate him .

Jinnah began to manipulate the Khan i Kalat and play on his fears , that while the rest of the sub Continent would be free of the British , he the Khan i Kalat would still have the British left on Baloch soil . He argued that the agreement between the Kalat Government and the British regarding British Balochistan was in perpetuity . Therefore it was possible to envisage a situation whereby the British whilst giving up their other territories , would cling on to British Balochistan , simply because of Balochistan's over all unique and important strategic location . The only way to take a first step towards total freedom from this scenario was to hold a plebiscite over the future of British Balochistan . Jinnah had used and played the Khan i Kalat's fears to the maximum . To the trusting Khan i Kalat it seemed like a step into the right direction , but to Jinnah it was clearly just another step in consolidating his control over the whole of Kalat State . He now had what appeared to be a free and fair vote in favour of British Balochistan joining Pakistan . Although the Khan i Kalat raised many objections to the idea of a plebiscite , Jinnah behind the scene was manipulating the situation for it to happen.

The duplicity of Jinnah can be clearly seen here with regards to the plebiscite held on 29 June 1947 . Jinnah had always rejected the idea of holding plebiscites in any Indian State . The majority of Indian States didn't have a majority Muslim population , therefore holding plebiscite's would have had a negative effect on his Territorial ambitions . Even on November 1 ,1947 ,Mountbatten's written proposal for plebiscite in all states "where the ruler of a state does not belong to the community to which the majority of his subjects belong, and where the state has not acceded to that Dominion whose majority community is the same as the state's" (that is, Kashmir, Junagadh and Hyderabad). This proposal of Lord Mountbatten's was rejected out of hand .

Before we continue with the illegal annexation of Kalat State , it should be pointed out here that Jinnah was trying similar tactics with some of the Indian Indian States . In particular he had tried his best to deceive the Nizam of Hyderabad .

The Nizam of Hyderabad had been reluctant to accede to India , and he had consulted with Jinnah over the matter . The Nizam of Hyderabad after weighing up his options demanded to know " to what extent could Mr. Jinnah provide the state with arms and equipment and if necessary , with troops " . In short Jinnah had deceived the Nizam into thinking that Pakistan would be able to help him in the face of military aggression from India .The truth of the matter was that Pakistan could not possibly hope to help the Nizam in any way or offer military assistance . Four days later the Nizam of Hyderabad wrote to the Viceroy , refusing to accede to India . Jinnah had been persuading the Nizam not to accede to India .

The Nizam sent Yamin Zubeiri and another to Jinnah on October 23 to solicit his advice on the draft agreement with India and rejected the draft on their return. Jinnah's denial to Mountbatten on his activities on November 1, when they met in Lahore, was false.

The Nizam's Constitutional Adviser, Walter Monckton, had warned him in September 1947 that he was "entirely mistaken in being led by Jinnah for after all whatever advice Jinnah tendered would always be coloured by that which would be beneficial to Pakistan and not to his [Nizam's] state. He will merely make him [the Nizam] the instrument for achieving something good for Pakistan".

When the Indian subcontinent was partitioned in 1947, the Nizam elected to resume independent status rather than join India. On Nov. 29, 1947, he signed a standstill agreement with India to last one year, and Indian troops were withdrawn. Difficulties persisted, however; the Nizam continued his efforts to assert his autonomy; India insisted that Hyderabad join India; and the Nizam appealed to King George VI of Great Britain. On Sept. 13, 1948, Hyderabad was invaded by India, and within four days Hyderabad's accession to India was achieved.

The Khan i Kalat had been given similar advice from his inner circle as well as the British regarding Jinnah , but the Khan i Kalat was not prepared to listen . This brings us to the second reason as to why plans to make Kalat State a British protectorate were doomed to failure . In hindsight its easy to argue and say that going along with the British was the best positive move for the future of Kalat State . The stumbling block to all of this was the mindset of the Khan i Kalat . Born in Prison in 1902 , having spent most of his time under British tutelage , he had at first hand experienced the good and bad side of British Imperialism . He saw a Balochistan which was deliberately kept backwards , with its people living in darkness . The blame for all of this and his families misfortune were pointed directly at the British . The idea of the British continuing to remain must of had an "allergic" reaction on the Khan i Kalat . Jinnah used all this troubled history and pent up fears ,for his own purposes , namely establishing the State of Pakistan . at any cost .

