

**PROBLEM**  
**OF**  
**INDIAN STATES**

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## PREFACE.

Since the Indian States Inquiry Committee, was appointed, considerable interest has been awakened in the minds of the educated people about the problems of the Indian States. I have, therefore, thought it advisable to publish my contributions to the Press made from time to time about some important problems concerning Indian States. The principal grievances under which the Indian States' people are at present labouring are (1) that there is no constitutional government in almost all the Indian States and (2) that there is no rule of law in them. The main *indicia* of the rule of law are liberty of the Press, freedom of discussion and liberty of meeting. Except the Southern States there is no press worth the name in all these States. Liberty of the Press is not enjoyed by the people. The aggrieved parties were required to ventilate their grievances through the medium of the Press in British India. But even this liberty is now circumscribed by the passing of the certificated Legislation of the Princes Protection Act. The first Chapter, therefore, deals with the history of the Press Laws Committee bearing on the Indian States, the disabilities of the States' people, the views of persons for and against protection, the merits of the Bill, the nature of the criticism levelled against it, the motive of the Princes in seeking this protection and its utterly unjustifiable character. The Parliamentary debate and the measure of liberty enjoyed in Agency areas are also very instructive and the summary of news paper criticism would conclusively prove how this act has been placed on the Statute Book in defiance of public opinion. It also shows the deplorable condition of the people of Indian States caused by the denial of this elementary right of the Liberty of the Press. The second Chapter refers to the much discussed subject of the rendition of Berar. The usurpation of Berar is described in detail. The claim for rendition is examined at length. The proposed offer of responsible Government to Berar has been criticised in the light of the various safeguards which are necessary before responsible

## II

Government can function under an autocratic ruler. This question has an academical interest and people residing in Indian States would be able to appreciate the various conditions which require to be fulfilled before responsible Government under autocratic rule can be worked out in practice. The important pronouncement of Lord Reading on the position of Indian States *vis a vis* the Government of India has been explained in detail and it is hoped that it will lead to the better understanding of the relations subsisting between the Indian States and the Government of India exercising Paramount Power. The third chapter deals with the Montford Report so far as it touches the problem of Native States. It shows how the proposals in the Report do not discuss the political rights of the people of Indian States and how the authors have refrained from actively advising the Indian Princes to adopt the ideal of responsible Government contained in the proclamation of 20th August 1917. The fourth Chapter deals with the genesis of the Chamber of Princes and the various defects which are apparent in the Constitution of this Chamber and the anomalies which are created by it and the wrong test which has been adopted for admission to this Chamber. The evil results of this defective constitution are vividly described, the review of the work done till now is briefly summarised and suggestions have been made to make this institution really useful in the body politic. Chapter sixth gives a draft constitution of the Chamber of Princes which will serve some useful purpose when the revision of this constitution will be in contemplation. A serious complaint of the Indian Princes is that there is no independent tribunal to adjudicate disputed claims between the Indian States and the Paramount Power. The scheme of an Imperial judicature is outlined in Chapter sixth and the history of the movement has been traced from the time when the great and the indefatigable worker and the sincere well-wisher of the Indian States, Mr. John Dickinson, and other members of British Parliament, started the Indian Reforms Society in 1853. Chapter Seventh deals with the proposal of direct relations of the States with the Government of India, the motive of bringing about these relations, and the various defects and draw-backs which are experienced in giving

effect to this proposal in its entirety.\* The eighth chapter deals with the character of the work done by the Maharaja of Bikaner at Gevena as a representative of the Indian States-How His Highness failed to represent the standpoint of Indian States and the policy of distrust which has kept the Indian State forces in a moribund condition, how the armies of Indian States would prove a source of strength to the Indian Empire and how a policy of trust and confidence would help the reduction of armaments entailing unnecessary and huge expenditure are narrated at length. Chapter Ninth deals with the facilities which at present exist about the education of Indian Princes, the unsatisfactory condition of the present Chief's Colleges, and describes in detail the various considerations which ought to be kept in view in establishing proper educational Institutions for the would-be rulers of Indian States. Chapter tenth describes the atrocities in Nemuchana committed by the officers of the Maharaja of Ahvar, how martial law was proclaimed, how innocent people were fired on, how cattle was\* destroyed, how houses were burnt, how the Maharaja declined to give any permission for independent investigation and how there was no act of indemnity and how high-handed was the conduct of the Maharaja. This will clearly prove the complete absence of rule of Law in the Indian States and this brings home the worst phase of autocratic rule. The eleventh Chapter deals with the events which led to the abdication of the Ex-Maharaja of Indore. The insistant demand made to bring to light the hidden-hand, the opan request to put the Maharaja on trial, the version of the apologists of the Maharaja of Indore, the adoption of measures which justice demanded, the announcement of the commission of enquiry, the Maharaja's conditional offer of abdication, the unqualified acceptance of this offer and the neglect of bringing to book the persons who were involved in this diabolical offence, the unsatisfactory arrangements made to carry on the administration during the minority have been treated in detail so as to justify the necessity that a change of policy is required in dealing with the question of misrule in Indian States. The policy of the Political Department has been to interfere in the affairs of Indian States when misrule is long, gross and continuous.

#### IV

This Chapter exhaustively deals with the serious consequences which follow from such a policy and which cause unbearable suffering to the dumb **peDple** of the Indian States. The Paramount Power with its ultimate responsibility for the welfare of the Indian States people must abandon this policy and must vigorously take steps to nip in the bud misrule in the Indian States or make the ruler adopt responsible government in the State. The control of the people or the control of the Paramount Power must be effective and vigilant if the welfare of the people of the Indian States is to **be** properly safeguarded. The book deals with the burning questions of the day relating to the Indian States and it is hoped that it will enable the readers to appreciate the gravity of the problems concerning Indian India.

In conclusion, I am indebted to various Editors of the Newspapers for their courtesy in allowing me to reproduce the articles with necessary alterations. If the present effort meets with public approval it will encourage me to undertake to place other equally important and urgent problems before those who are interested in the uplift and advancement of Indian States.

Poona,  
Law College,  
20th September 1928.

G. R. ABHYANKAR.

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# Problems of Indian States.

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## CHAPTER I.

### Princes' Protection Act.

#### Press Laws Committee.

To the ordinary reader the heading may connote that the Indian Princes require protection against a foreign enemy or against any rebellion in their own territories. But no such idea exists when we are using this expression. The Indian Princes want to be protected from the criticism of their administration or their personal rule in the press situated in British India, and also from the platform in British India. So far as their own states are concerned they are able to take care of themselves in the best possible manner. They are absolute monarchs in their respective jurisdictions and there are no limitations on their autocratic powers in the form of any Councils expressing the will of their own subjects. They, therefore, do not require any help to stifle any criticism of their despotic sway in their states. They are most anxious that their sovereignty should not be touched by any criticism levelled against it from outside. They are extremely sensitive about the exposure of their administration and the horrid tales of their personal *zulum* sometimes ventilated in the press in British India. The law of sedition as it exists at present in British India especially sec. 124-A of the Indian Penal Code does not make it an offence to incite disaffection against a ruler of an Indian State. The only protection which they think exists can be found in the Press Act of 1910. The particular clause of the Press Act which applies is sec. 4 clause 1, sub sec. C, which says that 'Whenever it appears to the Local Government that any printing press in respect of which

"This appeared in the form of article?) in the *Leader of Allahabad* in the issues of June 21 and 22, July 12 and 13, September 11, and 25, and October 5 of 1922.

any security has been deposited as required by sec. 3 is used for the purpose of printing or publishing any newspaper, book or other documents containing any works,' signs or visible representations which are likely to have a tendency whether by inference, suggestions, allusion, metaphor, implication or otherwise, to bring into hatred or contempt His Majesty or the Government established by law in British India, or the administration of justice in British India or any native Prince or Chief under the suzerainty of His Majesty or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government, or any such Prince or Chief, the Local Government may by notice in writing to the keeper [of such printing press stating or describing the words, signs, or visible representations which in its opinion are of the nature described above declare the security deposited in respect of such press and all copies of such newspaper, book or other document wherever found to be forfeited to His Majesty. Reasonable comments expressing disapproval of the measure of Government or of any such native Prince or Chief as aforesaid with a view to obtain their alteration or of the administrative or other action of the Government or of any such native Prince or Chief or of the administration of justice in British India without exciting or attempting to excite hatred, contempt or disaffection do not come within the scope of clause (c).'

The so-called protection afforded by the British India Legislature consists in this enactment alone and there is absolutely nothing except this solitary reference to the native Princes or Chiefs in the law of sedition which exists on the Statute Book. It is, however, to be noted that this section of the Press Act does not include within its scope 'the Government of any state in India,' but only a native Prince or Chief and the administrative or other actions of any such native Prince or Chief. Anything said or done to bring into hatred or contempt the Government established by law in any Indian State without a reference to the Prince or Chief would not have come under sec. 4 d-use(c) of the Press Act of 1910 which has been recently repealed. But the Indian Princes whose susceptibilities in these matters are getting more and more delicate

In proportion to the attention shown to them by the Imperial Government have been clamouring for protection against criticism to the Paramount power. This abnoxious piece of legislation of 1910 was detested all over the country and was stifling legitimate criticism and the free growth of an independent press in British India. The volume of public opinion against this measure was so strong that immediately after the introduction of reforms the Government of India appointed a committee consisting of influential members of both Houses of the Indian Legislature and the Hon. the Home Member. \*The committee was presided over by our eminent and distinguished countryman, the Hon. Dr. Tejbahadur Sapru, the present Law Member. The personnel of the committee was not open to any objection whatsoever. The committee called evidence of journalists of standing and long experience and investigated the whole question thoroughly. The recommendations of this committee were very wise and thoughtful and the government of India accepted them whole-heartedly and repealed the Press Act. The report of the press Laws Committee has therefore not much interest to subjects of British India as all that was expected from the deliberations of this committee has been fulfilled. The question of protection of Indian Princes was exhaustively dealt with by the committee and their recommendation for the wholesale repeal of the Press Law of 1910 • *ipso facto* led to the repeal of the protection contained in section 4 clause c of the Press Act. The evidence recorded by Dr. Sapru's committee is therefore highly interesting and most educative to all subjects of Indian states. It has got a freshness and novelty which deserve serious consideration at the hands of those who are interested in the progress of Indian States.

**\* The Committee consisted of the following Members.**

The Hon. Dr. Tej Bahadur Sapru Law member of the Government of India	 i	fj haim
Thiff Hon. Mr. William Vincent-Houw Member.		
Mr. Jam 'arias Dwarkadas.	j	
Air. T .V. Shrshagiri Ayyar.	)	
Mr. Baksi Sohan Lai. "	i	Members
Mnnsi Iswar Saran.	C	
Bab i Jogndianatb Mukherjec.	!	
Kli'an Bahadur Mir Asad All	j	
Chaudtiri Shabahuddin.	J	

This committee requested the Indian Princes to send their views about the repeal of the Press Act. But unfortunately the committee found that the Indian Princes, so loud in their cry for protection, did not condescend to place their views before them. They observe, ' We have been handicapped in our examination of this question by the very inadequate representation of the views of the Princes, many of whom were unwilling to allow their opinions to be placed before the committee. ' We are extremely surprised to find this reluctance on the part of the Indian Princes to place their grievance before, this committee which was specially appointed by the Government of India to consider this question. The obvious inference from this fact is that the alleged grievance of these Princes must be hollow and must be incapable of being supported by cogent reasons. If the Indian Princes failed to substantiate their case by marshalling all the arguments in their favour they must allow judgment to go by default. The Government of India under these circumstances would not be justified in giving any heed to this grievance of *the* Indian Princes if by their own conduct they have disintitiled themselves to any relief. The replies of some of the Princes for the request made to them are highly autocratic and show the contemptuous manner in which these despotic rulers treat representatives of the Indian people. Sir John Wood has stated that his Department telegraphed to Mysore and Hyderabad to see whether they would be prepared to give opinions but they asked for time. These two Darbars in reply said that they would like to give their opinions to the Government of India after the committee had written its report. The indifference contained in these replies passes comprehension. A committee was specially appointed to consider this question. The committee invited these Princes to assist them with their views. They did not care to do anything of this kind. Of what avail would the precious opinions of these Durbars have been to the committee after they had written the report ? Perhaps they would have added to the mass of rubbish thrown into the waste paper basket after the committee had finished their labours. The reply also shows that these Princes regard the Political Department with greater attention than this influential com-

**Tnittee** which contained the best men in the country, representative both of the Government and the people in the person of the Home Member and the Law Member. Do these Durbars believe, that their opinions, if they had any on this subject would have been better appreciated by the Political Department than by Dr. Sapru's committee ? This only shows the lamentable lack of wisdom and foresight which these spates betray. This also strengthens the conclusion that these Princes have nothing forcible and sound in their defence which would appeal to such an intelligent body as the Press Laws Committee. The unanimous opinion therefore of the committee was thoroughly justifiable and they held : ' We do not in the circumstances think that we should be justified in recommending on general grounds any enactment in the Penal Code or else where for the purpose of affording such protection in the absence of evidence to prove the practical necessity for such provision of the law. ' We regret to observe that the -committee invited only representatives of the press in British India to give evidence before them. If they had invited some subjects of Indian states they would have furnished positive evidence to the committee to uphold their finding about the repeal of this protection. But as they have come to the right conclusion in this respect this absence of the evidence does not count for much. But on principal we maintain that if the Princes were invited to give their opinions about this measure the subjects of Indian states also ought to have been given an opportunity to have their say about this important question of protection of the Indian Princes.

The conduct of the Political Department has been equally open to objection. Sir John Wood offered to give evidence before this committee and placed the provisional views of his department. He was of opinion that protection was due to the Indian States in view of their treaties and their position in the Indian Empire. We appreciate the solicitude of Sir John Wood for the dignity of the Indian Princes but we wish he had mere independence and greater strength of mind when he volunteered to give evidence on their behalf. We fail to see why Sir John Wood allowed his examination extending over nearly 20 pages to beSuppressed from publication. We would not

be far wrong if we infer that the political secretary must have succumbed under the stress of cross-examination and must have felt himself in a most embarrassing condition. But if the question had been only about the break down of an ordinary witness we would never have cared for the withholding of his evidence from the report. Sir John Wood represented a Department under the Government of India. It has no particular vested interest to maintain so far as this question was concerned, it was the duty of the department to hold the scales even; and especially when the inquiry was initiated by the orders of the Supreme Government. Sir John Wood was bound out of official etiquette and fairness to state his views openly to the public when he had voluntarily undertaken to assist this committee. That he should be reluctant to disclose his evidence shows not only that he has no case whatsoever but that the department was showing undue preference to the Princes concerned. A department of Government should have nothing to conceal when it is called upon to state its views before such a solemn body as the Press Laws Committee. We have heard about an important witness from Madras, a pronounced non-cooperator, a distinguished journalist and a prominent nationalist, that the disclosure of his evidence would have been damaging to Government if it had been published. This view has been seriously challenged as thoroughly mendacious and it is specially alleged that the evidence given by Mr. Katuriranga Ayyangar, the editor of the *Hindu*, has been damaging to his reputation. This challenge has not been taken up and the ominous silence of Mr. Ayyangar confirms the view that he must have expressed inconvenient opinions detrimental to his party and to his avowed principles before this committee. We hope Sir John Wood does not plead any such excuse as the apologist of the editor of the *Hindu* is at present attempting. We therefore cannot sufficiently express our disapprobation of the conduct of this departmental head in allowing his evidence to be deliberately withheld. This conduct of Sir John Wood and the intentional omission of the Indian Princes to give evidence before the committee when invited abundantly prove that the Princes\* have no case to make out for protection.



The Press Laws Committee examined 18 witnesses out of whom two were officials—one the director, central bureau of information, Prof. Rushbrook AVilliams and the other the Hon. Sir John Wood, the political secretary to the Government of India. All the rest were persons belonging to the journalistic profession. Of these 16, one belonged to the Associated Press of India, three came from the Punjab, five from the U. P., two from Bengal, three from Madras, one from Bombay, and one from Burma. From the standpoint of race, five were Europeans, nine Hindus, and four Mahomedan-. The committee had thus the benefit of knowing the representative views from every section of the people and from every part of the country. On the question of protection seven witnesses were against giving protection to Indian Princes, six were forgiving them qualified and conditional protection. Two of them, Mr. Haward connected with the *Pioneer* and Mr. Anis Ahmed, editor of the *Hamdam* and *Ha/jiqat* of Lucknow did not give their opinion on this point. The Hon. Sir John Wood was whole-heartedly for giving protection but as he has not permitted his cross-examination to be published in the report, it appears he has no grounds to openly justify his views. The evidence of two witnesses has not been published and we cannot say whether they were in favour of protection or against the same.

#### **Advocates of no protection.**

Mr. K. C. Roy whose experience of journalism extended over 22 years was entirely opposed to giving any protection to the Indian Princes and he did not agree to any substantial alteration of the ordinary law of the Land for their benefit. Mr. Roy was quite sure that if the power of criticism by the Indian Press was curtailed, there was a likelihood that there would be more oppression in the Indian States. He further expressed his opinion that the administration of Indian States was extremely despotic and unsatisfactory. Mr. Roy stated that he did not know a single instance in which a paper in British India had attempted to blackmail an Indian Prince. Mr. Roy gave a very valid reason for not supporting the Indian Princes. To a question by Mr. J. N. Mukherji as to whether a general indiscriminate support of the Indian Princes without application

of the mind of Government to the details of administration would operate to the detriment of good Government, Mr. Eoy promptly observed that if India is to progress as a whole, the Native States must also proceed along active lines. He also added that it was no use supporting the Princes without supporting their people. This is a very shrewd observation and deserves to be borne in mind by the Indian bureaucracy. The Mont-Ford Report draws the picture of a vast sisterhood of states as the future political ideal of India and the distinguished authors of the Report have definitely stated that the Indian States **too** shall have a place in this organisation. If really this ideal is ever to be reached, would it be permissible to allow the Indian States to lag behind. Instead, therefore, of accelerating the speed of this evolution by enjoining on the Indian Princes the duty of co-operating with the Paramount Power in proclaiming responsible Government as their goal and instead of authoritatively asking the Indian Princes to take practical steps to achieve this end, the growth of this evolution has been left solely to time and Providential dispensation. It is a sad irony of fate that the authors of this Report have abstained from directly advising the Indian Princes to take time by the forelock: and to initiate measures of reform. 'Hopes and aspirations may overleap frontier lines like sparks across a street. It is not our task to prophesy but no one would be surprised if constitutional changes in British India quicken the pace in the Native States as well....We must leave the natural forces at work to provide the solution in due course. If change comes in the Native States it can only be by the permeation of ideas and not as a direct result of constitutional changes in British India. " With due respect to the illustrious authors we beg to differ and maintain that constitutional changes ought to have been insisted upon if this idea of a federation was seriously contemplated. Responsible government would have got a very fair trial under most favourable circumstances in Indian States. The ruling authority in Indian State; is not alien. There are no vested interests such as the interests of foreigners which clog this problem of responsible Government in British India. The question of irreducible minimum of European elements does not at all arise in Indian States. The rulers, and the ruled

ralike belong to one fraternity attached to each other by ties of historical association and feudal sentiments. The uplift of Indian States can be effected only by the introduction of responsible government. If therefore this experiment had been tried first in Indian States, it would have got a very hopeful start and would have thus helped to shorten the period of the realisation of this political ideal in adjoining British territories. If the so-called enlightened Princes had been gently advised that the real test of their loyalty consisted in their faithfully following the ideal laid down in the declaration of 1917, the authors of the Report would have earned the lasting gratitude of 70 millions of His Majesty's subjects, and would have strengthened their own hands in making British India self-governing as quickly as possible. But they have been restrained from this duty by mistaken notions of by-gone treaties thoroughly unsuited to the present environments of the States. Mr. Roy concluded his evidence by stating that there was not a single independent newspaper in any of the Indian States.

Mr. Kalinath Roy, who had 20 years' experience of journalism, stated " I have always thought that if the Indian Princes are protected their subjects are also to be protected against their mal-administration. I am not in favour of special protection to be given to the Indian Princes. If the ordinary law is to be amended to suit the Indian Princes it should at the same time be amended so that the subjects of the Indian States might be able to obtain the removal of their grievances." Mr. Panchcowrie Banerjee, the editor of the *Aayak* who has been connected with this profession for over 60 years very facetiously observed, " I do not know why you should give protection to the Indian Prince, I am an old bird in journalism. It is the Princes who come to us with their own wrongs and grievances with a bundle of money behind. Why should the British Government give protection to the Maharaja of this or that place, when he goes to Bengal or to the United Provinces with a good jingling bundle of rupees " When asked as to whether from a commercial point of view it was more paying to write an article in favour of a Maharaja

than against him, he humourously retorted " we do no business with Maharajas on credit, they must put down money first in getting an article from any one of us." He remarked that there was a good deal of oppression in the Indian States and no good will come out if protection is given to them. Fandit Krishnakant Malaviya, the editor of the *Abljudaija* of Allahabad, was not at all for giving protection to the Indian Princes. He maintained "So long as we have no power to meddle in their internal affairs of administration I would not give them protection. I would allow them to come to the British courts and to bring a suit against a man who has defamed them." Babu Daya Narayan Nigam when asked by the President 'Would you give us some power in the ordinary law of the Land to deal with, an editor who promotes sedition or disaffection against a Native Prince?' emphatically stated: " I would give you no power. I can not understand why you are so anxious about Native Princes." Mr. Abdul Majid Sherar from Madras was entirely opposed to protection. He gave the reason that Native States are doing numerous mischiefs and the Native States' policy is not consistent with the general sentiments of their subjects and that it is necessary there should be a check on the Native States. He further laid emphasis on the *zuhar* in the Native States. "They do things perhaps which no body would ever conceive in British India." Prof. Eushbrook Williams, the director of the Central Bureau of Information gave a very important evidence before the Committee. His high official position, his being not wedded to any political party in the country, and the disinterested manner in which he expressed his views have invested his evidence with a peculiar value which deserves to be considered by the Indian Princes. He stated, " I have seen plenty of criticism but nothing which, I think, can fairly be described as calculated to excite sedition against an Indian Prince." He further added that so far as his experience went he had not come across any article so far written against the Indian States which in his opinion would justify the introduction of, any provision, in the ordinary law of the Land. He concluded: "I should be inclined to say that while the tone of some of the criticisms which have been directed against the Indian Princes can only

be described as regrettable, the subject matter of the articles has been to the extent of my knowledge as a rule unobjectionable.' 'this sums up very fairly the whole situation so far as criticism against the Indian Princes is concerned. Prof. Williams is not in favour of giving any protection to the Indian Princes. He tersely gave three reasons why this privilege should not be conferred on the Indian Princes. Firstly the Indian Princes are well able to look after themselves. If there is any truth in the criticism they may rectify the matter of which complaint is made. Secondly, if there is no truth in the criticism it cannot damage the Princes except in the eyes of Government who presumably know all the facts. The third reason is that if an Indian Prince does not like criticism there is no reason why he should be obliged to read the journals containing it. A fourth reason in this connection was suggested by Mr. K. C. Roy that they may exclude the paper which publishes sedition. Babu Dayanarain Nigam has also strengthened this view by stating 'The Native States have power to stop the sale of such papers in their States. The *Pratap* has been stopped in the Native States. What does it matter if it continues to write in the same way? It won't continue to do so long because what interest would the people of British India take in the affairs of the administration in the Native States.' It will thus appear that there is an effective way open to the Indian Princes to stop sedition. We fail to see why under these circumstances they are so anxious about their protection.

#### **Qualified Protection.**

Of the six witnesses who were in favour of qualified protection the most important was Dr. Besant. Her journalistic experience in India began from 1914. As regards protection she stated in an unqualified manner that there is no kind of doubt that with regard to a considerable number of native Princes, especially the smaller ones in parts like Kathiawar, there is no administration of justice at all but oppression of the subjects. There are cases that have come under my own knowledge of imprisonment without trial, forfeiture of property, driving out of the state without any kind of trial etc. without any remedy left to them. A Prince ought not be protected both by the-

law of his own State and btf the British Government against a press which exposes acts of gross and shameful injustice and repression. He has no right to be protected. She further add\*d that if the Government of India has the duty of protecting an Indian Prince it has also the duty of seeing that he governs hisdominions in a way that is not intolerable for decent people.

I do not think that the British Government is bound to protect a Prince who behaves as some of the Princes do behave to their subjects, because it blackens the British Government to defend the man who is oppressing his people in the way some of the Princes at present are. " Asked as to whether she knew any instances of a deliberate attack on the Indian Princes she answered in the negative. She explained herself about her view of giving some protection subject to certain limitations. She held that there might be protection, provided there was power to interfere in cases of mal-admini-trption. Tf the Government protects the interests of subjects of Indian States then they should protect the interests of Princes. There should be reciprocity. Dr. Besant went to the length of conceding that as in some States the honour of women was not respected and property was confiscated without trial, if a man writing about the Princes of such States used the words ' monsters of iniquity, ' and ' sucking the life-blood of the peoples' such criticism would be just and legitimate.

Maulvi Mahabub Alam, Editor *Paisa Aklibar* of Lahore, who has been connected with the press for over ;;0 years was for giving some protection on the ground that undue advantage may not be taken of the native Princes and that the press may not be debased by such threats. He however was equally emphatic on giving protection to the subjects for ventilating their grievances. His idea of protection for the Princes was that the native Prince may move the British Government and obtain permission to proceed against the man in the ordinary civil court and also in the criminal courts. He had nothing else to suggest. When cornered by Mr. Jamnadas as to whether it would be possible for the poorer and much less powerful subjects of native Princes to move the Imperial Government for the redress of thdr wrongs-the Maulvi had to make the confession : " I think the subjek's of native printes have no such

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power. At the present time there is a case going on in Tonk where the subjects of the Nawab of Tonk are said to have been, very badly treated. They have sent petitions outside calling attention to their grievances but they have been punished by the Darbar." Mr. Jamnadas put a very pertinent question which, explained the whole situation : ' Supposing **theTe** is a case of **ill-treatment** in native States, naturally there are papers in British India which are prepared to publish grievances, such as those relating to ill-treatment, in their issues. If special protection was given to the Princes by law, do you think that the editors of the newspapers would dare to publish those grievances ? ' He put the case very boldly in the following query " I will put to you a concrete **ins-tance**. Suppose in a native State a respectable woman **has** been robbed of her honour, which does happen often in native States. Now suppose the editor of a newspaper publishes that; suppose also that a native Prince takes advantage of the protection that he gets by law, which you say you are in favour of providing for and moves the Imperial Government **and** the Imperial Government takes the editor to task, don't you think that one or two instances like that would stop **alto-gether** the grievances being published and such native Princes being exposed ?" The **answeT** is quite obvious on the surface. Asked as regards the scope of the protection whether it extend-**ed** only to sedition and, disaffection or for committing abduction and kidnapping, he confined it to sedition only. He desired to give protection to Princes of native States only in such cases **where** the State is attacked and sedition is attempted. Babu Prithwis Chandra Eoy of the *Bengalee* was for giving some protection against attempt at disaffection conducted in British India. Mr. Vaze, editor of the *Servant of India* was also for giving protection against sedition; but he urged that this protection should not stifle criticism of the administration. The following questions and answers will explain the character of **the** protection which he thought was deserved by the Princes.

**Q.**—Don't you think that a certain amount of agitation is **required** for the»purpose of exposing the acts of ill-treatment at **the** hands of the Princee ?

*J.*—Yes, a good deal of oppression is practised in some States and a great deal of agitation is necessary.

*Q.*—Don't you think that if this protection was given to the Indian Princes by law, then, exposure would not be possible ?

*R.*—The protection that I contemplate is such that it will also provide for the protection of the legitimate rights of the subjects.

*Q.*—Is that kind of ideal protection possible in law ?

*Mr. Vaze* replied that the British Government must see to it that the right of criticism of the subjects was not infringed. He made himself quite clear by stating that if the Indian Princes are protected, at the same time the subjects of those Princes should also be protected.

*Mr. Barkat Ali* of Lahore was for giving protection *to* the Princes on principle ; but said ; at the same time "I desire to bring to the notice of the Committee that administration in native States is of a much lower character and we persons in British India, who are against this kind of administration, view some times with horror some of the acts of the native Princes. Therefore, while protecting the native Princes the Committee should see to it that the native Princes are not given absolute immunity in respect of their acts and measures. I certainly say that the native States' subjects should be given an opportunity of criticising the administration of native States. I would welcome the opportunity to protect them in much the same way as British subjects." *Mr. Barkat Ali* however was subjected to a severe cross examination by *Chaudhri Shahab-ud-Din*. The question and answers are most interesting and we make no apology for quoting them.

*Q.*—I believe you are aware that there are complaints against native States that they have expelled respectable persons without giving them any notice from their States ?

—There have been complaints—the outrage of the Nazam asking a man of the status and position of *Mr. Jinnah* to leave his country. The states are up to everything. It would be nothing for them to expel respectable persons.



**Q.**—Dont you think that the law of sedition is a very powerful and dangerous instrument in the hands of any Government, however civilised ?

**2V.**—It is undoubtedly a very powerful and dangerous instrument.

**Q.**—And it has to be applied very carefully and very considerably.

**fl.**—Yes. Undoubtedly.

**Q.**—Do the native States exercise such legal and just administration as is done in India ?

**A.**—Nothing of the kind.

**Q.**—There is oppression, tyranny, misrule, and mismanagement.

**H.**—Yes. Opposed to all form and of law conceivable. As a matter of fact they do not know what the law is. They are **too** autocratic to recognize law.

**Q.**—If that is your view of their misrule and mal-administration, do you still suggest that they should be protected against sedition and disaffection not in their own States but sedition and disaffection which is spread by British Indians in British India.

**H.**—I think I am conscious of the fact that there are many serious abuses to be repressed. But, still, if the Government insists, I would not deny to them the right of including native States within the ordinary law of sedition, because I know that the law at any rate will be administered by British courts in India. The trial will not be in a native State. It is on that postulate that I would not mind giving this, if the Government insists.

It will thus appear that Mr. Barkat Ali favours protection if only Government insists upon giving it to the Indian Princes and this upon the express understanding that if it eventually leads to any prosecution it should be tried only **in** British courts. \*He thus has incidentally disclosed his lack **of** confidence in the courts **of** law existing in Indian States.

Mr. Krishna Ram editor of the *Leader*, when asked if he would arm the Government with some power to protect the native Princes from being brought into hatred or contempt, definitely stated : ' I am not in favour of any such protection or any such provision, because I think when Governors and Viceroys and others are open to criticism I do not see any reason why Indian Princes should be immune from criticism.' He favoured the idea of some protection in the substantive law of the land penalizing the action of promoting disaffection provided that legitimate criticism even of a very severe character was excepted. This is all the evidence for conditional and qualified protection favoured by the witnesses before the Committee.

### Some Difficulties

There are serious difficulties in solving this problem of giving qualified protection to the Indian Princes. Every advocate of this opinion has made it a condition precedent that subjects of these states should have the fullest latitude to pass legitimate criticism on the administration, to ventilate their grievances and to expose the acts of mal-administration and autocratic *zulum*. Now the line between legitimate criticism and so-called sedition is too thin to be discerned by the backward subjects of Indian States. At the outset we are confronted with the intricate definition of sedition. Many witnesses before the Committee have raised this point. The definition of sedition in British India has undergone a good deal of change since the partition days. Before 1913, as was aptly-remarked by Mr. Jamnadas Dwarkadas, if a paper wrote the word Swaraj it was to a certain extent considered seditious. Lord Pentland in his speech in Madras in 1917 declared openly in the Council that the people of India should remove all ideas of the early attainment of Swaraj or home Rule from their minds. Mr. Justice Fletcher and Mr. Justice Mitford on the other hand have held in Calcutta that the desire to obtain Swaraj was not sedition; and ultimately it has now been distinctly announced that it is the declared policy of His Majesty's Government to confer Swaraj on the Indian people. Now would it be sedition for the people of an Indian state to have legitimate-

**aspirations** similar to those entertained by the **British Indian people** ? The criticism levelled against Indian States has **been either** for the redress of grievances, **or** for association **with** the administration or **for** the attainment of responsible government **in** the states. The object of the criticism, however unfriendly, however scathing and however regrettable it may be, is only to attract the attention of the ruler concerned and **to draw out** the sympathies of the **British** Government **in** their **favour**. There is not the remotest idea to excite the people to change the ruler and to place another **in his** place. Witness after witness has distinctly stated before the Committee **that** there **has** not been a single paper which has disseminated sedition against **an** Indian State. This has not happened. No **British Indian** press has **been up till now** prosecuted for sedition **at the** instance of **an Indian** State. **Why** should **therefore, any such** apprehension be entertained **for a state of things which has not** existed for all these years ?

Another very nice **point** was raised before this Committee by Mr. Shahbuddin in his question to Mr. Earket Ali. 'I believe you **will** agree with me that sedition **can** be spread against **the states** only when it is spread among **the** subjects. That **is** **sedition** against any state is possible and conceivable **only** **when** it is spread and disseminated amongst the subjects of **that** state.' Mr. Parkat Ali had to admit that undoubtedly **it** **was so**; and added that properly speaking sedition is as it were between the state and the subjects. Now the criticism in papers existing in British India so far as it is circulated in British India, **cannot** under any circumstances be alleged to excite disaffection against any state by any stretch of imagination. Intention of sedition or disaffection can not exist between the British subjects **and** Indian rulers. It cannot be imagined that it will exist between an alien people and the ruler of any state against whom they have nothing to do. The British Indian Press, therefore cannot be accused of exciting sedition within the jurisdiction of British India. It may be guilty of the attempt to excite disaffection or sedition within the jurisdiction of an Indian State. The place of offence would be the state limits and prosecution can be undertaken legitimately within the state **limits** alone. **But** under the Extradition Act sec. 124 A is **not**

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calls which distinguished editors receive for holiday trips, for *shikar* parties from Indian princes, who are anxious to keep these people quite *khustia*. If these editors put in a word or two of praise of the doing of these princes and style them as enlightened they feel more than repaid. What huge outlay an Indian prince has to incur to gratify a political week-ender or a globe trotter for a stray and favourable reference which may be found in the impressions which he may jot **down** and publish in the future. Then there is the sumptuous hospitality provided to the representatives of **the** foreign press. All this means tremendous **waBte** of money to **the** state. It does not come from the pocket of the prince. It is contributed by poor *rayats* of **the** states who have **to** sweat their brow to earn the **same**. The average man, therefore, will easily understand who has greater capacity, power and strength to influence the press, whether the helpless subjects of the states or their omnipotent and autocratic rulers. The difficulties also of maintaining any defence have been pertinently stated by Mr. J. N. Mukerjee in the following question—you know that the Indian princes very often rely on their underlings and there is enormous difficulty in getting witnesses from the Indian states into British India to depose against an Indian prince and in favour of the so-called offending napers. The witnesses shall have to be brought over to British India from the Indian states; and **it** will **be** extremely embarrassing to secure their attendance whenever they are reluctant and afraid of giving evidence against a prince.' Is it therefore so easy to give this protection in practical manner to **the**-e Indian princes ?

#### **Demand of the Princes.**

It is really unfortunate **that** the Indian princes have not openly formulated their demand for protection against sedition in British India. What can be gathered from the stray expressions of these princes may briefly be summarised as follows :—

They claim protection on nearly seven grounds. Firstly, they maintain that as they do not allow their own states to **be** the breeding grounds of sedition and disloyalty against the paramount power, the British Government, as an act of co-operation and reciprocity should not allow sedition against.

them to be disseminated in British India. They expect that there should be a proper response on the part of the Imperial Government in stamping out sedition in British Indian press directed against the Indian states. The second ground is that as the Indian princes have been of immense use to the Empire in times of difficulty and danger and that as the loyalty of the Indian princes has been unshaken, as a consideration for the valuable services rendered by the Indian states as friends and allies of the paramount power, the British Government is in duty bound to extend this protection to the Indian princes. They assert that their constitutional position in the Empire entails this obligation on the British Government. The third ground is that as the Indian princes are treated as partners in the Empire there is an identity of interests and the Imperial Government should in deference to this position protect the Indian princes from attacks in the Indian press. The fourth ground put forward is that under the treaty obligations the British Government is bound to safeguard the rights, privileges and *izzat* of the Indian princes. As the Government have undertaken the duty of protecting the Indian princes from foreign aggression or invasion or an open enemy from outside, the Government is equally responsible for the protection of these princes from the insidious attacks of the Indian press sedulously directed against them and positively baneful to their prestige and honour. The seditious libel contained in newspaper criticism is as potent a factor in undermining the influence and lowering the *izzat* of these chivalrous princes as any inroad on their states or on their properties. The treaty obligations therefore are supposed to strengthen constructively the position that the spirit of the treaties enjoins on the Imperial Government the duty of protecting the Indian princes. The fifth ground is that as sedition is preached abroad and in places wherein the Indian princes do not exercise any authority or are not vested with any territorial jurisdiction, they are impotent to strike a death blow to this vile attempt of calumny and abuse levelled against them. They therefore entreat the paramount Government to come to their rescue and save their honour. The sixth ground strenuously advocated is that there are insuperable difficulties in prosecuting the offending journals and newspapers situated in British

India ; that the princes **in** such attempts would be exposed to **the** fire of cross-examination and would be placed in a most awkward predicament and would very likely fumble and collapse in such a struggle ; that they are afraid that the British courts cannot appreciate their high sense of *izzat* and their pride of ancient pedigree and their thin susceptibility, and thus justice may not be done to their order. They also fear that they would not be in a position to undergo all the worry of producing witnesses and of keeping them in good humour and all the humdrum process of a judicial court. They for all these reasons request the paramount Government to invest them with the necessary power of adequately punishing their traducers in British India. The last ground is that **the** Indian states enjoy a much larger and substantial self-government or *Swaraj* in their own limits ; that the people of British India have no business to poke their noses into the domestic affairs of the Indian states and that the Indian princes have a legitimate right to resent any officious advice given to them from outside ; that peace, security and contentment reign supreme in the Indian states and that the sedition mongers **in** British India in their diabolical efforts to wipe out the Indian states unnecessarily disturb the harmony prevailing in these states and mar the bliss and contentment of their subjects. The Indian princes therefore request Government to help them **in** continuing this blessed situation both in the interests of the Indian states and of the Empire as a whole.

