established at that place. The Persian Government on its side, undertakes to permit the British outpost at Padaha to procure (using buckets or waterskins for the purpose) the supply of water which may be necessary for it from the wells or tank situated at or near Mirjawa.

2. The two Governments agree by common consent to abandon the further examination by a special commission of their frontier line in this region which was proposed on behalf of His Britannic Majesty’s Government in Sir A. Hardinge’s note to the Mushir-ed-Dowleh, dated the 6th April 1902, and accepted by His Excellency in his note to Sir A. Hardinge of May 14th, 1902. This frontier shall be regarded as definitely settled in accordance with the agreement of 1896, and no further claim shall be made in respect of it.

3. With a view to the increase of friendly relations, the Persian Government will permit the inhabitants of the frontier villages of Mirjawa, Ladis, and Duzdab to sell supplies, should they be willing to do so (to the annual amount of seven-hundred Tabriz kharvars of grain) to the neighbouring British outposts on the Indian side of the frontier, and will also allow the unrestricted export of fifteen-hundred Tabriz kharvars of grain and fifty Tabriz kharvars of ghee annually from Seistan for the use of the British frontier station of Robat Killa and other stations along the Nushki route. All the exports of grain and ghee will be liable to the payment of the customs duty levied on those of the most favoured nation. It is understood that this provision applies to normal years and that the British Government will not demand the specified export of grain from one of the localities mentioned when such locality can be clearly shown to be suffering from actual famine owing to destruction of its crops by locusts, blight, or other exceptional visitation.

APPENDICES

Done at Tehran on the 13th day of May in the year 1905.

ARTHUR HARDINGE.

SIGNATURE OF THE MUSHIR-ED-DOWLEH.

The undersigned, His Britannic Majesty’s Envoy Extraordinary and Minister Plenipotentiary, hereby declares that in signing the Mirjawa Agreement of the 13th May without reference to His Majesty’s Government of the alterations in the original text introduced in compliance with the telegram from His Majesty the Shah of the 12th May in order not to cause further delay in the withdrawal of the Boundary Commission from Persian territory, he reserves the right of His Majesty’s Government, should it not accept the amendments in question, to withhold its assent to the agreement.

ARTHUR HARDINGE.

Appendix XIV

MEMORANDUM OF THE GOVERNMENT OF KALAT

[Prepared by Sir Sultan Ahmad Khan and presented to the Cabinet Mission by the Quaid-e-Azam.]

1. This memorandum deals with the following cases of the Kalat State:

(i) The future position of Kalat.
(ii) Claims in respect of Las Bela and Kharan.

(iii) Claims in respect of the Marri and Bugti tribes.

I. The Future Position of Kalat

The strategic position of Kalat.

2. The State of Kalat, including the territories under
its suzerainty, is bounded on the north by Afghanistan and
British Baluchistan; on the east by the Provinces of the
Punjab and Sind; on the south by the Arabian Sea; and
on the west by Iran. Kalat, therefore, constitutes an important
buffer State:

(a) between India and Afghanistan; and

(b) between India and Iran.

International trade highways between India and Afghani-
stan and Iran also traverse the territories of the State. Em-
phasising the strategic importance of Kalat, Sir William Mer-
wether wrote as follows in 1869: "It has always been, and
naturally must ever be, as long as the Khan of Kalat remains
a free and independent sovereign, our great object to increase
his influence, and strengthen his power within his country
as much as we can. To relieve him of constant complaints
by us regarding lawless acts committed by certain refractory
portions of his subjects would doubtless be in some respect
satisfactory; but when that end is only to be gained by so
public an acknowledgment of his weakness, one so likely
to have the worst effect on the remainder of his subjects, his
wisdom in accepting such relief would be most questionable,
and for us to recommend it, would be abandoning the policy
we know to be right and most sound, the whole subject of the

in 1854 (Annexure A—annexed), the main features of which were as follows:

(i) The provision in the previous treaty regarding any kind of understandings with the King of Afghanistan was deleted.

(ii) The treaty provided for perpetual friendship between the British Government and the Khan of Kalat.

(iii) It prohibited negotiations with other States without the consent of the British Government.

(iv) It bound the Khan and his heirs and successors "to oppose to the utmost all the enemies of the British Government, and to prevent all plundering and other outrages by his subjects."

(v) The British Government agreed to pay to the Khan, his heirs and successors an annual subsidy of fifty thousand rupees for the due fulfilment of the Khan's obligations.

The Treaty position of Kalat.

4. The present relations between the State and the British Government are governed by the Treaty of 1876 (Annexure B—annexed) which was concluded "to draw closer the bonds of friendship and amity between the two Governments". This treaty renews and reaffirms the Treaty of 1854 and imposes the following obligations on the British Government:

(i) the obligations to respect the independence of Kalat;

(ii) the obligation to aid the Khan, in case of need, in the maintenance of his just authority; and

(iii) the obligation to protect the territories of the Khan from external attack.

The Khan of Kalat, on his part, undertakes:

(i) to oppose to the utmost all the enemies of the British Government;

(ii) to act in subordinate co-operation with the British Government; and

(iii) to submit to the arbitration of the British Government any dispute with the Sirdars of Kalat, calculated to disturb the peace of the country.

The undertakings of the Khan under this Treaty do not affect the sovereign status of Kalat, for it is generally admitted that "the sovereignty of the State does not preclude the assumption of obligations, by treaty or otherwise, or the existence of a servitude upon the territory of one State for the benefit of another. Nor is it incompatible with the payment of tribute, where such payment is made, as to the Barbary powers prior to 1830, not as a sign of dependence, but as the price of an advantage gained or peril avoided."*

The same view has been strongly affirmed by the Permanent Court of International Justice: "The Court declines to see in the conclusion of any treaty by which a State undertakes to perform or refrain from performing a particular act an abandonment of its sovereignty. No doubt any convention creating an obligation of this kind places a restriction upon the exercise of the sovereign rights of the States in the sense that

it requires them to be exercised in a certain way. But the right of entering into international engagement is an attribute of State sovereignty."** As Calvo points out, the transitory obedience which a State pays to the directions of another government, or the exterior influence to which it may eventually have to submit, does not detract from the sovereignty of such State. Thus, for instance, the City of Cracow was recognized by the Congress of Vienna in 1815 as a Free State, independent and neutral, under the protection of Russia, Austria, and Prussia. Notwithstanding the powerful influence which these three powers were thus called upon to exercise over the Free State of Cracow, it did not cease to be considered as an independent nation in its international relations till 1846 when it was annexed to the Empire of Austria.** It would, therefore, be evident from these authoritative statements that there is nothing in the Treaty of 1876 which could negative the claim of the Government of Kalat that the Khanate is a sovereign and independent State from the standpoint of internal sovereignty. The treaty, however, imposes an important restriction on the external authority of the State. It specifically provides that the Khan of Kalat shall not enter into any negotiations with other States without the consent of British Government, the usual friendly correspondence with neighbours being continued as before. The question, therefore, arises, does the Treaty of 1876 establish a protectorate over the State of Kalat in view of this prohibition on international negotiations? It is no doubt true, as Wilhelm asserts, that the abandonment of external sovereignty is an essential element of protectorates. *** This does not, however, mean that the converse is equally true. The mere fact that a State has surrendered certain rights of external sovereignty to another State, does not necessarily imply that the juristic nexus of a protectorate has been set up between the two States. The Treaty of 1876 does not, therefore, create protectorate over Kalat but purports to establish an offensive and defensive alliance between Kalat and the British Government. Therefore, the position of Kalat is not analogous to that of a protected State of India but rather approximates to that of the South African Republic under the Convention of 1884, Article 4 of which provided that the South African Republic would conclude no treaty or engagement with any other State or nation other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic until the same has been approved by Her Majesty the Queen. The status of Kalat is also similar to that of Cuba, which, although a member of the United Nations, has, by virtue of what is known as the Platt Amendment, no authority to conclude with any foreign power or powers without the permission of the United States of America any treaty or pact which restricts or tends to restrict the independence of Cuba, or authorises or permits any foreign power or powers to secure any base or jurisdiction in any portion of Cuba for the purpose of colonization or for naval or military purposes or for any other purpose.

