



Representing the Nizam

Nuclear powers face off in High Court over English trust law principles

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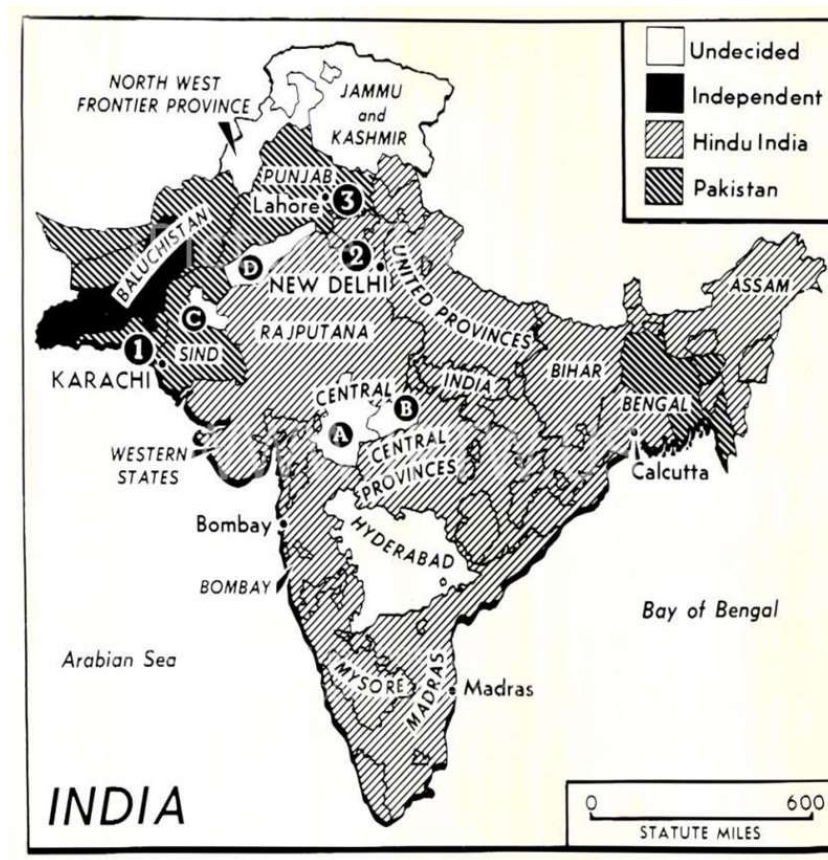


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- Context
 - Hyderabad
 - Police Action
- Litigation
 - 1950s onwards
 - Pakistan's smash and grab
- Legal issues
- What now?

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(a) the Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognised by the President as the successor of such Ruler shall, on and from such commencement, cease to be recognised as such Ruler or the successor of such Ruler

26th Amendment to the Constitution of India

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Litigation restarts



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Interpleader - identifying the parties

- Pakistan
- Princes
- Heirs / Administrator
- India

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Discontinuance 2015

State immunity an abuse of process

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Strike out 2016

Limitation

Restitution

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Trial

Stage 1 and stage 2 analysis

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- Minutes of the Pakistan Cabinet's Economic Coordination Committee were published in May 2019 reporting that Pakistan's solicitors have *'run out of patience and are now openly threatening to cease work and inform the court, India and other parties which will result in great embarrassment for Pakistan ... delay in payment will prejudice the case and non-compliance will lead to litigation by the solicitors'*
- The ECC approved a supplementary grant of £2,268,000 subject to vetting of invoices by the Attorney General

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Issues at trial

Non-justiciability

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Issues at trial

- *Payment for arms; or*
- *Absolute gift / safeguarding*

versus

- *Trust arguments*

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Issues at trial

Illegality

The end?



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*'The problem I have with your application is that I have already decided that the Princes and India are entitled to the fund... **Now it is important to be clear that neither India nor the Princes were claiming as the inheritors of the estate of the 7th Nizam.** India was claiming by virtue of an assignment ... and the Princes were claiming by virtue of a trust the Administrator, who was appointed to represent the estate of the 7th Nizam, did not articulate any argument to suggest that there was any alternative ...'*

Marcus Smith J, July 2020

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Key Pointers

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