#### **Feudatory Relations.**

We have given above a resume of the points raised on behalf of the Indian princes in this connection. We shall now categorically examine the soundness of the various propositions detailed above. The first claim is the most impertinent as it presumes a position thoroughly inconsistent with the *defacto* relations which Indian states bear towards the Imperial Crown. As feudatories the Indian states are bound to be loyal and they should not parade their sentiment in such an ostentatious manner. That they do not allow their own territories to be used as breeding grounds of sedition against the Crown is not a matter of any favour or courtesy but it is the bounden duty of these vassals which they owe to their

over-lord. Both the princes and their subjects in Indian State are under this obligation. The subjects of the Indian States are under double allegiance to their own Chiefs and to his Majesty the King-Emperor. 'Allegiance is the obedience rendered by the subject to a sovereign ; if the sovereignty is divided the obedience must be divided and in like proportion correlative with the legal duty of allegiance on the part of the subject is the moral duty of protection on the part of the sovereign. We extend protection to the subjects of native **B**states first as against gross misrule, secondly as against all enemies of the British Government by our general measures for the defence of the Empire and thirdly, in our ordinary relations with oreign powers because we give the subjects of Indian native states in foreign countries the same protection that we give to native Indian subject of His Majesty.\* ' This point was considered by the Press Laws Committee. When" asked whether there was any necessity of protection of the British Government from any seditious writings in the native states Mr. Barket Ali of Lahore said that as a matter of fact that protection already existed and that the native states would be the first to put the law in motion if the British Government was libelled. He further stated that the British Government does not stand in need of protection in native states. When asked by the Chairman, ' Suppose an Indian state made it a law that it would be no offence for any one to preach sedition or disaffection against the suzerain power within its own limits.' Mr. Barket Ali promptly replied ' A native state not for a minute could do that. The moment **it** began to do so the state would be forfeited. The Chief would be dethroned and the Government would interfere.' The first ground therefore set up by the Indian princes for demanding, protection is quite untenable and is throughly unbecoming, **as it** is their primary duty to be loyal in their own person and to rigidly maintain the loaylty of the whole state to the Imperial Crown. It **is** not a matter of barter <r exchange and much less can such a proposition be advanced with any •ense of propriety without exposing oneself to the reflection of want of affe<^ion and attachment to the sovereign power.

Even theoretically considered such a claim is unwarranted. Loyalty is to flow from the subjects. It is an unilateral sentiment and not bilateral. There is no room for reciprocal sentiments. The return of loyalty or allegiance on the part of the sovereign power is the duty of protection and good government. Viewed in this light the Indian princes have not only to be personally loyal to the Throne but they have the additional duty of maintaining and securing the loyalty of their subjects to the suzerain power, and no sane man can ever expect any reward for the discharge of a duty or the fulfillment of an obligation. The subjects of Indian states as they owe double allegiance, firstly, to their princes and secondly, to their sovereign, are labouring under a double disability. They have to suffer all the evil effects of despotic rule. They further do not get any redress from the sovereign power which pretends not to intercede on their behalf on the score of the mistaken policy of

#### **Nonintervention.**

The Imperial Government does not allow the Indian state subjects to square their accounts with their princes. The paramount power threatens to come down upon them with all the resources of a mighty Empire to protect the Indian princes on their *de jure*. This double allegiance therefore at the present moment has entailed all the disabilities of double despotism on the helpless subjects of the Indian states. The Indian princes and the Imperial Government whenever it suits their convenience parade the doctrine of non-interference for their own ends. But it is to be regretted that the full significance and the result of this doctrine are not correctly appreciated by either. The Indian princes including the most enlightened maintain that the British Government should not interfere in their domestic affairs as the princes on their part do not meddle with the administration of British India. They want therefore for the sake of their own prestige and for the exercise of their autocratic powers the Government to follow the policy of strict non-intervention. Supposing the Government does follow it, are the Indian princes prepared to stand by this policy? "Would they never invoke the assistance of the paramount power for their own safety and protection? The Indian princes do



not possess any real military strength... Even such of them as maintain troops cannot expect to get any help from their troops in their effort to bring their own subjects under their despotic sway. The world-wide forces of liberty and self-determination have influenced all human beings including those of Indian states. It is no longer prudent to think that they are mere children. If therefore in this struggle for self-determination self-assertion and responsible government, the subjects of any state quietly ask their ruler to vacate his position like Abdul Hamid of old Turkey, would they not run to the paramount power for help? Would they keep quiet and desist from invoking the assistance of the paramount power on the ground that all this pertains to the domestic administration of the state. Experience belies this expectation. In any such contingency the Indian princes would take to their heels and seek shelter under the protecting wings of the paramount power. They would send piteous appeals for help to the paramount power, unless they are prepared to surrender their autocratic powers gradually. A recent incident of a state in Northern India has vividly proved the futility of this doctrine of non-intervention so often extolled by the Indian princes. The Indian princes cannot hope to hold their autocratic power without the connivance and the active assistance of the suzerain power. In a struggle for liberty unaided by outsiders, the princes are sure to go to the wall. They must therefore realise the logical sequence of this doctrine, if it is to be carried to its full extent. If the British Government as suzerain power arrogates to itself the duty of protecting the Indian princes on their *garirs*, is it not incumbent on them to advise these princes to give up their autocratic powers and to fall into a line with the administrative policy of the British Government.\* The allegiance which the

\* The British Government alone of governments has succeeded in the wise policy of building up the security and safeguarding the rights of its feudatory principalities; and to this are due the stability of their organisations and the loyalty of their rulers.... But I also do not hesitate to say wherever I go that *a return is owing for these advantages\* and that security can not be repaid by license or the guarantee of rights by unchartered exorbitant offerings.*

rule of their Princes- and **the** assistance for their legitimate demand of good government and also **of** self-government and avowedly of responsible government. If any one person **more** than another has a better right to appeal **to** the sympathies **of** the Imperial Government, it is not certainly the 700 individuals but the 70 millions **who** have stood solidly by the ' Empire in the hour of need. The third ground set up is of

#### **Identity of Interests.**

We have been unable to grasp what **is** meant by this expression. Many states no doubt enjoy full rights of internal sovereignty and **the** problems of internal administration must be the same as those in British India. If the Indian Princes mean that **as they** enjoy internal sovereignty in their own states and have **to** deal with analogous problems of administration the interests of **the** Princes and those of the paramount power are identical they are sadly mistaken. It is not the every day administration that **in** of any moment in this question. The identity **of** interests **has** got nothing to do with the internal sovereignty enjoyed by these Princes. It is their position as partners of the Empire, as members of this vast federation of the sisterhood of nations which the authors of the Montford Report have so graphically described, that underlies this identity of interests and is the basis of such union, Mr. Montague in reply to **the** toast: proposed by the Maharaja of Bikanere at the banquet given in his honour at the Hyde Park Hotel clearly stated the basis of this union in the following words :—

" The great message of the British Empire to all races and all kinds **of** views gathered together under its *aegis* is the pursuit **of** the common purpose **of** the comradeship of freedom and progress "

In this lies the identity **of** interests. If **we** apply **this** standard of freedom and progress to the Indian Princes, do they after **all** reflect any credit on the Empire? Would British statesmen ever consider it an honour to be associated with any Prince, imbued **with** traditions **of** despotism, indulging in **the** ideals of ' Divine **right of kings**' and averse to ideas of liberty and freedom? What are the ideas of freedom and progress in these fates? Have they allowed the elementary **Tight\*** of liberty

of **the** press, liberty of speech or the liberty of meeting to their • subjects? How many newspapers flourish in the 700 and odd Indian states? Is it not a matter of shame and humiliation **that the** atmosphere of the Indian States should not prove • congenial to the growth of a healthy press after a century of peace and order maintained by the British Government? Is it **not a** strange irony of fate that the soil of Indian States should prove barren for the growth of a vigorous press under their rulers • who are not at all aliens and who are closely wedded to their subjects by traditions, historic relations, language, religion and community of interests, while under the alien rulers of British India the press has attained a remarkable development in spite of conflicting interests of the rulers and the ruled so dominant in British India? Can the **60**-called enlightened Princes unwittingly harping on the identity- of interests, explain this palpable difference? How many of them **have** introduced real representative institutions in their States? How many of them have parted with **an** iota of power in favour **of** their subjects? How many of them have evinced a genuine desire **to** associate their subjects with their administrations? **We** can state without fear of contradiction that all the so-called representative institutions in the States are merely sham. They **are** intended to delude **the** foreigners who are **not** accustomed to the oriental ways of these Princes. In not a single State is the so-called Representative Assembly invested with any real power, they cannot criticise the budget freely **or** attack the Government measures as fearlessly as was the case even under the old councils in British India. Members **of** these institutions are precluded from opening their lips against the *khasgi* or the civil list of the Indian Princes which is the all-absorbing item of expenditure of an unlimited character. If any one dares to criticise the pomp and paraphernalia **of an** Indian Prince, just as the members of a provincial Council **are** accustomed to criticise even the item of the band of **a** provincial Governor, he shall have to leave the premises of the State bag and baggage without notice. It is only by contrast with British India, that Indian State subjects realise at every moment of their lives the value of the elementary rights of liberty, **of** speech **and** the security **of** person and property

generally enjoyed **in** British India. **How** many **of** the **Indian** Princes regard **the** State as a trust **and** are **prepared** to **impose** limitations on their powers ? How many of them resist **the** temptation of squandering the money of their own subjects **on** objects of their personal enjoyments ? How many of them **are** prepared to make and maintain the distinction between their civil list and the income and expenditure of the State ? How many of them possess a well-trained, well-equipped and **well** ordained service ? In how many of them adequate pensions **and** legitnats promotions ar) guaranteed? How many **Indian** princes patronise Indian talent, Indian learning and Indian culture ? How many of them encourage indigenous talent **and** employ the qualified sons of the soil in their administrations ? **The** General cry in the Indian States is that the qualified chikl r:n of the soil are treated as aliens by the Princes themselves and there is no love lost between the two. How **many** **of** the Indian princes can hold their heads high on the score **that** their enlightened rule is based on principles of liberty **and** progress ? It **is** in these various details that there is a conflict of interests between the Indian Princes and the British Government. **The** standpoints of them both are entirely different, **The** underlying policies **of** these two are poles asunder. **How** can the Princes therefore advance this theory of identity **of** interests when by their own conduct **they** are rushing headlong **with** obsolete ideas of autocratic rule quite unconcerned **about** changes outside their States ? While the British Government **is** wedded to a policy **of** liberalising their administration, **the** Maharaja of Bikanere who *is* the high Chancellor **of** the Chamber of Princes, is maintaining that the administration **of** Indian States is carried on in a benevolent spirit, that the states enjoy home rule and that peace and security reign supreme in the land. We do not think that anybody would seriously waste a thought about this pretension of maintaining peace and order in the Indian States. We have to be thankful not to Their Highnesses but to the paramount power **who** have undertaken this duty of ensuring peace **in** **this** land. As regards **the** benevolent spirit, the less said the better. We ask **the** high Chancellor of the Chamber of Princes what substantial **power** **he** has given **to** **his** subjects ? What **is** the incidence **of** taxation

In his own State ? What amount is spent for civil list and what is the ratio of it to the income of the state ? Is there any well-ordered service under his administration? Are not high posts the monopoly of his relations ? Are the children of his State allowed to occupy the highest posts of pay and emoluments ? What amount is he spending on the education of the people and what is its proportion to the income ? What is the condition of local self-government under his-benign rule? How many panchayats, municipalities and district boards are flourishing in his State and what is the popular element and State patronage which these institutions enjoy under his rule ? Is there a single representative institution really worthy of name in his State ? Can His Highness render any public account of these queries before he can lay claim to benevolent rule ? Lastly, we put it to His Highness whether there is a single newspaper worth the name existing under his enlightened administration? The treatment which His Highness's Government meted out to Seth Jamnalal Bajaj and his party as stated in a letter to the *Leader* shows the character of the administration prevailing in the State of the high Chancellor. His Highness so eloquent on all occasions has not chosen to vindicate his administration against the attack made openly in the press. It is easy to tickle the good will of unwary hearers, thousands of miles away from his State entirely ignorant of the conditions of his subjects at a banquet given at Carlton or at Hyde Park. But every one in India will judge His Highness not by utterances but by the verification of hard facts existing under his administration. As long as the Indian Princes are pursuing the policy of autocratic rule, as long as they are not prepared to share the administration with their subjects, as long as they do not strive to develop real representative institutions in their States, as long as they do not treat the State as a great trust, as long as they do not put any limitations on their civil list, as long as they do not liberalise their administrations and educate and elevate their subjects physically, intellectually, morally and financially and as long as they treat the intelligent and qualified children of their soil as aliens, so long will the Indian Princes remain an anachronism in a progressive world. So long as they are not following the

policy of freedom and progress which permeates the fabric of this vast Empire, the assumption of the high sounding titles of friends, allies and partners of this Empire is exposing them to the contempt of the thinking world. It is also high time for the paramount power, to leave aside considerations of diplomacy and courtesy, if they sincerely desire to raise the Princes to the status of real allies and partners, to insist on them authoritatively to carry out the ideal which is laid down by His Majesty's Government in the declaration of August 1917. It is only when the Indian Princes will carry out this ideal into practice that they will deserve the confidence of friends and partners. Then only will all the living forces unite to bring about that consummation of a sisterhood of States so nobly conceived. Then and then only the Indian Princes would be entitled to take their stand on the so-called identity of interests.

The following words of Lord Curzon are very significant in this respect :

' The native chief has become by our policy an integral factor in the Imperial organisation of India. He is concerned not less than the Viceroy or the Lieutenant Governor in the administration of the country. I claim him as my colleague and partner. He can not remain vis-a-vis of the Empire a loyal subject of Her Majesty the Queen Empress and vis-a-vis of his own people a frivolous or irresponsible despot. He must justify and not abuse the authority committed to him ; he must be the servant as well as the master of his people ; he must learn that his revenues are not secured to him for his own selfish gratification but for the good of his subjects; that his internal administration is only exempt from correction in proportion as it is honest and that his gadi is not intended to be a dewan of indulgence but the stern seat of duty. His figure should not be merely known on the Polo Ground or on the race-course or in the European hotel. His real work, his princely duty lies among his own people. By this standard shall I judge him ? By this test will he in the long run as a political institution perish or survive ?

Lord Curzon at Gwalior Banquet.

**Bogey of Treaty Rights.**

The fourth ground upon which protection is claimed is that of treaties and engagements concluded with Indian states. We have therefore to see how far the treaties justify this claim. We have to consider whether the treaties are immutable as the laws of Medes and Persians whether they have been modified and ignored by the exigencies of the occasion; whether they have not been elastic enough to serve the purpose of the Paramount Power; and lastly how the treaties are to be interpreted and whether the spirit of the treaties is in consonance with the present demand for protection. The treaties are nearly a century old. The circumstances under which they were concluded have altered beyond recognition. The frame of mind in which the contracting parties entered into them has altogether assumed a different aspect. Mr. Lovat Fraser\* has very pertinently remarked that the relations of the sovereign power with the native states are in many cases largely governed by treaties and dispatches, some of which are more than a century old. During the gradual extension and consolidation of British control these relations underwent development and modification. The development of the British system has rendered the provisions of some of these treaties a little irksome and there are times when they block the completion of the government projects. The Government of the East India Company was transferred to the Crown after the Mutiny in 1858. Annexations and the policy of lapse had accomplished their objects. The expansion of the British Indian Empire had been almost completed, but even after this period the British Government has treated the treaties as mere scraps of paper by their own conduct. The assumption of the title of Empress by the Crown was done in defiance of these treaties. Mr. Gladstone, who opposed the Royal Titles Bill, vehemently protested against it on behalf of the Indian states. He said "The supremacy of the Moghul extended over all the native princes of India. What I want to know is this. Has that supremacy, that dominion ever been legislatively- or even judicially up to the present moment" assumed either by the East India Company or by the Queen

who succeeded the East India Company ? I am under the belief that to this moment there are important Princes and States in India over which we have never assumed dominion, whatever may have been our superiority of strength. We are now going by an Act of Parliament to assume that dominion, the possible consequences of which no man can foresee ; and when the Rt. Hon. gentleman tells us that the Princes of India desire this change to be made, does he really mean to assure us that this is the case ? If so I require distinct evidence of the fact. There are Princes who no doubt have enjoyed no more than a theoretical political supremacy till now ; but do they desire to surrender even that under the provisions of this Bill ? But I ask whether the supremacy of certain native states in India was ever vested in the Company or it was not ?" Mr. Gladstone concluded that it would be an act of timidity almost approaching to insanity for the British Parliament to consent to effect a change in the political status and position of the princes of India. Sir William Harcourt said that the Chancellor gave no evidence that the proposal was desired by the people or approved by the men of experience who composed the India Council. He quoted from Sir George Campbell : ' Indeed, in all our transactions with native states, however we may exercise real power we have never yet in form assumed the imperial superiority over our predecessors.' He observed that the Bill aimed at formally assuming the feudal superiority of India. ' This was not done at the time of the Proclamation of 1858 because it was not thought prudent to offend the susceptibilities of native princes at that time.' The treaties and engagements with the Indian states were the same in 1858 or 1876 ; but time had deteriorated their martial spirit and sufficiently demoralised them to acquiesce in the new rule and this is why the title \* Empress of India' was assumed by the Queen of England\* Sir William Harcourt pointedly asked whether it was wise to attempt to masquerade under eastern titles and manners at all ? Sanctity of treaties and considerations of honour did not stand in the way of British statesmen in those days to give legal recognition to the *de facto* relations existing at the time. The same policy led to the substitution of the word, ' *sovereignty*' for ' *alliance*' in the Interpretation Act of 1889. No treaty can



•warrant this change but, without consulting the Indian princes  
 \*nd without even informing them of this fundamental change  
 ;»nd without in any way modifying the treaties, an important  
 change has been effected in the status of the Indian princes  
 Previously the native states were described as " the dominions\*  
 of the Princes and States of India in alliance with Her Majesty."  
 But by the Interpretation Act the native states were described as  
 'any territories of any native prince or chief under the suzerain-  
 ty of His Majesty.' This is really a flagrant violation of the  
 treaties solemnly concluded with the native states. No reasons  
 were assigned for this change when the Interpretation Act was  
 passed. No opportunity was given to the Indian princes to  
 state their views when such a radical change was being effected  
 in their status behind their back. The conscience of the  
 British statesmen felt absolutely no scruples when such a vital  
 change detrimental to the interests of the Indian princes was  
 secretly brought about. We deliberately use the word 'secretly'  
 because when it was passed the Indian states were not at all  
 informed of the momentous change which affected materially  
 their legal position in the Empire. After the consolidation of  
 the British Empire was completed, treaties have been imposed  
 on the states to promote British Indian interests alone. The  
 solemnity of engagements previously concluded did not debar  
 the Government of India from ignoring the rights of the Indian  
 states-and from imposing new burdens upon them. These new  
 treaties sacrifice their vested rights, their authority and divert  
 them of portions of their territories. For the advancement of  
 British India, treaty rights were studiously ignored and  
 onerous duties were imposed upon the helpless princes. The  
 Imperial Service Troops was a new burden imposed upon the  
 native states. It was voluntary just in the same sense as  
 Macaulay used to call command in the name of advice when  
 used in connection with Indian States. The euphemism of  
 diplomacy is too thin to be undetected. The creation of  
 Imperial Service Troops unnecessarily saddled the Indian states  
 with heavy costs which they were not bound to incur under  
 treaty rights. The paramount Government with a view to  
 bring about uniformity of exchange has induced the Indian  
 states to\* close their mints. This has benefited the Indian.

exchequer. It has deprived the Indian princes of the profits of their coinage. All this was in derogation of treaty rights. The Indian states were required to cede territories for the construction of railways. They were made to part with civil and criminal jurisdiction over their ceded territories. They have **been** asked to enter into conventions to facilitate the administration of post, telegraph and telephone services of the Government of India. These are really commercial services. The Indian state subjects contribute to **the** income of the railways and to the commercial departments of post and telegraph. But they do not get any *pro rata* income from these sources nor are they consulted in shaping the policies of these departments. Treaties have been imposed upon the Indian states to obtain the monopoly of opium liquor and salt by the Imperial Government. **No** treaty rights entitled the Government of India to exact these monopolies from the Indian states. About the year 1880, all **total** duties were abolished and Indian states were ordered to remove all restrictions on free trade by the Paramount Power. The British Government has been making a huge income from customs. The treaties imposed on the Indian states by the Paramount Power have deprived them of any share of this income to which they are legitimately entitled. Extradition treaties and treaties for facilitating judicial process have been contracted with Indian states for the furtherance of British Indian interests. Treaties for the construction of Imperial roads, for the passage of Imperial canals, for the exchange of territories, for the convenience of British administration, for the creation of civil stations, for the maintenance and preservation of sanitoriums situated within the territories of Indian states, have been thrust upon the Indian rulers simply to advance British Indian interests. These treaties **were** in no way advantageous to the states concerned. They **imposed** additional burdens and heavy responsibilities. They **were** entirely for the benefit of **the** suzerain power. The **contract** was unilateral. **The** advantages are derived by the **dominant** partner, namely **the** suzerain power. **Where** were the sacred treaties when all these advantages were forced from the Indian States? What imperative necessity there was for the

Indian States to make these concessions ? The obvious inference is that the Paramount Power by reason of its avowedly superior position extracted all the advantages from the helpless Indian States for sheer exploitation. The scruples of conscience were laid aside for a time when the promotion of Imperial interests was concerned. Sacredness of treaties and honour of princes did not in the least matter to these British politicians when they ignored the treaties, treated them as scraps of paper and violated their spirit for the advancement of Imperial interests. For the consolidation and solidarity of the British Indian Empire the treaties have never been regarded as offering any obstacle to the British statesmen; and all these violations have taken place after peace and order were established firmly in the country and the Government had passed over to the Crown. We have thus far tried to show how far the Paramount Power has broken the treaties in letter and in spirit when it suited their purpose. Does it therefore lie in their mouth to set up these treaties to thwart the legitimate rights and aspirations of the subjects of Indian states? The main question for consideration is how to interpret these treaties. Are they to be literally followed or are they to be read in the light of surrounding circumstances ? The illustrious authors of the Mont-Ford report have furnished us with the correct solution. ' Practice has been based on the theory that treaties must be read as a whole and that they must be interpreted in the light of the relations established between the parties *not only at the time, when a particular treaty was made but subsequently.*' This means that the changes which *have taken place* since the time when the treaties were effected not only in relation to the Indian states but also in relation to the British Government as both of them are parties to these documents are to be taken into consideration—Lord Curzon has in one place stated that the treaties are to be respected for the old houses of the Indian rulers and for their traditions. The traditions of the British Government also cannot be ignored when reliance is to be placed on the treaties for political guidance. And what are the traditions of British rule ? British rule stands for security of person and property ; for freedom of speech and liberty of the press : for even handed justice between man and

man ; for preservation of the rights of subjects people ; for robust liberalism; for the healthy development of self-governing institutions ; for responsible government as the ideal form of administration ; for self-determination and for Swaraj which in the words of Abraham Lincoln means government for the people, by the people and through the people. There may be temporary aberrations in individual cases in some of these conceptions, but time and circumstances are responsible for these. The general trend of British rule has been on the side of liberalising human ideals and bringing about progressive realisation of self-governing institutions." This fact cannot be gainsaid. The speed of progress may not be as quick as many of us desire, but the forward move is undoubted and unmistakable. When, therefore the relations and the policies in connection with Indian states are to be moulded, we have to take into consideration the traditions of both. The spirit of them both must be firmly embodied in all the actions bearing on the Indian states and they must be manifest in the policy pursued towards them.

The duties of Indian rulers have been very graphically described by Lord Curzon in the following words :—

" I have always been a devoted believer in the continued existence of the native states in India and an ardent well-wisher of the native princes, but I believe in them not as relics but as rulers, not as puppets but as living factors in the administration. I want them to share the responsibilities as well as the glories of British rule...They must not rest content with keeping things going in their time. Their duty is one not of passive acceptance of an established place in the Imperial system but of active and vigorous co-operation in the discharge of its onerous responsibilities. "

In view of this conception of the duties of Indian princes, is it in keeping with their dignity to resent any criticism of their administration ? Are not the Paramount Power every day subjected to severe criticism and hectored with awkward interpellations ? Have not the Paramount Power with all their mighty resources given the liberty of speech and press to their subjects ? Does not the suzerain power consider this as one of

its solemn responsibilities ? Why should **not** the Indian rulers imbibe the same spirit and follow in the footsteps of their overlord? Why should they be petulant and narrow-minded in this respect and seek shelter under the shield of obsolete and time-worn treaties ? It would in this connection be pertinent to ask **what** treaties warrant **this** demand. Is there **a** single treaty by which the British Government has undertaken to protect the Indian Princes from public criticism of their administrations ? We have carefully scrutinized all the treaties in Aitchison's volumes and we have not come across any single instance, which justifies such a preposterous claim. The British Government cannot by its very constitution give any **undertaking** which goes directly counter to its established principles, some of the treaties enjoin **on** the rulers the duty of maintaining good administration. Is not the right **of** allowing free criticism one of the obligations included in the term good administration. In the face of these treaties how can the Indian princes ask for any **Protection** ?

We further ask the Indian princes whether these treaties have been regarded as inviolate and unchangeable when their own privileges are concerned. Have the treaties been **not** relaxed in the matter of mutual correspondence and visits of these princes ? Were they not enjoined by the treaties **not** to keep **correspondence** with one another or to visit one another without the previous consent or connivance of the political officers? Are the treaties not modified with a view to give them unrestricted liberty to enjoy foreign travels and even long sojourns in distant lands far removed from their states ? Are they not given **a** constitutional position by the creation of **the** Chamber of Princes? What treaty rights support **the** claim **for** the commissions of inquiry which are now being created to safeguard the interests of ruler and states alike ? Is not a member of their order chosen to represent them in the **high** councils of **the** Empire ? Was this honour conceivable under any liberal **reading** of the treaties ? Has **not** political precedent and practice undergone material change in their favour so far as succession and the remission **of nazar** are concerned ? Are **not** treaties entirely ignored to placate the wishes of Indian rulers ? Is not

greater attention paid to the Indian princes on all ceremonial occasions and at Government house functions in deference to their high position? Were these concessions enjoyed before to the same extent to which they are now done? The privileges of the princes have been all along materially increased and obsolete treaties have never come in the way of enhancing their honour. "The Princes have gained in prestige, their rank is not diminished, but their privileges have become more secured. They have to do more for the protection that they enjoy, but they also derive more from it. For they are no longer detached appendages of the Empire but its participators and instruments. They have ceased to be the architectural adornments of the Imperial edifice." ' *Noblesse oblige* ' is as much binding upon the Imperial Government as upon the Indian rulers. If they desire to enjoy honours, high privileges and great liberty they must conduct themselves in a way worthy of this position and in keeping with the traditions of British rule. The British Government has wiped out all the harassing restrictions on the press in British India in spite of an acute political situation in the country. Is it not therefore passing comprehension that these princes should insist upon a repressive press law which was considered as a blot on the administration? An enlightened prince, keenly alive to his responsibilities and to the traditions of the British Government, should be ashamed of asking such protection. That only the illustrious and high-souled prince, conscious of his self-respect and truthful to the traditions of the past and glorious history of his house—we mean His Highness Alijah Bahadur Maharaja Scindia—should alone refuse to ask for this humiliating protection out of this order of seven hundred, itself speaks of the depraved condition of the Indian rulers. We only wish that they would not add obloquy to their demoralisation by asking for this obnoxious and repressive measure.

#### Want of Jurisdiction.

The fifth ground urged is that as sedition is preached abroad and in places wherein the Indian Princes do not exercise any authority they are unable to stop the same. «*¶* of vituperation and abuse. We do not think that for the removal of vile

abuse it is necessary that the Government should be invested with any powers of an extraordinary character to give redress to the Indian Princes. The best way is for the Indian Princes to encourage indigenous press in their own States. The press in that case would be in a position to effectively check all unfounded criticism against the Indian Princes ; at any rate it will enable them to place their own views before the public. They can as well arrange to publish their own version in the British Indian Press and thus successfully contradict any allegations made against them. The British Government themselves issue press communications from time to time with a view to keep the public well informed about their own views and policies. If the abuse is vile it will die a natural death. If the Princes state their views before the public they would undoubtedly receive respectful hearing, and if they place the Government in possession of all the true facts relating to any question they need not feel disconcerted in the least about any criticism that may appear against them. If the matter is grossly libellous the ordinary law in British India gives them ample protection. His Excellency Lord Reading himself gave this salutary advice to the Indian Princes at the time of the opening of the second session of the Chamber of Princes " Your Highness will realise that it would have been difficult to retain for the benefit of the members of your order a measure of law which was thought unnecessary for His Majesty the King." It is well known that Lord Reading himself as Attorney General of His Majesty's Government conducted an ordinary libel suit brought against His Majesty about an unfounded charge of bigamy. His Majesty waived his privilege of immunity from the process of any court and consented to be treated as an ordinary individual in vindication of his own honour. This exalted conduct of His Majesty adorns a very interesting tale and points a moral which the Indian Princes can none too often forget. They can also, if they think it necessary, prevent papers indulging in reckless charges against them from being circulated in their own states. So long as the criticism does not aim at creating disloyalty amongst the subject of the State it is not of any consequence at all and the Indian Princes would never be prejudiced by it.

### **Extradition.**

The sixth ground which is advocated by the Indian Princes is thoroughly mischievous and highly dangerous. It briefly comes to this that as there are various difficulties in carrying on a prosecution in British India against any offending journal the accused should be handed over for trial to the Indian States; but this preposterous claim seems to have been based upon utter ignorance of the basic principles of the law of extradition so far as political offences are concerned. Political offences are never extraditable according to the canons of international law. Under the Extradition Act, XV of 1903 section 124-A is not included in the first schedule of extraditable offences. The Indian States cannot claim the surrender of fugitive criminals guilty of offences of a political character. We do not think that the enlightened British Government will set at naught the recognized principle universally honoured in international relations and concede this request of the Indian Princes; and from a commonsense point of view this principle is also thoroughly justifiable. In an Indian State the judiciary is entirely under the thumb of the ruler. They are the creations of his sweet will. In many states the personnel is not composed of qualified and educated people. It is difficult to believe that in a case, in which the ruler himself is the prosecutor, the judiciary of his state will ever decide against him. The trial only means the fiasco of justice being dealt out by the accuser to the accused. No rational human being would ever approve of this procedure. The suggestion therefore, though it apparently looks very innocent, is fraught with greatest danger to the liberties of British Indian subjects. The hardships of such a trial would be all the more suffered by the helpless commoner than by the state. The resources of the state are unlimited. They can command any legal talent. They can influence the witnesses. They can inspire awe by their intellect and their high position. It would be most embarrassing for an ordinary man to fight against an Indian ruler in his state with such heavy odds against him. If there is one thing more than another it is the ordinary commoner who would require assistance if by misfortune he would be dragged before the Criminal Court rather than his mighty persecutor, the ruling Prince or Chief of a State. The suggestion



therefore is utterly untenable both on principle and on grounds of practical difficulties.

### **Swaraj.**

The last ground upon which protection is claimed is that there is Swaraj in Indian States. That peace security and contentment reign supreme in the Indian States. To call the form of administration which obtains in almost all the states by the name Swaraj is a misnomer. This word has been used by a tyrant and even by the advocates of responsible Government and has been causing considerable misapprehension. The root meaning of this word is government by one self. The whole ambiguity of this expression lies in the interpretation of the word 'self' in this compound. A tyrant or a despot or an autocrat calls his rule swaraj. He means thereby the government of his own benign self. He is the master of all he surveys. There is none to dispute his right. His own will is law; and thus the government under such a ruler is entirely dominated by his self. The word swaraj is also applied by the bureaucracy to their benevolent despotism- They say the Government is for the people but carried on by them with the best of intentions for the benefit of the people. Here self means and includes the bureaucracy and the Government - that of the bureaucrats. Whether this swaraj satisfies the cravings of human mind it is not necessary to dilate. Swaraj may also be applied to the rule of democracy such as that which prevails in America or even to the form of government which prevails in the United Kingdom. Here government is of the people, by the people, through the people and for the people. Here self means people or subjects of a state; and the Government is dominated by their will. It would thus appear that the connotations of this word are as different as poles asunder and the whole range of ideas conveyed by it extend from despotism to democracy. It is therefore necessary to determine the meaning of self when used in connection with Indian States. Here the Government is entirely of the self of the ruler. It is not of the people. They are not associated with it. They have no part or lot in it. They are simply subjected to the domination of the self of their ruler. The ideal which the British Government has-

placed before it is that of associating the Govt, with the people and of making it responsible to the will of the people. Is it therefore appropriate to use the word swaraj or self-government towards Indian States? If the Indian Princes claim that there is swaraj in their territories meaning thereby the Government of the people, or Government responsible to the people, it is sheer Camouflage. No such Government exist" in any of the 700 states. The form of Government is one of un-adulterated autocracy. The second claim which these Indian Princes set up in this connection is that there is contentment and happiness under their rule. This also is a huge fallacy. The feelings of the subjects cannot be made articulate in the states. There is no press, there is no platform from which the people can ventilate their own grievances. They are perfectly muzzled and under the apparently smooth surface of quiet, indifference and apathy there is seething discontent in the Indian States, and it is every day being driven under ground. Of course there could not be any vocal expression of the feelings entertained by subjects of Indian States. But those who are familiar with the Indian States can clearly discern the under currents of discontent which are growing in intensity and volume every day by reason of the contrast with the condition of things obtaining in British India. The Indian Princes resent any advice for betterment given by the British India press. They maintain that the politicians in British India have no business to dabble with the domestic affairs of the Indian States ; and that the agitation for political rights carried on in British India is disturbing their harmony and the blessed happiness of their subjects. This is also an unjust accusation. The British Indian people have every right to advise the Indian Princes. The subjects of British India and Indian States are connected by historical associations, language, religion, race, consanguinity, family ties, business connections and the comradeship arising from neighbourhood. They are like 'elder brothers taking affectionate care for their younger brothers in Indian States ; and when the interference in the domestic affairs of Indian States proceeds from the noble feelings of advancing the interest of their fellow subjects what reason "iVere is to be offended at such an attempt ? The British Indian

subjects have a natural instinct of veneration and regard for the rulers of the States. They consider them as relics of ancient greatness which deserve to be protected and cherished with great respect. There **is an** innate desire **to** honour the Princes whenever they **go** and mix among British Indian subjects; and the spontaneity of the reception invariably accorded to the Indian Princes by the British Indian subjects **is** the sure index of the genuine esteem which they feel for them. Is it not therefore ungracious **on** the part of the Indian Princes to resent criticism of their neighbours when it **is** disinterestedly levelled for the good of the states? If we look to the history of the rational movement in British India there is much to learn for the Indian Princes. The congress movement, **in** its days of infancy was organised, inspired and supported by generous European retired officials like Hume and Wedderburn and by the broad minded and catholic British statesmen such as the late Mr. Bright Mr. Bradlaugh Mr. Digby Mr. Caine and a host of others composing the British Congress Committee. The congress movement owes its vigorous growth to the disinterested advice and the generous support received from outside. The position of the present agitation for constitutional rights **in** Indian States is exactly similar to that which existed **in** the early days of the congress organisation. Great British statesmen took the lead in the congress movement at its inception. British Indian statesmen are at present helping and sympathising with the aspirations of the subjects of Indian States, for **a** considerable length of time the organ India was carrying on propagandist work for the Congress in England. Many influential British Indian papers are helping the cause of Indian State subjects in British India at the present moment; and it is necessary for a long time for these generous statesmen to interest themselves in the affairs of Indian States and to take the lead **and** the initiative in all measures for their advancement owing to the helpless and backward condition of the subjects of these states. It **is** thus the duty of British Indian statesmen and the British Indian Press to watch the affairs of the Indian States **and to** exercise **a** corrective **and** disciplinary jurisdiction over them.

The Indian Princes also can depend upon the Indian Press in their hour of need and tribulation. The Indian section of the Press in British India has always stood by the Princes whenever any wrong has been done to any one of them or whenever their rights have been interfered with, or whenever their privileges have been curtailed. The history of the last 50 years of the Indian Press will abundantly make it clear that whenever a Prince has been in danger or whenever his powers are being withdrawn, or whenever he is under the displeasure of Government and likely to forfeit his gadi the Indian Press has unanimously rallied round him and has invariably exposed the machinations of the political department. It is very easy to forget the past services of the Indian Press. The Anglo-Indian Press is basking in the sunshine of official favour and the Indian Princes with a view to keep the bureaucracy mightily pleased liberally patronise the Anglo-Indian Press. If it is possible to ascertain the extent of patronage enjoyed by the Anglo-Indian papers from the Indian States or the amount of expenditure which the states are obliged to incur for favourable reviews of their administrations it would unfold a very-interesting tale; but it is not possible to get these figures from the secret accounts of the state authorities. The natural sequence of this dependence on the Anglo-Indian Press has been to instill into the minds of these Princes the idea that the Anglo-Indian papers are their saviours. So long as one pays the piper one can command the tune; but this is not the correct criterion to judge the real feelings of the bureaucracy about the Indian States. They are sometimes revealed in an unexpected manner. The representation of the C. P. and Berars European Servants' Association has given a faithful description of what the Europeans think of the Indian States.