It is safe to say that had there been a different legal adviser , the chances are that Kalat State wouldn't have been in the mess that it is in today .

Once the 3 June Partition Plan had been announced , and the result from the vote by the Shahi Jirgaa had become known . Jinnah now turned his attention in getting Kalat State to merge with Pakistan .

It is a straight forward fact that the sovereignty and Independence of Kalat State was a simple and straight forward affair , as long as it became a British Protectorate . While Jinnah due to his position as the legal adviser to Kalat was privy to all the communications between the Khan i Kalat and the British , the Khan i Kalat was not privy to the communications between Jinnah and the British . From the British perspective an Independent Kalat State without protection was dangerous . Kalat State was too important strategically to be left unprotected . The State itself was unable to defend itself adequately in the face of aggression from foreign powers . The lingering fear as always was that Kalat State may one day be invaded by the Communist Russians , who would then have a grip on the Persian Gulf and the worlds oil supply . The end of the second World War and the beginning of the Cold War , made possible only two options for those in power . Either Kalat State becomes a British Protectorate or it merges with Pakistan willingly or unwillingly . Jinnah knew this from talks with the British ,however he continued to mislead the Khan i Kalat in to thinking that Kalat State could still have its Independence . His motive as mentioned already was simply Territorial gain for Pakistan . By driving a wedge between the British and Kalat State , the only direction that Kalat State could go in was Pakistan . Jinnah expected Kalat State to fall into his lap ,

much the same way as he expected Kashmir to fall in his lap , both dreams have become nightmares .

On 4 August 1947 a Round Table Conference was held as to the future status of Kalat State . Taking part were Lord Mountbatten , Jinnah , Mr. Liaquat Ali Khan, Chief Minister of Kalat, Sir Sultan Ahmed, The Legal Adviser of Kalat State , and the Khan i Kalat .The following points were agreed upon :

1. Kalat State will be independent on August 15, 1947, enjoying the same status as it originally held in 1838, having friendly relations with its neighbours.

2. In case the relations of Kalat with any future government got strained, Kalat will exercise its right of self-determination, and the British Government should take precautionary measures to help Kalat in the matter as per the Treaties of 1839 and 1841.

3. The Khan of Kalat, mentioning his services and those of the Baloch in the creation of Pakistan , expressed his full confidence in the Quaid-e-Azam and the ?Government of Pakistan? to be established under his leadership.

As a result of the Round Table Conference at Delhi , another agreement was signed on 4th August , 1947 .This agreement was in essence the Standstill Agreement . The points agreed upon were broadcast on 11th August, 1947 , as under :

1. The Government of Pakistan agrees that Kalat is an independent State, being quite different in Status from other States of India, and commits to its relations with the British Government as manifested in several agreements.

2. Legal opinion will be obtained to find out whether Pakistan Government is legally bound by the agreements and treaties that already exist between Kalat and the British Government.

3. Further talks will be held between the nominees of Pakistan and Kalat after obtaining the legal opinion on the above points.

4. In the meantime, a Standstill Agreement will be made between Pakistan and Kalat by which Pakistan shall stand committed to all the responsibilities and agreements signed by Kalat and the British Government from 1839 to 1947 and by this, Pakistan shall be the legal, constitutional and political successor of the British.

5. In order to discuss finally the relations between Kalat and Pakistan on matters of Defence, Foreign Relations and Communications, deliberations will be held in the near future in Karachi.