**Consequences of the transference of power in British India.**

5. On the transference of power in British India, the subsisting treaties between the Khan of Kalat and the British Government will come to an end, and whatever obligations have been imposed on the Khan by these treaties will ipso facto terminate. The consequence will be that the State of Kalat will become fully sovereign and independent in respect of both external and internal matters, and will be free to

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*Advisory Opinions of the Permanent Court of International Justice, Series B, p. 21.
***Wilhelm, Théorie Juridique des Protectorats, p. 205.
conclude treaties with any other Government or State. The Khan of Kalat and his people are most anxious that the completely independent Status, which will emerge as a result of the transference of power in British India, should continue, and the State of Kalat should not be asked to come within the framework of the proposed Indian Union.

Reasons for the continuance of independent status.
The people of Kalat not akin to the people of India.

6. Several strong and weighty reasons have persuaded the Khan and his peoples to adopt this attitude. In the first place, ethnographically, the people of Kalat and of the territories under its suzerainty, have no affinities with the people of India. The Ruling Family of Kalat is of Arab origin, and not, as usually stated, of Brahuic extraction. They belong to the Ahmadzai branch of the Mirwari clan, which originally emigrated from Oman to the Kolwa Valley of Makran. Apart from the Brahuics, all the important and influential tribes are also of non-Indian origin. The Marri and Bugti tribes, who occupy the most southern buttresses of the Sulaiman Mountains, are Rind Baluchis, almost certainly of Arab extraction. They came to Sind either with Arab conquerors, or after them, and remained there mixed up with the original Hindu inhabitants. The Arab type of Baluch extends through the whole country at intervals, and includes the finest and best of Baluch humanity. Equally scattered through the whole country and almost everywhere recognizable, is the underlying Iranian population (Tajik), which is sometimes represented by a locally dominant tribe, but more frequently by the agriculturists, who extend all through Makran and are known as Dehwar and Durzadas. There are also the Naushirwanis, a purely Iranian race, who passed into Baluchistan within historic times, and inhabit mostly the Kharan Desert and Mashkel. The Brahuis, who are spread through southern Baluchistan as well as the eastern hills and preponderate in number, are the only tribes which are said to have descended from the Dravidian races but have at present nothing in common with the people of India having been deprived for centuries of all intercourse with them.

The Baluchi language has no affinity with any Indian language.

7. From the point of view of language, there is very little affinity between India and Kalat. The Baluchi language belongs to the Iranian branch of the Indo-European family. It is divided into two main dialects which are separated by the belt of Brahui speakers who occupy the Sarawan and Jalawan hills and Las Bela. The Baluchi spoken on the west of Kalat, which is also called Makrani, is more largely impregnated with Persian words and expressions than the eastem dialect. In the latter the words in use for common objects and acts are nearly all pure Baluchi, the remainder of the language being borrowed from Persian, Sindhi and Punjabi. The Brahui is said to be a Dravidian language but has no affinity with any Indian language except the Gond dialect in Central India.

Geographically, Kalat not a part of India.

8. Geographically Kalat does not fall within the territorial limits of India. On the north, it is separated from India by the massive barrier of the southern buttresses of the Sulaiman Mountains. On the south, there is the long extension from Kalat of the inconceivably wild highland country which faces the desert of Sind, the foot of which forms the Indian frontier. This is the land of the Brahui, and the flat wall of its frontier limestone barrier is one of the most remarkable features in the configuration of the whole line of
Indian borderland. For the first sixty miles from sea, near Karachi, the Hab River is the boundary, and here across the enclosing desolation of outcropping ridges and intervening sands, a road may be found into Makran, but from the point where the boundary leaves the Hab to follow the Kirthar Range, not a break occurs save one, in one hundred and fifty miles of solid rockwall, rising many thousands of feet straight from the sandy plains of India. The only break only leads into a mass of impregnable hills. The only gateway to these inaccessible territories of the State is a space of flat, alluvial desert which forms a sort of inlet striking into the Baluchistan mountain system.

Historically, Kalat never a part of India.

9. Historically, Kalat has never been a part of India. Of the early history of the State little or nothing is known. The first distinct account which we have is from Arrian, who narrates the march of Alexander through this region. In the eighth century, the country was traversed by an army of the Caliphate. The present dynasty was founded by Kambars, a leader of the mountain tribes. After various successes, the Kambarsians in length possessed themselves of the sovereignty of a considerable portion of the fruitful plain of Gandava. It was about this time that Nadir Shah advanced from Persia to the invasion of Hindustan, and the Khan of Kalat, who helped the Shah with men and money, was by a firman appointed "Beglar Begi" (Prince of Princes) of all Baluchistan. On the death of Nadir Shah, the Khan of Kalat acknowledged the title of the King of Kabul, Ahmed Shah Durani. In 1758, however, the Khan declared himself entirely independent, upon which Ahmed Shah dispatched a force against him under one of his ministers. This expedition terminated in a treaty of peace, by which the Khan agreed to furnish troops to assist the Kabul armies, and the Afghan King, in return, agreed to pay him a cash allowance. From that time till 1839, when the British army advanced through the Bolan Pass to Afghanistan, Kalat was completely independent owing no allegiance to any authority in India or elsewhere.

Kalat not an Indian State.