### Terre Irridente,

" Nearly one third of India with more than one quarter of its population consists of Native States or their subjects under the control of Indian Princes with various degrees of independence. The majority of these states had their origin in military despotism and many native States retained their traditions unimpaired. Some of the larger states maintain armies whose mili-

tary spirit and effectiveness have been enhanced by participation in the great war ; and their military organisations now show a degree of efficiency never previously approached. Several Princes look with feelings akin to desire at the rich territories which at one time or another formed part of the dominions of their ancestors. India contains many *Terre irridente*, many of the smaller states were at one time under the suzerainty of the larger and are now retained in their semi-independence by the power of the Crown. 'It is not too much to assert that if the Central power which is the English Government were seriously weakened some at least of these claims would be asserted. One single conflict of arms between two powerful claimants would light a conflagration that would rapidly sweep through India.' We commend these observations to the high chancellor of the chamber of Princes and the other shining luminaries of this body.

The expression *terre irridenta* means territory belonging by nature and race to one nation but wrongly or forcibly annexed by another upon which however the former always casts a longing eye. Alsace Lorraine before the great war was *terre irridente* to France or Tyrol to Italy. It is quite natural and human for any great nation to strive to get back territories over which it once exercised its sway. Whatever may have been the Pre-British History of Indian States we do not think that any Indian Prince having a grain of common sense in him would ever think of engaging himself in conflict with the Government of British India. The Government no doubt is at present English. In the distant future it would be of the people of British India. But in any case so far as military strength is concerned it would be invulnerable. But we take the liberty of enlightening this European Association or those of its fellowmen who share its view that the Indian States would no longer be *terre irridente*. Whatever may be the ambition of a fool-hardy autocrat of any state, his subjects would under no conceivable circumstances make a common cause with him in such a nefarious undertaking. Such an insane and suicidal act would surely lead to the total annihilation of such a ruler. But it is as certain as daylight that such a Prince shall have to fight single handed

without the assistance of his subjects and perhaps with the support of mercenary soldiers. In olden times the situation was quite different. The ruler of a state was all in all. His will was the supreme command. The subjects had no existence as a separate entity in the state. They were attached to the ruler by feudal ties? They looked upon him as a saviour. The doctrine of divine right of king was in full swing. Ideas of liberty were entirely unknown; and whatever the Prince or King did was wholeheartedly supported by the subjects. A century of peace and order and the ideas disseminated by the enlightened British rule have brought about a total revolution in the mentality of the subjects of Indian States. The feudal ties have entirely decayed. They no longer regard the Prince or Chief as the incarnation of a deity and the fountain head of all knowledge and wisdom. Ideas of liberty-self-assertion have permeated to the lowest strata of society in Indian States. The spread of education, the influence of the Press, the neighbourly example of self-governing institutions, consciousness awakened by the system of law about the liberty of person and rights of property—all these have brought about a divorce between the rulers and the ruled in Indian States. Their interests are no longer identical and the subjects of Indian States firmly believe that their salvation lies only in following into the footsteps of their brethren in British India. There is thus not the remotest chance of any conflict arising between British Indian subjects or their democracy and the subjects of Indian States. The political ideals of these two are exactly the same. The state subjects have placed before themselves the ideal of responsible Government under the eegis of their Princes and they fervently hope for the attainment of this as a part of the great federal system of sisterhood of nations so wisely contemplated and so graphically described in the Montford Report. "Whether the Prince desire or not, the Indian state subjects undoubtedly desire to reach this goal. The average Englishman therefore should bear this truth in mind and should not entertain any the least doubt that in case of any apprehended disturbance in this country, the subjects of Indian States would never rally round the banner of an adventurous chief instigated perhaps by the still mere adventurous alien bureaucrats but they would with one man support the Govern-

raent of Lbe people in Fritish India in the distant future. What we have stated above is not merely imaginary or conjectural but is supported by what is happening **in** British India. At the time of the creation of the new state of Benares it was suggested by some that with a view to gratify the Mahomedans, Oudh should be restored to the descendents of the Old Nababs who once ruled there. A howl was raised **in** the public press against any such proposal. Last year it was rumoured that the Prince of Wales was going to effect the rendition of Berar. But this news evoked a strong protest from the people **in** Berar and the press openly expressed the views that the people refused to go back to the swaraj of the Nizam. They began to assert their right of self-determination in this connection. The Englishman therefore should take note of this fact and bear in mind that the Indian States would no longer give any scope for the adventurous spirit of any one of them. The Princes also should be quite clear in their minds that their ultimate interest lies in faithfully adhering to the people in British India, in sympathising with their aspirations and in making a common cause with them for their own advancement, for the betterment of their subjects, for the prosperity of their States and for the solidarity of the future Commonwealth of which they and others form a substantial part. Blood is thicker than water and the Indian Princes can depend upon the genuine sympathy and attachment of the British Indian people and their Press if only, they treat them with the same regard and affection with which they are treated by the British India public generally. To resent therefore the friendly advice of the Indian Press is not only impolitic but highly suicidal.

### Conclusion.

We have thus shown that the grounds upon which protection is demanded are utterly hollow and some of them very fantastic. The evidence before the Law Commission has conclusively established the following facts: there are **no** newspapers with the name in all the Indian States. There are **no** instances of blackmail or a systematic campaign of extortion against the Princes **in** British India. The ordinary law **in** British India as remarked by Sir William:

Vincent affords protection against blackmail or extortion ; and the Indian Princes can very well take advantage of the provisions contained in the Indian Penal Code. There is no sedition against Indian Princes in the British Indian Press. Mr. Howard of the Pioneer and Dr. Rushbrook Williams the director of the central bureau of information have shown out this statement by their evidence. There was no protection given to the Indian Prince before 1910; and there have been only three solitary cases dealt with under this law during a period of nearly 12 years of the existence of the Press Law. These conclusions therefore support the view of those who are entirely opposed to give any protection to the Indian Princes. It is difficult to give effect to the view of those who are for giving qualified protection. The condition precedent of this view is impossible to be fulfilled. It maintains that before giving protection to the Indian Princes the subjects also must be protected in their right of freely criticising their administrations. This can not be brought about without interfering into the domestic affairs of the States. Dr. Vrs Eesant goes still further and maintains that if the Government of India are prepared to protect the subjects and are prepared to enforce the Prince or Chief to do the right thing then only should protection be extended to the Princes. This obviously cannot be accomplished without actively interfering into the affairs of such a State; but such interference would be violently resisted and the whole British Indian Press will denounce the Government for such a policy, it is therefore not possible to give effect to the views of those who are for qualified protection. Such a step will only lead to aggravate the evil which is intended to be stopped as was remarked by Munsii Krishnaram the distinguished editor of the Leader. In our opinion the solution of the difficulty lies in gently advising the Indian Princes to encourage the growth of avowed Press in their own States. The Government also should as in duty bound both to the rulers and the ruled in India - that is, make it obligatory on the Indian Princes to faithfully accept the ideals laid down in the declaration of August 1917 and to endeavour to take active steps with a view to give effect to this ideal in their everyday life. This alone will conduce to the happiness and contentment of the



Indian States, a consummation, which every politician whether European or Indian, living in British India should devoutly wish. But to give protection without doing any of these things would lead to most pernicious results. We cannot conclude this survey of the whole situation without quoting the most pertinent remarks of Mr. Vaza the editor of Servant of India contained in his written memorandum submitted to the Press Laws Committee.

I can only characterise this desire to give undue Protection to Indian States as born of misplaced tenderness for them. If the British Government felt for the subjects of Indian Princes but a little of the solicitude which they show to the Princes themselves they would not help in silencing the Press in British India on matters connected with the Indian States but encourage it by all possible means. The best way of saving the Indian Princes from popular hatred and contempt is for the British Government to exercise the authority that vests in suzerain power and to see that there is no misrule in Indian States and that they keep pace with the British Government in introducing representative institutions in their own territory. At present the evil from which the Indian States suffer is that there is far too little criticism of their administration, not that there is too much. If the British Government put a gag into the mouth of the British Indian Press in the interests of Indian princes the Government will make themselves morally responsible for a part of the mis-Government in the States which goes on unchecked for want of effective public criticism and agitation. "

His Excellency the Viceroy be moved to very kindly and favourably consider the urgent necessity of providing and adopting measures to safeguard and secure the Princes and Chiefs, their States and their Governments against any such insidious or dangerous attempts. "

The observation, which Lord Reading made during the debate on this question in the Chamber, are not published ; but we cannot believe from the tenor of the opening speech of His Excellency that he must have assured the Princes of any such protection. It appears that the matter was engaging the attention of Government since this time. His Excellency the Viceroy, at last, declared on the 5th September 1921, in opening the autumn session of the Councils, the determination of Government to give protection to the Indian Princes. His Excellency said " the Press Act of 1910 has been repealed. In this connection I pointed out last year that the repeal of the Act might necessitate the consideration of the form of protection to be given to the Princes against seditious attacks upon them in newspapers published in British India. In the mean time the Local Governments have been consulted and this question has been closely examined and has been the subject of correspondence between my Government and the Secretary of State. We have decided that we are bound by agreements and in honour to afford to the Princes the same measure of protection as they previously enjoyed under the Press Act, which is the only protection available to them and a Bill to secure this object will be brought before you in the present session. "

#### **Retrograde policy.**

This pronouncement of His Excellency Lord Reading was very disappointing from the standpoint of Indian States. The speech adumbrated a measure of legislation for the protection of the Indian Princes as enjoyed by them under the repealed Press Act, in defiance of the considered opinion of the Committee presided over by the Hon'ble Dr. Sapru the then Law Member. The Press Laws Committee had investigated this question thoroughly. It had invited the Indian

Princes to assist them with their views. • The Princes declined, to give any evidence before this Committee and thus treated with scant courtesy a responsible Committee chosen from both the Houses of the Central Legislature. The announcement therefore of the Viceroy is another proof of the retrograde policy which has been set in motion by the Prime Minister. The extremely indiscreet speech of the Premier and the unsatisfactory and irrelevant commentary on the same by the Viceroy have not been in any way useful in restoring confidence in the country. The Viceroy specially referred to the preamble of the Government of India Act and to the proclamation of His Majesty the King Emperor, but he studiously omitted the only point which called for an explanation. No sane man was out of his wits because the Premier characterised the reforms as an experiment as every political change is by its very nature bound to be so. It was not even necessary to remind the people that the Premier cannot unmake an Act of Parliament. The only statement which deserved an explanation was about the "steel frame" and it is this which has filled the public mind with grave apprehensions. The Viceroy in his reply to the deputation, or in the opening speech of the Council, has not said one word about this important subject. The public Services Commission sent in their report some seven years before. Five years have elapsed since the declaration of August 1917. We put it to His Excellency to state, from how many places, till now their monopoly, the Europeans, have been ousted? How many of them have been allotted to Indians? We know the tendency of the last five years has been to create new places for the Indians; but this is entirely opposed to the policy of Indianisation. The relevant issue is how many European officials have been divested of their posts in pursuance of the pledges given for Indianisation? If His Excellency had been pleased to place a statement before the public instead of shirking the responsibility he would have certainly received respectful hearing. He has been talking of justice *a la nauseam*. Does he not see any justice in the demand of the Indians for a substantial share in the services? Has he not seen the fitness of Indians for a real share in the services from his experience of the last 15 months?

If he will not do any justice to Indian aspirations in this respect, his name would go down to posterity as a miserable failure.

His Excellency has not given any reasons for going counter to the PreFS Laws Committee. HBB any new evidence been adduced to support the demand of the princes in this respect? Will His Excellency be pleased to allow the publication of this new evidence before this new measure is introduced into the Councils? Will the Government be pleased to publish all the correspondence between the Local Governments and the Secretary of State?

Some information was given in the white paper circulated in parliament after the act was submitted to His Majesty for his assent in December 1924. It was not published when the above was written,

"The next step taken by my Government was to consult the various Local Governments and political authorities and all Durbars whose Rulers were members of the Chamber of Princes. The questions that were put to them were—

- (1) whether it was advisable that the Government of India should take action to safeguard and secure the Ruling Princes and Chiefs and their Governments and administrations against attacks of the nature indicated, and

- (2) if so, what form this action should take.

It was added that the proposal which appeared to find most favour with the Princes was one for the extension of the scope of section 124A of the Indian Penal Code. It will however, be observed that the Resolution itself left the question of the form in which the protection should be given entirely to my discretion.

The result of the inquiry that has been made has been to show that practically all the States which have replied are definitely in favour of action being taken. There are about half a dozen whose views are somewhat different, in that, though they would apparently like to be protected, they would prefer not to ask for protection. Of the local Governments (who, it must be remembered, were not in possession of the fuller information on which my subsequent action was based), those of Bengal, the Central Provinces and Assam did not think that a case had been made out for legislation, though the opinion of the Government of the Central Provinces had reference only

**Need of justification.**

Lord Curzon in his speech at Rajkot once observed—

" When wrong things go on in British India the light of public criticism beats fiercely upon the offending person or spot. Native States have no right to claim any immunity from the same process."

If the Government of India are introducing a piece of legislation for the protection of the Indian Princes they have to make out a very strong case. Those British Indian statesmen, who have been in favour of some form of protection, have strenuously insisted that the Indian Princes must provide opportunities for their subjects for a free and unrestricted expression of opinion of their administrations. They have further urged that the so-called protection should in no way lead to stifling criticism. This naturally awakens our curiosity to ask how many independent papers are thriving in these seven hundred states? How many of them criticise the administration just as in British India the Press is accustomed to do in every day life? The evidence before the Press Laws Committee shows that there are no such papers in any of these states. Does it mean that the seventy millions of human beings inhabiting these states have no grievances at all? Does it mean that there is only bliss and contentment there? Our experience is entirely contrary to this supposition. The Indian Princes do not require the obsolete weapon such as exists in the armoury of British rulers, namely, the regulation of 1827 to deport men from their jurisdictions. They have told their subjects to

to the minor States with which they are in political relations. The Governments of Madras, the United Provinces and the Punjab were all in favour of legislation, but Bombay, though apparently in sympathy with the object aimed at, could suggest no satisfactory method of attaining it, while the Government of Bihar and Orisa offered no opinion. Among the political authorities consulted there was an overwhelming majority in favour of taking action. As regards the form that action was to take, opinion was generally in favour of extending the scope of section 124 A. " despatch of the Government to the Rt. Hon. Viscount Peel His Majesty's Secretary of State for India dated 12—Oct. 1922.

elucidate by reference to any of the published treaties the position which he has taken up. The Viceroy feels very great solicitude about the honour of the Indian Princes. Does he not feel as much for the well-being of seventy millions of His Majesty's subjects and what protection is His excellency going to extend to these dumb millions to save them from humiliation and oppression under which they are groaning and which are the natural outcome of despotic rule ?

#### **The Bill.\***

The Indian States (Protection against disaffection.) Bill **was** introduced, in the Legislative Assembly by the Home member, the Hon'ble Sir William Vincent on the 23rd September 1922. What we seriously complain is the mode employed by Government in rushing this measure through the Legislative Houses. If Government had been considering this question for over a year and if they had decided the form of protection to be given to the Princes would have deterred them from publishing the Bill in the Gazette at the beginning of the session so as to enable the members to understand the scope of the Bill and to examine its details. As a matter of fact the Bill ought not to have been introduced in the Simla session which is generally understood to be held for the disposal of urgent business and which is not very well attended owing to the inclemency of the weather. This session lasted for nearly three weeks and the measure was sprung upon the Legislative Assembly on the 23rd of September, when the Council **was** dispersing and the members were retiring for holiday. The Government by these tactics have left room for the insinuation,

The bill was put before the assembly on the 23rd September 1922 and leave to introduce it was refused by 45 votes to 44. On the 24th Lord Reading decided to make use of the special powers vested in the Governor-General under sect. 67B. He certified it and after certification the bill was recommended to the Council of State in the form in which it was introduced in the lower house, and it was on the agenda of that house on 26th of September and it was passed on the same date and received the assent of the Governor-General. His Majesty signified his assent to the act by an order of His Majesty in Council on 12 March 1923 in pursuance of subsection 2 of sect 67B of the Government of India Act. \*

that they did not like the public to express their views on this measure which is considered to be as offensive as the repealed Press Act in another form and thus they wanted to snatch the vote. Even the President of the Council of State is reported to have said that there should be no rush of legislation at the end of a session.

Sir William Vincent was a member of the Press Laws Committee and he had signed the report of the Committee. His speech asking leave to introduce the bill was very halting and thoroughly unconvincing. He adduced four reasons in support of **this** measure. He said that this legislation was necessary under the terms of the treaties and in accordance with the Royal Proclamation of February **1921**. The second reason was that instances of newspaper attacks on the Indian Princes fomenting disaffection against them justified the necessity of this measure. The third reason was that as the Indian States had laws penalizing the spread of disaffection against the Government of British India as an act of reciprocity it was necessary to have similar legislation in British India about these States. The fourth reason given was that the present measure made ample provision to safeguard legitimate criticism from coming within **the** scope of **this** law. He further added that as no prosecution under the Act could be instituted without the sanction of the Governor General-in-Council there was no likelihood of any abuse of this measure. All these reasons were plausible in the extreme. **The** treaty rights and the Royal Proclamation of February **1921** were in existence when the Press Laws Committee made **its** recommendations and the Home member was one of the signatories to this report. If therefore these treaties and these pledges did not come in the way of repealing the protection of the Press Act, **how** could any objection on that score be now advanced with any propriety? Since the Press Laws Committee unanimously made their recommendations no **new** treaties have been concluded or **no new** pledges have been given. The argument therefore is utterly futile. The Home member quoted four examples of objectionable criticism against the Indian States. The first **was** about the evil effects of alien rulers from their States. **Can this** criticism be called objectionable

### PROBLEMS OF INDIAN STATE3

when we find some of the important Indian Princes sojourning for years together in foreign lands and wasting the resources of their States for their personal enjoyment. Such a Political recluse as Lord Morley severely rebuked His Highness the Maharaja Gaikawad for staying away for a long time from his State. Sir William quoted from another paper the following extract: " People will see to it that the present system of administration ( in Indian States ) is smashed to pieces within five years. " We invite the attention of the Home member to the speech which Lord Chelmsford delivered at Bharatpur ; " Autocratic rule *any* where will in future be an exception and an anomaly. If the wheels of administration are to run smoothly the stirring times in which we live and particularly the events of past few months have emphasised the danger that attends the exercise of autocratic rule without proper regard to the interests of the people. In the vast majority of the countries of the world the realization of this danger had led to the substitution of Government by the people for the uncontrolled authority of an individual sovereign ' Lord Chelmsford administered this warning to the Indian Rulers with reference to the extinction of crown after crown in the conflagration of the great war in Europe within the brief space of two weeks. We leave it to our readers to judge which of the two quotations is more emphatic in its admonition. Sir William quoted another extract: " We call upon the seven hundred and odd gilded puppets in India to put their house in order to liberalize their administration lest the flame of the popular movement should gut the old and moth-eaten fabric of indigenous but autocratic rule in India." We commend to the home member to read side by side and to consider the pretentious words of His Excellency Lord Reading in opening the second session of the Chamber of Princes. "But the forces with which you have to deal are live forces. They need and they deserve careful study. I have referred to forces that have arisen that cannot be disregarded but must indeed be considered rather as the natural outcome of human progress and which no human agency can ever hold back." Those who can read between the lines can perceive which of the two quotations has deeper significance. The sentiment is the same, the mode of



only is not elegant in; the newspaper citation. These extracts therefore *do* not bear out the case for passing this measure. As regards the proviso exempting legitimate criticism the line of demarcation is too thin to be useful and effective. As there is personal government in every Indian State it is difficult to distinguish the criticism against the Chief or Prince and the disapprobation of his measure. The last argument about the sanction of the Government of India, it is not at all such a safe-guard as it is alleged to be and is merely an eyewash. The Government of India will be induced to take action on the *ex parte* representations of a Prince or Chief. The offending journal will not be served with a notice to show cause why sanction should not be granted as is done by judicial courts. As a matter of fact such a procedure has not been enjoined. This question was specifically raised before the Press Laws Committee. Mr. Kalinath Roy doubted the utility of this safeguard and pertinently asked in how many cases sanction asked for has been refused by the Government. The speech of the Home member appeared like a piece of special pleading and failed to carry conviction to the House. Munshi Ish^ar Sharan, a member of the Press Laws Committee vehemently opposed this measure. He referred to the opinion of the Committee and pointedly questioned Sir William " I ask, Sir, what has happened between the 14th July 1921 (the date when the Press Laws Committee report was signed) and the 23rd of September 1922? Have so many new facts come to the knowledge of the Government of India, have so many seditious writings appeared in the newspaper press that we should be justified in ignoring the unanimous opinion of the Committee appointed by Government? This question smashed the whole case for Government. Not an iota of evidence was placed before the House which in the opinion of Government was regarded as ' new evidence ' since the Press Laws Committee concluded their labours. The proceedings of the Chamber of Princes were not published. The members of the Assembly have no opportunity to know the view point of the Indian Princes on this question. If they had been published the members would have been in a position to judge the propriety of the resolution unanimously passed by the

chamber demanding protection against insidious and dangerous attacks in the Press. It is rumoured that so exalted a personage as His Highness the Maharaj Scindia of Gwalior did not want this protection. The Hon'ble Sirdar Jogendrasing stated in the Council of State that one of the very important Princes told the Sirdar that he did not need any favour of the kind to protect him. The Viceroy stated that correspondence has passed between the Local Governments and the Government of India and the Secretary of State. Why was not this correspondence placed on the table of the House to enlighten the members? Similarly if the Princes had made any representations to Government, they ought to have been placed before the assembly with a view to remove any misunderstanding about this Bill. But not a scrap of paper was allowed to be published for the information of the Houses of Legislature. Even the evidence of the political Secretary recorded by the Committee was not made available to the members of the two Houses. Why should this have been withheld from the members if it was available and made known to the Committee appointed for amongst the members of the Houses? The Indian Princes on their part such as the Maharajas of Plikaner, Alwar Nawanagar the trio of the Chamber of Princes or any Prince for that matter did not condescend to openly vindicate their demand and make known the views of their order. The Anglo-Indian Press is at the beck and call of the Indian Princes as it enjoys sumptuous patronage at their hands; but even these champions of the Indian Princes did not think it worth their while to advocate the cause of the Princes and to support it by cogent arguments. Except the Press Laws Committee's report and the reiteration of the words 'treaty rights' and 'pledges of honour' of the official spokes-men namely the Home member and the political Secretary there was absolutely no new material placed before the Assembly to form its judgment. The inevitable result was that the measure was thrown out on the first reading in the democratic House of the central legislature by forty-five members voting against it and forty-one voting for it.

**The members of the Assembly have shown independence of character and strength of conviction in this debate. Munshi**

Ishwar Saran emphatically asserted " if you pass an **act** like this the result will be in the words of the report of the Press Laws Committee that you would stifle all legitimate criticism in British India. It is well known to all of us **that** we, the members of this Assembly, cannot put a single question about **any** Indian State. We cannot pass any resolution about the affairs of any Indian State. We may look at their affairs and we may feel intensely about them but we dare not come up to you Sir, and ask your permission to ventilate our grievances against these Indian States on the floor of this House. Such being the difficulties of the situation Sir, is it fair, is it reasonable, is it proper that permission should be given for the introduction of a measure like this ?" Mr. Rangachari and Mr. Jinwalla the chief office-bearers of the democratic party in the Legislative Assembly have vigorously protested that at the tail end of this session the Bill was sought to be introduced in the Assembly and at its first reading no new material facts were placed before it **which** could justify it in practically overriding the decision of **that** powerful Committee and in ignoring Indian public opinion which endorsed it. The necessity of the measure was not clear on such facts as the Assembly had before it. Mr. Harchandrai Vishindas has expressed his opinion to this effect " at all events from 1835 to 1900 uninterruptedly that is for three quarters of a century such legislation **was** non-existent. In the second place the Princes stand in **no** need of such protection for one outstanding reason which I find nowhere alluded to that British Indian Government throughout the last half century **or** so have with religious scrupulosity adhered to the policy of non-intervention in the internal affairs of native states, whatever the state of those affairs as reflecting of beneficent rule **or** misgovernment; because with the slightest attempt at intervention by the British government, the Indian newspapers themselves would be the first to denounce that Government. Therefore the Indian Princes have **no** cause to apprehend **any** dire **consequences** from the adverse criticism of the Press even when such criticism is true in its entirety **and** directed against specific acts of mal-administration by the Indian Princes. **And** thirdly why should the Assembly go out of **its way to** afford legislative protection to people over **whose** misdeeds they **have**

no punitive or even corrective jurisdiction. These are briefly the grounds among others which actuated the Assembly's decision. Therefore the Assembly have acted with wisdom and dignity in not allowing themselves to be stampeded into obedience to the will of the executive by the threat of veto against their best judgment and dictates of conscience." Mr. Niyogi in a letter to the Press has very shrewdly observed that up to the 27th November 1921 the treaty obligations do not seem to have impressed the Viceroy in an overwhelming manner. When and in what circumstance then did Government pledge their honour to the Princes? It is said that fresh materials have come to light as a result of detailed investigation subsequent to the proceedings of the Press Laws Committee. If so it would not at all have been difficult to resubmit the Press Laws Committee, all of its members being present at Simla, in September last and place the addition of facts before it instead of adopting *the* course. Government deliberately followed a line of action which could not possibly commend itself to the popular house with some claim for democratic constitution. In the face of the deliberate recommendations of the Press Laws Committee the Governor General, who though forming 3 part of the Indian Legislature, is not a member of it and has not like the Prime minister or any other responsible minister any personal influence over its deliberations, commits himself to this piece of legislation without a fresh examination of the question by a Committee of the Legislature or otherwise; and this conduct of the head of the executive under these circumstances has been strongly disapproved in the statement of the democratic party.

After the Bill was negatived by the Legislative Assembly on Saturday 3rd September the Governor General certified the Bill and circulated it amongst the members of the Council of State on Sunday; and the Bill came before the House for discussion on Tuesday. We fail to understand the hot haste with which this extraordinary step was taken by the Viceroy. The Government of India Act no doubt vests the Governor General with this special power but the main question for consideration is whether the occasion was appropriate for the exercise of these bludgeon powers which by their very nature are to be exercised very sparingly and under the emergency of

a grave national crisis. The Princes were without protect Um for over 80 years and as Sir Binode Chandra Mitra remarked **they** could very well afford **to** wait for **some** few months more. If the first reading had been allowed in the Assembly it would have been referred **to** select Committee and the passage **of** is would never have **been** earlier than the next session of the Legislature. The Bill could have been reintroduced in the Assembly with all the fresh evidence for its reconsideration. We do not wish to enter into the controversy of what would **have** been the right procedure under the constitution- If **theTe** was some way of avoiding the use of these emergency powers and resorting **to** the ordinary procedure this ought to have been followed by the ViceToy. The Hon'ble Sir William Vincent has admitted **in** the debate of the Council of State that the Bill could have been reintroduced in the Assembly after proroging it. A statesman of Lord Reading's standing should have helped the development of the **new** constitution by laying down precedents of non-exercise **of** [emergency powers. The **lead** **which** was expected from his lordship acquainted with parliamentary institutions has not been received from His Excellency at this most critical and unexpected juncture. The Viceroy it appears was smarting under the rebuff administered to him by the assembly by passing a vote of censure about the ex-premier's ill-advised speech. The summary rejection of this measure perhaps mightily offended the Viceroy. The proceduro of certification and the indecent haste with which **the** Bill was introduced in the second Chamber show only the petulance of the executive head of Government. We are only surprised that Lord Reading should have shown such weakness and lost his balance in giving undue importance to this event in the early history and growth of this reformed constitution. Th» Hon'ble Mr. Thompson gave a very ludicrous reason for the extraordinary step of certification and for the haste with which the measure was rushed through. He **Eaid** " when **the** Bill'was still in the Assembly the crises had not arisen. The action of the \sserubly as **I** pointed out yesterdsy was bound to **CH.I** apprehensions in the States. Some Hon'ble members have fai'l **that** these apprehensions need not be taken seriously. The danger is that these States may apprehend that the Government

of India is weakening." Summed up in one word all the hurry, all the excitement, all the search in the armoury of the weapons of Government and the final resort to the extraordinary emergency powers was due to the fetish of prestige. This one sentiment often leads to the downfall of Government and shatters its reputation. It is a pity that the Government of Lord Reading should have committed this blunder and should have succumbed to the bogey of prestige. The Government of India in their attempt to maintain the *Izat* of the Princes have lost their own in the bargain. The Bill was moved in the Council of State by Mr. Thompson of the Tanjabiname. This gentleman had made himself odious when acting as the Secretary to the reactionary Government of Sir Michael O'Dwyer. He was recalled from the Punjab for this very reason. It is therefore very strange that the Government of Lord Reading should elevate this gentleman to the responsible position of a Political Secretary in defiance of public opinion. The conduct of Mr. Thompson was entirely in consonance with his ill repute as a high-handed bureaucrat. He made dangerous insinuations against the Legislative Assembly. He said that they had flung back the measure in the face of the Government of India and that they flouted the head of the Government and treated **his** ideas as dust in the balance. This statement was strongly resented by Sir William Vincent who rebuked him by stating that it was neither fair to criticise the Assembly in the manner adopted by Mr. Thompson, nor did he think the criticism would **do** any good to the Council of State or the Government. He said that remarks made in antagonism to the **other** House cannot produce good results. Mr. Thompson made an equally egregious attack on the Press Laws Committee. He characterised the finding of the Press Laws Committee that the Princes had no protection before 1910 as inaccurate and unsound. He tried to show by reference to an antiquated and repealed enactment of 1823 that there was protection given to the Princes. But the Hon'ble Home member forcibly pointed out that this was a mistaken view; and he said 'I cannot regard the regulation of 1823 which was in fact repealed in 1833 and which itself contained no reference to Indian Princes at all as affording any support for the proposition that Legislation of the present kind was-

needed at the time the Committee reported." Mr. Thompson made reference to an order issued in 1891 that no newspapers should be published in the administered areas such as Cantonments and Civil stations except under a licence from the political agent. We simply pity the ignorance of Mr. Thompson in confounding agency areas with British India. The administration in agency areas is controlled by the arbitrary powers given to the Governor General under orders in Council. We find that under the authority of this highly autocratic power a Provincial Government has given protection to the Indian Princes by amending section 124 A of the Indian Penal Code as applied in the agency areas. If the matter had been so simple to make any amendment in the substantive law of the land by an executive order this measure would never have caused the slightest uneasiness to the Government of India and would have saved Mr. Thompson the excitement of a furious and indecent attack upon the democratic House of the Central Legislature. Mr. Thompson's reference therefore to the order of 1891 is perfectly irrelevant and beside the point. Mr. Thompson's second allegation against the Press Laws Committee was that they were wrong in their inference that the number of occasions on which the Press Act was used was the measure of its utility; and that it was used only on three occasions. Sir William very vehemently retorted, "was it the duty of the Committee to hunt round for a justification for the protection of Indian Princes? Was it the non-official member's business or was it the Home member's business to spend their time delving into old records for the purpose?" If Mr. Thompson had cared to read the statement of Sir John Wood and his cross-examination before this Committee he would never have made himself bold enough to make this accusation. Sir John Wood, who was the only champion of the Indian Princes and who whole-heartedly advocated this protection collapsed miserably under the fire of cross-examination; and he was so ashamed of his plight that he did not allow his cross-examination to be published in the official report. Even this Mr. Thompson the officiating Political Secretary who has ransacked the pigeon-holes of the secretariat to find out the twenty instances in which the Act was used, has not made himself bold enough to

publish them for the edification of his hearers. If he had done so the public would have been able to judge the utility of the Press Act better than merely rely upon his *ipse dixit*. He would have been more convincing if he had published the hundred and seventy attacks made on Indian Princes and their administrations within one calendar year. This evidence would have more easily carried conviction than the 'far fetched' and little worthed 'interpretations' which he has put upon time-worn treaties. With all the pompous manner in which Mr. Thompson delivered his biting speech he has not been able to produce before the House any new evidence worth the name or capable of examination and scrutiny except bare allegations. Mr. Thompson stated that the treaty rights make it obligatory on the Government of India to give this valued protection. The Hon'ble Sirdar Jogendrasing very pertinently remarked that the construction on the words of the treaties quoted by Mr. Thompson was not proper: "Was it ever considered at the time when these treaties were made that there would be such a thing as a Press Act? I know that the words as employed can bear no such meaning: "The friends and enemies of one shall be the friends and enemies of both." But is a critic a friend or an enemy? And if in British India the paramount power can be criticised in certain of its actions is it not necessary that in the states also there should be full and free scope for an expression of free opinion? We are bound by our treaties to respect the Chiefs and to keep them in power and position. But we are at the same time compelled to recognize our duty to the people who live in those States; and that duty so far as we are concerned has always been recognised by the Government of India much more strongly than is allowed by the treaties. I would ask, the Hon'ble Mr. Thompson who has quoted from some of the newspapers whether he would care to lift the veil and reveal some of the facts which are in the faithful custody of his confidential files. "That would make an interesting revelation indeed." It is also to be borne in mind that the treaties have lasted for over three quarters of a century and neither the Government nor the Press Laws Committee nor even the Viceroy when he accepted their recommendation thought that they made it obligatory to extend this protection' to the



Indian Princes. Even the Press Act did not grant protection on this theory of treaty rights. The same considerations apply to the pledges of honour. The Government has kept scrupulously these pledges up till now and have even tried to enhance the dignity, the prestige and the Izat of these Princes during the last decade. We do not for a moment think that this argument of pledges is in any way cogent. It is thoroughly misleading. Not a single pledge contains any premise that the Government will try to enforce British Indian subjects to show honour and respect to the Indian Princes. The Princes have to inspire respect and veneration in British Indian subjects by their own behaviour by their conducting themselves in an honourable manner and by the high example of their personal and public career. If the Princes misbehave in any way or lower themselves in the estimation of the people by their besotted lives, by their high-handed rule and by their antiquated idea of 'divine right of kings' the Government cannot enforce respect and honour to this class by promulgating any laws in this respect. There is no duty on Government to enforce this obedience and no number of pledges can for a moment be construed as imposing this responsibility upon the British Government. The distortion of these pledges to support this theory of protection is simply ridiculous. Mr. Thompson concluded that this measure was highly indispensable on grounds of prudence, comity and common sense. He plainly admitted that much of the feeling which exists against this Bill is due to a conviction on the part of the members of the Legislature that there is a good deal of oppression and misrule in some of the Indian States. "That feeling is a feeling which is based on humanity and it is a feeling which I honour and respect. I regret that I cannot deny the charge; and I do not think that ruling Princes themselves would deny it. It is too true that Government cannot always intervene even in the cases which come to its notice." In the face of these admissions we respectfully ask the Political Secretary whether it is prudent to remove the only safeguard against the misrule in Indian States, which consists in the fearless exposure of this aggressive and highhanded rule in the independent Press in British India, by fettering it with this grind-mill in the shape of

is a dangerous measure. We further appeal to him if the comity of nations dictates the policy of suppressing and accentuating the evils of despotic rule in the Indian States side by side with British India where the foundations of responsible Government are recently laid and are being gradually strengthened. We further question whether it is sound common sense to allow the growth of free and unrestricted criticism in the public press or stifle it by repressive legislation ?

The Hon'ble Mr. Kale moved an amendment that the Bill should be taken early next year so as to give sufficient time to the members to consider the advisability of this measure. Sir Binode Chandra Mittra supported this motion and tersely remarked that he could not come to important decisions and conclusions within five minutes. He observed that if the Princes could have gone on from 182 J down to 1910 without protection the question of a delay of a fortnight or so could not be of much consequence. Sirdar Jogendrasing supported this motion. Sir Arthur Frume though supporting Government complained that it was a great pity that the Government did not introduce this Bill earlier in the session though on their own showing they have had this measure in their mind for some very considerable time. Even Sir William Vincent admitted the force of the argument that the Council had had very little time to consider this measure and he regretted it. It is however very humiliating to observe that the Indian member of the Executive Council the Hon'ble Sir Mahamad Shafi thought that two days' time was quite sufficient to weigh the pros and cons of this enactment. It is sometimes remarked that Indians in office excel even the bureaucrats in their high-handed attitude. This was indeed realised on this occasion and this member for education showed how obsequious he was in this special pleading. The Hon'ble Mr. Samaldas coming as he does from an Indian State and familiar as he is with the conditions of autocratic rule prevailing in Indian States, while speaking for the amendment voted for the Bill. This facing both ways attitude is certainly not very creditable. Sir William Vincent stated the reasons and the legal difficulties which Government felt in accepting any amendments. He stated that if the bill was not passed in the manner certified by Govern-

#### PRINCES' PROTECTION ACT

ment **its** validity would be open to doubt. He said that the Chamber **of** Princes asked for this protection against disaffection. We demur to this statement. The resolution of the Chamber quoted **by** Sir William simply **says** that in view of the repeal of the Press **Act** the Chamber is strongly of opinion that His Excellency the Viceroy be moved to very kindly and favourably consider the urgent necessity of providing and adopting measures to safeguard **and** secure Princes and Chiefs their States and their Governments against any such insidious or dangerous attempts. The Narendra Mandala with all its shining lights studiously evaded the word disaffection or sedition. They seem to have been mortally afraid of newspaper attacks and criticisms. The idea of asking for protection against disaffection or sedition does not seem to have dawned upon them at the time when they passed this resolution. The second statement also that there has been a unanimous demand from all the Princes for this legislation is not accurate. His Highness the Maharaja of Gwalior did not demand this protection. We doubt if all the seven hundred Indian Princes have unanimously asked for this measure. If Government had been pleased to publish the proceedings of the Chamber of Princes and the views of the Indian Princes Sir William would have done undoubtedly a great public service and strengthened the position of Government in favour of this measure. We therefore intensely regret the unaction of Government to keep all the evidence in their possession concealed in their confidential files.