From the point of view of Baloch Nationalism , the Standstill Agreement is a complete let down . Points 2 , 3 , and 4 , stand out the most . Here was a State which was by cultural , geographic , and legal definitions not an Indian State . Yet Pakistan is being mentioned in the agreement as a possible replacement for the British , pending further legal enquiries . This only endorses what has been said earlier in this article that Jinnah had been manipulating the situation from the beginning , knowing full well what the outcome would be . One has to ask the simple question , since all agreements were between the British Government and Kalat State , why was there a need to sign a Standstill Agreement between Kalat State and Pakistan ?

Many believe that the actual meeting leading up to the signing of the Standstill Agreement was a " wake up call " for the Khan i Kalat .

The comments of Lord Mountbatten after the signing ceremony were as thus , " Mr. Jinnah, i am sure you shall be giving all respect and honour to the Khan i Kalat . This gesture will help to have better relations with Iran and Afghanistan. "

These words must have haunted the Khan i Kalat in later years , for Pakistan to have better relations with its neighbours , especially Iran , then it must crush all Baloch aspirations of an Independent and sovereign Baloch State .

Pakistan finally came into existence on the world map on 14 August 1947 .

The Kalat Government made a formal declaration of independence on 15th August 1947 .

Shortly after the declaration of Independence by the Kalat Government , the Khan i Kalat had sent his Prime Minister and Foreign Minister to Karachi to come to some sort of settlement with regards to the Standstill Agreement made on 11th August 1947 .

To get direct to the point , Jinnah was very persistent in trying to get the Khan to merge Kalat State with Pakistan . The Khan i Kalat in his autobiography doesn't seem averse to the idea of Kalat State merging with Pakistan , this seems very odd !

Earlier in his autobiography he goes to great lengths about creating political awareness among the Baloch , and how the interference of outsiders and their divide and rule policies had led to the decay and social backwardness of Baloch society . Yet in Karachi in October 1947 he was once again giving assurances to Jinnah that he would get the merger of Kalat State to Pakistan .

Subsequently the Khan i Kalat summoned the Dar-UI-Awam and Dar-UI-Umra (the Lower and Upper Houses of State Parliament) . He proposed to the House to accord him with the mandate to go forward with Kalat States Merger with Pakistan . Both Houses accordingly rejected this proposal . Both Houses contented that the merger between Kalat State and Pakistan militated against the spirit of the earlier agreement arrived at between Kalat Government and the spokesmen of Pakistan on the 4th August, 1947 , as also against the Independence Act of 1947 . The decision of the Kalat Parliament was forwarded to the Ministry of Foreign Affairs, Government of Pakistan . However this did not stop Jinnah continuing to harass the Khan i Kalat with regards to the merger . At one point he had asked the Khan i Kalat to sign the merger in his personal capacity . The Khan i Kalat once again gave Jinnah assurances that he would get the merger finalised , however the Khan i Kalat said that in order to get both Houses of the Kalat Parliament to consent to the merger the following conditions must be met :

- 1. No laws will be enacted without the prior consent of the Baloch tribes as might affect their traditional customs and traditions.**
- 2. The presence of all tribal Sardars is necessary at the ceremony of Kalat's merger, if and when it takes place, and the Khan of Kalat and the Quaid-e-Azam should sign the merger documents before them.**
- 3. The Quaid and Government of Pakistan should issue a statement eulogizing the role of the Baloch people in the cause of the historic culmination in the establishment of the sovereign Muslim State of Pakistan .**
- 4. Lastly, the Quaid-e-Azam should personally address the traditional gathering of tribal Sardars, appreciating and acknowledging their sincere services in the cause of Islam and Pakistan .**

Jinnah by this time was old and his health increasingly becoming worse day by day . During the negotiations over Partition his doctor had given him about a year to live , this wasn't known by anyone until after his death , when his medical records became available to the public .