10. Kalat is not an Indian State and has never been assimilated to the position of an Indian State. The British Government has never claimed that the doctrine of paramountcy was applicable to its relations with Kalat; nor has the Khan ever admitted that the powers of paramountcy could be exercised against him and his government. On the contrary, several representatives of the British Government have described Kalat as a sovereign and independent State. In 1872 Sir W.L. Merewether, who was in charge of the British Government's relations with Kalat, wrote as follows: "There cannot, in my opinion, be the least doubt of the course which should be followed with regard to Khelat, or Beluchistan as it should be correctly termed. His Highness the Khan is de facto and de jure Ruler of that country. We have treaty engagements with him under which he is bound to keep his subjects from injuring British territory or people, to protect trade, etc. But the treaty is with him as ruler only, and under none of the engagements are we called upon to enter directly into the manner in which he carries on his government." The same view was held by Sir Bartle Frere, another recognised British authority on Kalat. Dealing with the question of the policy of the British Government vis-a-vis Kalat, Sir Bartle Frere wrote as follows in 1876: "It was a cardinal rule to attempt no disintegration of the Khan of

Khelat's sovereignty, whether nominal or real, over the Belooch tribes, but rather by every means in our power to uphold his authority. The Khan was regarded as our independent ally, free to act as he pleased in internal affairs, but externally subordinate to the English Government in all that could affect anything beyond his own border. We dealt with Khelat as far as possible as we would with Belgium or Switzerland.** This policy was insisted upon by the Government of India against the wishes of the local officers even during the years of anarchy and discord which prevailed in Khelat till the conclusion of the Treaty of 1876. There was also no attempt on the part of the Government of India to exercise any powers of paramountcy; on the contrary, they did not even avail themselves of the authority delegated to them under the treaties, apart from suspending the payment of the annual subsidy. Lord Salisbury, the then Secretary of State for India, while approving of the policy adopted by the Government of India wrote as follows to the Governor-General-in-Council: "Armed intervention would appear an unfriendly act towards a State with which our relations have, until recently been cordial, while it would probably entail a prolonged occupation of the country, and might involve ulterior results of a serious kind in other quarters. . . . His Majesty's Government trust that an early opportunity may be taken of again placing the relations between the Government of India and the Khan of Khelat on the friendly footing provided for by the Treaty of 1854, and thereby re-establish a position of affairs desirable in the interests of the British Government, and essential to the continued existence of Khelat as an independent State."***

* Vide Baluchistan No. 3. Paper relating to the Re-organization of the Western and North-Western Frontier of India. p. 13, para 1 and p. 15, para 9.
** Vide Baluchistan No 1. Papers relating to the affairs of Khelat, p. 530.

APPENDICES

It is, no doubt true, that the Government of India Act, 1935, treats Kalat as an Indian State and provides representation for it in the Federal Legislature, but the State was never consulted in the drafting of this Act, nor was it a party to it in any manner. The territories of Kalat State being outside the limits of the legislative authority of the British Parliament, the Act could not be held binding on the State. Nevertheless, the Khan of Kalat lodged a protest against the provisions of the Act which he considered to be an infringement of his treaty and asked for a formal reaffirmation of the Treaty of 1876. In the personal letter to His Highness, 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.

Views of the Government of Kalat regarding the future position of the State.

11. In view of the foregoing considerations, the Government of Kalat maintain, and they are supported in this by the unanimous will of the subjects of the State—

(a) that the Kalat State is an independent sovereign State whose relations with the British Government are governed by the Treaty of 1876;

(b) that its Indian associations are merely due to its connections with the British Government;

(c) that Kalat being an independent State, the Khan, his Government, and his people can never agree to
Kalat being included in any form of Indian Union; and

(d) that with the termination of the treaty with the British Government, the Kalat State will revert to its pre-treaty position of complete independence, and will be free to choose its own course for the future.

The Khan and his Government are, however, anxious to continue friendly and amicable relations with India, and will always be glad to enter into an alliance with any Government which succeed the British Government in India on the basis of strictest reciprocity and mutual recognition of independence.

II. Claims in respect of Las Bela and Kharan

Origin of the chiefship of Las Bela.

12. British authorities in India have recognised the fact that the Khan of Kalat is “the sovereign of Baluchistan”. “Facing the Sind border”, wrote Sir William Merewether in 1876, “there is but one country, presided over by one Ruler, the Khan, to whom all the chiefs of the various tribes within it owe allegiance.”* One of these chief(s) is the Jam of Las Bela who has been a feudatory of the Khan of Kalat and whose territory has been an integral part of the Kalat State ever since the foundation of the present family of Las Bela. It was in 1742 that Jam Ali, Sirdar of the Jamot tribe, sought the assistance of the Khan of Kalat in conquering the territ-

*See letter No. 349 dated 5th April, 1872, from Sir W. L. Merewether to the Governor and President in Council, Bombay, Baluchistan No. 1, Papers relating to the affairs of Kalat, 1877. See also report of Sir W. Merewether dated 30th September, 1876, Baluchistan No. 3, Reorganization of Western and North-Western Frontier of India, 1878.

ories comprised in the principality of Las Bela. The Khan despatched a strong force of Brahuis, and with the assistance of this force Jam Ali succeeded in establishing his authority, and was allowed by the Khan of Kalat to retain the territories on the condition of military service and on payment of one-half share of the revenues.

The Khan of Kalat and the Jam of Las Bela.

13. Jam Mir Khan-I succeeded to the chiefship in 1776; and married the daughter of the Khan of Kalat, who thereupon conferred upon him the other half of the revenue of Las Bela which had been realised by the Khan of Kalat since 1742. Las Bela, however, continued to be under the sovereignty of the Khan of Kalat, and the Jam was under the obligation to bring 4,500 men into the field in time of war. This position was accepted by the British Government in the treaty of 1839, Article (1) of which read as follows: “As Nasir Khan and his descendants, as well as his tribe and sons, held possession of the country of Kalat, Kachhi Khorstan, Makran, Kej, Bela and the port of Soumiani in the time of the lamented Ahmad Shah Durani they will in future be masters of their country in the same manner.”

Rebellions of the Jam of Las Bela.

14. In 1830, Jam Mir Khan-II succeeded to the chiefship of Las Bela. He married the Khan of Kalat’s sister, but this did not prevent him from aspiring to the Khanate, and he joined forces with the chiefs of Jhalawar and with Azad Khan of Kharan in three rebellions against the State of Kalat. In this he was encouraged by the action of the local British officers who in 1861 entered into a direct engagement with him regarding the protection of the Indo-Persian Telegraph line, although the Jam had been recognised
by the British Government to be a feudatory of the Khan of Kalat. Sir William Merewether, the Commissioner in Sind, did not hesitate to bring this point to the notice of the authorities. In his report on the administration of the Frontier Districts of Sind, dated the 30th September, 1876, he said: "In general, as before stated, all transactions with any people, chiefs or others belonging to the Khelat State, were conducted through the Political Superintendent of the Frontier of Upper Sind and the Khan; but in one instance, this course was not followed, and it may be considered certain that the deviation from so manifestly sound a plan had a baneful effect. The ignoring of the Khan and his position, which took place, and the danger of lessening the Khan’s power by so doing, was pointed out by the Political Superintendent at the time; but he was overruled by the Commissioner in Sind. The case was the establishment of the Telegraph line along the Mekran coast to the Persian Gulf. . . . . Although as a chief the Jam was subject to the Khan of Khelat, an engagement was entered into with him direct. . . . . The chief had always been a bad subject, repeatedly creating disturbances, and breaking out in rebellion against the Khan; and this direct recognition of apparent independence of the Khan may well be understood to have given him encouragement in his refractory demeanour towards his sovereign."* 

15. The first of these rebellions took place in July 1865. The Jam was, however, defeated by the Khan’s troops and taken prisoner. He was pardoned by the Khan and restored to liberty, but proceeded to organise another rebellion towards the close of 1868, Azad Khan of Kharan lending countenance to the movement. Negotiations were resorted to, and the rebels returned home for a time with their forces, but were soon after again in open rebellion which was, however, unsuccessful, and the Jam ultimately craved forgiveness which was again extended to him. In 1869, the Jam was again in rebellion, but suffered a crushing defeat at the hands of the Khan’s troops and fled to Karachi with his family. He was granted an asylum by the British Government on agreeing to dismiss all his armed followers, to reside at any place fixed by the British Government, and to abstain, while residing in British territory, from taking part in the affairs of the Khan of Kalat or of his old possession.