After the principle **of** the Bill was discussed by **the** House • each section was put to the vote. During the passage of the Bill through the Council of State four valuable amendments were suggested ; one by the Hon'ble Mr. Kale and three others by the Hon'ble Mr. Khaparde. Section **3** of the Bill reads as below ; "Whoever edits, prints, or publishes or is the author of any book, newspaper or other document which brings or is intended to bring into hatred or contempt, or excites or is intended to excite disaffection towards any Prince or Chief of **a State in** India or the Government or administrations established **in** such States, shall be punishable etc." **Mr. Kale proposed'an amendment to the** effect that **the** words "**among the**

giving the reasons for the exercise of the emergency power by the Viceroy. The despatch admits that the case for the Princes was not put before the Press Laws Committee in a complete form. Except stating this in a bald manner, we ask whether the present despatch exhaustively states the case for the Bill" Is it vouchsafing to the public any new information which is in the custody of Government? We fail to see why the Government is so anxious to keep the views of the Princes completely shrouded in mystery. That the government should be averse to lift the veil and should show solicitude to observe *purdah* and try to keep back all relevant evidence undoubtedly lowers the reputation of Lord Reading's Government for fairness and justice. The Hon'ble Mr. Niyogi asked for the publication of all the correspondence which had passed between the Government of India and the Provincial Governments and between the Secretary of State. The Government declined to grant this very modest request. The Government of India publishes this despatch which studiously withholds even the slightest item of any new information which would lead the public to judge of the wisdom and foresight of Government in rushing this measure through the Council of State and in adopting the unconventional procedure of certification. The despatch further contains some misleading statements. It mentions that several of the witnesses, who were themselves connected with the Press, were not opposed to the grant of protection to rulers of states. But this statement contains only a half truth. All these witnesses advocate qualified protection. They were willing to give protection only on the express understanding that the right of free criticism was not in any way stifled, and that the subjects of these rulers were equally protected while ventilating their grievances against their autocratic rule. Has any provision been made while extending the protection to the Prince to safeguard the rights and liberties of their subjects and to restrain these rulers in their high-handed administration? The despatch also misstates that some of the witnesses referred to attempts of blackmailing the Duabars. We can state on the authority of the evidence published, that not a single witness stated any case of blackmail from his personal knowledge. A solitary witness made wide generalisation about blackmail in his examination-

#### FRINGES' PROTECTION ACT

in-chief ; but when cornered to give specific instances, he had to admit that his information was hearsay.

The despatch curiously enough makes one important admission, that long before the Press Laws Committee reported, the Government of India had foreseen the necessity of continuing to the Princes some form of protection. We ask His Excellency why his Government did not enlighten the Press Laws Committee with the reasons which appealed to them so overwhelmingly in favour of this protection. If the Government had made up their mind before the views of the Press Laws Committee were communicated to them, we fail to see why the Committee was appointed at all. Was the attention of the Princes invited to consider the suggestion of so weighty an authority as the Secretary of State for India ? We beg permission to ask if the Princes were ever requested definitely to state the mode by which this protection was to be granted and the form which it was to assume ? Was this question ever debated in the Chamber of Princes ? And if it was not so considered and we are assured that it was not so done, who is responsible for this omission ? Was it not the duty of His Excellency Lord Reading to place the views of the Secretary of State before the Princes and request them to categorically state their opinion ? This despatch mentions that out of eight Provincial Governments only three were in favour of this protection. Three were against giving any protection. One did not give any opinion and the most important Provincial Government possessing more than fifty per cent, of these 700 States—we mean the Government of Bombay—was unable to suggest any satisfactory method of giving this protection. Why has the Government of India set at naught the views of the majority of Provincial Governments in this respect ? Were they not more interested in this question than the irresponsible Political Department of the Government of India ? Was it not the duty of Lord Reading's Government to communicate the views of the public as represented in the British Indian Press to the Secretary of State for India ? Why has His Excellency's Government deliberately omitted to enlighten the Home Authorities on this subject ?

His Excellency seems to take credit for having abstained from giving protection against spoken words. We humbly ask

the late Lord Chief Justice of England if it is possible to institute and criminal prosecution in British India for words spoken on the British Indian soil exciting disaffection amongst the hearers against a Prince to whom none of them is bound by any ties of allegiance. If His Excellency had invented any measure against spoken words under these circumstances, he would have undoubtedly added to the legal stock of knowledge till now possessed by humanity. The despatch sadly lacks any explanation of the precipitate haste with which this measure was rushed through the Council of State. We are not yet convinced that any national calamity would have occurred or the heavens would have fallen, if the consideration of this question had been postponed to some time early in 1923. His Excellency remarks that the Assembly had not fully realised all that their action implied. We fail to see what His excellency means by this expression. We refuse to believe that they did not know the responsibilities of their action. To insinuate otherwise is to grossly libel a respectable democratic institution. That Lord Peel has communicated his approval of this unusual conduct of the Viceroy only shows what is in store for India and what it can expect from a reactionary Conservative Government.

#### **Inherent defects.**

The act has defects of omission and commission. Now coming to the merits of this measure it is thoroughly inadequate in accomplishing its object. No protection is given against the spread of sedition by word of mouth or by speeches delivered on public platforms. Any one can with impunity excite contempt, hatred or disaffection by a campaign of platform speeches throughout British India. Those who are conversant with the effective way of spreading sedition will frankly admit that the spread of sedition by means of speeches is more dangerous and is far more effective than the attempts through the medium of writings. A well known saying of an American orator 'let me talk and I shall conquer the world' is too well known to need mention here. If really Government were very earnest in extending protection to the Indian Princes they ought to have provided some means to irradicate this evil. The

measure as it stands is perfectly impotent to **stop** this mischief. **It** is common knowledge that writings are not so often and so sedulously perused and have not such instantaneous effect upon the reader as an effective speech has in everyday life. The measure therefore fails in an important direction **to** prevent the evil for which it is intended

The Bill exceeds the limitations which were placed on this measure of protection by Lord Reading. His Excellency promised the same protection to the Indian Princes which was given to them by the Press Act. It would be interesting to note that the Press Act never extended its protection to the Governments, and administrations of Indian States. The Protection under the Press Act was confined to Princes or Chiefs **only**. We therefore desire to know why this departure has **been** made in extending the application of this act beyond the **limitations** expressly mentioned by the Viceroy. Any one **who has** the slightest acquaintance with the Government or administration of an Indian State would at once perceive that it is not worth **a** moments' consideration. The Government **is the** creation of the sweet will of an autocratic ruler. The **personnel** of this Government generally consists of toadies **and time** servers, glorified clerks, or fussy amateurs or hardened British bureaucrats.' There is no system of recruitment; **there are no** principles of selection; the service **is** not regulated by any rules of fitness graduated by any scale **of** pay, **promotion** and pension.. It consists generally **of** half educated **and** ignorant people whose sole aim in **life** is to propitiate **their** ruler and be the tools and unscrupulous instruments of his lordly behests. In how many States the service is filled by distinguished men, of sterling worth, of independence of character, of high sense of honour and integrity and alive to the dictates of **conscience** and moral rectitude ? Government composed of such **men would** be **a** novel phenomenon throughout the length and breadth of these **seven** hundred states. **We are** simply **amazed that** with the full knowledge of the character and composition of **the** administrations and governments **in these** states, **which** the confidential files of Government must **be** accurately supplying them the Government of India should **in** their eagerness and their **anxiety to please the Indian Princes descend** to this **low**

level of extending this protection to Governments and administrations in Indian States. This in our opinion **has** been **the** greatest blunder and the most impolitic and unstatesmanlike move on their part.

It would thus appear that this measure is not likely to be effective in its operation nor likely to enhance the prestige of Government for its political shrewdness. It is a matter of intense regret that in defiance of the press Laws Committee, in defiance of the opinion of the Legislative Assembly and in defiance of the opinion of the Indian Section of British Indian Press, Lord Reeding has placed this measure on the statute book\* His Lordship only recently congratulated himself that his Government was able to remove all repressive laws from the land. But this measure is a revised edition of the obnoxious Press Act which is a blot on the Legislature and would ever remain to the discredit of His Lordship's Indian regime. It is really most painful to find that a liberal statesman of Lord Reading's position should have been the first to set the example of the exercise of arbitrary powers reserved for grave national crisis in the very beginning of the *lifefii* the new constitution when the occasion did not at all warrant this extraordinary departure.

### **The Indian States (protection against disaffection)**

**Ret 1922**

FULL TEXT.

The following is the full text of the Princes' Protection Bill as introduced before and passed by the Council of State:—

Whereas it is expedient to prevent the dissemination by means of books, newspapers and other documents of matter calculated to bring into hatred or contempt, **ir** to excite disaffection against Chiefs or Princes of States in India, or the Governments or administrations established in such States, it is hereby enacted as follows :—

#### 1-SHORT TITLE AND EXTENT.

1. This Act may be called the Indian States ( Protection against Disaffection ) Act, 1912.

2. This **Act** extends to the whole of **British** India including British Baluchistan and the Sonthal Parganas

#### 2-DEFINITIONS.

**In this Act, unless there is anything repugnant in the subject or context.**



- (a) 'Book' 'Newspaper' have the meaning respectively assigned to them by the Press and Registration of Books Act, 1867.
- (&) 'Disaffection', includes disloyalty and all feelings of enmity, and
- (c) 'Document' includes any painting, drawing or photograph or other visible representation.

3. (1) Whoever edits, prints, or publishes or is the author of **any** book, newspaper or other document, which brings or is intended to bring into hatred or contempt, excites or is intended to excite, disaffection towards any Prince or Chief of a State in India or the Governments or administrations established in any such State, shall be punishable with imprisonment which may extend to five years, or with fine, or with both.

(2) No person shall be deemed to commit an offence under this section in respect of any book, newspaper or other document which, without exciting or being intended to excite hatred, contempt or disaffection, contains common's expressing disapprobation of the measures of any such Prince, Chief, Government or administration, as aforesaid with a view to obtain their alteration by lawful means or disapprobation of the administrative or other action of any such Prince, Chief, Government or administration.

4. The provision of sections 99-A to 99-G of the Code of Criminal\*Procedure, 1898, and of sections 27-B to 27-D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter in respect of which any person is punishable under section 3 in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections. (The above clause takes power to forfeit certain publications or to detain them in the course of transmission through post.)

5. No court inferior to that of a presidency magistrate or a magistrate of the first class shall proceed to the trial of any offence under section 3 and no court shall proceed to the trial of any such offence except on a complaint made by under authority from the Governor-General in Council.

#### TEXT OF VICEROY'S CERTIFICATE.

The following is "the full text of the Viceroy's certificate.

Whereas the Legislative Assembly has refused leave to introduce the Bill to prevent the dissemination by means of books, newspapers and other documents, of matter calculated

to bring into hatred or contempt or to excite disaffection, against the Princes or Chiefs of States in India, or the Governments or administrations established in such States, a copy of which is hereto annexed, now therefore, I, Rufus Daniel Isaacs, Earl of Reading, in exercise of the power conferred by subsection (1) of section 67-B\* the Government of India Act hereby certify that the said Bill is essential for the interests of British India.

( Sd. ) Reading,  
Viceroy and Governor-General.

I, Rufus Daniel, Earl of Reading, in exercise of the powers conferred by subsection ( 1 ) of the Section 67 B of the Government of India Act, do recommend that the Bill to prevent dissemination by means of books, newspapers and other documents of matter, calculated to bring into hatred or contempt or to excite disaffection against Princes or Chiefs of States in such States, be passed in the form annexed hereto.

(Sd.) Reading,  
Viceroy and Governor-General.

**\* GOVERNMENT OF INDIA ACT 1919.**

SECTION 67B.

**67B. (1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General any Bill, the Governor General may certify that the Bill is essential for the safety, tranquillity, or interests of British India or any part thereof, and thereupon—**

**(a) If the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General ; and**

**(b) If the Bill has not already been passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if so consented to, shall on signature by the Governor-General, become an Act as aforesaid.**

**(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent**

### Parliamentary Debate.

When the Act was laid before both the Houses of Parliament to receive His Majesty's assent, Colonel Wedgewood? on behalf of the labour Party on the 27th of February 1873 moved a resolution in the House of Commons to the effect that an humble address be presented to His Majesty, praying that he withhold his assent to the Indian State's Act 92-2. Colonel Wedgewood very severely criticised the measure. He said that misrule and oppression is common under a system of Government which is absolute in countries where the subjects have no voice, and publicity is the only check. The tall-talk of the Indian Princes to treat their subjects as their own children is just the same which was indulged in by Henry VIII and Louis XIV. He further added that "there is certainly a real cause for anxiety if we take our responsibility to these people (subjects of Indian States) seriously. The old check upon autocratic abuse in India has gone. If in the old days any ruler abused his position his subjects always had the right and power of rebellion, and they could put him off his throne. Now any state of that kind is impossible because their thrones are supported by British Bayonets and we have the responsibility of supporting bad rulers as well as good." He observed, that there is only one check over these autocratic rulers in the form of the Residents and Political officers. He however, described the Residents in a very graphic manner. "The position of these Residents in these Courts is an extremely difficult one. He knows intimately the Chief. He receives every sort of token of friendship at these Courts. He hunts with the Raja. His whole life is bound up with the life of the Raja. Very often the Resident knows perfectly well that it

until copies thereof have been laid before each House of Parliament for not less than eight days on which that house has sat; and upon the notification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to :

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

is his business to keep things moving smoothly, so that there shall be no scandle and no public criticism of what goes on. His business is principally to have no history rather than definitely to look after the interests of the subjects of the native States. Indeed his position is more that of keeping the peace between the British Raj and the Native Rajah than looking after and protecting the subjects of the Native Rajah so that the Resident is not a very reliable protection for the natives in the States. Indeed it must be obvious that as in the other parts of the world the best and indeed the only safe-guard against oppression is publicity. The fear of publicity, the possibility of publicity and the knowledge that what is done may find its way into the Press and so to the ears of either the Legislative Assembly at Delhi or of the British public is and has always been realised to be the most efficient check upon any oppression. That being so there has been a constant effort to keep that safety valve working and there has been a constant effort on the part of those who benefited by autocracy to get that safety valve closed. " This sums up the whole case of those who are opposed to this protection. Colonel Wedgewood reminded the House that when the Press Act of 1910 was passed Mr. Keir Hardie and himself were the only members in the House who opposed that repressive legislation. Colonel Wedgewood has given the genesis of this measure in the following words:-" The Government of India, face to face with the Gandhi agitation wanted friends. The alternative was to make friends with the people or friends with the Princes. They chose the Princes. In fact bureaucracy and autocracy came together to support each other against democracy a thing which has often been done before. As regards the argument that the Government was under a pledge and was bound in honour to support the princes he retorted " The pledge which was unrealised 12 years ago and which was unheard of, is now to be binding not only on the Government of India but upon this House. I say that the only term which can be applied to such an argument is that it is arrant humbug and they know it." Colonel Wedgewood curtly stated that the measure is due to the reactionary and bureaucratic policy of Mr. Thompson. He pertinently remark-

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ed " Mr. Thompson is behind the throne in the place of Sir William Vincent. Mr. Thompson was in times past the inspiration of Sir Michael O'Dwyer. They know him in India. They know that the Marshal Law in the Punjab was largely carried on under his administration. It was that knowledge and the pressure consequently brought to bear on the Government of India that secured a transfer of Mr. Thompson from the Puniab to Delhi. He has been promoted since he arrived in Delhi and I have no doubt he will be still further promoted ; but I think we in this country may have something to say about the promotion of this gentleman." As **Tegards** the plea of Mr. Thompson that this measure was necessary as a return for the loyal help which the Princes rendered during the War, Colonel Wedgewood observed " when I see Mr. Thompson quoting the fact that the Princes helped in the War as ar reason for depriving their subjects of ordinary opportunities of resistance to oppression I think the limit **has** Ieen reached in hypocritical humbug." Colonel Wedgewood concluded by an earnest and eloquent appeal to the House topass the resolution inthefollowing words:— " The whole of British Indian administration is at the turning point of the ways. Either we can go down the autocratic channel and continue to maintain our dominion by force, **by** autocracy, by bureaucratic rule or we can take **the** new road that has been pointed out to us lately, opening up as I think a brighter future for the British Empire even than our history of **the past** has disclosed, leading to the democratic **deve-**lopment throughout the Empire of a large number of dominions united in interest, united in sympathy, self-governing in fact. In that direction we may found a British Empire which will be the nucleus of a new world. Along the other road other states have attempted to travel in the past. The Roman Empire, the French Empire, under Napoleon, **the** German Empire, all those Empires of the past have attempted to control their dominions by force. Let **the** Liberals in this House themselves show clearly that **at** this turning point **they** wish the British Empire to 'march on the road to democracy and get away from the old world Empires that were based on , force." Mr. Snell supported the resolution. His remarked that our experience in England through many cen-

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turies has been that liberty pays best in the end and not repression. The famous proclamation of 1858 which was the Magna Charta of Indian liberties gave the same rights and privileges to the Indian people as to British subjects born elsewhere. That means that in the fundamental principles of Government they are entitled as far as is possible to the same liberties and privileges as ourselves and our own experience has been that it is never safe, never wise, and scarcely ever right to attempt to interfere with the free expression of opinion because in the end you do not suppress it, you merely drive under ground to work in sub-terranean ways, what ought to be above ground and before the eyes of all men. ' Sir Persy Newson opposed the resolution and said that if this House accepted this motion it would imply necessarily the resignation of the Viceroy and perhaps of the Secretary of State. This would clearly convey to the mind of outsiders how the officials made it a fetish of their prestige or their *iz*at to pass this bill when it was summarily thrown out by the popular Assembly in India. Mr. Charles Roberts opposed this motion, so also Mr. Gwynne. Mr. Sakhalatwala supported the resolution. He said that the power of certification was a power vested in one man to control the destinies of three hundred millions of people and this one man viz. The Viceroy was not chosen by the people but was appointed by the Crown. Mr. Thompson in the Council of State had referred to treaties concluded with the Indian States containing the provision that the friends and enemies of one shall be the friends and enemies of both. Mr. Sakhalatwala retorted that these very treaties stultified the measure. He very humourously put it in the following words :— " The representatives of the Government in justifying the action of the Viceroy remind the people that the position is that the friends of the British Government are the friends of the Indian Princes. The enemies of the British Government are now the enemies of the Indian Princes. But does not the House realise that at this very moment the Government of India are saying to the public of India that the public of India are their friends, and that no Press Act is necessary. If the Government of India are satisfied in calling the journalists in India their friends, or at least not open and avowed enemies,

why does the government remain not satisfied on its own showing and tell the Princes of India that they are not exposing them to any special attack of the Press. Now that the Government of India is becoming more and more civilised and is beginning to believe that press criticism is not their enemy but their friend, the Indian Princes should also be made to believe that press criticism is their friend also so far as and so long as it is the friend of Government." Mr. Sakhalatwala gave a very facetious description of the term "Indian Civil Service." In the first place it is not Indian because it is mainly composed of Europeans. Secondly it is not Civil because it has no refutation for being Civil; and thirdly it is not Service because it is a domination and usurpation. Mr. Hope Simpson opposed the motion. He however raised a very intelligent objection about the power of certification exercised in this case. The Act says "the Governor General may certify that the passage of a Bill is essential for the safety, tranquillity or interests of British India or any part of British India." Indian States are not included under the term British India by the General Clauses Act; and they are not a part of the same. This measure, therefore, cannot come under the power of Certification as it does not relate to the safety, tranquillity or interests of British India. This was undoubtedly a new point as observed by Mr Hope Simpson. No satisfactory explanation has been offered by the official side to this vital objection. It is a pity that Lord Reading, the most eminent jurist of England, should have failed to see the significance and import of these relevant words in the section and should have certified the measure in defiance of this explicit provision of Law. Earl Winterton, the Under Secretary of State for India made a sorry attempt to give a reply to this serious objection of Mr. Hope Simpson. He blurted that the measure was carefully considered by the Government of India and the Secretary of State and that in the mind of neither authority there was the slightest doubt on the point. He further gave a most halting and thoroughly unconvincing explanation of his own. "It is quite obvious that if in British India you allow every newspaper man of straw to make scurrilous attacks upon the

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Fulcrum of Indian States you will certainly be affecting the tranquillity of those States and also of British India and it is impossible to avoid the conclusion that the situation in both cases will react the one with the other " This explanation is farfetched and little worthed. It will not stand the test of any legal examination. Even on the score of common **Bense** and expediency it is most unsatisfactory and fallacious. Sir Thomas Bennet opposed the resolution on the ground that it was necessary to maintain the Izzat of the Princes. This word, Mr. Hope Simpson said was untranslatable. He however translated it by calling it a sort of glorified honour. Sir Thomas Bennet said it meant prestige as well as honour. However difficult it may be to comprehend the **exact** meaning of this pompous expression, both these members urged that the protection given by the measure was absolutely necessary to maintain the Izzat of the Indian Princes Earl Winterton was the official spokesman, defending the action of the Governor-General. However, in the course of the debate he made an astounding statement about the position of the Viceroy which is not borne out by any evidence and which is bristling with misstatements. He observed " it should be remembered in the first place that the Viceroy is in the position of particular responsibility in relation to the feudatory Princes and Rulers as the representation of His Majesty in India. He is bound to see that the treaties and obligations entered into by himself or his predecessors on behalf of the Crown are rigidly observed. As the House is aware, the Princes place much reliance upon the fact that they at all times have direct access to the Viceroy and through the Viceroy to the Crown under whose sovereignty they are. Therefore, the Viceroy's duties in this respect are in a sense distinct from, though not in conflict with his duties as Governor-General of British India. No one would deny that that is the constitutional position." With due deference to Earl Winterton, we take the liberty of stating that it is **not** at all the constitutional position. The position of a Viceroy as such is not at all recognised under the constitution. General O'moore Creagh has pointed **out** in his "Indian studies" " That it has also become common **now**-a days to use the designation Viceroy for that of Governor-General although it has not



statutory authority, and **has** never been employed **in any** Act of the Legislature. It has not been used in **the** Warrants of appointments of Governor-Generals. It was only used **once** by Her Majesty the Queen in the Proclamation of 1858 in **con-**nection with Lord Canning as the first Viceroy and Governor-General. The statute recognises only the Governor-General. He is responsible to the Secretary of State and through him **to** the Parliament. Section 33 of the Government of India Act vests the superintendence, direction and control of **the** Civil and Military Government of India ( including Indian India and British **India**) in the Governor-General. Sir Frederic Whyte has stated that India in this Section means **not** only British India but the whole territory of Indian States **as** well. It will thus be obvious that the position of a Viceroy is not recognised either in the constitution or in important State documents. Secondly, the treaties are not made in the name of **the** Viceroy but in the name of the Governor-General. There is not a single treaty entered into with any Indian Prince in the capacity of a Viceroy. Thirdly, the Indian Princes have direct access to the Viceroy not because he is any such functionary apart from that of Governor-General but because the Viceroy is the self-same person as the Governor-General and the Governor-General as such has to deal with Indian Princes as the head of the Foreign and Political Department. The Foreign and Political Department is one of the several Departments belonging to the Government of India. The portfolio of this Department is in the charge of the Governor-General. In the future commonwealth of India there would be decentralisation and perhaps bifurcation **of** the Foreign Department from the Political Department. In such **an** event the Political Department connected with the Indian States would be in charge of any member of the Cabinet of the Central Government as other Departments would be. In that event the Princes shall have direct access to the member **of** the Cabinet and not **to** the Viceroy and Governor-General as at present. No distinct duties are assigned to the Viceroy. **The** Governor-General is the only person • recognised under the constitution **and he** alone **has to** deal with **the** Central Houses of the Legislature, and is made responsible

to Parliament. Earl Winterton drew a red-herring between the Viceroy and the Governor-General. It is perfectly disingenuous and unwarranted by any historical evidence. The exercise of power of certification therefore on this ground would not bear a moment's scrutiny. The resolution was supported by Mr. Trevelyan on the ground that the occasion for the extraordinary use of the power of certification was not of sufficient gravity and the use of this power is not statesmanlike. Mr. Lansbury supported the motion enthusiastically. He condemned the action of the Viceroy and tersely concluded " We talk about democracy and what we are giving to the people of India. One of these days they will take it and not ask for it." The resolution was put to the vote, 120 were for, 279 were against it, and it was thus lost. His Majesty gave his assent to the Act after this debate on the 12th March 1923 and the Act became an Act of the Indian Legislature.

### III

#### J Protection in Agency areas.

The Government of Bombay have by an executive order modified the definition of Section 124-A of the Indian Penal Code so as to include the ruler or the Government of any State in India in addition to His Majesty's Government established by law in British India and extended this provision to all agency areas in the Presidency, namely, Kolhapur, Kathiawar, Mahikantha, Rewakantha and Palanpur. This order purports to be based on the authority of the Indian ( Foreign Jurisdiction ). Order-in-Council promulgated by His Majesty in 1902.\*

**J ( Appeared as Contributions in the *Indian Social tieformer of 21st May and 11th June 1922. )***

\* KATHIAWAR POLITICAL AGENCY.

Extract from the Bombay Government Gazette, Part I,  
No. 12, dated the 2brd February 1922, page 354,  
Political Department.  
Secretariat, Fort Bombay, 17th February 1922.  
No. 1445.

In exercise of the powers delegated under the Indian Foreign Jurisdiction, Order in Council 1902 by the Governor-General in Council in the notification of the Government of India in the Foreign Department No. 2859 I. A., dated the 19th June 1903, and of all other powers enabling **him** in this behalf and in modification of Government notification in the Political Department No. 3799, dated the 13th June 1904, applying subject to modifications, the Indian Penal Code ( XLV of 1860 ) to the territories therein specified the Governor in Council is pleased **to direct that IX** the following further modification shall be added in the second column of the schedule to the last mentioned notification:—

" In Section 124-A after the words " British India" the words " or the Ruler or the Government of any State in India" shall be inserted";

(2) In the second proviso to the said notification and in the heading to the second column **of** the said schedule **foT** the words "modification" the word " modifications" shall be substituted.

By order **of** His Excellency the Honourable \*  
the Governor in Council,  
A. MONTGOMERIE,  
Secretary to Government.

[The notifications about Kolhapur and other agencies are published'in Bombay Government Gazette, Part I, Page 24L, dated 9th March 1922, ]

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We fail to see what occasion there was to issue this order unless it was at the pressing request of the Indian Rulers. The Bombay Government have not made this clear in their notification. Obviously, we cannot believe that it was at the instance of Government themselves. The propriety of such an order is highly questionable at the present time when the Indian Legislature is largely influenced by Indian opinion. His Majesty would be ill advised to issue any order directly in conflict with the wishes of the people. This question

Simla, 12th Sept. 1902.

No. 3917-1. A.

The following order of His Majesty the King in Council which appeared in the London Gazette, 13th June 1902 is republished for general information.

Indian (Foreign Jurisdiction) Order in Council.  
At the Court at Buckingham Palace.

11th June 1902.

**PRESENT.**

The King's Most Gracious Majesty.  
Lord President.  
Earl of Kinlore.  
Lord Palfour of Burleigh.  
Sir John Windfield Bonser.

Whereas by treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has powers and jurisdiction, exercised on His behalf by the Governor-General of India in Council, in India and certain territories adjacent thereto :

Now, therefore, His Majesty, by viture and in exercise of the powers by the Foreign Jurisdiction Act 1890 or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council, to order and it is hereby ordered as follows:—

1. This order may be cited as Indian ( Foreign Jurisdiction ) Order in Council 1902.

2. The limits of this order are the territories of India and any other territories which may be declared by His Majesty in Council to be territories in which jurisdiction is exercised by or on behalf of His Majesty through the Governor General in Council, or some authority subordinate to him, including the territorial waters of any such territories,

engaged the attention of Government and was thoroughly discussed by Dr. Sapru's Committee and their recommendations were accepted by Government in the form of the repeal of the Press Act. We do not know whether any additional evidence was adduced before His Majesty for giving this much-coveted protection to Indian Princes in defiance of the considered opinion of the Press Laws Committee.

3. The Governor General of India in Council may on His Majesty's behalf, exercise any powers or jurisdiction which His Majesty or Governor General of India in Council for the time being has within the limits of the order, and may delegate any such power or jurisdiction to any servant of the British Indian Government in such manner, and to such extent, as the Governor General in Council from time to time thinks fit.

4. The Governor General in Council may make such rules and orders as may seem expedient for carrying this order into effect, and in particular :—

fa) for determining the law and procedure to be observed, whether by applying with or without modifications all or any of the provisions of any enactment in force elsewhere otherwise ;

(b) for determining the persons who are to exercise jurisdiction, either generally or in particular classes of cases, and the powers to be exercised by them ;

(c) for determining the courts, authorities, judges and magistrates by whom and for regulating the manner in which, any jurisdiction, auxiliary or incidental to or consequential or the jurisdiction exercised under this order, is to be exercised in British India;

(d) for regulating the amount, collection and application of fees.

5. All appointments, delegations, certificates, requisitions, rules, notifications, processes, orders and directions made or issued under or in pursuance of any enactment of the Indian Legislature regulating the exercise of foreign jurisdiction, are hereby confirmed, and shall have effect as if made and issued under this Order.

6. The interpretation Act 1889 shall apply to the construction of this order.

(Sd.) A. W. FITTZ ROY,

(Sd.) H. S. BARNES.

Secretary to G. I.

Further we fail to see why the initiative in this matter has been taken by the Provincial Government. Coming as the notification does on the heels of the repeal of the Press Act the Bombay Government was bound to explain the reasons which justified them in taking such an arbitrary and drastic measure against the liberties of subjects, living under British protection in the Agency areas.

There are three jurisdictions which are to be considered in dealing with the problem of sedition against the Indian States. Firstly, there is the jurisdiction of the Indian States. In their own territories the Indian princes are absolute masters and can pass any law which their sweet will may desire, affecting the interests and liberties of their subjects. But such laws can only be enforced against those who are living within **the** limits of the respective states. If persons living in British India commit the offence of sedition against the Indian States the rulers of such states are helpless to prosecute the offenders. Section 124-A is not an extraditable offence. Some of the Indian Princes we are told made an audacious suggestion of including Section 124-A in the schedule of the Extradition Act. But no English statesman would ever countenance a proposal fundamentally opposed to the canons of International law. The British Government did not concede this presumptuous request of including sedition in the list of extraditable offences. The repeal of the Press Act has removed the semblance of protection which the Indian Princes thought was afforded by British Indian Legislature. As the law **at** present stands, the Indian Princes cannot claim any protection within the limits of British India. This is the second jurisdiction of the three referred **to** above. The third jurisdiction is of Agency areas. The position of Agency areas is not exactly that of British India. The chief executive authority in such areas is British. The personnel **of the** executive consists of political officers, appointed by the British Government. The laws in force are those made applicable in British India- But they "are not theoretically passed by the Indian Legislature. His Majesty has assumed jurisdiction in these **aTeas** " by treaty, grant, usage, sufferance and other lawful means to determine the laws and procedure with or without modification which are in force

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elsewhere or otherwise. " The laws therefore in force in civil stations of Agency areas are the creations of the executive power vested in His Majesty as the Emperor of India.

Mr. H. Jenkyns in his work *British rule and jurisdiction beyond the Seas* has explained the origin of 'Orders in Council in the following words " In rare instances which are survivals from the time when the King of England was the true sovereign in the technical sense of that term the crown exercises legislative functions in virtue of the prerogative. Thus the Crown can legislate by proclamations or orders in Council for a newly conquered country." But the paramount consideration in the exercise of this power is not to violate the cardinal principles of British rule. The Civil Stations though quasi-British in their legal character are to all intents and purposes regarded as British territory by all those who have resorted to them. Subjects of Indian States and British subjects are residing in these Civil stations and agency areas because they think that they can enjoy security of person and property-under British protection. Many of them have invested their fortunes in industrial and financial concerns. Still more are carrying on agriculture and commerce and have reared up vested interests in the full confidence that they would not be molested in the enjoyment of their properties and their rights by the arbitrary acts of despotic rulers. Is it therefore just and wise under these circumstances to extend the definition of sedition so as to endanger their lives and properties at the sweet will of an Indian Prince? If the ruler of a state alleges that an inhabitant of the Agency area has committed the offence of sedition against his state, he will be hauled up before the Agency Court and his fate will be almost sealed, knowing as we do the capability of these political officers for the exercise of judicial functions and the great friendliness they bear to the rulers of Indian States." The notification,-therefore, of the Government of Bombay is fraught with greatest danger to the liberties of the subjects of the Agency areas. It is viewed with very great apprehension by all of them and has created intense feeling of insecurity in the people.

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But before Government gave **this** protection to the Indian rulers, what condition have they imposed upon these rulers for a legitimate and proper criticism of their rule and for the redress of the untold wrongs under which their helpless subjects are labouring? There is no press, much less any influential press, in any Indian State. There are no institutions like the Legislative Councils where the subjects can voice their grievances. The ruler is absolute in his State. The subjects are treated as aliens. They are not associated with the Government in any capacity. There is no platform from which the subjects can ventilate their wrongs. Is it not, therefore, imperatively necessary that the rulers should provide means through which the subjects, as a matter of right, can claim redress of the wrongs before the Princes can pretend to claim protection for their injured innocence. If any one wants protection it is certainly not the Indian ruler but his unfortunate subjects. It is, therefore, passing comprehension that the enlightened British Government should run to the rescue of these despotic rulers with such solicitude without imposing any restrictions on them to safeguard the rights of their subjects or of those who are interested in them or of those who sympathise with their cause. The inevitable result of this notification would be to make the rulers still more despotic and to suppress any agitation for the betterment of the subjects carried on in the Agency areas. The foreign jurisdiction Order in Council refers to the foreign jurisdiction Act. But the spirit of this Act is entirely opposed to the trial of political offences against other jurisdictions. Why should His Majesty's Government take such an arbitrary step, militating against the recognised principles of international law? The Government we are forced to concede have been swayed by the *ex parte* representations of the Indian rulers and have not at all cared to safeguard the interests of the subjects of the Indian States, who too with equal justice and emphasis are entitled to claim protection at the hands of the paramount power. We respectfully invite the attention of His Excellency Lord Reading to this notification as **we hope and trust** that a jurist of his eminence **will be** able to see the highly unjust **character of this** notification **and its direct conflict with the accepted doctrines' of interna-**



tional law and the disastrous consequences which it will entail upon the subjects of Indian States. We, therefore, fervently appeal to His Excellency to abrogate this notification as early as possible.

The Bombay notification gives much wider protection to the Indian Princes than they ever claimed or expected to get at the hands of Government. The only protection which existed was in the Hisley Act known as the Press Act of 1910. But this applied only to newspapers, books or other documents containing seditious matter. It did not affect the dissemination of sedition by word of mouth, by speeches delivered and through meetings held. There was no provision in law existing on the statutebook which punished sedition against any government established by law in any state. Sir John Wood, the Political Secretary to the Government of India, in his evidence before the Press Laws Committee had expressed his personal opinion that this protection can best be afforded by amendment of these two sections of the Indian Penal Code namely, sect. 124-A and 153-A so as to include Indian States in their scope. It appears that the views of the Political Secretary are embodied in this notification. The notification thus goes much further than the Press Act in introducing the modification in the substantive Act, namely, the Indian Penal Code and including in it not only the princes but their Governments. If we examine the history of seditious prosecutions in British India we find that in almost all cases the acts complained of were not committed against His Majesty but against the Government established by law in British India or rather against the acts of the bureaucracy. Under the present notification to criticise even the administration of an Indian State irrespective of the Prince or Chief, would be perilously near entangling oneself into the clutches of law. How ignorant, how mischievous and how intolerant the bureaucracy of any native state is, it is difficult to describe. Those only who have the misfortune to live under its influence and rule can correctly appreciate the epithets used above. What a powerful engine of oppression this notification would be in the hands of the State bureaucrats we leave it to be imagined rather than stated I

The genesis of this notification can be traced to the Government of India. From the report of the Press Laws Committee we find the Hon'ble Sir William Vincent stating this very clearly to Dr. Mrs. Besant : " I want you to understand our difficulty. You get a small piece of territory like a town in the middle of a Native State which has been ceded to us for particular purposes by a State. Our difficulty lies here. The state would say " you have a small bit of land, a civil cantonment or a Railway Station that is in the centre of my state; and it is allowed to be a centre for promoting sedition against me and against my authority. There is nothing in the Penal Code which protects me." That is our difficulty. Again Sir William put the same question to Mr. K. C. Ray of the Associated Press in the following manner : " Do you think that a small conclave in a Native State like Rajkot should be used as a centre for disseminating sedition in India." Sir William when he was asking these questions had undoubtedly the Agency areas and especially that of Eajkot Agency before his eyes.

The Press Laws Committee chiefly dealt with the question of giving protection to the Indian Princes against attacks made on them in the Press in British India. The question of giving them protection in Agency areas was also before the mind of this Committee. The trend of questions put by Sir William Vincent unmistakably leads to this conclusion ; but this point has nowhere been developed either by the President or by any other member. It appears that they must have thought that it required no separate consideration from the one given to the situation in British India ; and since the report of this Committee has made no reservation whatsoever about the Agency areas it can be safely presumed that they had no desire to make any special provision for protection of these Princes in these areas. The Hon'ble Home Member has signed the report and has agreed with the finding that no protection was needed in the present state of the country. In the face of this opinion of the Home Member we cannot account how the political department has been emboldened to take such a drastic step endangering the liberties of subjects living in the Agency areas. We put it to Government whether this conduct is consistent with its policy of whole-heartedly endorsing the

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considered views of the Press Laws Committee and in acting upon them by repealing the Press Laws. Are the standards of rectitude and honour different so far as applied to the British Indian subjects and to subjects living under British protection ?