The Khan i Kalat in his autobiography names the Agent to the Governor-General , his Prime Minister, and Col. S.B. Shah as black sheep , who were against the merger of Kalat State with Pakistan . He accuses them of coaxing tribal Sardars to oppose the move for merger ; and at the same time they were causing misunderstandings between him and Jinnah , by telling Jinnah that the Khan i Kalat was avoiding signing the merger between Kalat State and Pakistan . After having given Jinnah his set of proposals for getting the go ahead on the merger , it was planned that they should both meet again to discuss the matter further the following day . The meeting between Jinnah and the Khan i Kalat could not take place on account of the Khan i Kalat's poor health at the time . The following day the harassment however continued , Col. S.B. Shah paid the Khan i Kalat a visit at his camp at Dhadar , knowing full well that the Khan i Kalat was unwell . The Following day the Khan i Kalat received a letter from Col. S.B. Shah confirming that he had come to see the Khan i Kalat at the insistence of Jinnah , and that he had posted Jinnah with the following points :

(a) "That you (i.e., me) have at last acquiesced to merge Kalat State with Pakistan for the benefit of the people of Kalat.

(b)"That you have summoned the Dar-UI-Awam and the Dar-UI-Umra on the 21st of this month, and that you would let us know the decision arrived at by them."

In the end he wrote :

"THE Quaid-e-Azam has instructed me to thank you for this. He was sad to know that you were not well, and that you would inform him about the result of the decision by the end of this month."

**Sd/-
S.B. Shah**

The visit by Col. S.B. Shah at the Khan i Kalat's camp at Dhadar was clearly to get assurances from the Khan i Kalat once again with regards to the merger . However Jinnah's message of expecting a response by the end of the month , sounds more like an ultimatum .

The matter of the merger was now handed over to Jinnah's newly formed cabinet . Although the Khan i Kalat refers to the new cabinet members as inexperienced . They were hand picked by Jinnah , and they must have been given specific instructions by him on how to handle the merger , in this pursuit they were ruthless to say the least .

The Khan i Kalat once again tries to get a mandate for the merger , and he informs the Government of Pakistan of the decision reached thus far :

(i) That my Government will get the merger of Kalat State finalised within 3 months

.

(ii) That in pursuance of Baluch traditions, the Khan-e-Azam will proceed to Karachi along with his advisers to sign the merger documents as soon as these were finally drafted.

The set of events that followed after this make it clear here more than ever that the visit by Col. S.B. Shah and the subsequent letter received from him , with regards to Jinnah's response was clearly an ultimatum , to stretch it a little further without being privy to the actual meeting , it would be safe to say there is an element of an implied threat .

Considering the fact that the Khan i Kalat and Jinnah had known each other personally since 1936 , and had become very firm friends as well as having a working relationship resulting from the affairs of Kalat State . The thought of Jinnah sending Col. S.B. Shah to the Khan i Kalat to enquire about the merger , even though he had been discussing the matter a few day's earlier with the Khan i Kalat himself , shows a ruthless and vindictive side to Jinnah , with scant respect for friendship or loyalty . Jinnah sent a military man to convey his message , simply because he didn't believe that the Khan i Kalat was serious about the merger . The following are a string of events taken from the Khan i Kalat's autobiography as to the actions of the Pakistani Cabinet .

The Pakistan Cabinet began to take a step of illegal measures that still have an continuing effect on Balochistan politics to this day . On the 17th March, 1948 the districts of Kharan , Lasbela and Makran were effectively cut of from Kalat State , and were given equal status with Kalat State . By doing this , the Pakistani Cabinet then proceeded to get a signed merger from the rulers of the three newly formed States . This action by the Pakistani Cabinet was wholly illegal . Makran , Lasbela and Kharan were part and parcel of Kalat State .

This first step taken by the Pakistani Cabinet was condemned not only by the Baloch , but by many countries in the region and elsewhere . The situation began to deteriorate very quickly .On 27th March, 1948 the All-India Radio broadcastted the following news bulletin :

-
-

"... two months ago, the Kalat Government had applied to the Government of India for merger ; but the Indian Government rejected their request on the ground of its geographical position."

The Khan i Kalat dismissed this broadcast as nothing but mischief making . Pandit Jawaharlal Nehru had to give a statement in the Indian legislature , saying that the news broadcast by the All-India Radio " was due to some misunderstanding, for which the Government of India sincerely apologize".