Expulsion of the Jam and administration of Las Bela by the Khan of Kalat.

16. On the expulsion of the Jam from his territories, the British Government held the Khan of Kalat responsible for administration of Las Bela and repeatedly pressed upon him the necessity of deputing his agent to occupy the territories and to administer them. In January 1872, the British Commissioner in Sind wrote to the Khan that "in the province of Jalawan insurgents have taken possession of Lus Bayla, and Your Highness’ officials have failed to restore your authority". The Khan was again addressed as follows on the 22nd April, 1873: "I would call Your Highness’s attention to the urgent necessity which exists for early arrangements being made for the purpose of the administration of the rich district of Bayla, now for so many months left without any official to represent or maintain your authority. This is required in justice to your subjects there, but it will likewise tend greatly to your advantage in the largely increased revenue that will come into your Treasury." On the 3rd May, 1873, the Commissioner in Sind thus reported the matter to the Governor of Bombay: "The district of Lus Beyla had been without

*Baluchistan, No. 3, p. 33.
a governor for more than a year ever since the Shahgassee Goolam Jan had been forced to fly from it through the treachery of the regular troops. The Khan was constantly urged by Major Harrison last summer, after tranquillity had been restored, to send some suitable person to represent him in this important part of his kingdom; but he would decide nothing then, and has not been able to make up his mind since... There is no one actually in opposition to the Khan and his authority except Ali Khan Jamote, and he is a very petty chief, with but a small following......The state of Lus Beyla was such as to cause considerable anxiety and to make it necessary to urge on the Khan the necessity of taking early steps to introduce proper rule there once more. The Roonjahs, one of the principal tribes in Beyla, and some others had themselves petitioned the Khan to send a governor without delay, whom they would receive well and gladly obey.”* Indeed, one of the complaints lodged by the Government of India in 1873 against the King was “his neglect to make arrangements for the good government of Lus Beyla and the suppression of the outrages committed on British traders passing through the country”. This attitude of the British Government was clearly in accord with the legal rights and obligations of the Khanate of Kalat vis-a-vis the district of Lus Beyla”, and was finally accepted by the Khan who arranged to take over the administration.

17. The Khan’s authority in and over Las Bela was also recognised by the British Government when the ex-Jam of Las Bela was not permitted to return to Kalat without the previous concurrence of the Khan. In his letter No. 1250-P, dated Simla, 4th June, 1872 the Foreign Secretary to the Government of India informed the Government of Bombay that “the Jam of Lus Beyla should be told distinctly that his return to Khelat will not be permitted, except at the request of the Khan”.

Submission of the Jam to the authority of the Khan of Kalat.

18. On the 13th July, 1876, at the reception held at Mastung by the British representative for the Khan of Kalat and the Sirdars of Sarawan and Jalawan. “Mir Jam Ali Khan and Sirdar Moolah Mohomed on behalf of the Sirdars replied to His Highness. They assured him that they would be loyal and true to him: that they trusted to deserve his favour and kindness, and would in every way attend to the rules and precedents necessary to be observed by all the Sirdars of the Khelat State in their dealings with their Khan.”* In July, 1876, the terms of peace were arranged by the British representative “between His Highness the Khan of Khelat, Mir Khodadad Khan, and Mir Jam Ali of Lus Beyla, acting for his father, Jam Mir Khan, and the Brahoee Sirdars of Belloochistan”. Article 2 of this Convention read as follows:— “We, the Sarawan and Jalawan Sirdars, do announce our submission and allegiance to His Highness Mir Khodadad Khan, Khan of Khelat, which we make in accordance with our ancient rights and privileges, and having promised for the future to treat us with every kindness and consideration, provided we continue loyal and faithful to the Khelat Government according to old State usage.” This convention also provided for the release of the ex-Jam of Las Bela. Article 4, which dealt with this matter, ran as follows: “We, Mir Jam Ali Khan, son of Jam Mir Khan, and the Sarawan and Jalawan Sirdars having made public submission to His Highness

* See Kalat Diary for the week ending 14th July, 1876. Baluchistan, No. 2, p. 224.
according to precedent and ancient custom, and having presented the Khan with a petition asking His Highness to intercede with the British Government for the release of Jam Mir Khan, now in confinement in British territory, and His Highness the Khan having received the petition and having granted it; His Highness forwarded it under cover of a letter from himself to Major Sandeman, asking that officer to send both to the British Government with a view to Jam Mir Khan being released. This wish we repeat in this record for the consideration of the British Government. The British Government acceded to this request but, inter alia, laid down the following conditions:

(i) that the Jam accepts the Khan’s suzerainty in accordance with ancient usage;

(ii) that he accepts and abides by all the conditions of reconciliation which his son, the acting Jam, agreed to on his behalf at Mastung in July 1876; and

(iii) agrees to accept as binding on himself and his successors all the terms of the engagement executed between the British and Kalat Governments on behalf of their respective subjects and officers, so far as those terms may in any wise affect or be applicable to him.

19. It is true that the British Government have for sometime, on grounds solely of administrative convenience been dealing direct with Las Bela and treating it, more or less, as a feudatory state under the suzerainty of the Khan of Kalat, but the Khan has never been consulted about any such arrangement, nor has he consented to it, and his rights and powers in respect of Bela, therefore, remain the same as they were in 1876.

The rights and powers of the Khan of Kalat in respect of Las Bela.

20. From the foregoing account the following conclusions may be drawn:

(i) that Las Bela has been considered to be a district of Kalat State within the province of Jalawan and is, therefore, a part of territories of Kalat;

(ii) that since the Jam of Las Bela is one of the Jalawan Sirdars of Kalat and takes his seat in the Darbars of the Khan of Kalat, the Jam is a subject of the Kalat State;

(iii) that the people of Las Bela are subjects of the Kalat State;

(iv) that the Khan of Kalat is responsible for the peace and tranquillity of Las Bela, and has, therefore, ultimate authority in respect of administration therein; and

(v) that the Jam of Las Bela exercises in Las Bela certain powers of internal autonomy, subject to the authority of the Khan of Kalat.

The chieftship of Kharan.