The Press Laws Committee thoroughly investigated the whole question of giving protection to the Indian Princes both in British India and in Agency areas as stated above. The Princes were invited to assist this Committee with their views on this subjects. They did not descend to place their views before them and treated the invitation with contempt. Sir John Wood, the Political secretary to the Government of India, offered to give evidence on behalf of the Princes. It appears he collapsed under cross-examination and has not permitted the publication of this evidence before the Committee. The irresistible inference from this conduct is that Sir John Wood was unable to make out any case for the protection of the Indian Princes. The report of the Committee was before the Government of India in July 1921, The evidence and the report distinctly state that no protection was necessary. The Princes by their own conduct had forfeited their claim for protection. Anyone under the circumstances would have reasonably thought that the Government would hesitate to enter where the angels of the Press Laws Committee had feared to tread after mature considerations. It is therefore, most astounding to find that the political department of a Provincial Government is offering to Indian Princes protection more dangerous in its character than that provided by the repealed Press Act. [If this action has been taken without consulting the Imperial Government and which is in direct conflict with the views of the Press Laws Committee, the conduct of the Provincial Government cannot but be characterised as audacious and high-handed. And if this action of the Bombay Government is inspired by the Political Department of the Government of India which had the full knowledge of the proceedings of the Press Laws committee and of the views of this Committee and the egregious manner in which its own responsible Political Secretary had appeared before this Committee, it is exasperating in the extreme. And this action coming upon the heels of the repealed Press Act cannot be too strongly condemned.

## IV.

**Public Opinion,**

This measure evoked intense feeling of resentment and disappointment among the people all over India. Important Political Associations sent in their representations to Parliament protesting against this measure and requesting His Majesty not to give his assent to this Act. The Daxini Sansathan Hitawardhak Sabha sent a petition to Parliament which contains a closely reasoned statement giving a resume of all the objections against this measure. It stated that the bill was unnecessary in as much as the Indian Princes do not really stand in need of such protection as is afforded by it. Secondly that it was likely to have injurious effect on British Indian Journalists as well as on the subjects of the Princes and thirdly it was not required by the treaties into which the British Government has entered with the Ruling Princes of the Indian States or by any other pledges made by the former to the latter. The Sabha added that while the bill is thus unnecessary, it is sure, in the opinion of the sabha, that if enacted into law, to have injurious effects upon the public life both in British India and Indian States. The little voice that is occasionally raised in British India against the misrule that prevails in not a few of the States will be effectually hushed if such a law is placed on the Statute Book; and consequently the moral of British Indian Journalists will be prejudicially affected. The Kathiawar Hitawardhak Sabha of Rajkot sent a memorial to Parliament criticising severely this measure and observing " that in the matter of internal administration all these States are purely autocratic and arbitrary Governments. In almost all of these States the people have no voice in the administration. The laws taxation, etc. emanate from the arbitrary will of the Ruler and are administered or collected by a body of officials whose tenure of office depends upon the will of the Ruler. The people in these States have many grievances but are unable to give expression to them within the States owing to repression open or disguised. In many of these public meetings are prohibited and in hardly any a newspaper worth the name exists. The only outlet for criticism or expression of their

grievances which is open to these state subjects is the Press in British India. The people are now by the Protection of Princes Bill passed by the Council of State at Simla going to be deprived of even this outlet." The Sabha further stated that great injustice will be done to the millions of subjects of Indian States if the bill were sanctioned by Parliament. The Bombay Progressive Association sent a Petition to the two Houses of Parliament under the signature of its chairman Mr. J. B. Petit. The Association emphatically stated in this petition (1) that Indian opinion is utterly unconvinced, that the measure is necessary for the safety, tranquillity and interests of British India. (2) that the Certification by the Viceroy under the special provision of the Government of India Act is not justifiable under the circumstances of the case and is a violation of the letter as well as the spirit of the Reform Act. (3) that legislation by mandate is utterly subversive of sound constitutional practice. (4) that it is absolutely necessary for the protection of the subjects of Indian States and for promotion of their best interests and the interests of British India that full liberty be given to them to criticise in British India the constitution of the India States and to press for the introduction of responsible government in them—since as a matter of fact the States have hardly emerged from mediaeval darkness and the policy of actively supporting the autocracy prevailing in the Indian States now adopted by the Government is bound to result in stagnation and decay leading to open rebellion and revolution and (5) the measure is subversive of the freedom of press for which British India has been pleading for these years.

The Press Association of India sent a telegram urging that the measure is absolutely uncalled for and will be interpreted by the public as an indirect attempt to revive the Press Act of 1910 under the new garb and considers that any such fresh enactment to restrict the freedom of the Press will not only check the growth and expansion of a free press but will kill honest and independent journalism. The Rajasthan seva sangh sent in its protest observing that in the garb of protecting Indian Princes the Government was only reviving

the Press Act of 1910 explicitly muzzling the so-called freedom of one third of the Indian population. It shall tend to create an unprecedented wave of universal upheaval and discontent. The National Liberal Federation at its Fifth Session held at Nagpur under the Presidentship of the Rt. Honble Mr. Shastri passed the following resolution unanimously that this Federation is of opinion that the Indian States Act passed by the Council of State on the governor-general's Certificate is not in the interest of British India or subjects of Indian States and therefore Parliament should advise His Majesty to withhold his assent to it. An influential meeting was held in Bombay at Sir Cawasji Jehangir Hall under the Presidentship of Mr. Jinnah. He observed that there was only one and one remedy for them against Acts of oppression and Maladministration of the Indian Princes and that was the criticism in the Press and that it was this class of Princes that required protection from criticism. The Main question therefore was whether it was wise to muzzle the Press in India or to chloroform the Press in India so far as the criticisms against various Acts of the Princes were concerned. He added that to him it was an unwise and mistaken action on the part of the Cabinet or the Viceroy and by this action they have undoubtedly raised a controversial issue between the people and the Princes of India. Mr. Natarajan moved the important resolution against the passing of this Act and placing it permanently on the statute book. Mr. Natarajan in the course of his speech remarked that the Press Laws Committee reported that the Princes did not require special legislation for their protection; that the Government did not supply the Assembly with the copy of the Proceedings of the Chamber of Princes which demanded this protection: that important Rulers like the Nizam, the Maharaja of Mysore do not recognise the Chamber; that the Maharaja of Gwalior had openly ridiculed the idea of protection. He further said that the bill was inspired from Downing street rather than Simla <md hoped that it will be set aside by Parliament. Mr. H. P. Modi supported the resolution that the Bill was greatly prejudicial to the interests of India. Dr. Anne Besant, Mr. Harilal Desai, the then Deputy President of the Bombay Legislative Council, Mr. Kasturiranga Iyengar

the Editor of Hindu, Mr. G. A. Natesan of Madras, Mr. T. Prakasham of Swaraj, the Amrit Bazar Patrika of Calcutta, Barrister Shukla of Rajkot, Mr. Rauga Swaini Iyengar, Editor Swadesh Mitram, Mr. N. C. Bandayapadhyaya then Editor of " Servant", Mr. Satya-Murti from Madras, Barrister M. R. Jayakar, Mr. H. N. Ghose, Editor Basumati, all had expressed sympathy with the meeting and had emphatically protested against this bill. The Bombay Liberal Conference at its sitting at Nagar passed a resolution condemning this Act. A meeting of the citizens of Namana in the Bundi State and similiar meetings of the citizens of Sangli, Jamkaudi States in the Southern Maratha Country and of Pandharpur were held expressing strong disapprobation of this measure and the disappointment caused by the Act of Certification. The Hon'ble Mr. Neogy had asked leave to move resolution in the Assembly about publishing the correspondence which passed between the Government of India and the Provincial Governments and the Secretary of State about protection of Indian Princes. The Secretary to the Legislative Assembly sent the following reply to Mr. Neogy. "I am directed to inform you that the Hon'ble the President is of opinion that your resolution on the subject is inadmissible under Rule 2; (I) IT of the Indian Legislative Rules as it relates to the affairs or the administration of the territory of Indian Princes and Chiefs." It is however significant to note that Lord Reading while certifying this measure had relied upon this correspondence as new evidence which strengthened him to use his extraordinary powers of emergency. If as a matter of fact this correspondence contained anything valuable and relevant we fail to understand why it was withheld from the public. The Government felt no hesitation to certify an Act relating to the Indian States; but they felt hesitation to disclose the materials upon the strength of which such a drastic measure was approved by them detrimental to the people of these States and prejudicial to their liberties of free criticism of the administration under which they were living.

All the important Indian papers with rare exception condemned this measure. The Leader stated that the entire Indian

public opinion has opposed this anomalous protection. It characterised the bill as stifling the voice of the British Indian Press in respect of matters connected with Indian States. The Swaraj remarked that the measure shall have the effect of producing oppression within and abject submission without and that this may come to be the order of the day in feudatory India. The Tribune of Lahore stated that the piece of Legislation has nothing to do, with the safety, tranquillity of British India. The Bombay Chronicle, the Independent strongly denounced this measure. The West Coast Observer held that the bill was one of the weakest upon the merits and can hardly be understood unless we assume that the hands of the Government of India have been forced into this odious performance. The Hindu observed whether it is the intention of the Government with a view to perpetuate its autocracy in the States to fetter, the legitimate freedom of its own subjects. The New Times observed that certification is indicative of unabashed autocracy. The Princes Protection Bill closes the only avenue to any expression against wrongs and injustice in the Indian States. It pointedly asked "are the pledges to the Princes of higher value than the liberty and honour of millions of Indian Citizens? Are the opinions of local Governments, Durbars and Political Officers to drill the political life and conscience of Indian millions? Then Government stands by mediaeval autocracy rather than modern progress." The New India observed "The interests of the subjects, their claim for protection against misrule and oppression and their demand for the introduction of democratic Government are all ignored in this pernicious piece of legislation so-called, for it is not legislation but an executive order promulgated in the teeth of opposition by the popular legislature. The Maratha pertinently observed that there is no necessity of protection against sedition directed against the Government of Princes. "We join issue with the Princes in respect of their pretention that their Government has a Majesty which may be insulted by seditious attacks. It is time to tell our Princes and Chiefs that they are overrating their dignity and if they play this game of pretention beyond a reasonable extent they will have to be frankly told further that they are



merely so many petty-tin gods about whom it would be ridiculous to characterise criticism as seditious. They have absolutely false or at least antiquated notions of their sovereignty. They ought to know that they now merely live by the interested sufferance of the British Government and that their absolute and integral sovereignty is not supported by real public opinion in these days of ideals of democratic swaraj and the indivisibility of India as a nation. At any rate they are day by day cutting the ground under their feet by their professed or ill-concealed unwillingness to take note and warning from their immediate surroundings and bring their administrations in a line with the British Government. " The Indian Social Reformer shrewdly observed that the best thing that could happen to this law is to remain a dead letter. The Rajasthan Patrika, the Janmabhumi, United India and Indian States and Young India expressed their strong disapproval of this Act. The Servant of India remarked that the Act was for the protection of despotism. It will thus appear that the Indian Press condemned this measure in no measured terms.

> s regards the protection in Agency areas a writer in the Chronicle stated that the notification of the Bombay Government runs counter to the expressed will of the Indian Government. The chief consideration that should hold good with the authorities having sway in the civil Stations of the Agency areas is not to violate the principles of British rule. The civil Stations quasi British in their legal character are to all intents and purposes regarded as British Territory. This notification therefore will stifle all public activities in the Agency areas and will render the Princets more despotic than ever. The Kathiawar Hitawardhak Sabha took strong exception to the action of the Bombay Government and addressed a representation to Lord Rea ling in which it is stated " How some states in Kathiawar are governed, what justice there is in them, how harsh unjust and oppressive is the personal rule, how irresponsible is the Ruler who can squander away the State revenues just as he wishes without any regard to the needs of his people or the improvements of their lots, only those can realise, who live under such rule or those who are in con-

stant contact with it and know how unenviable is the lot of their friends and near relations living in these States. In States so governed the people's voice is effectively repressed with or without any laws specially made to repress. They dare not gather together, they dare not speak, much less criticise they dare not ask what they want but on the other hand they must feign contentment, and live the lives of hypocrisy, fawning sycophancy and complete effacement of all moral virtues which make life worth living ! " The Sabha described that the action of the Bombay Government in issuing the notification has removed the only voice slight though it was, which cried out occasionally against erratic, unjust, arbitrary and oppressive administrations of the States and the irresponsible actions of the Rulers who feel impatient of even very legitimate, fair and moderate criticism. The Daxini Sansthan Parishad had sent a telegram seeking permission to wait on His Excellency the Governor of Bombay in a deputation for expressing their dissatisfaction with this notification ; but His Excellency declined to receive this deputation on the ground that no useful purpose would be served by receiving the same. Mr. Shukia the distinguished Barrister of Rajkot had in a public meeting stated that publicity was the only safe-guard for the subjects of Indian States to ventilate their grievances and their sufferings under the misrule and oppression prevailing in Indian States.

All this agitation and the public condemnation of this measure proved of no avail; and the Act has been placed permanently on the statute book. The agitation however had its moral effects in that since the certifying of this measure during the four years which have elapsed not a single case has been instituted under this Act; and it has remained practically a dead letter as predicted by the Indian Social Reformer.

Independently of this act, there were some inherent difficulties peculiar to the position of the Indian princes which would have prevented them from launching prosecutions under this new enactment against their critics. The absence of courage required to stand as a complainant in an open court, the want of intelligence, shrewdness and cool.

temperament necessary to face searching cross examination, the knowledge of despotic-acts and outrageous deeds, the moral cowardice engendered by the pinprickings of conscience, the difficulty of making- out a case before an independent court in a foreign jurisdiction, the possibility of the dirty linen of the palace being washed in the public, the likelihood of the exposure of the scandals of the royal Household and the intrigues of the harem, the heavy cost that such prosecution would naturally entail, the public odium that would be necessarily incurred and the loss of respect and veneration cherished by the people at large—these had and would have a deterrent effect on the princes. If anticipating these drawbacks they had maintained a dignified attitude in not clamouring for protection they would have strengthened the ties of affection and veneration which bind them to the British Indian people. Such a course would have altogether removed the necessity of any protection as it would have enhanced their honour and raised in the eyes of the intelligentsia of the country. But by their ill-conceived and short-sighted policy they did not achieve anything and have alienated all the sympathies of the British Indian public in the bargain,

## CHAPTER II.

### The Question of Berar

#### Part I.

#### Usurpation of Berar.

"Lord Broadacres and Squire Claypole being intimate friends for diverse good considerations agree among other things that whenever His Lordship shall be shooting in the neighbourhood of Claypole park, the squire shall provide him with a keeper and certain number of beaters ; but nothing in the agreement is to authorize Lord Broadacres to interfere with Claypole servants or concerns. Claypole straightway engages at high salaries the whole stipulated staff over and above his other sporting household and keeps them vsp for many years during which time His Lordship scarcely once comes down to shoot. Eventually the squire's money concerns go wrong and the pay to what we may call the contingent keeper and beaters falls into arrears. Lord Broadacres takes his friend roundly to task for so doing and after a while sooner than let the men go unpaid pays them out of his own purse. When the payment so made amounts to a good round sum he claims of Claypole repayment of the whole within a year, or an adequate slice of the Clay pole-estate in satisfaction."

In what material point does this case differ from the story of our claims upon the Nizam ?—asks the distinguished author Mr. John Ludlow of the work " Thoughts on the prlicy of the CrowD towards India" published in 1859. Many strange developments have taken place in the relations between the British Government and His Exalted Highness since that time still the analogy holds good oven to-day and the fine humour of it is as fresh as ever.

Before however, considering the question of the usurpation of Berar, it is interesting to note the previous history that ultimately led to the permanent occupation of Berar. \*Article 2

\* The correspondence between H. F. Highness the Nizam and the Government of India is published in the Gazette of India extraordinary on 5th April 1926 ( Foreign and Political Department ). The quotations are taken from this correspondence.

of the Treaty of 1766 concluded with the Nizam runs thus:— " The East India Company in return for the gracious favour received from His Highness the Nizam consisting of Sanads for the five Circars of Ellour, Siceacole, Rajahmundry, Moostafurnagger and Moortizanagger expressing the free gift thereof on them and their heirs forever and ever do hereby promise and engage to have a body of their troops ready to settle the affairs of His Highness' Government in everything that is right and proper whenever required. " Thus these five broad and fertile districts known as the Northern Circars were ceded in perpetuity to the British Government in exchange for the right to aid from the British troops for the preservation of the internal tranquillity of the dominions of the Nizams' Government.

In 1798 another treaty was made with the Nizam under which the Military aid was increased by the creation of a subsidiary force consisting of 6000 sepoys with a proportionate number of field pieces stationed in the Hyderabad Dominions for service of the Nizam. The fifth article of this treaty provided that the said subsidiary force will be ready at all times to execute services of importance, such as the protection of the person of His Highness, his heirs and successors from race to race and overawing and chastising all rebels or excitors of disturbances in the Dominions of the State. The then Nizam engaged to pay an annual sum of Rs. 24,17,100 for the maintenance of this subsidiary force. Then came the treaty of 1800 whereby the District of Bellary and Cuddapah valued at Rs. 63,00,000 annually were ceded by the Nizam to the British Government in commutation for ever of the annual subsidy of Rs. 24,17,000. The subsidiary force then became answerable for the defence of the Hyderabad State against assaults on its tranquillity of whatever description external and internal and was to do all that was required to coerce any subjects or dependents of the Nizam who should either excite rebellion or disturbance or withhold payment of circar's just claims upon them without any reference to the magnitude or otherwise of the occasion. Section 17 of the treaty of 1800 is very important and deserves careful perusal. It runs as below:—"By the present treaty of general defensive alliance the ties of Union

whose fidelity we may rely even on a rupture with their nominal chief". But by reason of the helplessness of the Nizam, the faithlessness of his minister and the machinations of the resident, the regular forces maintained by the Nizam were taken under the control of the resident though they were still paid by the Nizam and were thus virtually treated as part of the British army. The Nizam was made to pay heavily twice over for the services to which he was entitled under the Treaty of 1798 and 1800.

The creation of this contingent was without the free consent of the Nizam expressed or implied. Sir F. Currie, a member of Lord Dalhousie's Government in his minute of the second of April 1853 wrote—"The contingent seems to have been the device of Mr. Russell, the Resident and Chandoolal—the Minister of the day ; that no consent appears to have been officially given to this contingent by either the Government of India or by the Nizam." Captain Sydenham, the then Resident of Hyderabad designated this force as the *Nizam's contingent*. He had no shadow of authority for this designation. Colonel Sykes, a member of the Court of Directors in his dissenting minute of 1851 has stated that "The Resident neither adverted to the authority of the Nizam for it, nor does it appear that the Nizam either directly or indirectly sanctioned it or even knew of it. This Nizam's contingent was from its beginning controlled by the Resident. Sir Charles Metcalfe in a minute dated 6th March 1832 clearly admitted that, " The contingent furnished by the Nizam being found inefficient, we gradually assumed the management of it until we finally established a force in lieu of it completely under our control. This we were enabled to do by the subserviency of the Minister who was the creature of our ascendancy and who saw in the existence of this force the means of maintaining his power against rival nobles as well as refractory subjects. Since the formation of this force exclusively under our orders neither the late nor the present Nizam has taken cognisance of it. -They have left it

\* Parliamentary return " East India The Nizam &c." ordered by the House of Commons to be printed on 15th April 1859-

like other matters of their Government to the management of their Minister being either unwilling or unable to interfere with his uncontrolled administration of their affairs. It is in reality a joint concern between Raja Chandoolal and us in which the Nizam himself takes little interest as in other affairs of his Dominion ".

The object of this force was the furtherance of British interest. Captain Sydenham reported that this contingent was intended to accomplish the original intentions of the British Government. He reported on 22nd June 1810 that all remains of French influence were extirpated and recommended that the troops should be supplied with arms accoutrements and ammunition from British arsenals, at the expense of the Nizam's Government and that a Commandant and Superintendent of the whole force should be appointed to be responsible for their discipline, efficiency and uniformity; that under the gradual operation of this system the Nizam's contingent would be rendered effective and serviceable troops. They could at all times be advantageously employed in maintaining the tranquillity and supporting the authority of the Nizam's Government and they would become useful auxiliaries to the subsidiary force on any occasion of actual service in the field. As the contingent became efficient, the subsidiary force would be saved the labour." The object of this Hyderabad contingent, therefore from its inception was twofold. The first object was to extirpate the French influence in the Nizam's army and in the State by assuming the control of this force. By this method it became convenient to do away with all European officers who by their principles, character and conduct were considered dangerous or inconvenient. There were French and Portuguese officers at this time in the Nizam's service and employed in his regular forces. In 1807 Colonel J. Doveton had reported that the French interest was not yet extinct amongst the regular troops of the Nizam. The concern of the Resident and British officers at that time was to do away with the French influence and French predilections; and therefore they assumed the power of dismissing such officials though engaged and paid by the Nizam.

The second object of **it was**' to reduce the strength of **the** subsidiary force and by the saving effected to enjoy the profit without rendering any service stipulated by **the** terras of the treaties. Major Moore in his dissenting minute of 7th November 1853 has stated how this reduction in the stipulated strength of the subsidiary force took place. "Our treaty with the Nizam in 1800 which forms the present political relations with the State of Hyderabad expressly stipulated that we should maintain for his protection etc., within his territory a force consisting of eight regiments of infantry ( Sepoys ) of one thousand fire locks each, two regiments of cavalry or one thousand horse with the requisite complement of guns, European artillery men etc. which would amount altogether to abtut 9500 men of all arms, and that for the payment of this **foTce** he should cede the Dooab (styled the ceded districts of Eellary and Cuddapah) then yielding a nominal revenue of about 63 lakhs, How have the two parties performed the respective engagements? The Nizam duly ceded to us the districts. We have reduced the numerical strength of our regiments in the subsidiary force from 1000 firelocks to 750 of infantry and from 500 sabres to 420 in each regiment of cavalry and the number of troops kept up by us within the Hyderabad territory for **the** last 30 years has been more than one-fourth less than the number of which we had contracted and received payment in advance thus gaining very largely upon both transactions ; for if as I believe the revenues of the ceded districts have increased while the payment we made to the force (from **the** reduction in numbers ) has decreased the balance of profit must be greatly in our favour. When the treaty of 1800 was made **we** were a merchantile as well as a political body ; but now **that we** have dropped the former character and call ourselves **the** Paramount Power of India, let us look somewhat more closely to the transaction and take a more extended and liberal view of it. Upon what plea did we fall short in the due performance of the contract ? By what right have we received payment for troops we did not furnish ? If these facts are true are we not bound to account to the Nizam for what we have received from him for an equivalent we have not fulfilled?,' /

{East India Return "The Nizam etc,"



General Fraser in his despatch of 1842 has stated that the Nizam was averse to this contingent; and he feared that if the Nizam was permitted to retain the impression of his being absolutely and actually independent, it is not impossible that he would disband the contingent the continued maintenance of which nor the original organisation of which are provided by any existing treaty. Colonel Sykes has observed that "there can be no question whatever even though the Nizam were constantly cognisant of what had been done by the British Government that he was entirely passive and helpless throughout. The organisation management and entire control and disposition of this body of troops has been assumed by us chiefly for the promotion of our own interest". It was at one time erroneously supposed that the Nizam substituted this body of troops in permanence in place of the contingent, he bound himself by the treaty of 18th October 1800 to furnish to the British Government in time of War only. But Colonel Sykes has stated that this was not a correct view. It was, only on a war breaking with another power that the treaty bound the Nizam to join the British with a contingent of 6000 infantry, 9000 horse; and that the permanent maintenance of the contingent for the exclusive preservation of order or the suppression of insurrection within the Nizam's Dominions was never contemplated by the treaty, and this is testified by the article of that treaty. The British subsidiary force were to be ready at all times to aid the Nizam's troops in suppressing the disorder and punishing rebellion. And that the contingent of irregulars of the treaty was in no way identified with any body of regular infantry then in the Nizam's service. And this is borne out by the fact on war breaking out between the British and Sindia and the Rajah of Berar in 1803 the Nizam in conformity with his treaty supplied a body of 6000 infantry and 9000 horse whose efficiency was favourably spoken of and which served under the orders of General Wellesley and acquitted itself well and did good service. It is, however, necessary to bear in mind that the troops which were being organised and maintained under the supervision and control of the Resident since 1807 were, designated as the Nizam's contingent, by

Captain Sydenham without any shadow of authority but it was a term gratuitously assumed by the Resident and could not honestly be identified with a contingent which the Nizam was bound to supply in the time of actual War ; but the term has unhappily for the Nizam been applied to this body of troops called "the Nizam's contingent" and has occasioned mistaken associations in the minds of successive authorities in India that this contingent was a commutation of the contingent stipulated for in the treaty and therefore the "British Government was justified in exacting its maintenance.

The Court of Directors in a despatch adopted on 26th of October 1849 stated in para 13 to the following effect. "It is here necessary to observe that the view taken by your Government of our right by treaty to demand of His Highness that he should maintain a body of 8000 disciplined troops is contrary to the opinion which has hither-to been professed and acted upon both by the Government of India and by ourselves. The 15000 troops stipulated for in the 12th article of the Treaty of 1800 were to act in conjunction with the subsidiary force and *only in case of War* ; and it has been invariably admitted that the arrangement by which the force under British officers is kept up at all times at the expense of the Nizam's Government for internal service in the Nizam's own Dominions does not rest on any treaty." Lord Dalhousie also concurred in this view in the famous minute of 13th March 1853. Lord Dalhousie summed up his opinion in the following words:—"These are the reasons by which I have found myself forced to the conclusion that the Government of India has no right whatever either by the spirit or by the letter of the Treaty of 1800 to require the Nizam to maintain contingent in its present form. I for my part can never consent as an honest man to instruct the Resident that the contingent maintained by the Nizam from the end of the War in 1817 until now because the 12th article of the treaty of 1800 obliged His Highness to maintain it." It is however pertinent in this connection to remember that Lord Dalhousie in 1851 officially communicated to the Nizam that the efficient maintenance of the contingent was a duty imposed on the Government of Hyderabad by the stipulations of existing treaties

The view expressed by Lord Dalhousie in no uncertain terms in his minute of 13th March 1853 was never brought to the knowledge of the Nizam when the Treaty of 1853 dated 21st May was concluded with him. The Nizam was all along labouring under the impression that the British Government maintained that he was bound by the Treaty obligations of 1800 to keep up this contingent at such an enormous cost. The maintenance of this contingent therefore was not warranted by any treaty. The control and responsibility over this contingent exercised by the British Resident was not confined only to the military organisation but extended to all the pay arrangements and other expenses as is manifest in the progressive annual expense which the cost of it entailed from 1807. In 1807 the cost was only 8 lakhs. In 1817 it was 24 lakhs. In 1838 it was 39 lakhs. In 1848 it was the same." Lt. General Coulfield in his dissenting minute observed " We imposed an unnecessary expense of 42 lakhs of rupees annually upon the Nizam in maintaining a contingent organised and disciplined and officered by us to perform those duties which by treaty devolved upon the subsidiary force and withheld its services from the Nizam on grounds that cannot be defended by the principles of International Law or constitutional Rights and thereby render it necessary for His Highness to maintain at a heavy charge of 95 lakhs of rupees to the State a large and inefficient force with a view to avoid vexatious interference and afford employment to those of his adherents who have no other means of living.

The lavish expenditure incurred on account of this contingent crippled the resources of the State and involved the Nizam in debts. In 1817 the payment of the troops was entrusted to the House of Palmer and Co., who colluding with the then Minister allowed the debt to swell to an enormous extent. In spite of this huge liability the use of this contingent was refused to the Nizam whenever he required such help. Colonel Sykes has observed that use and employment of Nizam's own troops have been refused to him by the Resident at Hyderabad on various occasions when the Nizam's interests demanded their employment. In 1850, the Resident

reported serious dispute between the Nizam **and** Gholam Hussain Khan of Ellichpoor and **on** the 1st February 1850 that he had refused the aid **of** the contingent to enable the Nizam to crush the anarchy which prevailed. He also refused the aid of the contingent when called upon to assist in removing all chiefs of the military classes from the Jahagirs they held. Help was also refused to the Nizam to remove Sultan Newasod Moolk from his Jahagir. The aid of the contingent was also refused to effect a settlement between a Zamindar and Zamindaree at Bahdrachellum. The Nizam for this reason was under the necessity of employing another army composed of Pathans, Rohillas and Arabs at an annual expense of 95 lakhs for the service **of** the State. It will be thus evident from what has preceded (1) that this contingent called the Nizam's contingent was created, organised and controlled by the British Resident to advance British interests, (2) that its primary object was to save the labour of ~~the~~ subsidiary **force**, to reduce its strength and to profit by the saving thus effected, (3) that its secondary object was the extirpation of the French influence and the removal of all foreigners from the service of the Nizam, (4) that this contingent was maintained without any heed for economy and the expenses on account of the same increased five times within 40 years, (5) that the force was maintained without the consent of the Nizam and entirely against his wishes, (6) that the Nizam was not allowed the use of this force whenever he required it, (7) that he was therefore obliged to employ out of sheer necessity of self preservation a force for his own use at a huge cost of nearly 5 lakhs per year.

These conclusions inevitably lead to the question, how it was possible for the British Government to force this contingent on the Nizam in this high-handed manner. The continued existence of this contingent brought about the ruin of the Hyderabad finances during a period of nearly 45 years. The explanation of this is supplied by eminent British authorities in their despatches and writings. Lord Metcalfe **in a** minute **dated** 13th May 1829 has recapitulated the helpless

position of the Nizam during the past 30 years. He observes "that from the time of the completion of the subsidiary force it seems to have been considered as essential that the Minister at the Court of Hyderabad should be in our interest and that we should support him with our influence. Nizam Sikunder Jah ascended the throne on 1803. Lord Metcalfe remarks that it does not seem to have been considered that the Nizam who succeeded could be allowed any option as to the continuance or removal of the Minister. Our Resident gave His Highness a clear understanding of what was intended by observing to him on his accession that with such an Ally as the British Government and such a Minister as Arastoo Jah His Highness could not fail to prosper. Arastoo Jah accordingly remained Minister until his death 9th May 1804 keeping his master the present Nizam in thralldom and in insignificance totally devoid of power. Colonel Wellesley afterwards Duke of Wellington in a letter dated 5th August 1803 relates that at that date the Minister was already receiving a salary from the British Government in order to produce a result favourable to our views. On the death of Arastoo Jah, the Nizam had to appoint as his Minister Mir Allum who was selected by the British Government and who remained sole ruler of his master's dominions. Sir Charles Metcalfe records that the Nizam made some efforts to obtain a share of power in his own Government. But this was unpalatable to the Minister. The Resident gave support to the latter. The Nizam retired from the contest in disgust and has never since taken any part in the public affairs but has led a life of gloomy retirement and sullen discontent. After the death of Mir Allum, the Nizam again fruitlessly expressed an intention of placing himself at the head of affairs. He was pressed to nominate a Minister and the following extraordinary arrangement took place. Munir-Ul-Mulk nominated by the Nizam was made Prime Minister; but it was stipulated that he should exercise no power in the State. All the power was given to the Deputy Minister, Chandoo Lall who was patronised by us. So that from that time in addition to a sovereign Prince excluded from all concerns in the management of his

affairs in consequence of our interference, the State of Hyderabad has had a Prime Minister in the same predicament as another effect of the same" cause—The subserviency of the real Minister to our will has since been more complete than before, the suppleness of his personal character and the lowness of his birth aiding the natural effect of the dependence of the situation. The Nizam was reduced to the position of a state pensioner in his own dominions while Chandoo Lall was established at Hyderabad as a despotic ruler without the consent of his master, and while his Minister had consequently become a prince while the prince was held in subjection by a servant supported by an irresponsible foreign power. Lord Metcalfe further stated that every attempt made by the Nizam to assert his sovereign rights has been crushed either by our direct interposition or by the successful menace of it on the part of the usurping Minister. Chandoo Lall reigned—~~fo~~**T** so it may be termed—his sovereign and his principal in office being pensioner—from 1809 and continued absolute and without any interference on our part in his management until 1820." The sole result of this exclusion of the Nizam from his Government was the support Chandoo Lall gave to the scheme by which the Nizam's State maintained from its revenues this separate contingent force for which the treaty does not provide. Mr. Russell, the Resident of Hyderabad in his letter dated 26th October 1819 said " This in veritable attention to the interest of Chandool Lall to which we are in honour bound and the maintenance of the reformed troops are the essentials for us. The reformed troops which we owe to Chandoo Lall will have taken such root in the establishment of the country that there can be little hazard and shortly there will be none of any endeavours to reduce them:" Colonel Stewart made the following observations which are quoted in the Court's despatch of 8th September 1835, "those who have witnessed the course of our policy at this Court of Hyderabad during the last 30 years, who have seen how we have put up the creatures of our own as Ministers and supported them as against their sovereigns, how we have obtained the control of all the effective troops of the state and how we assume the civil control of the country **can** hardly feel a doubt **and** least of **all can** the Nizam

himself that we have considered ourselves as the actual rulers of the country. Many of the evils which exist in this state are unquestionably the almost unavoidable result of our connection with it. It seems hardly fair therefore to hold either the Nizam or his Minister responsible for these evils situated as they are. I do not think they had the power to correct them. In fact we may perhaps more properly be regarded as responsible for them. Having the power in our own hands to remedy them and having shown that we are no way scrupulous about making the use of that power when we thought fit to do so." Chandoo Lall continued to reign upto 1829 ; but as a matter of fact no withdrawal of interference took place even thereafter. Indeed in practice things remained much the same after 1829 as before that date. In a dispatch of 9th September 1830 it was observed that no substantial change has taken place in the interference with the Hyderabad Government. In the year 1838 the Court of Directors indicated their clear cognisance of the fact that the Nizam had never been allowed to take his proper place in power in his own state. They wrote 'All that is required is the permanent assurance of such an abstinence from interference in public affairs on the part of the Nizam himself as he already for the most part practises, an assurance which would cause the Minister to look for support exclusively to the Resident.'" General Frazer the Resident of Hyderabad, in his letter of 26th of July 1842 warned the Government of India that if the Nizam were allowed to feel Independent His Highness may propose the disbandment of the contingent to which he is known to be averse. Lord Elenborough in a letter addressed to the Nizam in 1842 said 'I am sorry to learn that the Minister of Hyderabad does not act according to the counsels of the Resident as he has done, before; therefore I desire that you will set this matter right. Finally, it is expedient that you direct the Minister to attend, to the wishes of the Resident.'" Till 1849 the Nizam was not allowed to select his own Minister. It will thus appear that for over 50 years from 1800- when the treaty was concluded Hyderabad has been almost under the management of the British Government and is virtually a British occupation. The Prime Minister during this whole period was the creature of the British Government and was acting under the direction

and control of the Resident. He was even sometimes paid by the British Government in order to produce a result favourable to the British Government. No wonder, therefore, that the affairs were mismanaged and brought on ruin. Lord Metcalfe observed that "the revenues were insufficient to meet excesses and the expenses of a year of war added to the increasing cost of the force commanded by British officers augmented embarrassment. Extortion and borrowing were had recourse to too unsparingly and to the utmost practicable extent. Extortion and oppression went hand in hand and desolation followed." This was the state of things when the treaty of 1853 was contemplated.

The ever increasing cost of this contingent unjustly saddled upon the Nizam made him a debtor to the extent of 43 lacs of rupees to the British Government. Sir Charles Metcalfe in a minute dated 17th May 1829 had described how the expenses grew by leaps and bounds; "the subserviency of the minister at Hyderabad has rendered this kind of force in the Nizam's territories, a sort of play thing for the Resident and an extensive source of patronage at the Nizam's expense. The temptation is difficult to resist and it is more to be regretted than wondered at that the expense is increasing. It appears from returns prepared at the Secretary's Office that the military and civil allowances paid by the Nizam's Government to British Officers amounted according to the earliest report received from Hyderabad under date 1st January 1824 to 11,11,098, the number of officers being 101. On the 20th January 1825, 9,16,260 Rs. for 83 Officers; on 1st March 1826 to 9,99,420 for 101 Officers, on the 31st December 1826 to 11,34,828, for 116 Officers; on 31st December 1827 to 12,48,696 for 119 persons and on the 1st December 1828 to 13,49,880 for 123 persons. This will clearly show the extravagant scale on which payments were made to British Officers. Col. Malcolm some time Asstt. Resident at Hyderabad observes in the Calcutta Review that there was a proverb current among members of the British services to the effect that "the Nizam pays for all." How Chandoo Lall squandered the money of his master has been graphically described by Lord Metcalfe, "Chandoo Lall's main object from the establishment of his power was to retain it. The instrument



most serviceable in his view for this purpose was money. He had money for any one whom he thought capable of aiding him. Besides his subserviency to the British Resident in all public measures there was money in the shape of pension, salary or donation for any one whom the Resident recommended. Any gentleman supposed to have influence directly or indirectly With the British Government could command a share of the revenues of the Nizam's country. This was the origin of his lavish waste of public money on Sir William Rumbold and Mr. W. Palmer and their connections. Any Native who was supposed to have influence with English gentlemen was also a fit object for bounty." Lord Metcalfe has very candidly admitted the iniquitous arrangement of forcing this contingent on the Nizam in the following words, " the existence of a force paid by the native state but commanded by our officers and entirely under our control is undoubtedly a great political advantage. It is an accession to our military strength at the expense of another power and without cost to us. An accession of military strength in a conquered Empire where military strength is every thing. The advantage is immense but I cannot say that I think the arrangement a just one towards the state. The same circumstances which make it so advantageous to us make it unjust to the state at whose expense it is upheld. "

Against this outstanding balance the Nizam claimed two sets-off. The first set off claimed by the Nizam was principally for the surplus of excise duties levied on his own subjects in the large native city of Secunderabad which because of its nearness to the camp of the subsidiary force was in 1803 placed under the jurisdiction of the British Resident who ever since holds therein a delegated authority from the Nizam. The native city of Secunderabad in the days prior to 1853 contained a population of about 60,000 of the Nizam's subjects who were not exempt from duties on articles for consumption and the excise revenue in question amounting to about one lac of rupees yearly came to be consequently all-along levied in the Nizam's name by the British authorities and formed as much a part of his revenue" as similar taxes collected elsewhere

within **hiB** dominions. The Government of India however for 40 years credited this excise revenue to themselves. This counter claim of excise revenue is even supported by Col. Davidson, the then Resident of Hyderabad in his letter to the Government of India dated 12th October 1860 in the following words. "We carry the surplus of the Abkari revenues of Secunderabad and Jalna which at present amount- to one lac annually to our own credit from 181-2 to 1853 say for 41 years. The above would have given the Nizam a credit for 41 lacs without interest against the debt we claimed." It will thus be evident that this debt was entirely wiped off by this set-off and that the Nizam did not owe anything to the British Government. The second set-off is of a far greater value arising out of the saving effected by the British Government by keeping the subsidiary force for nearly 30 years at less than one-fourth strength which was stipulated to be maintained by **the** Treaty of 1800 and for which the fertile districts of Cuddapah and Pellary yielding an income then valued at 63 lacs of rupees a year was ceded to the British Government. Major Moore has emphatically- stated that the British Government was bound to account to the Nizam what had not been spent under treaty obligations. The pecuniary claim therefore which was advanced at the time of the treaty of 1853 was not at all sustainable on legal and equitable grounds. Col Davidson admitted "that had the pecuniary demands been impartially dealt with we have no just claim on the Nizam for the present debt. "

Lord Dalhousie in 1851 demanded that territory must be made over by the Nizam in liquidation of this debt. His Lordship in a minute sent to his Leaden Hall Masters wrote on the 1st of January 1851 to the following effect—"Probably we shall find ourselves compelled to retain permanently for the regular payment of the Contingent those districts - which we may now occupy temporarily • the liquidation of the debt." He further stated that the Resident is accordingly instructed in forming his opinion regarding the territories to be made over to bear in mind the probable necessity of retaining them permanently.