The Khan i Kalat also made available to the press , letters which he had recieved from Pandit Nehru to dispell any suspicions or confusion by the people .

The Khan-e-Kalat seeing a multitude of crisis's appearing on the horizon finally signs the merger

document in his capacity as Khan-e-Azam on the 30th March, 1948 . In his autobiography he confesses that he had exceeded the scope of his mandate .

On the 15th of April , 1948 came a " bolt from the blue. " The Agent to the Governor- General in Baluchistan served an Order upon the Khan-e- Kalat on behalf of Jinnah . The Khan-e-Kalat was relieved of his Khanship . Jinnah decided to maintain a *status quo ante* in Kalat State . Simply put , it means that the position of Kalat State would revert back to what is was during the preceding British rule . A Political Agent was appointed to look after the administration of the State and guide the Chief Minister in all internal affairs . Within 20 hours of these Orders being executed upon the Khan-e-Kalat , several ministers of the Kalat Government were exiled or arrested .

The version of events that have been taken from the Khan-e-Kalat's autobiography are somewhat subdued , and not the whole story . Given the Khan-e-Kalat's own position, it would have been difficult to tell the whole story . At the time that his autobiography went into print, 1975. Iran was at the height of its power , Zulfikar Ali Bhutto was flying high as Pakistan's latest saviour . Anything inviting anti - Pakistani sentiments, or verging towards Baloch Nationalism would have landed the Khan-e-Kalat into very real trouble.

Firstly after the Kalat Government had declared its independence on August 15 , 1947 , the threat of military action by Pakistan to annex Kalat State was a real one .The constant demands from Jinnah to merge Kalat State with Pakistan was becoming tiresome . It must also be mentioned here that Pakistan at the time was a fledgling country , it had already been to war with India over Kashmir , and there is no way it would have annexed Kalat State if it hadn't got the green light from certain foreign powers .

Jinnah had successfully led the Khan-e-Kalat up the proverbial " garden path " , with regards to independence , having then successfully cut him off from the British , he was now anxiously awaiting the Khan's signature on the merger documents . The Khan-e-Kalat on his part clearly saw the grand scheme of Jinnah even though it was a little too late. The Khan-e-Kalat had brought several Englishmen into his government at the time. Douglas Fell was appointed the Foreign Minister of Kalat State. At the time Kalat State was ill equipped to deal with any sort of invasion, its ability to defend itself was practically non existent. Douglas Fell the Foreign Minister was sent early in 1948 to the United Kingdom, to bolster Kalat States Independent status and also to procure arms for Kalat State. The British

Government by this time had, conveniently washed their hands of the situation , and rejected the request for arms.

Once again Kalat State's very important strategic location , its inability to defend itself , and the Khan-e-Kalat's rejection of becoming a British Protectorate , left Kalat State exposed to the whims of Jinnah !

For those who may still have doubts regarding this hypothesis , below is a copy of an letter from the Jawaharlal Nehru archives .The letter is to the Khan-e-Kalat from Jawaharlal Nehru dated 16 June ,1946 . It clearly implies that the British wished to remain in Kalat State, even after giving up all their other territories in the Indian sub continent.

To the Khan of Kalat.

**New Delhi
16 June 1946**

Dear Sir Mir Ahmed Yar Khan,

When I had the pleasure of meeting you in Delhi some months back, you were good enough to discuss various matters concerning the future of Kalat State. These questions are likely to assume some prominence in view of developments in India as a whole and in the States in particular in connection with the proposed Constituent Assembly. Some aspects of this question were considered by the General Council of the All India States People's Conference which met recently in Delhi . We passed a resolution disapproving of the reported move of the British Government to separate Kalat from India. This can only mean the retention of a British imperialist foothold on the frontiers of India. It cannot lead to any greater freedom or development of Kalat State, as you and all of us desire.