21. Kharan is another chieftship within the territorial limits of Baluchistan of which the Khan of Kalat has been recognised by the British Government as the sovereign. “It is not until the end of the seventeenth century that Kharan, or rather its ruling chiefs, emerged into the clearer light
of ascertained history. From this time forward we find all
power centred in the small family of Nausherwanis, who,
thoough to this day they do not number more than nine families,
have guided the fortunes of the miscellaneous medley of
groups into which the population of Kharan is distributed.
Proud, bold, able and unscrupulous, despotic themselves but
intolerant of despotism in others, recognising might as the
only right, intriguing and resourceful, preferring allegiance
when compelled, giving fitful service to the adjacent countries
of Persia, Afghanistan or Kalat, according to which was
then the predominant power.”*

Relations between Kalat and Kharan.

22. It is about 1730 that Kharan is mentioned for the
first time in connection with Kalat. This was on the occasion
of Nadir Shah's invasion of Afghanistan, and Purdil Khan,
the chief of Kharan, is said to have been summoned by
Nadir Shah through the Khan of Kalat, presumably because
the chief was under the Khan’s sovereignty. But it was not
till after 1751 that Kharan was completely brought under
the control and power of the Khan of Kalat during the reign
of Nasir Khan-I. Pottinger states that Kharan had prac-
tically become independent of Kalat some six years previous
to his visit in 1810. This does not, however, appear to be
correct, as during the subsequent reign, it was the Khan
of Kalat who intervened to effect a reconciliation between
the chief of Kharan and his people. It would, therefore,
appear that Kharan continued to be under the sovereignty
of Kalat until the succession of Azad Khan to the chiefship
between the years 1831 and 1838. “Azad Khan’s energy and
policy was mainly directed to achieve the virtual independencce
of Kharan, and, though strictly speaking a feudatory of

Kalat, he only acknowledged the Khan’s authority when
compelled, whilst his homage to Afghanistan was more
professional than reality.”* He did his utmost to foment
troubles between the Khan of Kalat and the Brahui chiefs,
and was mainly responsible for the repeated attempts made
by the chiefs to throw off the Khan’s Authority. Writing in
1870, the British Commissioner in Sind pointed out that
“even during the late Khan’s reign, and incessantly from the
commencement of that of the present one, there have been
elements of disorder always at hand in the shape of the
ambitious projects of Azad Khan of Kharan and of the Jam
of Beyla”.

Acknowledgements of the authority of the Khan of Kalat.

23. In 1870, efforts were made by Sirdar Moolla
Mohamed of Sarawan to bring about a settlement between
Azad Khan and the Khan of Kalat, and the terms offered
by him on behalf of Azad Khan, although rejected by the
Khan, contained a clear and specific admission that Azad
Khan was a subject of the Khan of Kalat. The terms ran
as follows: “All inams and Jagheers in Sarawan and Jalawan
granted to Sirdars Noordeen and Azad Khan Nowshera-
whee, according to Sunnads under the seals of His Highness
the late Meer Mahomed Nuseer Khan and Meer Khodadad
Khan, are to be wholly restored. Sirdar Moolla Mahomed
agreed that he absolved His Highness the Khan of all res-
ponsibility on account of loss to person and property in
Sarawan and Jalawan. That if from this day, Friday the
10th of Ramzan, any of the Brahoos did any ill or any
act of hostility in the territory of His Highness the Khan,
he would be given in charge of Moolla Mahomed Vakeel
to be punished in any way I liked. That whatever misedeeds

* See Baluchistan District Gazetteer, Kharan, p. 31.

* Baluchistan District Gazetteer, Kharan, p. 37.
Sirdars Noordeen and Azad Khan have committed are forgiven, and the same would not be done in future. That His Highness the Khan was the sovereign and they the subjects."* The terms communicated by Nawab Mahomed Khan to the British Agent at Kalat also contained an unequivocal admission of the authority of the Khan of Kalat over Kharan. It was stated inter alia that "no notice is to be taken of the former rebellions caused by the Sirdars Noordeen and Azad Khan, and that for the future they will take no part in any disturbance for this reason that His Highness is by ancient descent king of the country. In future we will, as in former years, always do his service and never be guilty of any disobedience." In 1872, Azad Khan of Kharan addressed a letter to the eldest son of the Khan of Kalat clearly admitting his subordination to the Khan. He said: "Your father is the Khan of Beloochistan, and he is responsible for good and evil that occurs in his country. Well, your father sent a force against me at Kharan and took away my people and slaves, the former he released but detained the latter. A governor of a country fights in every possible way, but does not make slaves of defeated people. Your father has acted in this way."

The Punjurg Settlement.

24. In 1883, as a result of the intervention of the British representative, a settlement was effected between the Khan and the chief of Kharan. Under this settlement Azad Khan acknowledged the supremacy of the Khan of Kalat and was recognized as one of the Sarawan Sirdars of the Kalat State.

Later on, as in the case of Las Bela, the British authorities started treating Kharan also more or less as a feudatory

* Beluchistan, No. 1, p. 118a.
and de jure Ruler" clearly and unmistakably proves that the British Government accepted the title of the Khan to these territories.

(ii) Admissions on the part of the chief of Las Bela and Kharan of the authority of the Khan of Kalat. Such words as "subjects", "allegiance" and "by ancient descent king of the country" found in these admissions conclusively prove the claim of the Khan of Kalat.

(iii) De facto exercise of sovereignty within these territories, or, to use the words of the Permanent Court of International Justice in the Eastern Greenland case, "the display of sovereignty" and "the manifestation of the State activity". Such "display" to be found in the taking over the administration of Las Bela by the Khan of Kalat and the confiscation of the grants made in favour of the chief of Kharan. It is also to be found in the fact that the chiefs are allotted seats in the Darbars of the Khan.

Policy of the British Government regarding Kalat and the chiefs under its sovereignty.

27. The policy of the British Government regarding Kalat in relation to the chiefs under its sovereignty was outlined by the British Commissioner in Sind in his letter of the 1st May, 1869, to the Political Superintendent: "The Policy I would wish you to follow is that of friendly counsel to His Highness the Khan as the sole person in Beluchistan with whom we have any right or reason to communicate. That we are in no way entitled to interfere directly between him and his nobles and subjects; and to carry out this policy fairly and justly, it is above all things most important that it should in no way be shown that we are meddling in the affairs of the country by identifying ourselves openly in the cause of those who are acting in opposition to him." The Commissioner was equally emphatic in his letter of the 5th April, 1872 to the Governor of Bombay. He said: "There cannot, in my opinion, be the least doubt what course should be followed with regard to Beloochistan, as it should be correctly termed. His Highness the Khan is de facto and de jure Ruler of that country . . . . The chiefs must be made to understand that the Khan is regarded as their sovereign, and to him alone must they look for benefits to be conferred, grievances to be redressed; to feel that their interests and his are identical, and that anything that reduces his power or influence reflects injuriously on them; and to rest assured that acts of rebellion, such as they have hitherto engaged in on such improper and frivolous grounds, cannot and will not receive any countenance whatever from the British Government. They have hitherto been labouring under delusions; but now they should be informed that any repetition of such acts as they have committed will at once, and for ever, forfeit for them the favour of the British Government, as it will assuredly the approbation of all goodmen."** In his Minute of 10th February, 1871, the Governor of Bombay was equally clear. He wrote: "The policy therefore to be pursued seems to be that recommended by Sir W. Merewether and already approved by this Government, to acknowledge no authority but that of the Khan, to recognise the chiefs in no other capacity than his subjects, to abstain from all interference otherwise than by counselling forbearance and consideration, and to refrain from any recognition of feudal rights, which it is neither for our advantage nor the advantage of the country to perpetuate."