•Ludlow page 53.

This would clearly indicate that Lord Dalhousie at any rate had clearly in his mind the idea of occupying permanently the territories acquired from the Nizam in satisfaction of this debt. Six months more elapsed in deciding the territories to be demanded and upon the exact nature of the demand. In June 1851 the Governor General wrote to the Nizam that the efficient maintenance of the contingent is a duty imposed on the Government of Hyderabad by the stipulations of existing treaties. It is however necessary to bear in mind that the same Governor General in a minute which he wrote on the 13th of March 1851 asserted that the Government of India had no right whatever, either by the spirit or by the letter of the treaty of 1800, to require the Nizam to maintain the contingent in its present form. Lord Dalhousie further warned that the demand was peremptory, that it will neither be withdrawn nor postponed and that it would be necessary that he (the Nizam) should in due form convey to the Resident the districts named and should vest him with full authority for their administration and control. The Nizam was astounded at this demand and exclaimed that it was not customary with the honourable company to transfer territory in payment to its creditors. The Nizam on the other hand proposed to pay off the whole debt in about three months and was prepared to give security for the regular payment of the contingent in future. Half the sum was actually paid by October 1851. Another instalment was paid in December. The debt again increased by new payments on account of the contingent. It amounted to somewhat over £ 460000 on March 1853. The Nizam was most reluctant to consent even to any cessation of territory. There were three proposals made to him in this connection. First permanent cessation of the territory was urged on the Nizam which he refused to give up. A second proposal was made that a permanent assignment should be effected while the sovereignty of the territory should remain nominally with the Nizam. Ultimately Col. Low made a third proposal which was that the territory in question should be assigned to the British Government merely for a time to maintain the contingent as long as the Nizam should require that force. Even to

this modified-proposal under which the Nizam retained the clear right of disbanding the contingent in future and recovering his territory he could not be induced voluntarily to accede\*

How mortifying and how galling, these negotiations were to the Nizam may be seen from the reply which he gave to Colonel Low on 30th of April, 1853. " Did I ever make war upon the British Government or intrigue against it or do anything but co-operate with it and be obedient to its wishes that I should be BO treated? Two acts on the part of a sovereign prince are always reckoned disgraceful ; one is to give away unnecessarily any portion of his hereditary territories and the other is to disband troops who have been brave and faithful in his service." The Nizam promised that the contingent shall be paid in future on the first of every month. He offered the guarantee of others for his word. He entreated the Resident as a personal favour to give up the scheme of a new treaty and to advise His Lordship to trust to His Highness's word that all future payment in which the British Government are in any way concerned would be paid with the utmost regularity. The following passage bears eloquent testimony to the sincere and genuine wishes of the then Nizam to retain these territories and his invincible repugnance to the cessation of the same. In the course of an interview with Colonel Low the resident he suddenly burst out, " gentlemen like you who are sometimes in Europe and at other times in India ; sometimes employed in Government business, at other times soldiers - sometimes sailors and at other **timeB** even engaged in commerce •—at **least** I have heard that some great men of your tribe have been merchants. You cannot understand my feelings in this matter. I am a Sovereign Prince born **to** live and die in this Kingdom which has belonged to my family for seven generations ; you think I could be happy if I were to give up a portion of my kingdom to your Government in perpetuity. It is totally impossible that I could be happy ; I should feel that I was disgraced. I have heard that one gentleman of your tribe considered that I ought to **be** quite contented and happy if I were put on the same footing as Mohamed Ghouse Khan, the late Nabab of Arcot; **to** have a pension paid to me **like** an old ser-

vant and have nothing to do but to eat and sleep\* and say my prayers. You too don't comprehend the nature of my feelings as a Sovereign Prince. For instance you talk of my saving at least 8 lakhs of rupees per annum by making this treaty as something that I ought to like. Now, I tell you that if it were quite certain that I could save four times, 8 lakhs of rupees I should not be satisfied because I should lose my honour by parting with my territories." In another interview on the 10th of May 1853 when Colonel Low pressed the Nizam to give his consent about signing the treaty, he said "I could answer in a moment, but what is the use of answering? If you are determined to take districts you can take them without my making a new treaty or giving an answer at all."

We have already stated that upto the period of 1849 the Nizam's Dominions were virtually British Occupation. The British Government controlled the administration and the Minister of Hyderabad was either their nominee or a man of their choice and entirely under their influence. The Nizam was only a political pensioner in his palace. The same state of things continued when the treaty of 1853 was concluded—Colonel Davidson who was the Assistant Resident at that time wrote to the following effect—"I was present during the negotiations that took place in 1853 for the unreserved cession of the Berar District to our Government when General Low informed the Durbar that if so surrendered, he was authorized to cancel all our pecuniary demands on the Hyderabad State. I witnessed the abjurations and threats then used to induce the late Nizam to acquiesce in the Government proposals." The abjurations and threats employed and used against the Nizam proved beyond the shadow of doubt the helpless position of the Nizam at that time.

Despatches were sent containing threats and passages of haughty contempt towards the Nizam. The late Mr. Bright in his famous speech of June -24, 1858, referred to these despatches with the Nizam at that juncture. Mr. Bright observed in the House of Commons: "Only think of a Governor-General of India writing to an Indian Prince, the ruler over many millions of men in the heart of India, 're-

member you are but as the dust under my feet', passages like these are left out of despatches when laid on the table of the House of Commons.\* " The Nizam consented to this treaty \*on the threat of an immediate military Occupation. Major Davidson, the Asst. Resident, wrote to the Nizam's minister on the 14th of May 1853 to the following effect. "I believe the Resident requires your attendance this evening to inform you that his negotiations with the Nizam are at an end and he applies to the Governor General to move troops by to day's post. Indeed I have a letter from my nephew at Poona mentioning that the 78th Highlanders and 86th Regiment of His Majesty's troops have received orders to be in readiness to march on Hyderabad. Don't suppose military operations will be confined to the districts and if you are a friend of His Highness beg of him to save himself and his dignity by complying at once with what the Governor General will compel him to accede to ". Under such coercion the Nizam who was really helpless consented to "the treaty of 1853 which was concluded on the 21st of May. The treaty mentioned that for the purpose of providing the regular monthly payment of the contingent hereafter styled as Hyderabad contingent the Nizam agreed to assign the districts including Berar yielding an annual gross revenue of about 50 lacs of rupees to the exclusive management of the British Resident for the time-being at Hyderabad. The treaty also provided that the contingent shall be commanded by British Officers fully equipped and disciplined and controlled by the British Government through its representative the Resident of Hyderabad.

From the stipulations contained in the treaty there is nothing to show that the Nizam had abandoned his right to disband this contingent. This right of the Nizam pre-existing and inherent remained intact. The treaty contains no provision whatever requiring the British consent for the abolition of the contingent or for its duration. A great controversy has raged round the question whether this assignment of territory was only temporary or was of a permanent character. The negotia-

\* Ludlow P. 65.

tions, which preceded this treaty, clearly prove that the assignment was to be temporary and only for a time. Col. Low was Resident of Hyderabad in 1853 when this treaty was concluded and to which he was a signatory representing the Governor General Lord Dalhousie. In a letter which Col. Low wrote on the 4th May 1853 he observed as follows " Finding that the Nizam's dislike to the words in perpetuity was extreme and fearing that the whole negotiations might fail if I insisted on that word I announced that that was a part of the scheme which my Government had allowed me the liberty to alter if necessary and I announced formally that if His Highness wished it the districts might be made over merely for a time to maintain the contingent as long as he might require it." In his letter dated 10th May 1853, Col. Low writes as below "Your Highness dislikes to cede districts in perpetuity; very well. I am authorised to modify that part of the plan by having districts only made over to our management, your sovereignty over them remaining undisputed and being proved to the word by our rendering to you annual accounts of their revenues and after paying the cost of the contingent etc , paying any balance of cash that may exist into Your Highness' hands with perfect regularity and good faith " Col. Davidson who was the chief assistant of Col. Low, who was present at the interview with the Nizam bears out this statement. Lord Dalhousie in his minute on this subject has stated that the Nizam entertains invincible repugnance to ceding the sovereignty of any districts to the British Government for whatever purposes it may be. The subsequent pronouncements of Government also unmistakably point out that the occupation of Berar was not to be of a permanent character. The Government of India in their letter of 5th September 1860 officially authorised the Resident to communicate to the Nizam that the alienation of this portion of his dominions is temporary only and for a special purpose conducing chiefly to the safety of the Hyderabad State and to the preservation of tranquillity within its limits. And that whenever the districts in question are restored to the Nizam His Highness will derive all the future benefit that may possibly arise from the improvement while under the management of British officers. In the same letter

it is observed that the Government of India desires to hold this territory as it has hitherto held the whole of the assigned districts not in sovereignty but in trust for His Highness so long as the contingent is kept up and no longer ; that Berar shall be restored to the Nizam entire whenever it shall seem fit to the two Governments to terminate the engagements under which the contingent is kept up. This view receives fullest corroboration from the language of article 6 of the treaty of 1860 which runs thus—" The districts in Berrar already assigned to the British Government under the treaty of 1853-together with all the surf-i-khas Tankas comprised therein and such additional districts adjoining thereto as will suffice to make a present annual gross revenue of 32 lacs of rupees currency of the British Government shall be held by the British Government in trust for the payment of the troops of the Hyderabad contingent. " It will thus appear that from the representations of those who were responsible for bringing about the treaty of 1853, and from the averments of Government subsequent to this period, it is quite plain that the assignment of Berar was temporary and not perpetual. Lord Dalhousie, the author of the annexation policy, was however anxious to occupy Berar permanently and he had the audacity in his final minute about the territorial acquisitions of Great Britain in India during his sway, wrote disregarding the words of the treaty, the feelings of the Nizam, and the express assurances given by the Resident that His Highness the Nizam had assigned in perpetual Government to the honorable East India Company the province of Berar and other districts. \* Diplomacy cannot stoop to greater depth of chicanery, dishonesty and hard bargain than is apparent on the face of this minnte of a grabbing administrator.

The last stage in the usurpation of Berar was reached by Lord Curzon in 1902. Lord Curzon proposed to the Nizam the perpetual lease of Berar for a fixed rent of 25 lacs of rupees per annum. This proposal contained some important clauses namely ( 1 ) The Hyderabad Contingent was to be abolished as & separate auxiliary force and was to be amalgamated with the Indian army! ( 2 ) The Government of India was 'to maintain **In** future a fixed number of troops, say between 4500 to 5000



at different stations in the Nizam's dominions; (3) There was to be a corresponding reduction in the irregular troops of the Nizam. It was further stated that this will bring an advantage to His Highness inasmuch as the British Government instead of being in occupation of a portion of Nizam's territories will become his lessee and that the prestige of His Highness will gain rather than lose. His Highness the Nizam, pointedly asked certain questions to the Resident who communicated this proposal which deserve notice. The Nizam protested that his grandfather & his father had persistently and steadily maintained that Berar was not assigned anyway in perpetuity. He asked the difference between a perpetual lease and the practical meaning of sovereignty since under a perpetual lease the landlord or sovereign shall have no voice in the management, no right to share in future improvements, much less a right to reversion. The Nizam pointedly questioned if Berar was assigned in trust for the sake of the contingent and if the contingent is intended to be abolished how is it considered necessary to retain Berar. He also interrogated the Resident as to the precise mutual relations between his irregular forces and the contingent so that the reduction of the one may be considered necessary. Another very important query, he put, was what will be the practical difference between the present occupation by the British Government or rather by their Resident at my Court as my trustees under the treaties and the proposed occupation of the British Government as my lessees under the proposed arrangement. The reply of the Resident to these most pertinent questions was most evasive and unconvincing. Lord Curzon had stated that the object of making this proposal to the Nizam was four-fold. Firstly the administration which under the treaties had to be conducted through the Resident of Hyderabad was not economical as it might be. Secondly the Hyderabad contingent, as then constituted and placed under the treaties, was a wasteful and unsatisfactory arrangement. The troops stationed in Hyderabad seemed to be in excess of modern requirements. Thirdly, the present system of paying the surplus to the Nizam brought about great fluctuations affecting the finances of the State; and fourthly, this question of Berar should be settled by an agreement accept-

ble to both parties and permanent in its duration. Berar was retained by the British Government solely for the maintenance of the contingent. If the contingent was to be abolished there was not the slightest justification to retain this territory any longer. Since the usurpation of 1853 the successive rulers of Hyderabad were willing to pay outstanding debts at any moment. This liability was never repudiated although it had no foundation in equity and justice. But the plain admission of Lord Curzon about the nature of the contingent, about the necessity of its abolition, knocked the bottom of the proposal forced upon the Nizam ultimately. Mir Mahboob Ali Khan, the father of His Exalted Highness had prepared a letter to be delivered to the Viceroy during the personal interview at Hyderabad. It is a touching letter and vividly conveys the sentiments of the writer. We make no apology in quoting the same. "Your Excellency, I do not wish to enter into the old controversy as to my right to the restoration of Berar or as to the meaning or object of the treaties and other formal engagements concerning it. I confidently leave these matters for Your Excellency's kind and favourable consideration. I would only appeal to His Majesty, the King Emperor, through you to restore Berar as a special mark of gracious favour and I ask to be allowed to make Your Lordship my advocate in the case. I feel perfectly sure and I most devoutly trust my appeal will not be in vain on the auspicious occasion of His Majesty's coronation." In the personal interview with Lord Curzon the Nizam repeatedly asked His Excellency whether there was a chance of restoration of Berar to him. Whether even as a matter of favour the British Crown would be pleased to restore this province to him as a faithful ally. To both these appeals Lord Curzon gave an emphatic denial. Lord Curzon distinctly told the Nizam that he should not entertain any hope whatever of the restoration of Berar. His Excellency said "I do not wish to keep Your Highness in any false hope. I say it very plainly that this alone will be the policy of not only myself but also of every Viceroy who will come after me : and the policy of the Government of England will be the same namely that Berar should not be restored at any time." The reason of asking all manner of questions to the Viceroy has

been candidly **stated** by the Nizam in the following words- " I should not have ventured on the subject of Berar again were it not for a qualm of conscience which I have when I contemplate the cherished wish of my father and grandfather and which qualm I believe will be entirely removed by His Excellency's reply to my question. " When Lord Curzon assured the Nizam decidedly that there was no chance of restoration of Berar under the existing treaties and that the lapse of time had made and will make the matter worse and worse still, he consented to the perpetual lease losing all heart and in a **most** forlorn and helpless condition.

The cessation of the Northern Circars by the Nizam to the British Government in perpetuity in exchange for the right to aid from British troops for the preservation of internal tranquillity and for furnishing—substantial military aid whenever required (2) the imposition of the subsidiary force on the Nizam (3) the surrender of the fertile districts of Bellary and Cuddapah in commutation of the annual subsidy (4) the levy, -of the Shiledar horse and its transformation into the Nizams contingent ( 5 ) the enormous waste of money recklessly made in maintaining this force (6) the heavy liabilities unjustly saddled upon the Nizam ( 7 ) the treaty of 1853 so highhandedly forced upon the Nizam Afzaluddaulah by that imperialist satrap Lord Dalhousie ( 8 ) the unconscionable bargain struck by Lord Curzon.—all these unfold a tale of unscrupulous diplomacy on the part of the foreign and political department. The trenchant and succinct manner in which the story is narrated in the Memorial of His Exalted Highness too vividly brings home the truth of the remarks made by Wilfrid Blunt who has spoken with the authority of personal knowledge. "The policy of Calcutta Foreign Office is really one of organised aggression with a view to annexation, no one who has been at all behind the scenes for the last 10 years can affect to doubt. Individual Viceroys may be entirely opposed to such schemes but the Foreign Office holds its own against the best of them; and the policy of aggression continues intermittently perhaps, but surely, in British India just **96** in Central **A.61a** by the Russians,

strove manfully to reform every part of the administration. Sir Richard Temple wrote "his official assiduity and mastery of details left nothing to be desired. He was an excellent imitator. Whatever improvements the British Government introduced he would sooner or later adopt. *Lorigo intervally* but still with same effect. Thus roads, caravanseras, medical schools, drains and conservancies, besides many miscellaneous improvements all had a share of his attention. He exercised his vast patronage well appointing competent and respectable men to civil offices and endeavouring to infuse an honest fidelity into the whole service of the State. Immense improvements were effected in the capital. He commenced the formation of a force called the reformed troops organised on the model of the Hyderabad contingent but not under the control of the Resident. The force was officered by Europeans of different nationalities and the commandant in virtue of his office were the sword of Raymond a French man who was in the Nizam's service towards the end of the 18th century and whose memory was so much revered by native soldiers that lights are kept burning at his tomb. These reformed troops were intended ultimately to do the work of the contingent and by proving its existence to be unnecessary to strengthen the Nizam's claim for the disbandment of the force and the restoration of the territory assigned for its support. This measure is characterised by the biographer of General Sir Richard Mead as one obviously open to objection as an unnecessary drain upon the finances of the State besides being unfriendly to the protecting power and an evasion of the spirit if not the letter of the treaty of 1853." How unjust this remark is may be apparent to those who have studied the circumstances under which the treaty of 1853 was concluded. In 1869 Nizam Afzalud-Daulah died leaving behind him a son Mir Mahbub-Alli khan three years old.

Sir Salar Jung was appointed regent during the minority along with Amir-i-Kabir. Sir Salar Jung on the 19th September 1872 submitted a representation addressed to His Excellency, the Viceroy and Governor General of India. This document which is very weighty and which was supported by quotations from despatches that passed between the Government

of the Nizam and the Resident, recapitulated in detail the circumstances under which the treaty of 1853 was concluded and also the treaty of 1860 and put forward a very strong case for the rendition of Berar. The proposals of Sir Salar Jung were that the British Government should accept from the Nizam a capital sum sufficient to secure the payment of the Contingent as heretofore under the treaty from the Nizam and the assigned districts should be restored to the administration and government of the Nizam. The proposal did not aim at the disbandment of the Contingent force. Sir Salar Jung further assured that the finances of the State were so improved that he was enabled to make this proposal. He also stated that this arrangement will remove all possible further questions as to the amount of the surplus revenue of Berar which under the treaty of 1860 was to be paid to the Nizam and it will materially simplify the relations between the two Governments in carrying out the policy. Sir Salar Jung further added "that upon the restoration to this State of the administration of those districts I beg to assure His Lordship in Council and shall be prepared to give any more formal assurance that may be required that all the present rights of property and all agreements entered into during British management with landlords, cultivators and others shall be inviolably observed and that it will be my earnest desire and study to continue to promote such cultivation and enterprises as have hitherto appeared to be desirable in the interest of the agricultural population and the commerce of the State and of the British Indian possessions. " Sir Salar •Tung concluded " my proposal is based on the unquestionable ground that the assignment was made and taken on the express declaration that it was a temporary security and its duration in one specified event wholly dependent upon the pleasure of the Nizam, and since I am now in a position to offer a security still more tangible and I trust more satisfactory to the British Government the necessity for a further continuance of the assignment has passed away and that any other construction which I am far from anticipating would have the effect of converting an avowedly temporary assignment into the remanent cessation already refused by the Nizam " Lord

North-brook\*was then the Governor General of India. The  
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memorial was considered by Lord Northbrook's Government and was transmitted to the Secretary of State for India with an elaborate despatch drafted by the foreign Secretary, the late Sir Charles Aitchison. The Government of India stated that the statements in the memorial were historically inaccurate and that the interpretation placed upon **the** treaties was inadmissible. The Government of India further maintained that irrespective of the treaty rights it was no light matter to transfer a populous and wealthy province which had enjoyed for more than 20 years the benefits of British rule to the administration of a Native State however well-conducted. That though, thanks to Sir Salar Jung's enlightened policy, there had been a marked improvement in the administration of the Nizam's dominion it could not be admitted for a moment that it approached the administrative standard of Berar. That assuming the present administration at Hyderabad to be all that could be desired there was no security for its continuance at any **rate** beyond the life-time of the present minister. Lord Northbrook also said to Sir Salar Jung in his personal interview in 1875 that he would not touch upon the negotiations which preceded the existing treaties. He further added that no permanence could attach to any treaty engagements if the plain language of treaties **was** to be **modified** by reference to preliminary negotiations. The Governor General submitted the memorial to the Secretary of State for India which post was then occupied by **the** Marquis of Salisbury. The Secretary of State for India firmly declined to question the validity of the treaties of 1853 and 1860 and declared that the administration of Berar must, **Temain** in the hands of British officers acting on the Nizam's behalf and subject to the payment of all surplus revenue into the Nizam's territory. Lord Northbrook communicated this decision of Her Majesty's Government to Sir Salar Jung **in his** interview **at** Calcutta on 29th December 1875. Lord Northbrook suddenly resigned the Viceroyship and he was succeeded by Lord Lytton. Sir Salar Jung early in 1876 intimated to the Resident his intention of proceeding to England. His main object was **to** secure the sympathy and influence of persons in position and possibly of the press in England in the prosecution of his claims for the

restoration of Berar. Sir Salar Jung on the 8th April 1876 sailed for Europe. He there agitated for this question of rendition. He had the support of English friends such as the late Duke of Sutherland, Lord Napier, the Governor of Madras, Sir George Yule, the former Resident of Hyderabad and Sir Bartle Frere the Governor of Bombay. His visit to England was most successful and he received many tokens of esteem and honour from distinguished and influential political Associations. Salar Jung returned to India more than ever intent upon the great object of his life and full of hope of ultimate success. In a letter to Lord Northbrook he said " It appears to me that there are three courses before me. Either I must recover Berar or I must be convinced of the justice of the reasons for withholding it or I must die. " After his return from England Sir Salar Jung received an invitation to attend the great Durbar to be held at Delhi on the 1st January 1877. Before departure to Delhi Sir Salar Jung placed into the hands of the Resident a memorial, the same as was before presented demanding the restoration of Berar and the disbandment of the Hyderabad Contingent. Lord Lytton resented the tone of the memorial and the time and circumstances of its fresh presentation. He further intimated to the Resident at Hyderabad that the presence of the Hyderabad Minister at the Imperial assemblage could not be permitted except on the understanding that the suzerainty of the Queen Empress was unquestioned. Sir Salar Jung proceeded to Delhi with the minor Nizam. Friendly discussions took place between the Resident acting under the instructions of the Viceroy and Sir Salar Jung and ultimately through the influence and good offices of Sir Richard Meade it was arranged that Sir Salar Jung should unreservedly withdraw the imputations upon the good faith of the British Government contained in the first memorial and that on this understanding a second memorial on the Berar question if couched in temperate and friendly language would be received and considered by the Government of India after the Delhi Durbar. The second memorial was duly presented in May 1877. Like the first memorial this was\* considered by the Government of India and transmitted to the Secretary of State for final orders.

The Secretary of State decided this question in the negative as before and this was communicated to Sir Salar Jung on 12 June 1878.

Lord Salisbury's reply to the second memorial of Sir Salar Jung is very interesting and contains some highly controversial issues. It however unmistakably points out the attitude of British statesmen to part with territories acquired under colour of treaties in the early fifties of the 19th century and it is really very curious to find that all specious arguments have been marshalled against the invulnerable case made out by that astute statesman Sir Salar Jung. Sir Salar Jung was described by British journals as the Talleyrand of India. He was a statesman of European reputation, fascinating in manners, clear in perception and very resourceful in argument. All his efforts to succeed in his noble object of restoring Berar to his master however completely failed. Lord Salisbury maintained that the expression of opinion by servants of the Government contained in letters and minutes addressed by them not to the Nizam but to their own superiors or subordinates, such opinions expressed by highly paid officers of the J Crown are not binding on His Majesty's Government and do not constitute a pledge which the latter may be called upon to fulfil. He further adds that it would be a great error to assume that His Majesty's Government are in the slightest degree pledged in the expressions of opinions or the interpretations of documents or the estimates of rights formed by their Officers. No obligations can be created on their part towards any other person except by assurances addressed by them or on their behalf to him for their purpose. It is however pertinent to note that General Low was negotiating with the Nizam on behalf of the Governor-General; he gave assurances to the Nizam that the assignment of the territories was to be in trust for the expenses of the Contingent; that he gave this assurance when he found that the Nizam had invincible repugnance to permanently part with the territories and that he asseverated that he had the authority of his Government to modify his proposal. It is therefore difficult to understand how the Government „can disown their liability incurred by their Agent when he was



acting under their instructions and in the ordinary course of business. Further more the Governor General at the time of concluding the treaty of 1860 expressly authorised the Resident to inform the Nizam that the assignment was only in trust for the expenses of the Contingent so long as it was maintained. The reply of Lord Salisbury therefore in this respect is thoroughly unconvincing and cannot be supported on grounds of justice, equity and good conscience. The treaty does not contain any express stipulation about the period of time during which this assignment was to last. As the assignment was for the specific purpose of maintaining the Contingent the moment the Contingent was disbanded the assignment became in-operative and the territory would have reverted to the Nizam ipso facto. Sir Roper Lethbridge in an article which he contributed to the Asiatic Quarterly Review quoted the conversation which passed between Col. Low and the Nizam at this time. This has been published in a Parliamentary Blue Book of April 1854, Col. Low reports as below " His Highness here said in an angry tone of voice—suppose I were to declare that I don't want the contingent at all. I answered him instantly by saying that I was quite prepared for that case, only that the removal of that force from His Highness's services must be done gradually in order to preserve the good faith of the British Government towards these troops which had been heretofore kept up for the advantage of the Hyderabad Government. Some years I said might perhaps elapse before all those men could be otherwise provided for or discharged. " This assurance of Col. Low distinctly bears out the inherent right of the Nizam to disband this contingent whenever he thought that it was no longer necessary for the service of the state. This very fact therefore leads to the obvious conclusion that the trust was to terminate after the disbandment and that the disbandment rested with the discretion of the Nizam. The absence of any words of permanency coupled with the object for which this assignment was avowedly effected leave no room for doubt that the assignment was temporary only and not at all of a permanent character. Lord Salisbury further States that the sovereignty over the assigned districts remained in the Nizam and that he

had a right to receive the surplus revenue after defraying the cost of the administration of the assigned districts. In 1872 Berar yielded a gross revenue of over 102 lacs. The Government of India wanted only 32 lacs of rupees for the payment of the contingent. Lord Canning in 1860 had distinctly instructed the Resident, Col. Davidson, that the Government of India would not demand from the Nizam even temporarily more territory than would be fairly sufficient to meet the payment of this contingent. Sir Roper Lethbridge observes "yet at this moment the Berar still held by us for this purpose yielded a gross revenue of over 102 lacs and if we had adhered to the understanding that our charges for administration should be at the rate then current in the Nizam's other dominions of 17½ per cent on the gross collections they would remain a net revenue of nearly 90 lacs. Of course we pay back into the Nizam's treasury the annual surplus now some 13 or 14 lacs that remains after all the huge expenditure on the administration, public works etc. has been made. Even this small obligation, obviously impossible to be long evaded, we did not fulfil for some years. But it is not the loss of revenue so much as the loss of territory and the consequent loss of prestige that has always been so keenly felt and resented both by the grand father and by the father of the present Nizam as well as by His Highness himself." This statement therefore of Sir Roper Lethbridge conclusively refutes the argument of Lord Salisbury that the Nizam retained unimpaired all the personal dignity which the sovereignty over the assigned districts conferred on him and the net revenue of the province after all the charges of administration had been defrayed has ever since paid into his treasury. Sir Salar Jung had exhorted for the reassignment of the territory not only as a matter of right but even as a matter of favour in view of the friendly relations which had long continued between the British Government and the Nizam. Lord Salisbury replied "while fully recognising the satisfactory nature of these relations as they at present exist and the advantage which their continuance confers upon both Governments, I am unable to admit that the question of this character can be disposed of as a matter of favour or

that the policy of the British Government in respect to it can be looked upon as a test of the amicable nature of the sentiments they entertain towards the Government of the Nizam. It is however extremely surprising that Lord Salisbury should have made this statement. In 1866, in a speech which he delivered at Stamford he stated that "thirty years ago the predominant idea with many English statesmen was that the chief interest in India consisted in extending our territory to the largest possible extent. To that annexation policy the terrible disaster of the mutiny of 1857 must to a large extent be ascribed. But as time has gone on that desire of increased dominion which is the natural temptation of all powerful states has been overcome and statesmen of all parties have arrived at the conclusion that we now hold in India pretty well as much as we can govern and that we should be pursuing an unwise and dangerous policy if we tried to extend our borders or to lessen the power or the permanence of those native rulers upon whose assistance we have so long relied. There is now I think a general desire to uphold the native Princes in the rights and honours which they justly earned by their loyal support at the time of the mutiny and to look upon them not as impediments to a rule but as its most useful auxiliaries." This pronouncement was made by Lord Salisbury when he was a member for Stamford and then only Lord Cranborne. He was not elevated to the dignity of the Secretary of State for India in 1878 disregarding all the loyal services which the Nizam had rendered at the critical period of the mutiny, and ignoring justice and equity of his claim Lord Salisbury declined to consider sympathetically and graciously this earnest appeal for favour at the hands of his sovereign. Lord Salisbury however in the concluding portion of his reply has stated the reasons why it is imperative to retain the assigned districts into the possession of the British Government. "A very strong presumption exists in such a case against disturbing a state of things which was not only sanctioned by treaty but is now established by usage. It would be invidious in this despatch to compare the relative merits of the British system of Government with that which has prevailed in the dominions of the Nizam during the period covered by the review of the minis-

ters. But it must be *at* least confidently said that the two Governments differ widely in their methods and that a thickly peopled territory could not be transferred from one system to the other without a disturbance in the most important circumstances of life being felt by every class of the population. No doubt the interest of the Empire at large and especially of the adjoining population and the character of the administrative system which ultimately takes root in the Nizam's dominions are considerations germane to such an issue. But it would be necessary to make good a very strong case of advantage on the whole to those who would be affected in order to overbear the weighty presumption which treaties of the assigned districts have established against a change." Lord Salisbury here has introduced the doctrine of self determination for the people of Berar. Lord Salisbury however left some ray of hope that this question could not be discussed when the Nizam was a minor. If His Highness the Nizam when he assumes the charge of his Government would desire to bring the whole of the treaty arrangements under general revision the British Government will consider such a request. This assurance left a glimmer of hope into the then Nizam Mir Mahabub Ali Khan to revive this question of rendition after attaining majority.

Another effort was made for the restoration of Berar by Mir Mahabub Ali Khan, the then ruler of Hyderabad when Lord Curzon made a proposal to His Highness for the perpetual lease of Berar. The Nizam expressed his intense desire for the rendition of Berar. He put various questions to Lord Curzon whether it was ever possible to restore Berar to him under any conditions. Lord Curzon assured him that there was no chance of restoration of Berar under the existing treaties and that the lapse of time would make the matter worse and worse still. He further added that there was nothing in the Treaties that contemplated or gave Hyderabad any claim to restoration. The events of the last fifty years had further created a presumption which it was impossible to ignore. The British Government would have no alternative but to adhere to the perpetual assignment already provided for by treaties. These considerations mainly forced the Nizam

to reluctantly give **his** consent to **the lease**. Disregarding the representations made by Colonel Low and also **the** pronouncement of the Government of India and ignoring **the** fact that the province was held in trust for the payment of the contingent **the** Viceroy repeatedly asserted with authoritative tone that the assignment was in perpetuity. Further, Lord Curzon declined to reopen the question which he said **was** finally decided, forgetting all the while the assurance contained **in** Lord Salisbury's letter **to** reconsider this question after **the** Nizam attains majority and desires to bring the whole of the treaty arrangements under general revision, and lastly Lord Curzon emphatically told the Nizam "I do not wish to keep your Highness in any false hope; I **say** it very plainly that this alone will **be** the policy of not only of myself but also of every Viceroy who will come after me and the policy of the Government in England will be the same namely **that** Berar should not **be** restored at any time." The Nizam constrained **by** the position of dependence and helplessness in the presence of a powerful and diplomatic Viceroy surrendered to the wishes of the Viceroy whose persuasions were couched **in** what was virtually peremptory language. But this surrender was most unwillingly made. The Nizam candidly admits "I tried as much as I could to insist on the restoration but the tenor of the Viceroy's answers convinced **me** that they would never give us Berar. I was then obliged to say if such is the case take **it** on lease." Even after this interview was over and though the Nizam was convinced that there was no chance of getting back the province on any legal grounds or treaty rights, the Nizam wanted finally to make an appeal *ad misericordiam*. He had drafted a letter in which **he** asked the restoration of Berar as a matter of favour of the British Crown. His idea was that on the auspicious occasion of His Majesty's Coronation **he** should make a full and free gift of Berar and the Hyderabad contingent for His Majesty's gracious acceptance and then ask for a grant of Berar solely as a mark of favour. He further stated that this appeal for favour was deliberately made for qualm of conscience which **he** had when **he** contemplated the cherished wish of his father and **grand**-father for the restoration of Berar\*. He distinctly wrote to the Resident

asking him to forward this appeal to the Viceroy and that if the Viceroy declined to consider this application for favour, he would be equally glad as he would have a clear conscience ; for then it would show that he had discharged what he considered to be his duty to his ancestors in deference to whose wishes he had risked this letter. The Resident refused to forward this letter. The Nizam realised the obvious meaning of the Resident's action. When all efforts were made and all avenues of redress were explored and when there was not the remotest chance of success the Nizam lost all heart and submitted to the inevitable. The last effort was made by His Exalted Highness when he sent a lengthy Memorial to Lord Reading, the then Governor-General of India on the 25th October 1923. The Memorial very minutely, very exhaustively and very logically reviewed the situation from 1800 upto 1902. The Nizam made out a very strong case for rendition and if the question had been left to the decision of a Judicial Commission or any Tribunal as was suggested in this memorial His Exalted Highness the Nizam would undoubtedly have come out successful. Justice and equity were positively on his side when the abstract question of rendition was to be considered.

The Nizam claimed the following in his Memorial:—

(i) That he is entitled to the complete restoration of Berar and to the disbandment and to the removal of the whole contingent force from his dominions.

(ii) That the Subsidiary force which the British Government undertook by the Treaty of 1800 and for whose cost the Hyderabad State ceded in perpetuity the Bellary and Cud-dapah Districts, should now be restored to its full numerical strength, provided by the Treaty of 1800 and that such force should always be available to him for the performance of the duties specifically assigned to it by the provisions of that Treaty.

(iii) That an account be made of the pecuniary dealings between the two governments since the Treaty of 1800 and that an

equitable settlement be arrived at on a free adjustment of their mutual financial obligations.

(iv) That without prejudice to the foregoing claims, should the British Government for any reason or policy of State decide to maintain the Contingent force and hold the Hyderabad State liable for its maintenance and be unwilling to accept the guarantee of that State to make regular payment therefor out of its revenues, then the Hyderabad State may be allowed to substitute for the province of Berar, money security in any reasonable amount.\*

But as has been the case in the past the questions between an Indian State and the paramount power, the questions between a powerful sovereign and a dependent ally are decided by Statesmen who are the representatives of the Sovereign power. What chance there is under such circumstances for a helpless feudatory to get justice, we leave it to our readers to judge. The Nizam's memorial was rejected and the question of restoration of Berar has now been finally decided.

Colonel Davidson, who under Lord Canning's time, negotiated the treaty of 1860, bears testimony to the fact of the unwillingness of the Nizam to part with the Berars. He further adds that the Nizam's son has inherited all his father's aversion and dislike to give up Berar as was displayed in 1853. Col. Davidson very frankly admits that the Policy of the Hon. Company's Government pursued towards the Nizam ever since the partition treaty of 1817 after the termination of the Maratha war has been completely one on their side of *sic-volo sic Jubeo*, (Imperial and Asiatic Quarterly Review January and April 1894.)

\* It is necessary to bear in mind that the Subsidiary force as such did not exist separately and was amalgamated with the British Indian Army. By the arrangement of 1902 the Hyderabad Contingent was abolished as a separate Auxiliary force and was amalgamated with the Indian Army. The Government of India undertook, to maintain in future, a fixed number of British troops from 4500 to 5000 stationed at different places in Hyderabad territory. The same arrangement required the Nizam to reduce his irregular troops (Nazami-Jinniat) numbering 19500 costing 50 lacks actually to 10 or 12 thousand.