I am writing to you, however, more particularly in regard to the ban which was imposed on the Kalat State National Party in 1939 and which continues today. I understand also that public meetings are not allowed and the normal civil liberties are very restricted. You will agree with me, I am sure, that in view of developments in India such a ban is very much out of date and draws unfavourable attention to the internal administration of Kalat State. In January last the Chancellor of the Chamber of Princes declared in the Chamber on behalf of the Princes in India that fundamental rights and civil liberties would be fully honoured in all the States. Since this declaration some changes has taken place in various States. Now with big developments impending all over India, including the States, it becomes even more necessary than before that restrictions on civil liberties be removed. Any such action would bring the ruler more in line with his people and the two together can then co-operatively consider future changes. I trust, therefore, that you will be good enough to remove this ban on the Kalat State National Party and allow it to function normally; also that restrictions on public meetings etc., will be removed.

**Yours sincerely
Jawaharlal Nehru**

Selected Works of Jawaharlal Nehru, A project of the Jawaharlal Nehru memorial foundation. Orient Longman (1972) [pp. 442-443, Vol. XV]

Although the Khan-e-Kalat dismissed the 27th March, 1947, broadcast by All-India Radio as completely untrue and mischievous. Many Indian as well as other researchers still maintain that the Khan-e-Kalat had made overtures to Jawaharlal Nehru and requested to join India. Although there is no evidence of this at present, the idea is not as far fetched as it seems. The Khan-e-Kalat by 1948 must have felt disillusioned with Jinnah's behaviour and false promises, for all the pomp and ceremony the treaty of 1876 with the British meant nothing at the end of the day. Added to this the Standstill Agreement of 4th August, 1947 was nothing but the exchange of one ruler for another.

After the 17th March dismemberment of Kalat State, the pressure on the Khan-e-Kalat to sign the merger documents had been increased. Pakistan's problems over Kashmir and the hostile attitude of Afghanistan towards Pakistan had worsened the situation considerably.

On 27 March Pakistani naval vessels were positioned off the Makran coastline, to back up the facade that Makran and Lasbela were separate States . The Pakistani Army was mobilised , and on 1st April 1948 , the Pakistani army entered the town of Kalat .The Pakistani army then surrounded the Khan-e-Kalat's palace , and cut off all lines of communication to the Khan-e-Kalat, in effect the Khan-e-Kalat had been informed by the Pakistani army that a full scale invasion of Kalat State was taking place . The Kalat Parliament building was fired upon by ground troops as well as by military aircraft. Indiscriminate firing by the Pakistani Army led to an untold number of deaths, and many hundreds were injured. One of the primary targets for the Pakistani army were the members of the Kalat Parliament, and those who had been enlisted to run the State machinery. These individuals had been rounded up within 24 hours. The more vocal among them and the few of British extraction were sent into forced exile, while most of the others were placed under arrest. The Khan-e-Kalat with his family under threat, and chaos all around, was forced to sign the merger documents at gun point. A fake signing ceremony was arranged at a Darbar in Sibi later in April, to make it look legitimate.

The so called merger document is known as the INSTRUMENT OF ACCESSION OF KALAT STATE. The Khan-e-Kalat, states in his autobiography that he signed the necessary documents on 30th March, 1948. The Pakistani army invaded Kalat state on 1st April 1948, in order to get the Khan-e-Kalat to sign the INSTRUMENT OF ACCESSION OF KALAT STATE. To add to this confusion the documents

themselves show that the Khan-e-Kalat signed them on 27th March, 1948, and Jinnah as Governor-General of Pakistan signed and accepted them on 31st March, 1948. Finally there is the debacle of the fake signing ceremony held at the Sibi Darbar later in April 1948.

Below is a copy of the original document, INSTRUMENT OF ACCESSION OF KALAT STATE .

INSTRUMENT OF ACCESSION OF KALAT STATE

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as PAKISTAN, and that the Government of India Act, 1935 shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of Pakistan;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of Pakistan by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I, His Highness Baglar Begi Khan of Kalat (signed) Ruler of *Kalat State* in, the exercise of my sovereignty; in and over my said State DO hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of Pakistan with the intent that the Governor-General of Pakistan, the Dominion Legislature, the Supreme Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only Dominion, exercise in relation to the State of *Kalat* (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of Pakistan on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this My Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of Pakistan on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such

agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of Pakistan.

6. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of Pakistan or to fetter my discretion to enter into arrangements with the Government of Pakistan under any such future constitution.

8. Nothing, in this Instrument affects the continuance of my sovereignty in and over this State, or, Save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 27th March 1948. Nineteen hundred and forty eight

Signed by: His Highness Baglar Begi Khan of Kalat
(Ruler of Kalat State)

I do hereby accept this Instrument of Accession.

Dated this 31st March 1948 Nineteen hundred and forty eight

Signed by: Ma Jinnah
(Governor-General of Pakistan)

The document itself is illegal, and has no real validity. The wording of the document is very strange, and needs to be scrutinized word for word. A good team of international lawyers would be able to rip the validity of this document into pieces. In simple laymen terms here are just a few reasons why the document is illegal.

1) Treaties in international law are binding on the countries signing them, unless they are imposed by force or a country is coerced into signing the agreement by the threat of force. This is reflected in the Vienna Convention on the Law of Treaties, which is regarded as a reflection of customary international law.

2) The merger with Pakistan was rejected by both the upper and lower houses of the Kalat Parliament. The Khan i Kalat didn't have the mandate to sign the merger in the first place. As Head of State he is bound by the rules and the laws of the State, even if force had not been used, he still didn't have a mandate from both the upper and lower Houses of the Kalat Parliament to sign the merger documents.

3) Certain legal points of reference given in the document need clarification. The inclusion of Kalat State as an Indian State, in the Government of India Act, 1935, was quite simply unlawful. As mentioned early on the British never claimed Paramountcy of over Kalat State, and neither did the Khan-e-Kalat or the Kalat Government acknowledge that the British had any powers of Paramountcy over Kalat State. With all that in mind, Kalat State had specific treaty relations with the British Government especially the treaty of 1876, in which the British confirm that they will continue to recognize the independence of Kalat State. The point being raised here is quite simply this, the document known as the INSTRUMENT OF ACCESSION OF KALAT STATE gives the Government Of India Act, 1935 and the Indian Independence Act , 1947 as the legal statutes for validating this merger. Yet from a legal point of view Kalat State was quite clearly never an Indian State, therefore in what way are these two Acts legally applicable to Kalat State?

The sovereignty of Pakistan over Balochistan/Kalat State is an illusion backed up by the reality of the strength of arms and the silence of the international community. Neither the strength of arms or the silence of the international community diminishes in any way the illegality of the situation.

Baloch Nationalists should read the following observations, and come up with their own conclusions.

1) Pakistan has no legal sovereignty over Balochistan. In view of the past and present military operations being carried out in Balochistan, and in the absence of United Nations Peace keeping forces, the Baloch Nation has every right to create its own army and to seek foreign assistance. It is a basic part of the Baloch Nations rights, that they be able to defend themselves in the face of continuing aggression from the Pakistani military.

2) Pakistan has no legal sovereignty over Balochistan. In view of the continuing harassment being meted out to citizens of Balochistan by the Pakistani law enforcement agencies, which has resulted in the false arrests

of thousands of Baloch citizens, many who have suffered , torture , rape , disability, and inevitably loss of life .The Baloch Nation has every right to create its own law enforcement agency. The Baloch law enforcement agency will have the right to question, arrest, detain, and remove from Baloch soil all those who are seeking to undermine Baloch sovereignty.

3) Pakistan has no legal sovereignty over Balochistan. In view of the grand scale theft of Balochistan's natural resources by Pakistan, the Baloch Nation reserves the right to enter into agreements with foreign countries and foreign companies directly. All agreements made by foreign countries and foreign companies with Pakistan, regarding Balochistan's natural resources or the use of its land and its sea ports will be regarded by the Baloch Nation as null and void .