Change of policy and direct intervention of the British Government.

28. This policy was, however, subsequently changed; and the British Government entered into direct engagements with the Jam of Las Bela under which the British Government took over supervisory powers of administration as well as the right to sanction succession to the chiefship of Las Bela. The first engagement was executed by Jam Ali Khan on his succession in 1889. This engagement bound the Jam to conduct the administration of Las Bela in accordance with the advice of the Agent to the Governor-General and to employ a Wazir approved by him. The Jam also undertook not to make any important change in the customs of the country or in the system of administration without the concurrence of the Agent to the Governor-General. A similar engagement was executed by Mir Kamal Khan on his succession in 1896. The engagement executed by Mir Ghulam Mohammad Khan in 1925 contained similar terms.

29. The British Government also began to deal directly with the chief of Kharan, and a settlement was with Azad Khan by which he undertook to do certain tribal service in consideration of an annual payment of Rs. 6,000. This settlement was continued with his successor on his demise. In 1909, another agreement was made between the British Government and the chief of Kharan. This was renewed in 1911.

Direct intervention of the British Government intended to be temporary.

30. The Government of Kalat contend that in spite of the inter-position of British authority in Las Bela and Kharan, the rights and powers of the Khan of Kalat in

and over these territories have continued to remain intact and unimpaired. The interposition of British authority was with the tacit consent of the Khan of Kalat and was introduced on grounds of expediency and for administrative reasons. Lord Salisbury, the then Secretary of State for India, while approving of the change in the policy of the Government of India wrote as follows to the Governor-General in Council on the 8th July, 1875: "Much as Her Majesty's Government regret the distracted state of affairs in Kalat, they see no reason to question the justice of your opinion that it is due more to the inability of the Khan to control his subjects than to any hostile feeling on his part towards the British Government. What may be the effect of withdrawing the subsidy from the Khan, and the establishment of direct relations with tribes which hitherto have been treated as nominally, if not really, under the suzerainty of His Highness, must be uncertain. Should the measures now reported produce their anticipated results, Her Majesty's Government trust that an early opportunity may be taken of again placing the relations between the Government of India and the Khan of Kalat on the friendly footing provided for by the Treaty of 1854."

The claim of Kalat State.

31. In the light of the above statement, the Government of Kalat consider that the interposition of British authority in the affairs of Kalat was intended to be of a temporary character. Therefore, they claim that, on the termination of British power in India, the authority now exercised by the British Government in respect of Las Bela and Kharan should revert to the Khan of Kalat, and a definite declaration should be made in this behalf prior to the transfer of power in British India.
III. Claims in respect of the Marri and Bugti Tribes

The Marri-Bugti-country.

32. The territories occupied by the Marri and Bugti tribes are situated at the southern end of the Sulaiman range in Baluchistan. The northern portion, the area of which is about 3,200 square miles, is occupied by the Marris, and the southern portion, about 3,800 square miles, by the Bugtis.

Relations between Kalat and the tribes.

33. “At one time”, wrote Sir Robert Sandeman, “not very long prior to British rule, the whole of Balochistan from Hurrund (a town of Dera Ghazee Khan) to the sea, was under the sway of Nusser Khan of Khelat, a chief noted for his justice and prowess. He kept the Murrees, Boogtees, and other tribes resident along the Kafila route from Central Asia, in as good order as he did the people of the plains. . . . . When our officers in 1838 first became acquainted with this State, the government of the country was a confederacy of the Khan and nobles, and the Murrees, Boogtees, and Gurchanis were subjects of the Khanate . . . . The Murree, Boogtee and Gurchani clans, in the days of which I write, were included in the Sarawans, and they not only rendered feudal service to the State, but paid tribute to the Khan of Khelat.”*

34. On Nasir Khan’s death, the reins of authority were relaxed, and during the effete rule of his successor, the Marri and Bugti tribes extended their activities in all directions, and were at the same time engaged in a constant round of intramural wars and blood feud. In 1845, Sir Charles Napier

conduct a campaign against the Bugti, but the expedition was only partially successful. In 1847, Sir John Jacob settled some of the Bugtis on irrigated lands in Sind, but many of them shortly afterwards fled back to their native hills.

35. After the conclusion of the Treaty of 1854 between the British Government and the Khan of Kalat, both the tribes were subsidised by the Khan, but their conduct showed no improvement. The state of affairs in these tribal areas became so unsatisfactory that in 1859 the Khan of Kalat was compelled to lead an expedition against the tribes, successfully occupying Dera Bugti and Kahan, the headquarters of the Marri tribe. The results, however, were not very satisfactory and the Khan was obliged to make a second expedition, in 1862, but without much beneficial result as the tribal raids and devastations continued.

The Punjab Policy.

36. “Previous to 1867, the Punjab authorities had attempted to control the Bugtis by enlisting into their service some of the subordinate chiefs with their clansmen, giving them land rent free, and places in the border militia. This policy, however, proved unsuccessful, partly owing to jealousies amongst the remaining chiefs who had not been dealt with similarly, and partly to the different policy pursued by the Sind Government towards the sections of these tribes on its own frontier. In 1867, Capt. Sandeman endeavoured to extend the same policy towards the Marris, who up to this time had been excluded from all friendly intercourse with the British . . . . Some success attended these measures so far as the Punjab frontier was concerned, but the tribes continued to raid the Sind border.”*

* See Baluchistan, No. 1, pp. 4 and 233.

* See Aitcheson, Treaties, Engagements and Sanads, vol. xi, p. 343.
Extension of the Punjab Policy.

37. In 1870, in view of the extremely unsatisfactory state of affairs, the question of the future management of the Marri and Bugti tribes was again taken into consideration by the British Government, and the Commissioner in Sind made the following proposal: "I would suggest that the plan, which has so far succeeded well on the Punjab frontier, should be taken, viz., that the principal chiefs and certain members of the Marri and Bugti tribes should be taken into pay. This, however, should be done in the name of the Khan, and whatever money had to be paid to these tribes should be disbursed through the Khan’s officers." This proposal was accepted, and the Secretary to the Government of Bombay wrote as follows to the Commissioner in Sind: "His Excellency in Council has already expressed his opinion that the payment to these tribes, which have been hitherto regarded as Khelat subjects, should be made in the name of the Khan. The services for which they are intended are almost entirely to be performed in Khelat territory. And while, on the one hand, no special advantages to Government appear to be derivable from direct payments, on the other hand, the authority of the Khan will be consolidated if these tribes are practically taught to look to him as their lawful sovereign. Direct payments would tend to reverse the policy, which has been acted on for many years, under which these tribes have been regarded as the Khan’s subjects."

The Kalat Darbar, 1876.