The British Government exercised the same influence over the administration and Government at Hyderabad even during the time of Sir Salar Jung. Sir Salar Jung was Co-Regent with Amir-T-Kabir during the minority of Meer Mahabub AUi Khan the father of the present Nizam. The Co-Regent Amir-I-Kabir died in 1877. Sir Salar Jung intimated to the Resident that there was no necessity to appoint a successor as he was determined to have no colleague. This assumption of Supreme power in Hyderabad by Sir Salar Jung could not be acquiesced in by the Resident. Sir Richard Meade the then Resident wrote to Sir Salar Jung, that the appointment or no appointment of a successor to the late Co-Administrator was a matter for the decision of the British Government as a paramount power in British India and the Government of India on being referred to, declined to ratify Sir Salar Jung's determination but intimated their intention of filling the vacancy. The Government selected the brother of Amir-I-Kabir Nawab Vicar-Ul-Umara for the post of the Co-Regent. There was ill-feeling between Sir Salar Jung and the Nawab and he was a *persona in-gratissima* to Sir Salar Jung. The cause of this ill-feeling was that the Nawab was strongly opposed to Sir Salar Jung's efforts for the restoration of Berar on the ground that they were likely to imperil the friendly relations between the British Government and the Hyderabad state. The reason of his selection as Co-Regent was therefore obvious on the face of it. It was however feared that the selection of an avowed enemy of Sir Salar Jung would probably lead to his resignation, but Sir Richard Meade was of opinion that such a resignation would be entirely misunderstood in England. The Biographer of Sir Richard Meade has described this in the following words. "The retirement of Sir Salar Jung would not indeed in Sir Richard Meade's opinion have been an unmitigated evil for the Minister's system of under-ground communication with influential partizans in England greatly hampered the Resident in the conduct of affairs. But as usual he regarded the question not from a personal but a public point of view and from this point of view he feared the Minister's resignation would be entirely misunderstood in England. The English public were necessarily ignorant of Hyderabad affairs and the political



requirements of Indian Administration. But in Sir Salar Jung they recognised an Indian Statesman of enlightened views who had done good service to England in 1857, while English Society had been recently fascinated by his charming manners and splendid hospitality. In these circumstances Sir Bichard was wavering and wished to allow matters to slide. A reference was made to Lord Lytton who was then the Governor-General, on the 12th of July 1877. Lord Lytton discussed this question fully with his Council and unanimously agreed that the appointment of the Co-Regent should be made immediately. This decision of the Government of India led to protest on the part of Sir Salar Jung. He addressed a letter to the Resident declining to accept the Nawab as his colleague refusing also to resign. This brought about a dead-lock. On the morning of 23rd September 1877 the Resident was instructed by telegram to proclaim the appointment of the Nawab as Co-Administrator of Hyderabad. If Sir Salar Jung accepted him as his colleague well and good; if not the Minister would not be permitted to retain office but the appointment might be offered to his nephew. On the same evening Sir Salar Jung announced that he accepted the Viceroy's decision. The appointment was Gazetted on 24th and the Resident installed the Nawab as Co-Regent in a Durbar held on 29th. The Resident attended the Durbar accompanied by Officers Commanding the Subsidiary force and the Hyderabad Contingent and other 40 British Officers. There was an assemblage of soldiers and Sir Richard Meade was extremely anxious about the successful termination of this function. British soldiers and officers were kept ready and the Resident was feeling very nervous all the while. Opposition was feared from Sir Salar Jung. But all these fears were vague and unfounded. Sir Salar Jung had announced his acceptance of the Viceroy's decision. The occasion was very trying to him; but he was quiet, collected and self-possessed and performed his part in the Durbar ceremony with his usual grace and care. Exchange of congratulations took place between the Resident and the Viceroy.

A great crisis had been firmly and successfully dealt with and the Sovereignty of the British Government was asserted in an emphatic manner. In the letter addressed by

the Foreign Secretary to the Government of India to the Resident at Hyderabad in connection with this episode, the policy of the British Government has been enunciated unequivocally in the following words. "The treaties with Hyderabad constitute the British Government, the supreme protector of the State from external and internal enemies. In the exercise of this protective power the British Government has for more than three quarters of a century preserved the peace and the Dynasty of Hyderabad. In the exercise of this power it has frequently remonstrated against acts of mal-administration and oppression. In exercise of this power it assumed in 1869 and still holds the guardianship of the Nizam. The whole history of the appointment and formal investiture of the Co-Regent unmistakably points out that the British Government wanted to assert their supremacy and to proclaim their right to control the internal affairs of the State to Sir Salar Jung, to men of his party and to the public at-large. In 1902 Lord Curzon wanted the Nizam to take his sanction for the confirmation of his minister Maharaj Kishen Prasad in office. He also insisted that Mr. Casson Walkar who was sent to Hyderabad by Lord Curzon should be appointed as Assistant Minister for finance and that further the Minister and Mr. Walkar should draw up a scheme denning Mr. Walker's authority and powers and that it should be finally submitted to him for sanction. This insistence upon the sanction of the Governor-General for the confirmation of the prime-minister and of important officials in the State clearly shows the helplessness of the Ruler of Hyderabad and vividly brings home the fact that he was not an independent Ally as asserted by H. E. Highness but a dependent vassal as authoritatively declared by Lord Reading-the Governor-General of India. These facts therefore explain how Berar came ultimately into the possession of the British Government. That during the period of nearly one century from 1803 to 1902 Hyderabad was a British occupation, that the minister was a creature of the British Government and that the Internal affairs were directed, managed and controlled by the British Resident. **In the face of these convincing facts the pretensions of H. E. Highness to be treated as an independent ally stand self condemned.** \*

The tenacity and perseverance of the government of Hyderabad to get back Berar ever since 1853 is really admirable. The Memorial of 1923 mentions that between 1853 to 1860 the Nizam had consistently and persistently asserted that he was entitled to the restoration of the whole of the assigned Districts of the Berars on six different occasions. In the negotiations for the treaty of 1860 he elicited the statement from the Government of India that the alienation of this portion of the Nizam's territory was temporary only. This was the seventh effort. Sir Salarjang made three efforts one in 1872, one in 1876 before the Delhi Darbar and one after the Darbar. The eleventh attempt was made by Mir Mahabub Allikhan during the time of Lord Curzon. The twelfth effort was made when His Exalted Highness submitted his memorial of 1923 and the 13th and the last effort was made when the Nizam sent a rejoinder to Lord Reading's letter of 11 March 1925. On all these thirteen occasions the Nizam was baffled and discomfited.

## PART III

**Offer of responsible Government,**

The Nizam's memorial of 1923 contained a constructive proposal of a far reaching character. Sir Salar Jung in his memorial of 1872 had given assurance to the Governor General that in the event of the restoration, all the present rights of property and all agreements entered into during British management with Landlords, cultivators and others shall be inviolably observed. Lord Salisbury in his final reply to his memorial in 1878 had referred to this important aspect of the question. He stated that the matter in controversy here is not dignity or revenue or any matter of personal enjoyment. It is the control over the lives and properties of two millions of men. In dealing with interest of this magnitude government must necessarily be guided by consideration of a more imperative character than mere sentiments. It is necessary to make out a very strong case of advantage to those people who would be ultimately affected by such a change namely the restoration of Berar. Mir Mahabub Alii during the negotiations for the-perpetual lease of Berar in support to his request for the restoration of Berar as a matter of gracious favour at the hands of His Majesty, had given an assurance that the laws and present administrative arrangements of Berar would be maintained in tact, in case it was reassigned to him. His exalted Highness in view of these past assurances formulated a distinct proposal to the following effect. " I am anxious that the people of Berar should receive into their own hands the shaping of their destinies and for this reason I am willing to concede to them, on the restoration of the province, a larger co-operation in the administration than at present enjoyed anywhere in British India. With this end in view I declare that should I succeed in the redemption of my province I will insert in the instrument of restoration or any other State paper that may be drawn up definite clauses for the confirmation on Beraris of a constitution for a responsible government with absolute popular control under a constitutional governor appointed by me as my representative of th»ir internal affairs and complete autonomy in admini-

stration except in matters relating to the British Government and my Army Department ". This proposal was deliberately made in view of the solicitude for the welfare of the inhabitants of that province and for a continuance of the conditions and standards under which they had attained to a high measure of prosperity and happiness. Sir Alii Imam the Prime Minister of Hyderabad, in his covering letter to the Press, stated that the subject was of profound interest to all Indian patriots. It may be justly described as an all India question. If real and genuine autonomy is secured to even a small province of our country a beginning will have been made of the ultimate realization of the goal that inspires all political groups over the whole of India. The significance of the question dealt with in the memorial is far reaching ; that by itself should be the incentive for every good and true Indian to support the cause. There is also another aspect of the question and that is the righting of a great wrong that has been done in the past. We, therefore, wish to examine this **proposal** offering responsible government to the people of Berar in case of its restoration to H. E. Highness.

The very fact that His Exalted Highness deems it necessary to make the concession of responsible Government, clearly presupposes that devoid of this temptation the idea of retrocession would be repugnant to the people of Berar. The reason of this is not very difficult to fathom. The people of Berar are at present under the benevolent despotism of the British Government. If they had been under His Exalted Highness as they were prior to 1853 they would have been under double despotism ; the despotism of the autocratic Euler of Hyderabad and the despotism of the Paramount Power, namely, the British Government. Mr. Tupper in his " Indian Protectorate " says that the subjects of Indian States owe a double allegiance to their own Chief and to His Majesty the King Emperor. The allegiance to the Chief or Prince is no doubt due to an autocratic ruler in every instance. This being the case what people would voluntarily choose to give up one despotism and **accept** the yoke of double despotism, of their own free will ? Besides, there is absolutely no doubt that the people of Berar are enjoying good Government for over three quarters,

of a century **and are on** the ascending plane of self Government. Undisturbed peace has reigned there during these 75 years. The people enjoy security **of** person and property to the fullest extent. Means **of** communications are developed throughout the length **and** breadth of the country. Rural, Municipal **and** District Board administration and local self-Government are in a fairly progressive condition. Land tenures are regulated by law and the ryots enjoy all the blessing of fixity of tenure and systematic calls of land revenue. Education has made rapid strides **in** all its branches namely, primary, secondary and higher education. Female education is equally looked after and there is a High School for girls in Amraoti so far as we know. Judicial administration has reached a high standard **of** efficiency and peace and order are established in a satisfactory manner. The people are given some share in the representative institution namely, the Council, in an indirect manner. There is liberty of speech, liberty of the **Press**, liberty of meeting and liberty of action within the limits of law. There is perfect religious toleration and each man can enjoy freedom of conscience unmolested in the slightest degree. The administration of the country, though bureaucratic in constitution, is all the same up to the mark **and** has attained the highest level of competency and can be styled in spite of its various drawbacks as 'good Government' Medical relief **is** freely extended and co-operative movement is gathering strength in this province. So far as good Government and consequent prosperity of the people is concerned the province **of** Berar is quite ahead of similar provinces adjacent to it and situated in British India. The Nizami rule in all the details mentioned above is decidedly inferior and cannot stand any comparison. The difference in the two is **so** marked that it is needless to examine the situation minutely. His Exalted Highness seems to have been conscious of this and has made the proposal with a view to win the people of Berar to his side. There is nothing improper in this. It **is** for the people of Berar to make up their choice. We **do** not see why they should not accept the proposal provided certain safeguards for the healthy growth of responsible **Government are assured to** them by His Exalted Highness.

### The problem of defence

As regards the Army Department the **proposal** is no doubt vague. If it means that the common **wealth** of Berar when it comes into existence should **have nothing** to do with the Army of His Exalted Highness **no one will** take any exception; but **if** it means that His **Exalted Highness** shall have power **to** quarter his Imperial Army in this dependency of Berar it is a condition which cannot be **accepted**. The proposal of His Exalted Highness for responsible Government shall have to be considered **in the light of analogy** of the relation subsisting between the Imperial Government of the United Kingdom and its self-Governing Colonies such as the dominions of Canada, the Commonwealth of Australia, the Union of South Africa and the unitary Self-Governing Colonies of New Zealand and Newfoundland. **Dr. Keith in his 'Imperial Unity and the Dominions'** observes "that responsible Government involves as an essential corollary that the Government shall undertake the full responsibility for **the** defence of internal order. If it is not able to do this the grant of such Government is clearly an error. For **it** means that the community is unfit for self-Government" This doctrine has been laid down by a resolution of the House of Commons in 1862 that a self-Governing Dominion should protect itself from internal disorder and that it should as circumstances allow make some provision for its own defence. In the **light** of this experience of the United Kingdom and its self-Governing Colonies so far as internal peace and tranquillity **is** concerned the Beraris must be left to undertake the task. **If** self-Government is vouchsafed to them they will certainly **raise** a militia or the territorial forces and voluntary corps to **maintain** internal peace. So far as external peace is concerned **it** is a matter with which neither the Beraris nor His Exalted Highness are concerned. The British Government has undertaken **the** duty of protecting inland territories from foreign aggression and invasions. **In** fact all this burden falls on the shoulders of the Paramount Power and they have been **amply** paid for **these** duties. **In this** respect **the** Beraris cannot claim **any higher status than that of His Exalted Highness, and even the** Niaam

is protected under treaties from foreign invasion or any foreign danger outside his territories. The purpose of the vast armies maintained by His Exalted Highness is the maintenance of internal security or his personal dignity. It has nothing to do with the external safety of the Nizam. This duty devolves upon the Paramount Power. Similarly neither the Beraris nor His Exalted Highness can claim international existence. They cannot declare war or conclude peace with any foreign Power. The commonwealth of Berar, therefore, would have nothing to do with declaring war or concluding peace nor shall it be called upon to defend itself against a foreign enemy. Under these circumstances the Nizam has no reason to keep his army in Berar. The presence of Imperial Army even in self-Governing dominions has given rise to considerable heartburning and tension of relations. The Imperial Army generally is under the control of the Governor or Governor-General of the self-Governing Colony. The use of this Imperial Army in all cases where martial law was proclaimed and when the use of the Imperial Army was very imperative in the interest of peace in the Colonies concerned, has been, however, bitterly resented. The use of the Imperial Army by Sir Mathew Nathan the Governor of Natal in 1907 and the use of Imperial Troops in the Transval at the time of the strike on the Rand mines and at the time of the strike of 1913 by Lord Gladstone evoked very severe adverse criticism and created much bitter feeling. " The mere presence of such forces always implies the possibility of their use and it is clear that full responsible Government is impossible unless a Dominion has within its borders military forces which are raised and maintained by itself. " It must be remembered in this connection that the Governor of a self-governing Colony under the Empire is subject to the control of the Secretary of State for the Colonies and he in his turn is a member of the Cabinet and the whole Cabinet is responsible to the Parliament. If a Governor of a self-Governing Colony makes improper use of the Imperial Army he will be immediately called to account by the Secretary of State and a debate would be raised in Parliament—a procedure which will correct and punish any abuse of such power. This is a most valuable safeguard in the case of Colonial Governors. In the CAM of



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Eerar if there is **an** Imperial Army—by Imperial **we** mean **the** Hyderabad forces—and if the Governor chooses to use it, what safeguard there is to prevent the Governor from abusing his power as His Exalted Highness is not going to establish Parliamentary Government in Hyderabad and as there is no responsible executive able to control the Governor? The only power that could call to account the Governor would be that of the Nizam and as the Nizam wants to rule in an autocratic manner how can he inspire confidence in the people of Eerar that he would scrupulously protect their interest and punish his nominee, namely, the Governor? The existence, therefore, of an Imperial Army in Berar under the control of a Governor subject to the autocratic will of the Nizam would be a standing menace to the liberties of the people and would threaten **the** very existence of responsible Government in the province. The reservation, therefore, about the Army Department should be made explicit and His Exalted Highness must undertake that his army shall have nothing to do with the administration of Berar, that no part of it should be quartered in Berar, that internal security should be left solely to the responsible Government of the province, that the executive Government of the province must be responsible for the declaration and maintenance of martial law and that the Governor should on all such occasions act strictly on ministerial advice. Without such unequivocal declaration the proposal of His Exalted Highness would not, we venture to submit, commend itself to the people of Berar.

**Constitutional Governor.**

His Exalted Highness proposes to appoint a Constitutional Governor to supervise **the** responsible government in the province of Berar. We are afraid the full meaning and significance **of** the position of **a** constitutional Governor does not seem to have been well understood. An autocratic sovereign talking of **a** constitutional Governor is **a** contradiction in terms. **The** position of a constitutional Governor generally appointed in the United Kingdom **to a** self-governing Colony is very well understood. **Tod** in **his** "Parliamentary Government in **the British Colonies**" has **defined this position in the following** words:—"A constitutional Govwnor is not m»r#ly the Mare\*

and **warrant of** all executive authority within his jurisdiction ; **he** is also **the** pledge and safeguard against all abuse of power **by** whomsoever it may be proposed or manifested and to this end he is entrusted with the maintenance of certain rights and the performance of certain duties which are essential to the welfare of the whole community. And while he may not encroach upon the rights and privileges of other portions of the body politic he is equally bound to preserve inviolate those **which** appertained **to** his own office ;for they are a trust which he **holds** in the name and on behalf **of** the Crown for the benefit of **the** people." Dr. Keith in his "Responsible Government" maintains that the executive power of the Commonwealth is exercisable by the Governor-General as the representative **of** the Sovereign and extends to the maintenance of the Constitution and the laws of the Commonwealth. Dr. Keith in another place in his work on "Imperial Unity and the Dominions" has clearly enunciated the position of a Governor. "The Governor **of** a Crown Colony is in constant receipt of instructions for his guidance from the Secretary of State and in his executive actions he is always subject to control from Home. It is a fundamental principle of the Government of the United Kingdom that the whole executive authority of the Kingdom rests in the hands of the Crown ; that this authority is exercised in every case on the advice of ministers and that for every act of the King which is done in his official capacity a minister of the Crown must be responsible. It is further established that the King can do no wrong and that therefore if wrong is done it cannot have been done by the command of the King and the wrongdoer must answer to the law for his action whether criminally or civilly. Ministerial responsibility in the United Kingdom means in the first place that a minister must take responsibility for every act of the Crown ; that as the Crown **can commit** no wrong if the Crown acts officially its action must be countersigned or otherwise adopted by ministerial authority. **In** the second place it means that the minister is responsible to parliament." These two considerations are **essential for the establishment of a parliamentary form of government.**

**Incompatible with autocracy**

Now if the proposal of the Nizam is examined in the light of these recognised canons of politics, it would be found that it is meaningless. So long as His Exalted Highness wants to continue autocratic in his own dominions and so long as the Nizam is not to be guided by ministers who are to be responsible to the people and who are removable by the people and so long as His Highness does not desire to establish parliamentary government in his own State, the Governor appointed by him would be responsible to the sweet will of the sovereign only; and this means the subjection of responsible government in the province of Berar to the autocracy of a single despot. This position is unacceptable on principle and is untenable in practice. With a view to understand the gravity of the situation it is necessary to bear in mind the important duties which a Governor or a Governor-General is called upon to discharge in a self-governing Dominion or Commonwealth. The Governor has the power to authorize expenditure of public money before it has been appropriated by the legislature or when the Parliament is not in session. The Governor is responsible for the declaration of martial law. He has the power to confer honours and titles. He has the prerogative to grant mercy. He can grant pardon or relieve the offender. He has the power to order the dissolution of parliament. He has the discretion to impose conditions on the grant of a dissolution of Parliament. He has the right to dismiss the ministers. He has the power to withhold his assent to any legislation passed by a self-governing colony. Now all these powers are very important and if they are not judicially exercised according to the advice tendered by the ministers of a self-governing province and if they are exercised arbitrarily, a Governor will be able to stultify responsible government in any province. In the case of the self-governing Colonies of the United Kingdom a Governor cannot afford to act in an arbitrary manner. The Secretary of State for Colonies immediately calls him to account. Even if the Secretary of State be remiss in his duty the Imperial Cabinet is alive to its responsibility and the Cabinet has to justify the conduct of the Governor or censure him and recall him and set matters right by a debate in the Imperial Parliament. If th\*

Ministry persists it has to face a vote of censure and would be required to go out of office. This system of check upon check has a very salutary effect in keeping the Governor straight on the path of duty and in not allowing him to go astray on any account. In the case of Berar the only check upon an indiscreet Governor would be that of his autocratic master. Human nature is the same all the world over and an autocratic ruler out of mistaken notions of prestige, unaccustomed to the criticism of the people and unfamiliar with any sense of responsibility to the people, is sure to support his nominee in the case of a conflict with the administration of the Commonwealth. What then would be the utility of responsible government in such a case? Would it ever thrive and prosper and fulfil all the expectations formed of it? In Berar if the Governor expends public money recklessly without the sanction of the ministers or without looking to the precedent or the basis of expenditure in the previous year, he shall have to be responsible for his actions in a Court of law for such abuse. He cannot claim any exemption or immunity from civil actions against him. In the case of martial law the Governor shall have to act strictly on ministerial advice. And if he misbehaves he shall be criminally liable and an act of indemnity cannot save him. Similarly in the case of grants of honours and titles he shall have strictly to abide by the advice of the ministers of the Commonwealth. In the case of the exercise of the prerogative of mercy he shall have to act on ministerial responsibility. In the case of dissolution of Parliament the same rule of guidance shall have to be followed. He cannot be allowed to impose any conditions on the grant of a dissolution. He shall have to dismiss the ministers on the advice of Parliament and he cannot be given the sole power to withhold his assent to any legislation passed by the Parliament of the province. In the case of United Kingdom there is an additional power over and above that of withholding the Royal assent, namely the power of concurrent legislation vested in the Imperial Parliament and the general law on this subject is that a parliamentary act overrides colonial legislation. As there would be no parliamentary government in Hyderabad *tie*

Nizam can exercise the right of withholding his assent to any legislation passed by the Commonwealth so as to override the legislation of the responsible Government by any fiat or firman of his own. The existence of a self-governing Commonwealth like Berar and its supervision by an autocratic sovereign is incongruous in the extreme. The two cannot work on together. His Exalted Highness, if he is anxious for the retrocession of Berar and if he is sincere in his professions, shall have to make up his choice one way or the other. He shall have to establish responsible government in his own dominions simultaneously with that of Berar. He shall have to abide by the advice of a removable executive and then his position would be akin to that of a constitutional sovereign and in that case only he can claim to appoint a constitutional Governor to the self-governing province or Commonwealth of Berar. If he does not choose to do so he shall have to remain content by appointing a Governor who shall only be a figure-head representing his sovereignty on all ceremonial occasions. His Governor shall have nothing to do with the internal administration. During the time of dissolution the Governor shall have to act under the advice of the permanent servants of the Commonwealth and in accordance with the precedent and practice of previous years. On all other occasions such as the declaration of martial law, dissolution of parliament, dismissal of ministers, the grant of honours and the exercise of the prerogative of mercy and in all questions concerning the internal administration he shall have strictly to follow the advice of the ministers of the self-governing province and neither the Governor nor H. E. Highness can claim to withhold assent to the legislature passed by the Commonwealth or to override it in any manner. Besides his Governor can not be allowed to accept presents. He cannot enter into any business relations. He should be liable to the Civil and Criminal jurisdiction of the province in his personal capacity. He should be subject to a writ of mandamus. Even in self-governing colonies undesirable consequences due to the introduction of the practices of a royal Court were apprehended at the time of the appointment of the Duke of Connaught, as Governor-General of Canada. In the case of Berar if the Nizam appoints a Governor and if he happens to be

a Nawab of an aristocratic family and if he has a morbid taste to indulge in all the luxuries and the intrigues of a Native State palace, the honour of men and women in Berar would be in great danger. It would therefore be necessary not to extend to him the immunity from civil or criminal process and this provision alone would prove a great deterrent and keep him straight in his duties. The Governor of a colony is generally the supporter of art literature and culture and this would depend largely upon the enlightenment, education, good manners and high moral character of the person chosen as a Governor.

#### **Right of Consultation.**

The last but not least in importance is the right of the appointment of a Governor. The self-governing Colonies have insisted upon their right of consultation in selecting a Governor. The point was raised directly at the time of the appointment of Sir Henry Blake as Governor of Queensland. The Secretary of State for the Colonies insisted upon his right of selection. The difficulty was solved by the resignation of Sir Henry Blake as he thought it advisable to save himself from the mortifying position of being rejected by the Colonial Government. However, it has been thought prudent to adopt the rule that the local Government should be asked before any appointment was formally made whether the name of a proposed appointee was in any way objectionable to them. His Exalted Highness shall have to follow this wise and prudent precedent in the choice of his Governor. The further question whether a local man should be appointed to the post of a Governor would be a matter of detail and even in this the practice in the Colonies would be an excellent rule for guidance.

The vital question, therefore, is whether H. E. Highness is willing to accept these limitations upon his power as a Sovereign. The Nizam shall have strictly to abide by the principles laid down by Earl Grey that the interference of the Home Government in the affairs of the Colonies should be exercised as rarely as possible and that when exercised, it should, whenever possible, be restricted to the form of advice. His Exalted Highness if he accepts these conclusions, shall have to give Berar full autonomy in an unfettered manner and without the

slightest power of interference vested in him. His Governor shall be like that of an Indian Prince divested of all power, honoured and respected on purely ceremonial occasions. So long as His Exalted Highness wants to continue unconstitutional in his own dominions there is no escape from this position. The criticism which his letter has elicited in the Press crudely expresses this fundamental idea and we have only tried to give a scientific explanation of the same. People are saying that the Nizam must give better assurances for his promise. Some are saying that unless the Nizam gives responsible Government to his own people he cannot inspire confidence in others. Some say what guarantee there is that the Nizam would not revoke this grant in the future. All these fears are the outcome of the doubt and suspicion which the position of an unconstitutional ruler exercising in an autocratic manner his arbitrary powers naturally create in the minds of all people. These fears would be instantaneously dispelled if the Nizam establishes responsible government in his own dominions. But if he chooses to be as autocratic as he is at present, his pretensions about appointing a constitutional Governor to a province enjoying responsible government are unjustified and no one can consider his proposal as in anyway sincere and honest.

#### **Privy Council.**

Another concession which H. E. Highness shall have to make is about the Privy Council. The self-governing Colonies of the United Kingdom have still accepted the Privy Council in England as the highest Court of Appeal. There have been some proposals about the reconstruction of the judicial committee of the Privy Council and it is urged by some that eminent judges of Colonial experience should be added to this venerable body. However, the authority of the Privy Council remains unchanged and is respected throughout the self-governing Dominions. In the case of Berar in the event of a Commonwealth being established there, the Beraris may accept the authority of the Privy Council in England by some statutory provision in their constitution or if on some legal grounds it is not found feasible the Commonwealth will make its own arrangements for the highest Court of appeal. But one thing is certain that the Beraris would neyej; recognize the highest

judicial tribunal at Hyderabad as their final court of appeal and revision. The people of Berar have been accustomed to the most enlightened and efficient judicial system of administration. Their wishes therefore in this respect shall have to be respected by the Nizam. The judiciary is the foundation of security of person and property in every State and unless the people of Berar have implicit confidence in the highest Court of appeal they would never feel happy and contented.

#### **British Relations.**

The third reservation in the letter is about the relations with the British Government. If it is meant that the autonomous Government of Berar should not meddle with the relations of the Nizam with the British Government, as the suzerain power, no one need raise any objection. It is necessary to bear in mind that even if Berar is ceded back to the Nizam its position would not be higher than that of the Nizam so far as the paramount power is concerned. Whatever may be the relations between Berar and Hyderabad *inter se*, so far as the paramount power is concerned, the treaties and obligations entered into by the Nizam prior to 1853 and even upto the present time with the suzerain power shall be binding upon Berar even if it becomes autonomous. The Commonwealth when established shall have the same relations so far as international existence is concerned towards the British Government as if Berar were a part and parcel of Nizam's Dominions. The present discussion relates mainly to the internal administration of Berar; and as it is a matter between H. E. Highness and the people of Berar the British Government following the usual policy of non-intervention will not concern itself in the least; but the successful termination of the present controversy depends entirely upon the sense of justice and upon the instinct of freedom and sentiments of sympathy and generosity of the British Government. In the first place recognising the justice and equity of the claim advanced by His E. Highness the British Government shall have to give back Berar in an ungrudging manner.

#### **fi Just Claim.**

So far as justice, equity and good conscience of the Nizam's case are concerned there" would be hardly any differ-



ence of opinion on this point. Lord Reading has been talking of justice ever since he set his foot on the Indian soil. This is an occasion which would put to test His Lordship's professions of doing justice and we are really anxious to know what his own personal views on the matter are out of sheer curiosity. But looking to the policy of grabbing followed by the British Government from 1776 to 1902, we feel considerable doubt whether the demand of the Nizam would be ever conceded. The Berar is bringing immense money into the British exchequer. Would the fruits of the questionable diplomacy sedulously followed over a century be surrendered so easily? It is too large a draft upon the instinct of self preservation and self-interest of the British people,

Secondly the British Government are bound to recognize the principle of self-determination if they are disposed to consider favourably the demand of the Nizam. The reply given by Prof. Richards, the under-Secretary of State for India, inspires the hope that the people of Berar would be consulted before any steps are taken in this matter. This reply leads us to believe that the question is engaging the attention of Government. If it had not been so, Government would have immediately said that they would not open a question settled long since. This gesture of Government therefore deserves serious consideration at the hands of the people of Berar.

#### **Guarantee to the People of Berar.**

Thirdly the British Government have to stand guarantee for the faithful performance of the promises now made by the Nizam and for their binding character upon his successors in the future. For without such guarantee the people of Berar would never consider seriously the proposals now made by H. E. Highness. The people of Berar as at present situated undoubtedly enjoy in an uninterrupted manner the blessings of good government under the British Rule. They are being trained with short lessons of a most rudimentary character in responsible government. In this they are keeping company with 250 millions of British India. *Many* unexpected events have happened during the last decade since the War, and the forces of democracy that are now let loose lead us to believe

that within a measurable distance of time provincial autonomy would be granted to the people in British India. Berar would naturally share in these privileges and if the leaders of Berar carry on a vigorous agitation they will succeed in having a separate Council for their province and consequently Provincial autonomy to boot. With this prospect in view why should they consent to accept the proposals of the Nizam without such guarantee? Because a bird in hand is worth two in the bush. Besides there is another danger. If without such guarantee they consent to the retrocession and if the Nizam turns back on his promise or if his successor questions the propriety of the actions of the present Nizam in what predicament the people of Berar would be? If such a contingency happens the British Government would tell them that the people of Berar have to thank themselves for such a catastrophe. And as it would be a question pertaining to the internal administration of the Nizam the British Government would give the reply of non-interference. They have given such a reply under similar circumstances in the case of a State in Northern India. The dangerous consequences of this mischievous doctrine of non-interference were bitterly realised by the Nawab of Tonk recently. The guarantee therefore is absolutely necessary if the present proposal is to materialise successfully. There is a precedent for such a guarantee in the similar case of rendition of Mysore if only the British Government are so disposed to act. In the document of Transfer of Mysore there are two clauses which directly bear on the point in issue. Clause 19 mentions that all laws in force and rules having the force of law in the said territories shall be maintained and efficiently administered and except with the previous consent of the Governor-General in Council the Maharaja shall not repeal or modify such laws or pass any laws or rules inconsistent therewith. Clause 20 runs to the effect that no material change in the system of administration shall be made without the consent of the Governor-General in Council. It is said by a very high authority that the instrument of transfer embodies the quintessence of British diplomacy. If the British Government are favourably disposed towards Berar they can embody such guarantee in the deed of transfer and make sure the permanence of the constitution to be granted to

Berar. Further it is necessary to insert a condition namely that if there is a difference of opinion on any point between the Commonwealth of Berar and the Government of His Exalted Highness the matter should be decided by the arbitration of the British Government. So long as the Nizam wants to rule as an autocrat in his own dominions such a provision is indispensable; otherwise friction would arise every moment and lead to acute discontent and ultimately to civil war. But would the British Government be induced to stand as guarantee for the successful working of this constitution? That is a matter of very great doubt. Would the British Government view with equanimity the creation of a Commonwealth of Berar in the British Indian Empire similar in status to a Self-Government in Colony of the United Kingdom? This policy of creating *imperium in imperio* would not be favoured by the present bureaucracy. It would be a thorn in their sides. The existence of a self-Governing and completely autonomous province in the midst of the Indian Empire would be constantly cited as a justification for accelerating the speed of the reforms in British India. The very existence of the Commonwealth of Berar would force the hands of the British Government immediately to fulfil the promise contained in the declaration of August 1917. The bureaucracy is making frantic efforts to cling to power and has shown utmost reluctance to divest itself of the same. The British bureaucrat is known to be just and conscientious in the discharge of his duties. The bureaucracy has maintained a high standard of duty, discipline, rectitude, honour and integrity. But the British bureaucrat has never distinguished himself as generous at his own expense. We are therefore not very hopeful about the British Government imposing such a guarantee on the Nizam in the deed of transfer. If they do so it would be only worthy of the past traditions of Great Britain as ancient stronghold of liberty. It will thus be evident that the success or otherwise of the present proposal of H.E. Highness depends entirely upon the British Government.

#### **Nizam and Berar.**

**It may pertinently be asked what is the advantage to the Nizam in accepting all these reservations in claiming back Berar which would bring him no substantial advantages? But**

such a question is wide of the mark. The Nizam would not undoubtedly be in any worse position by this arrangement. Technically he is even now the sovereign of Berar. He will also be so in the future. But then his sovereignty will be real and not artificial as under the present arrangement, in the person of his governor. He would be represented on all ceremonial occasions by his nominee the governor of the province and this fact would largely play on the imagination of the people. His Governor no doubt will have to perform the duty of an adviser ; but the situation would be of the Nizam's own creation. It will undoubtedly satisfy his sentiments and uphold his honour. In his letter H. E. Highness has clearly stated."The whole question that weighs with me is not one of monetary advantages but one of right and justice." The rendition of Berar under the conditions mentioned above would gratify the sense of right and justice of H. E. Highness. The sense of wrong rankling in his bosom would be completely effaced and next to the approbation of his own conscience and the fulfilment of his long cherished desire, the Nizam would get the unique honour of having ushered into existence a Commonwealth enjoying responsible Government, worthy of imitation even by the rulers of British India. The British people are wedded to the policy of responsible Government and to the policy of developing representative institutions. This is ingrained in their nature. If individuals are found to be reluctant in pushing on the growth of representative institutions it is due to their human failing and weakness. The grant, therefore, of responsible government to British India would never be considered heroic or of unprecedented magnanimity by Englishmen beyond Port Said. But if an Indian Prince, born and brought up in autocracy and himself an autocrat confers the blessings of complete autonomy and responsible government on a province of his own and, on people majority of whom are alien in faith from his own it would be an achievement unparalleled in the history of the world ; and the magnanimity of H. E. Highness would be a standing example to the generations to come. This in our opinion would not be a small gain above all others to H. E. Highness.

### People of Berar.

As regards the people of Berar we fail to see why they should not welcome the offer subject to the limitations stated previously. Sir Malcolm Hailey, the late Home Member, at a function organised by the Upper India Chamber of Commerce at Cawnpore said, "The Europeans would be necessary in India to maintain that spirit of law and toleration which they had created. European capital, industry and true commercial ideas were necessary to India. He believed that for many years to come—he would not be precise as to the exact time—but for a very long time to come, a considerable number of British officials in the Indian army and British troops in India would be necessary." Under the aegis of the British Government it would be very long, inconceivably long if we are to believe the words of Sir Malcolm Hailey before the people of Berar can expect to enjoy Swaraj or responsible government. If on the other hand they can reach this consummation within a short distance of time why should they refuse to accept this offer. So far as their province is concerned their representation in the Local and in the Central legislatures is of a very limited character. The Nizam's letter in para 31, states that the financial resources of Berar have been made available to non-Beraries. Mr. Aney raised precisely the same complaint in the Assembly when he said "that the grievances of Berar, which was attached to the Central Provinces were never heard and no solution of the problem was arrived at. The first complaint was that under the devolution rules Berar was now contributing two-fifths to the Central Provinces revenue and got benefit of not even one fourth of the nation building departments which were starving. There was an arrangement by which the Berar administration should be advised by an Advisory Council but no statutory recognition has been given to this arrangement." Sir Malcolm Hailey admitted that the real complaint of Berar was that a large portion of her revenue was spent on the Central Provinces. The Home Member however declined to interfere and said that the question should be agitated by the Berar representatives in the Central Provinces Council.

oil. Under these circumstances it behoves all leaders of public opinion to consider the proposals of the Nizam dispassionately, offer their own criticism and suggest their own modifications. We know that there are insuperable difficulties in the way- We believe that the British Government looking to its past history towards the Indian States would be the stumbling block. Be that as it may, what harm there is in considering the proposal on its own merits? If the question is to be decided by a referendum as 94 percent of the population of the province are Hindus it is quite obvious that the decision would not certainly be arrived at on pro-Muslim tendencies or would not be coloured by any prejudice i-i favour of H. E. Higness. The Under-Secretary of State for India in reply to Mr. Hope Simpson's interpellation has stated that no action would be taken without full consultation with the people of Berar. Sir Ali Imam the accredited representative of the Nizam has made a statement to the London "Times" that it is no less important to ascertain the true sentiment of the 'eraris themselves which will need careful investigation. It is therefore very necessary and opportune for leaders of public opinion to meet and discuss the proposal in good time. The opportunity has come and they should not allow it to slip off their hands by reason of their apathy or neglect. They should carry on a vigorous agitation and enlighten public opinion on this subject. If their conditions are accepted by the Nizam they would undoubtedly be in a better position and the honour of leading the movement of responsible government would belong to them. If their terms are not accepted they can withhold their consent to the transfer. In no case they would be in a worse position. Why then not take up seriously the question and make the best out of this bargain.