38. These measures could not, however, be adopted owing to the rebellion against the Khan, which broke out in October 1871, and the troubles which followed. It was, therefore, decided to put an end to the dual system of management from the the Punjab and Sind. The conduct of the tribes was to be considered as a whole, and the Deputy Commissioner of Dera Ghazi Khan was under the Commissioner in Sind, to be the medium of communications with the Marris and Bugtis. In November 1875, Capt. Sandeman was deputed to the hills to try and bring about an amicable settlement of the tribal quarrels. He succeeded in getting the Brahuis, Marri and Bugti chiefs to accompany him to Kalat and to attend a Darbar held by the Khan on the 4th January, 1876. On this occasion, Capt. Sandeman told the chiefs that "the day was a very auspicious one that had brought so many Khelat Chiefs and Sirdars to the feet of the ruler of the country." The position regarding the Marri chiefs was explained by the Khan of Kalat as follows: "Since former times you are my subjects and you were at one time loyal and true to the Khelat Government. Since you commenced your depredations, I have looked upon you merely as a set of thieves and scoundrels, but later you attacked my troops, killed them and captured my guns, since then I have looked upon you as a disloyal people. . . . When Shah Nawaz Khan opposed my father, Mir Mehrab Khan, the Murree Sirdar, Din Mohammad, joined him and did good service; and on this account my father, Mir Mehrab Khan, gave the jaghire of Tunia to the Murree Sirdar. For misconduct I afterwards confiscated this jaghire; but if you Murrees will give up your evil ways and will in future act honestly the jaghire of Tunia shall be restored to you."

39. The results of the Darbar, however, were not entirely successful, as raids and rebellions continued.
Capt. Sandeman was, therefore, dispatched on a second mission to Kalat in 1876, from which resulted the Treaty of Jacobabad and a reconciliation between the Khan and his rebellious Sirdars. It was then decided to continue to the Bugis and Marris the allowances paid since 1875, and to deal with them independently of the Khan.

Acknowledgements of the authority of the Khan of Kalat.

40. The Government of Kalat contend that the Marri and Bugti tribes have been, and still are, the subjects of the Khan of Kalat, and the territories occupied by them still form part of the Kalat State. This position has been repeatedly accepted by the British Government. In his Minute of the 10th of February, 1871, the Governor of Bombay declared as follows: “It should be clear and unmistakable that we recognise the Khan of Khelat as an independent sovereign with whom we have treaties of alliance, but with whose proceedings we do not desire to interfere beyond giving him friendly advice; that we should always counsel clemency and moderation in his dealings with his chiefs; but that in the case of Molla Mohamed, who had been engaged in repeated rebellions against his sovereign and had refused to accept the moderate terms on which pardon for his past offences and restoration of his hereditary property was offered, we see no reason to disapprove of the Khan’s conduct.”* Sir William Mercwether, the British Commissioner in Sindh, was of the same view. In a letter to the Political Superintendent, Upper Sind Frontier, he wrote as follows in August 1781: “It would have been more correct and more in accordance with the relations existing between the British Government and His Highness the Khan of Khelat, if Capt. Sandeman had at the time remarked as above to Kurram Khan; for it must be remem-

* Baluchistan, No. 1, p. 86.

bered that whatever grievances the Murree tribe may fancy they have, they are the subjects of His Highness the Khan; and it is not in accordance with the policy which has been approved by Government, nor is it just to a ruler with whom we are in alliance, that openly proclaimed opposition to that ruler’s power, and the declaration of premeditated outrages within his dominions, should be heard by the British Authorities without immediate expression of marked disapprobation.” He took the same view in his memorandum of 9th May, 1872: “If there is to be peace and order in the country next to frontier of Sind, there must be a fixed Government and responsible ruler there. This would be impossible if the Sirdars are encouraged, as they lately were, in their resistance to their legitimate sovereign, and in their selfish endeavours to better only themselves. I maintain, therefore, that it is our true and the only reasonable policy to do all we can to strengthen the possession of His Highness the Khan of Khelat, and to show marked disapproval of the attempts of the Sirdars to subvert his authority. This being thoroughly understood by the latter, they would find it in their best interests to rally to the Khan, and endeavour to secure his favour in hopes of having ours also.”* In a subsequent communication to the Government of India he was more emphatic: “The policy that has been followed from the first in regard to Khelat affairs was to avoid in every possible way direct interference in the general government. His Highness the Khan, Meer Khodadad Khan, was ‘de facto’ and ‘de jure’ King of the country, and we had no more right to dictate to him how he should manage his chiefs and subjects than we had with any other potentate ruling independently over a State. As long as he conformed to the terms of the treaty existing between his Government and that of Her

* Baluchistan, No. 1, p. 236.
Majesty in India, and as long as our territory was free from aggression, or from disturbances caused by his subjects, we were bound to respect his right to rule in his own country as to him seemed best."** The same view was taken by the Government of India: "His Excellency in Council wishes to see the Khan's authority firmly established throughout the length and breadth of his dominions; that the British Government will encourage him by their advice and countenance in all lawful endeavours towards this end; that they will favour with no countenance or support whatever, but, on the contrary, will regard with strong displeasure any of his subjects, whether Sirdars or ryots, who rebel against or endeavour to subvert his legitimate authority; and that the Sirdars will best consult their own interest and the interests of their ryots, and will most surely secure the favour of the British Government by assisting heartily in the establishment of peace and good order, in protecting traders and putting down robbery and violence."*** The position was also repeatedly acknowledged by the tribes themselves. For instance, the chief of the Marri tribes made the following statement before Capt. Sandeman in 1872: "I beg the Government not to ask what is impossible from me. I have not the power single-handed to deal with Sher Dil and the Khott Mundai Murrees; the reason I can explain. The Khott Mundai Murrees were formerly kept in check, but the Murree Tomandar was then aided by the Khan's Government, and a Sirdar of the tribe lived at Mundai whose duty it was to make arrangements in the Khan's name for the protection of the country. For instance, my cousin Gaman Khan, I can name as one who aided the Khan in this way. The Khan allowed the Murree chiefs Rs. 12,000 yearly for the purpose of employing the minor chiefs according to their position in the tribe in keeping order. In addition to this, the Sirdars of the clan got from the Khan the village of Tuna in Jagir; all the arrangements were made in the Khan's name and performed properly, for he is the (wali) ruler of the country."

The claims of Kalat.

41. In the circumstances stated above, the Government of Kalat would urge that on the termination of the British authority in India, the powers now exercised by the officers of the British Government in relation to the Marri and Bugti tribes should revert to the Khan of Kalat, and that the territories occupied by these tribes should be exclusively under the authority of the Khan.

ANNEXURE A

TREATY BETWEEN THE BRITISH GOVERNMENT AND NUSSEER KHAN, CHIEF OF KHELAT, CONCLUDED ON THE PART OF THE BRITISH GOVERNMENT BY MAJOR JOHN JACOB, C.B., IN VIRTUE OF FULL POWERS GRANTED BY THE MOST NOBLE THE MARQUIS OF DALHOUSIE, KT., ETC., GOVERNOR-GENERAL OF INDIA, AND BY MEER NUSSEER KHAN, CHIEF OF KHELAT, 1854.

Whereas the course of events has made it expedient that a new agreement should be concluded between the British Government and Meer Nusseer Khan, Chief of Khelat, the following Articles have been agreed on between the said government and His Highness:

ARTICLE 1

The Treaty concluded by Major Outram between the British Government and Meer Nusseer Khan, Chief of Khelat, on the 6th October 1841, is hereby annulled.
ARTICLE 2

There shall be perpetual friendship between the British Government and Meer Nusseer Khan, Chief of Khelat, his heirs and successors.

ARTICLE 3

Meer Nusseer Khan binds himself, his heirs and successors to oppose to the utmost all the enemies of the British Government, in all cases to act in subordinate co-operation with that Government, and to enter into no negotiation with other States without its consent, the usual friendly correspondence with neighbours being continued as before.

ARTICLE 4

Should it be deemed necessary to station British troops in any part of the territory of Khelat, they shall occupy such positions as may be thought advisable by the British authorities.

ARTICLE 5

Meer Nusseer Khan binds himself, his heirs and successors to prevent all plundering or other outrage by his subjects within or near British territory; to protect the passage of merchants to and fro between the British dominions and Afghanistan, whether by way of Sindh or by the seaport of Sowmeeanee, or other seaports of Mekran, and to permit no exactions to be made beyond an equitable duty to be fixed by the British Government and Meer Nusseer Khan, and the amount to be shown in the Schedule annexed to this treaty.

APPENDICES

ARTICLE 6

To aid Meer Nusseer Khan, his heirs and successors, in the fulfilment of these obligations; and on condition of a faithful performance of them year by year, the British Government binds itself to pay to Meer Nusseer Khan, his heirs, and successors an annual subsidy of fifty thousand (50,000) Company's Rupees.

ARTICLE 7

If during any year, the conditions above mentioned shall not be faithfully performed by the said Meer Nusseer Khan, his heirs and successors, then the annual subsidy of fifty thousand (50,000) Company's Rupees will not be paid by the British Government.

ANNEXURE B

TREATY BETWEEN THE BRITISH GOVERNMENT AND THE KHELAT STATE, 1876.

Whereas it has become expedient to renew the Treaty of 1854, between the British Government and Nasseer Khan, Khan of Khelat, and to supplement the same by certain additional provisions calculated to draw closer the bonds of friendship and amity between the two Governments, the following additional Articles are herewith agreed upon between the Right Honourable Edward Robert Bulwer Lytton, Baron Lytton of Knebworth, in the County of Hertford, and a Baronet of the United Kingdom, Viceroy and Governor-General of India, and Grand Master of the Most Exalted Order of the Star of India, on behalf of the British Government on the one hand, and His Highness Meer Khodadad Khan, Khan of Khelat, on the other:
ARTICLE 1

The Treaty concluded between the British Government and Meer Nasseer 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 Khelat, 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.

ARTICLE 4

For the further consolidation of the friendship herewith renewed and re-affirmed between the two Governments, it is agreed on the one hand that British Agents with suitable escorts shall be duly accredited by the British Government to reside permanently at the Court of the Khan and elsewhere in His Highness' dominions; and on the other hand, that a suitable representative shall be duly accredited by His Highness to the Government of India.

ARTICLE 5

It is hereby agreed that should any disputes, calculated to disturb the peace of the country, arise hereafter between the Khan and the Sirdars of Khelat, the British Agent at the Court of His Highness shall in the first place use his good offices with both parties to effect by friendly advice an amicable arrangement between them, failing which the Khan will, with the consent of the British Government, submit such dispute to its arbitration, and accept and faithfully execute its award.

ARTICLE 6

Whereas the Khan of Khelat has expressed a desire on the part of himself and his Sirdars, for the presence in his country of a detachment of British troops, the British Government, in accordance with the provisions of Article 4 of the Treaty of 1854, and in recognition of the intimate relations existing between the two countries, hereby assents to the request of His Highness, on condition that the troops shall be stationed in such positions as the British Government may deem expedient, and be withdrawn at the pleasure of that Government.

ARTICLE 7

It is also agreed that such lines of telegraph or railways as may be beneficial to the interests of the two Governments shall be from time to time constructed by the British Government in the territories of the Khan, provided that the conditions of such construction be a matter of previous arrangement between that Government and the Government of His Highness.

ARTICLE 8

There shall be entire freedom of trade between the State of Khelat and the territories of the British Government, subject to such conditions as the British Government
may, at any time, in concert with the Khan of Khelat, deem necessary for the protection of fiscal interests.

**ARTICLE 9**

To aid Meer Khodadad Khan, his heirs, and successors, in the efficient fulfilment of the obligations contracted by them under the Treaty of 1854, and the present supplementary engagement, the British Government hereby undertakes to pay to the said Khan, his heirs, and successors an annual sum of one lakh of rupees, so long as they shall faithfully adhere to the engagements heretofore and hereby contracted.

**ARTICLE 10**

The British Government further undertakes to contribute Rupees twenty thousand five hundred annually towards the establishment of posts and development of traffic along the trade routes in His Highness’ territories provided such money is expended by the Khan in the manner approved of by the British Government.

**Appendix XV**

**RETRIESSION OF QUETTA, NUSHKI AND NASIRABAD**

[Prepared by Sir Sultan Ahmed Khan and presented by the Quaid-e-Azam to the Cabinet Mission]

The *Quetta Agreement of 1883 (Annexure A).*

1. Article 6 of the Kalat Treaty of 1876 reads thus: “Whereas the Khan of Khelat has expressed a desire on the part of himself and his Sirdars for the presence in his country of a detachment of British troops, the British Government, in accordance with the provisions of Article 4 of the Treaty of 1854, and in recognition of the intimate relations existing between the two countries, hereby assents to the request of His Highness on condition that the troops shall be stationed in such positions as the British Government may deem expedient, and be withdrawn at the pleasure of that Government.” Dealing with this Article, the Governor-General-in-Council wrote as follows to the Secretary of State for India on the 20th of March, 1877: “Had the question before us in connection with this article been whether we should now, even in compliance with the concurrent desire of the Khan, the Sirdars, and the tribes, introduce British troops into the Khanate, we might have hesitated before assenting to such a measure. But the troops of the British Government were already in Khelat, where their presence was cordially welcomed by the inhabitants of the country...... Under all these circumstances we deemed it wise to give practical effect to an arrangement contemplated by the Treaty of 1854, and completely in accordance with the provisions and intentions of that Treaty.” The British Government, therefore, selected Quetta in preference to Kalat for the headquarters of the detachment of British troops both for military and political reasons. In 1879, it was agreed that the district and *niabat* of Quetta should be administered by British officers on certain conditions and for a certain period, any surplus revenue being made over to the Khan. This was replaced by an agreement concluded in 1883 between the Khan and the British Government, and the existing arrangements are governed by this agreement under which the Khan of Kalat made over and entrusted to the British Government “the entire management of the Quetta district and *niabat* absolutely and with all the