"Lord Reading by suffering this memorial to be published broad caste, has made it incumbent upon himself to offer a satisfactory explanation of the several allegations of usurpations contained in the record. There are two important statements in the letter which no Government alive to a sense of honour and integrity can allojv to pass unchallenged. His Exalted Highness has stated that the

late Nizam was coerced into giving his consent to the terms offered by Lord Curzon in 1902. If this statement is allowed to go uncontroverted it is bound to shake the confidence of all Indian Princes in the goodwill and the just intentions of British sovereignty. The second statement which is equally important is that the late Nizam had no authority to surrender such a valuable territory—without a just and legal necessity—beyond his life-time. The principle involved in this statement is of a far-reaching character and is sure to affect the everyday conduct of many an Indian Prince. The subjects of Indian States are therefore anxiously expecting the reply of the Government of India to a memorial bristling with such controversial points. It is difficult to believe that the Government have consented to or connived at, the publication of this letter without some ulterior object. The Government perhaps may be anxious to strengthen their hands before dealing to interfere in this matter which to all intents and purposes is treated as a closed chapter. The people of Berar are unwilling to return to the yoke of the Nizam. The inhabitants of Berar have enjoyed the advantages of an administration under direct British control for over three quarters of a century ; and they may be dismayed, as observed by Mr. Lovat Fraser at the prospect of reverting to Hyderabad rule. It must be remembered that this is not the case peculiar to Berar. Given the choice no subject of an Indian State as at present situated would be willing to remain under the despotic sway of any prince. Government are well aware of this state of public feeling in Berar. They have not taken the initiative to ascertain the wishes of the inhabitants of Berar in this respect on their own responsibility. They would however seize with alacrity the opportunity which the publication of this letter has naturally afforded to the people of Berar for the expression of their views and feelings in this respect. Government have kept themselves in the back ground and the ball is set in motion at the suggestion and on the initiative of the Nizam. It is a sort of referendum and public opinion on this question will manifest itself clearly and unhesitatingly. Government would be only too eager to exploit the *con sensus* of public opinion expressed *Sua Mo(a*

and baffle **the** wishes of the Nizam by saying **that** they would have been only too glad to reopen this question but public feeling in Berar precludes them from doing so and that they have no option but to reject the claim so ably and so forcibly advanced by His Exalted Highness. If this prediction proves true it would be an act of over-reaching an aggrieved party by resorting to circumstances over which none had any control and which have developed independently in recent years. Strictly speaking the claim for the retrocession of Berar is purely an inter-statal one. It has got to be adjudicated on the legal rights and titles of the parties concerned. We do not know whether the British Government want to decide this question on the basis of international law. It is difficult to surmise one way or the other until the publication of the reply of the Government of India to this letter. It would be hazardous to venture any opinion on this subject *exparte*. We are however interested in one aspect of this question namely the right of self determination of the people of Berar. As a matter of fact the wishes of the people were never consulted when the territory was forced out of the hands of the Nizam *defacto* in 1853 and *dejure* in 1902. The people or the inhabitants of Berar did not at all count in the considerations which weighed with both the parties. What *locus standi* have the inhabitants of Berar in the purely judicial adjudication of this question ? But we are extremely anxious to know if the British Government want to rely upon this ground in maintaining their hold on the Berar against His Exalted Highness ; and if they do so it will lead to the inauguration of a new policy so far as the subjects of the Indian States are concerned. The Indian States are kept in the present stagnant condition solely on the ground that the British Government do not desire to interfere in their affairs because it would lead to the violation of treaty rights. The Imperial Government professes to feel great reverence for the spirit and letter of the Treaty rights where the question of improving the internal condition of Indian States is concerned, although they have treated these very Treaties as mere scraps of paper whenever the solidarity of Imperial interests so required. **They** would not command **the**



Princes to follow in their footsteps about the pronouncement and policy- contained in the declaration of 1917. They refuse to take any initiative even to advise the Princes to adopt responsible Government as their goal because the Government of India feel that such a procedure would affect their tender susceptibilities. The paramount Government would not correct abuses, check misrule or ensure good Government in the Indian States unless the condition of things in any State borders upon revolution. Government have confessed their inability to better the position of Indian State subjects and to interfere on their behalf in the internal affairs of the Indian States on the sole ground of Treaty rights. Even when Government feel that the cause of the subjects is just and righteous and thoroughly deserving of their moral support they have declined to interfere out of their supposed regard for Treaty rights. The wishes of the subjects, the helpless condition of the peoples of Indian States, their moral deterioration have not weighed even for a single minute with the Government of India for over a century. Non-intervention based on the Treaty rights is the accepted policy of the British Government so far as the improvement of the State subjects is concerned. The wishes of the people, their right of self-assertion which at the present juncture is called self-determination have not been recongnized at all, much less respected by the British Government up to the present moment. If therefore the Government of India desire to shelter behind this right of self-determination of the people of Berar and decline to grant the request of the Nizam, we would respectfully ask if the same benign Government would recognise this right of self-determination of the subjects of Indian States in shaping their future policy towards the Indian States. So far as the abstract justice of the Nizam's claim is concerned, no conscientious man can hesitate for a moment to perceive the force of the right and the equity of the case now made out by the Nizam. Put it is contended by many eminent publicists that there is a moral<sup>^</sup> side to this question. It is maintained that the case cannot be decided behind the back of the people concerned, and that the wishes of the inhabitants of Berar should be considered before any decision is arrived at in this respect. Ths choice therefore

lie? between two courses—one of deciding this case on its merits and on the legal and equitable rights of the parties concerned and the other of respecting the wishes of the people or in other words of recognising the doctrine of self-determination even if such a course militates against legal obligations and equitable considerations. If the Government of India want to set up the plea in usurping this territory and in depriving the Nizam of his legitimate claim on this single ground namely the wishes of the people when their own vital interests **are** at stake and if they again want to follow the antiquated policy of Treaty rights when the question of reform of Indian States is concerned they will stand condemned in the eyes of the civilised world. This is an occasion which will test the veracity, fair-mindedness and sense of justice of British administrators; and the conduct of the British Government in finally setting at rest this vexed question will usher into existence a new policy with regard to Indian States. We therefore sanguinely wait to hear what Lord Reading, the late Chief Justice of England, has to say about the righteousness of the claim of the British Government or the rights of self-determination of the people of Berar.

## PART IV

**Lord Reading's reply.**

To the letter of His Exalted Highness the Nizam dated 25th October 1923 accompanied by a detailed Historical Memorandum His Excellency Lord Reading the Governor-General of India sent a reply on the 20th September 1925. To this His Exalted Highness sent another explanatory letter dated 20th September 1925. Lord Reading sent a final reply on the 27th March 1926 on the eve of his retirement from his office of Viceroy and Governor-General of India. This has set at rest the controversy extending over nearly 75 years since the treaty of 1853.

At the outset we are surprised to find that Lord Reading has not expressed any disapproval of the publication of this confidential letter addressed to Government. It was indeed a breach of official etiquette observed in the foreign and political department. In this Berar Controversy such breaches had occurred before and were severely resented by the then authorities. The biographer of Sir Richard Mead mentions two such instances in the following words :—

On the 8th of April Sir Salarjung sailed for Europe. He was present at Bombay when the new Viceroy Lord Lytton landed and their meeting was of a most friendly character. When at Paris on his way to India Lord Lytton was surprised to receive from Sir Salar Jung a memorandum of confidential conversations and correspondence with the late resident respecting Berar and other matters together with copies of secret official documents accompanied by comments of a most unfriendly character—a paper printed for circulation in England apparently without the consent or knowledge of the person with whom the conversations had been held or of the office to which the documents belonged. This was a breach of diplomatic propriety which could not be allowed to pass unnoticed. When, therefore, it came to the knowledge of Sir R. Meade, he courteously pointed out to the Minister that the proceeding though doubtless due to ignorance was a breach of confidence and would if it was to be repeated "render all friendly discussion

of pending questions difficult or impossible. Sir Salarjang was understood to promise that what had been complained of, would never be repeated. When at the Delhi Durbar Sir Salarjang had friendly discussions with the Resident Sir R. Meade, about this Berar question he sent printed copies of his version of these confidential discussions—a version inaccurate on material points—together with copies of demi official notes which had passed between them to friends in London by whom they were shown to influential persons. This second breach of diplomatic confidence by the Hyderabad Minister was also severely discountenanced at that time.

Since Lord Reading has studiously avoided any reference to this open publication of the letter addressed to Government it must be presumed that Sir Ali Imam must have the tacit consent of Lord Reading for this publication. At any rate it is safe to infer that the publication was not forbidden by Government. It was really in fairness due to the public that Lord Reading's dispatches to the Secretary of State for India anent the two memorials ought to have been published. They would have explained the cause of the delay as also the real gesture of Lord Reading's Government towards this question. The replies to His Exalted Highness are the outcome of the consultation between the two Governments, namely, the Government of India and His Majesty's Government. But what part Lord Reading took personally in forwarding these memorials, what hopes he held out and why this memorial was hanging fire for sixteen months would be clearly understood by the publication of the dispatches of the Government of India and also of the Secretary of State for India. Why these four documents have been withheld when Government was pleased to publish the whole correspondence covering nearly 200 pages of the Extraordinary " Gazette of India " is more than a mystery. With a view to satisfy the various doubts raised in this connection, we earnestly request Government to publish these four dispatches so that the public at large may have the benefit of appreciating the great erudition of the two eminent jurist who brought their minds to bear on this question.

The two memorials of His Exalted Highness made an unanswerable claim for the legal rendition of Berar. The arguments were supported by official documents and left very little to be said against them. The memorial categorically asserted that the treaty of 1853 was brought about by coercion and the threat of military occupation; that the Nizam had invincible repugnance for ceding his territory in perpetuity; that Col. Low, who was Resident of Hyderabad and who was negotiating for the Governor-General, had put in the word "perpetual" in the original draft and had taken it out because of the express unwillingness of the Nizam; that the contingent for which Berar was to be ceded was created without the consent of the Nizam and was forced on him; that the contingent was the Nizam's force and was to be maintained as long as the Nizam desired; that the perpetual lease of 1902 was agreed to with a qualm of conscience and after the repeated threats of Lord Curzon that the province would never be handed over to the Nizam under any condition; that the Nizam was obliged to choose the terms offered on this condition precedent that the hope of reclaiming the province was not to be cherished for all time to come in the face of the expressed declarations of the British Government and conveyed by their authoritative agent namely, the Viceroy; that the contingent was abandoned after the perpetual lease was concluded. These are all undisputed facts- the correctness of which has not been challenged.

In the reply which Lord Reading has given to the Nizam there is not a single new argument which was not used in the previous two despatches of the Secretaries of State and the Governor-Generals of India. There is no fresh appreciation of the facts with a mind detached from the labyrinth of political diplomacy or any different and perfectly judicial standpoint from which the same facts are surveyed. The burden of Lord Reading's argument is the plea of "*Res judicata*" reiterated '*ad nauseam*'. In fact one finds almost the same phraseology which was used in the despatches of Lord Salisbury of 1874 and 1878.

When Lord Reading states that out of special deference for His Exalted Highness these facts were appreciated anew by his

Government there is not the slightest indication in this 'latest decision' to show that any *bona fide* and genuine attempt has been made to review the whole evidence adduced by the Nizam independently nor the conclusions seem to have been reached, though self same as of old, yet bearing marks of a thorough, unbiased and fresh investigation. The only wonder is why this ridiculous task required nearly two years for the Government of India to finish if it was to be done in this perfunctory manner. Great hopes were created as the most eminent jurists of England were to sit in judgment on the case made out by the Nizam. If these two luminaries instead of taking refuge behind *res judicata* had answered the case in a convincing manner, they would have satisfied the present generation of the justice of the British claim over Berar. It is, therefore, with poignant regret that the reader is disappointed in the line of argument pursued by Lord Reading, the Ex-Lord Chief Justice of England and concurred in by Lord Birkenhead once the brilliant ornament of the English bar and this leaves a most confirmed impression that the possession of Berar is based only on the ground of political expediency, avarice and sheer usurpation. This unsatisfactory mode of disposing of this weighty memorial would leave a rankling in the heart of the oppressed party and will never persuade any succeeding generation of the Nizams that justice has been done. This is a very sad and demoralising aspect of this episode. If instead the Viceroy had summarily rejected the memorial on the ground of settled fact it would not have deferred hopes and frustrated them in the end. It would not have evoked any public interest or excitement. The dialatoriness in replying to this memorial has still greatly prejudiced the case of Government in the eyes of the public and damaged the reputation of the British Government for good faith and honesty of purpose.

In his final rejoinder to Lord Reading's first letter H. E. Highness put forward a preposterous claim of equality in status with the British Government based on the position of the Nizam as an independent ally. The Nizam observed " My relations as the Nizam and the Ruler of my dominions with the British Government are governed by the historic alliance offensive and defensive between my forefathers and the East

India Company based on mutuality of esteem, friendship and interest. Happily that alliance was further cemented and strengthened by fresh and consolidating treaties between my house and the British Government after the assumption of the administration of British India by the crown. With the lapse of time the relations thus established have grown more and more cordial on either side with a distinct desire in each party to solidify a friendship that has stood the test of time and has on critical occasions proved itself of real value to both. Save and except matters relating to foreign powers and policies the Nizams of Hyderabad have been independent in the internal affairs of the State just as much as the British Government in British India. With the reservation mentioned by me the two parties have on all occasions acted with complete freedom and independence in all inter Governmental questions that naturally arise from time to time between neighbours. Now the Berar question is not and can not be covered by that reservation. No foreign power or policy is concerned or involved in its examination and thus the subject comes to be a controversy between two governments that stand on the same plane without any limitations of subordination of one to the other. I do not deny that parties so placed and in the limits mentioned by me are free to reject each others' claims or proposals but with great respect to the British Government I cannot refrain from questioning the use of the word 'decision' in connection with the Berars. Outside foreign affairs I have as an ally of the British Government every justification to reserve to myself the right of looking upon a refusal given by His Majesty's Government to mean rejection and not a decision. The same applies to whatever happened in the past over the Berar controversy. I think it essential to invite your Excellency's attention to this aspect of the question as it raises a constitutional issue affecting the relations that subsist between that Government and the Nizam as allies. The refusal to entertain an ally's claim or proposal stands on a different footing from a decision which signifies a constitutionally binding force which in the circumstances of the case is not applicable. The rejection by His Majesty's Government of my claim to the restoration of the Berars can only be a

fact expressing its view but it can not impose upon me or my house any obligation to treat the subject as closed or regard the claim as barred for till times. No such limitations can govern allies who within their terms of their treaties exercise full freedom of action to agree or disagree with a proposal put forward by one or the other. The principle I am laying emphasis upon is of equal application to both sides. It has happened and it does happen in the settlement of inter governmental matters for me sometime to express disagreement with a proposal of Your Excellency's Government. By no stretch of imagination can my disagreement that is to say the rejection be termed as decision in the sense in which the word seems to have been used in reply to my letter. The use of this word in conjunction with another legal phraseology namely *Res judicata* is an additional reason for me to lay stress upon what I conceive to be the respective position of the parties to the Berar issue. In this connection I am possibly reminded of the unhappy history of the assignment and the lease of the Berars. Your Excellency is no doubt aware that time after time my forefathers rejected the proposals but the East India Company and then-after His Majesty's Government time after time renewed and pressed the same proposals without giving any thought to the doctrine of *Res judicata*. It was really no more applicable then than as it is now when I make a request to reopen the subject for its due and proper examination. In matters of this kind between allies there can and ought not to be the barring of the investigation or of renewal of proposals, on the plea of *Res judicata* which jurists formulated to meet quite different conditions and circumstances affecting parties and issues that have no resemblance or similarity to His Majesty's Government and the Nizam on the one hand and the question involved on the other." His E. Highness advanced another argument on this equality of status in the following words. "There is yet another graver anomaly which it is not possible for me to leave unnoticed. This arises from the consideration that when the controversy happens to be between allies who stand in relation to issue in no position of subordination or the finality be left to either in terms of mere rejection. Such a procedure predicates one of the parties to be judge aiso. When there is a controversy no satisfactory



solution can be obtained by such a method. Judge and party in one **is** an arrangement that leaves much to be desired. As an eminent lawyer and an Ex-chief Justice of England, Your Excellency is far more qualified than I am to such a composition." The claim for independent status and equality of position and treatment would not have been asserted more unequivocally than is done in this memorial by His E. Highness. No other Prince has put forward such a claim.

With due deference to those who drafted **this** second memorial for His Exalted Highness we must point to a lack of judgment in parading the argument of sovereignty and independent status. To complain of coercion, undue influence and unjust exactions under the domineering influence of a mightier Power and in the same breath to assert perfect equality of independent status is incongruous in the extreme. The history of Hyderabad clearly shows that this State has been recognizing the British Power in India as a superior force always dictating terms to the so called Ally the ancestors of the present Nizam. (1) The imposition of the subsidiary treaty and the cession of a very large territory for its maintenance, and the refusal of the British to allow the use of these Forces to the Nizam in the hour of need unmistakably point to the relation of over-lord and vassal. (2) The creation of the contingent without the sanction of the Nizam when he did not want it, the heavy and wasteful expenditure recklessly incurred by the British and with collusion of his Ministers in the name of the Nizam and the complete control of this contingent by the British was the second transparent proof vividly present before the mind of the invincibly unwilling Nizam, of the sovereign and overpowering influence of the British. (3) The treaty of 153 and the expression of the then Nizam that it was disgraceful for him to part with his territory and his quiet acquiescence was the third landmark in the history of the Hyderabad State acknowledging the suzerainty of the British power. (4) The thrusting of their nominee as the Prime Minister on the Nizam for a very long period was the fourth list of his subordination. (5) The rebuff administered to Sir Salar Jang, the fight going on to control the education of Mir Mahabub Alii, the father of the present Nizam, the attempt to keep him under the grip

of the Resident and (6) the efforts made to appoint a co-Regent with Sir Salar Jang on the threat of deportation of this greatest statesman of Hyderabad supply the fifth and sixth stages in which British sovereignty was manifested in the control of internal affairs of this State. (7) The forlorn condition and the utter helplessness of the father of the present Nizam when he indignantly declined to appeal *ad misericordiam* to Lord Curzon and subdue within himself his pent-up feelings of humiliation at the dictation of a sovereign overlord was the seventh stroke administered to the Hyderabad State with the heavy hand of a conqueror.

We have described in detail how the state of Hyderabad was virtually a British occupation from 1800 to 1853 and from 1853 to 1902 and how in the minute details of the internal administration the British Government interfered.\* Leaving aside the innumerable pin-pricks which, in every day life and every day intercourse with the residency the Nizam has to suffer in the form of "Sire, remember you are a conquered race. You are a conquered vassal" it is passing strange that the dignity of the memorial of the Nizam has been lowered by an untenable claim of independent status. The difference between 'an adverse decision' by a superior Power and 'a rejection' by an equal and well-matched opponent, was too obvious to need any mention in such a weighty document as the memorial. This childish display of international phrases has materially detracted from the value of this memorial otherwise very cogent and argumentative and enabled Lord Reading to make short work of it. If instead of bandying these words and false phraseology of independent status, the writer of this memorial had appealed to the British Government in the words of Mir Mahabub Alii, the father of the present Nizam, it would have enhanced the dignity of this memorial and would have made it most difficult to reject it on *a priori* ground. Mir Mahabub Alii very wisely and very intelligently put the whole case in a nutshell in view of the grabbing and usurping tendency of Lord Curzon in the following words:—"I

\* Vide pages 118 to 122, 127 to 130, 148 to 150,

do not wish to enter into the old controversy as to my right to the restoration of Berar or as to the meaning or object of the treaties and other formal engagements concerning it. I confidently leave these matters for your Excellency's kind and favourable consideration. I would only appeal to His Majesty, the King Emperor, through you to restore Berar as a special mark of gracious favour and I ask to be allowed to make your Lordship my advocate in the case ". How graceful such an appeal would have been if the memorial had been concluded in the same words as those of the late Nizam, instead of the manifestly ridiculous argument of independent status and international equality. There should be vigour in thought and not in the language. If the Nizam can measure his strength with the mighty British Government he need not feel in the least disconcerted if the intentions of the British Government are conveyed in the name of decision. In the case of equal and wellmatched parties there is nothing final as in the case of independent nations there is no decision forced by one on the other so long as they are well equipped in strength.

Lord Beading in his final letter gave a smashing reply to this constitutional issue raised by His Exalted Highness. Lord Reading observed that His Highness was labouring under a misconception about his relations with the paramount power and he thought that as the Representative of His Imperial Majesty it was incumbent on him to remove it since his silence on such a subject now might hereafter be interpreted as acquiescence in the propositions which the Nizam has enunciated. Lord Reading emphatically asserted " the Sovereignty of the British Crown is supreme in India and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements but exists independently of them and quite apart from its prerogative in matters relating to foreign power and policies; it is the right and duty of the British Government while scrupulously respecting all treaties and engagements with the Indian States to preserve peace and good order throughout India. The consequences that follow are so well known and so clearly apply no less to your E. Highness than to other Rulers that it seems

hardly necessary to point them out but if illustrations are necessary I would remind your E. Highness that the Ruler of Hyderabad along with other Rulers received in 1862 a Sanad declaratory of the British Government's desire for the perpetuation of His House and Government subject to continued loyalty to the crown, that no succession to the Masnad to Hyderabad is valid unless it is recognised by His Majesty the King Emperor and that the British Government is only the arbiter in cases of disputed succession.

The right of the British Government to intervene in the internal affairs of Indian States is another instance of the consequences necessarily involved in the supremacy of the British Government. The British Government had indeed shown again and again that they have no desire to exercise this right without grave reason. But the internal no less than the external security which the Ruling Princes enjoy is due ultimately to the protecting power of the British Government and where Imperial interests are concerned or the General welfare of the people of a State is seriously and grievously affected by the action of its Government, it is with the Paramount Power that the ultimate responsibility of taking remedial action if necessary must lie. The varying degrees of internal sovereignty which the Rulers enjoy are all subject to the due exercise by the Paramount Power of this responsibility. Other illustrations could be added no less inconsistent than the foregoing with the suggestion that except in matters relating to foreign powers and policies the Government of your Exalted Highness and the British Government stand on a plane of equality but I do not think I need pursue the subject further. I will merely add that the title of faithful ally which your Exalted Highness enjoys has not the effect of putting your Government in a category separate from that of other States under the paramountcy of the British Crown.

I regret that I cannot accept your Exalted Highness' views that the orders of the Secretary of State on your representation do not amount to a decision. It is the right and the privilege of the Paramount Power to decide all disputes that may arise between States or between one of the States and itself and

even though a Court of arbitration may be appointed in certain cases its function is merely to offer independent advice to the Government of India with whom the decision rests. " In these words Lord Reading stated in an unequivocal manner the present position of the Rulers of Indian States. A faithful ally even of the dignity and status of His Exalted Highness is only a dependent vassal. The power of interference into his internal administration depends not on any difference in status but in the serious condition of the State of affairs requiring remedial action.

Leaving this irrelevant constitutional issue which His Exalted Highness had indiscreetly raised the arguments advanced in both these memorials otherwise very exhaustive and closely reasoned did not receive any the least consideration at the hands of Lord Reading or of Lord Birkenhead. In his anxiety to explore all the avenues for the satisfactory solution of this long-standing and vexed question His Exalted Highness suggested the remedy of a commission to investigate the claim in accordance with the provision contained in para 308 of the Montford report. This provision clearly states that whenever a situation is caused when a State is dissatisfied with the ruling of the Government of India, the Viceroy if he thought it desirable may appoint a commission. In this case there has been a decision of the Government of India confirmed by the Secretary of State. Lord Reading declined this request on the ground that " there is no provision for the appointment of a court of arbitration in any case which has been decided by His Majesty's Government and I cannot conceive that a case like the present one where a long controversy has been terminated by an agreement executed after full consideration and couched in terms which are free from ambiguity would be a suitable one for submission to arbitration." This reply of Lord Reading is most unsatisfactory. The Nizam did not intend to confine his case merely to the agreement of 1902 but wanted to reopen the whole question of the assignment of Berar and to bring the whole treaty arrangement between the two governments under revision. There is nothing in the Montford report or in the subsequent rules

framed by government for the appointment of a court of arbitration which precludes the Nizam from making a request for a commission or a court of arbitration. If the Government of India can allow any matter to be discussed by a commission whenever a state is dissatisfied with the ruling of the Government of India we fail to see why a state when it is dissatisfied with a decision of His Majesty's Government communicated through the Secretary of State for India should not be allowed to request for a commission as suggested by His exalted Highness. The provision in Para 308 of the Montford report is not made in view of any right claimed but as a matter of concession to the Indian States in order to leave no discontent on the score of any decision. If the Government of India exercising sovereign powers can submit its decisions to the arbitration of a commission what prevents the Secretary of State representing the sovereign power from submitting to any arbitration as is outlined in Para 308 if justice, equity and good conscience require it? The provision of Para 308 has no statutory sanction. But it is meant as a rule of guidance and as a measure to bring about good relations between the Indian States and the Government of India. We respectfully ask His Majesty's Government why the self-same consideration should not be shown by the Secretary of State.

It is equally pertinent to observe that although the secretary of State had twice decided this question once in 1874 and once in 1878 Lord Reading had this whole question carefully examined again. If Lord Reading's Government could review the whole question what objection there was to refer this question to a competent court of arbitration? The advisory character of the decision of such a court of arbitration has been emphatically stated by Lord Reading in these words. "It is the right and privilege of the Paramount Power to decide all disputes that may arise between states or between one of the states and itself and even though a court of arbitration may be appointed in certain cases its function is merely to offer independent advice to the Government of India with whom the decision rests." If the function of such a court of arbitration was merely to offer independent advice why should His Majes-

ty's Government have declined to ascertain the opinion of an independent tribunal as a court of arbitration ; such a course would have given satisfaction to the Nizam and would have redounded to the credit of His Majesty's Government for fairness, impartiality and justice. The Nizam only wanted a review of the whole question. Applying the principles of Civil law such a remedy is perfectly open to an aggrieved party. Lord Reading himself admitted that the Government of India is not like a Civil Court precluded from taking cognizance of a matter which has already formed the subject of a decision. If the Government of India is not precluded much more so His Majesty's Government is not precluded from reviewing any question which has already been decided. The provision for the appointment for a court of arbitration is itself very new and is of an experimental character and sufficiently elastic. It has no statutory sanction and it is to be widened and enlarged from precedent to precedent as occasion arises. No doubt, the descretion in this matter is given to the Viceroy and he could have refused it on this ground and declined to exercise his descretion. But the excuse that there is no provison is simply puerile. Concessions are being shown to the Indian princess to satisfy their sense of honour. They are nominated to the League of Nations. If taking advantage of this nomination a prince wants to open this question before the League of Nations what would prevent him from doing so? He may be deterred by other considerations, but he may be technically right on the score of being a member of the League. The shelter behind mere technicalities is not always very congenial and would lead to greater estrangement. Broad statesmanship and sympathetic gesture were appealed to by His Exalted Highness and it is a matter of intense regret that Lord Reading and Lord Birkenhead both did not rise to the occasion and appreciate the memorial in a dispassionate and throughly judicious frame of mind.

As regard the question of Hyderabad Contingent and its maintenance and the circumstances under which the Treaty of 1853 was concluded there is no categorical answer to the convincing arguments set out in the Nizam's representation

beyond a lame and halting statement of unqualified concurrence of Lord Reading's Government in the conclusions reached by Lord Salisbury. Similarly about the claim regarding the excise revenue of Secunderabad the reply is on the ground of 'Res Judicata.' Lord Reading has tried to explain the allegation of undue influence or duress which was exercised on the father of His Exalted Highness when the perpetual lease of 1902 was negotiated. Lord Gurzon's assertion that the assignment was in perpetuity and that the British Government would never consider any proposal for a retrocession at any time in the future—these statements were not authorised. Relying on these unwarranted statements Mir Mahabub Ali Khan influenced by the pronouncements of such a high Viceregal authority acquiesced in the proposal with a furlorn hope. This point therefore has not been satisfactorily explained in Lord Reading's reply. The Nizam in his first memorial had raised a very strong objection of constitutional importance and had expressed it as below :— "Even if my father had willingly agreed to the settlement of 1902 I claim to be entitled to question its validity as beyond his constitutional powers for he had no authority in the circumstances to alienate any part of the territories he held' in trust for his people and successor. This proposition has high juristic support. The perpetual lease was not for the protection of the Hyderabad State nor was it of such benefit to the dynasty as could be binding on the successors." But the two eminent jurists of England Lord Reading and Lord Birkenhead were found barren of any cogent argument to demolish this point. They relied simply on the common place argument of expediency which failed to carry any conviction. Lord Reading observed "I regret I cannot admit the force of your exalted Highness's argument that your father even if he agreed willingly to the settlement of 1902 was acting beyond his powers in so doing in the absence of imperative state or dynastic necessity. Such a doctrine would give a state the right to repudiate any alienation of the territory which was not yielded at the point of the sword. In fact if your exalted Highness's views were adopted in their entirety no alienation of territory would be safe from repudiation. If it was yielded to supe



rior force it might be pleaded that the consent was vitiated by duress. If it were not the alienation itself would be *ultravires*" This explanation begs the whole question. We put it to His Lordship if the alienations of a Ruling prince extending beyond his life time are not held *ultravires* by the Paramount Power. If the Nizam had ceded any territory to any one except the Paramount Power would such an alienation have been considered by Lord Reading himself as binding on the successor? It has been expressly laid down in treaties and engagements that a Ruler cannot alienate property to the permanent detriment of his successor. The Nizam's contention was perfectly valid and the perpetual lease could be held binding only on the ground that it was obtained by the Paramount Power. And this may be rightly described as having been yielded at the point of the sword. If it is carefully analysed what else it comes to? The father of the late Nizam was extremely reluctant to give his consent to this perpetual lease. He gave his consent because he was quite helpless and hopeless. But for the superior position of the Viceroy as representative of the Paramount Power the Nizam would never have quietly yielded. Is this not submission to superior force or call it by any name you like at the point of the bayonet. Diplomatic phraseology cannot alter the sentiment and feelings which weighed with a subordinate contracting party dealing with a dominant high contracting party. It is equally superfluous to add that such an alienation made by any Nizam or by any ruler of Hyderabad to any other person would be treated as *ultravires* by the Paramount Power and would never be held binding on any successor.

The British Government have been conscious from the beginning of the inherent defect of their legal title to hold Berar against the Nizam. They have, however, been **Tesorting** to an equitable consideration irrespective of the treaty rights claimable by them. "It was no light matter to transfer a populous and wealthy province which had enjoyed for more than twenty years the benefits of British rule to the administration of a Native State however well conducted" so wrote the Government of India about the memorial submitted by Sir Salar Jung. Lord Salisbury asserted: "A very strong pre-

sumption exists in such a case in disturbing a state of things which was not **only** sanctioned by treaty but is now established by usage. It may be at least confidently said that a thickly peopled territory could not be transferred from one system to the other without a disturbance in the most important circumstances of life being felt by **every** class of the population." If really this was the principal motive in withholding Berar from the Nizam was it not necessary to ascertain the wishes of the people by taking a plebiscite or by a referendum. The Government would then have been in a better position to marshal this argument in their favour. It is amusing, however to find how this consideration, namely, the well-being of the people of Berar has been manipulated to conceal self-interest as though the right of self-determination was granted to the people of Berar. As a matter of fact the wishes of the people of Berar were never consulted by any one. Neither were they asked to express their opinion when Berar was forcibly **taKen** over by the treaty of 1853 nor when its rendition was claimed by the Nizam in 1872. The memorial of Sir Salar Jung had offered the guarantee of vested interests created by the British occupation of Berar. The regent ministers, however, had not suggested any special form of Government to the people of Berar.

The **first** memorial of His Exalted Highness contains in para 58th the promise to grant to the people of Berar a constitution bestowing responsible Government to be carried on under the supervision of a constitutional Governor. This offer no doubt contains in the words of Lord Salisbury a very strong case of advantage on the whole to the people of Berar. We put it to the British Government why this proposal was not duly considered. Did it not hold out a strong advantage on the whole to the people of Berar so as to outweigh the presumption of treaties and usages? Was it not really conducive to the advancement and well being of the people of Berar? Would it not have placed them in a decidedly superior position to that occupied by their brethren in British India? Was not immediate grant of responsible Government a political blessing to the people of Berar compared with the slow, gradual and progressive realisation of the goal to be reached after decades or

a century perhaps?; Lord Reading' Government have not condescended even to examine this proposal on its merits. If the British Government had imposed additional conditions with a view to safeguard this grant and with the object of ensuring its success and full development no one would have blamed Lord Reading and such a course would have given undoubted proof of the genuine desire of the British Government for the continued prosperity and well-being of the people of Berar. But one finds with great surprise that there is not even a bare mention of this new proposal or new point of view placed before Lord Reading by the Nizam. The studied effort to eschew the consideration of this most weighty and new argument in favour of rendition has manifested clearly that the real interests of the people of Berar have no place in the mind of the British Government for the retaining of Berar in their grip. Any one with the sincere desire for the welfare of the people of Berar would have embraced this proposal with alacrity.

Lord Reading in his reply mentioned the state of affairs which was established by the agreement of 1902 for over a quarter of a century which had acquired the force of prescriptive right. " In this connection I would remind your Exalted Highness that the obligations of the Government of India towards the inhabitants of Berar have been acknowledged from time to time and they amount to guarantee to the population of Berar, a continuance of the conditions and standards under which they have attained to a high measure of prosperity." How Hyderabad was ruined politically, morally and financially as a result of the British policy during the period of fifty years, since the subsidiary treaty was concluded with the Nizam has been very graphically described by Mr. Wilfred Blunt in the following words : " At that date one of the old Leonine treaties was made by Lord Wellesley with the Nizam in virtue of which a force of the East Indian Company's troops was quartered on the country at the country's expense. The internal affairs of the State were, shortly after, and in defiance of the treaty which had guaranteed the absolute independence of the Nizam, put under the management of the British Resident whose orders seem to have been precisely what Sir Evelyn

Baring's have been for the last years at Cairo, that is to say, to assume the whole management of the Government while repudiating all responsibility for results. Nor were these at Hyderabad at all different from those we are witnessing in Egypt. Unable to find honest men willing to accept the position of mere tools in his hands for the Company's profit, the Resident was constantly reduced to employing native agents the worst and least scrupulous the country afforded. Peculation and disorder of every kind were tolerated on the sole condition of loyalty to the Company's interest; places for Englishmen were multiplied; fortunes were accumulated; and the Resident himself corrupted by the atmosphere of vice he had encouraged, ended by sharing the general demoralization. The Nizam on his side reduced to impotence and deprived of consideration, power or responsibility, retired from the scene in dudgeon to his palace whence for many years he hardly issued and where he spent his days ingloriously. If he re-appeared at all in public it was in connection with some intrigue which still further condemned him; and thus infected like a caged leopard with the moral sores of captivity and inaction he dozed his life away." Nothing could more vividly describe, the degraded condition of this vassal of the British.

Mr. Wilfred Blunt has in one place very shrewdly observed that the crux of the situation is that Berar is the fertile pasture of the white man to graze freely, that its administration affords opportunities for his kith and kin to hold sinecure appointments carrying fat salaries, that it enables him to exploit the resources of the country to its fullest extent and that it opens avenues for British enterprise, British trade and British manufacture. 'The well-being of the people' is paraded only in name and the pompous claim to hold it, merely for the good of the people of Berar is sheer camouflage. The native of Berar has not advanced a whit in material advancement. He is still a hewer of wood and drawer of water. His lot is unbearable under the rack-renting Malguzar. He is indigent and in the clutches of the money lender. He is as primitive as of old and does not know any laws of sanitation and hygiene. In spite of the rich cot-

ton growing capacity of the province and the immense exports of this article from his motherland he is short of raiment and cannot clothe his body and his family with decent apparel. With all the rich mineral deposits of his native land he is struggling in poverty and can keep body and soul alive with extreme difficulty. The rich mineral deposits are being exported in their raw condition outside India. Prospecting licenses are freely given to foreigners and it has been a means of rewarding the johukumwallas. Government have not during these nearly 75 years taken any trouble to teach the sons of the soil the art of manufacturing finished products from these materials. This would have provided ample means of subsistence to the poor and destitute population and would have improved their material condition. It is to be noted that under the old regime these deposits were secure in the womb of mother earth and would have remained so until the inhabitants had grown wise to manipulate them. The practice of allowing these deposits to be removed by foreign capitalists outside India under the sanction and patronage of Government is as culpable as the conduct of a guardian allowing the hidden treasures of a minor ward to be removed by outsiders. Nothing could more vividly bring home the alien character of the rule. The Rayot is not free from the evil of drink. There is little to choose for him in the lot which he enjoyed under the Mogal'ai zulum and the refined grinding process of the British Raj.

We are not inclined to believe that the omission to refer to this new point is in any way due to inadvertance. Lord Reading was too astute a statesman to foresee the evil consequences of the discussion of this proposal. He knew full-well that it would land his Lordship's Government in an awkward predicament. It would create hopes in the minds of the Berar people and this would embarrass the position of Government in the extreme. With a view to avoid all this bother Lord Reading knocked the bottom of this proposal by relegating it to oblivion, by treating it with contempt and not noticing the same. If Lord Reading or His Majesty's Government were so anxious for the well-being of the people of Berar why did they not ascertain the public opinion of the Berarees on this que\*

tion. If a plebiscite had been taken and if the Berarees had refused to return to the sway of His Exalted Highness this would have undoubtedly stringed the position of Government.

It has been already shown that the British Government have no legal justification for holding Berar. It will also be apparent from what has been stated above that their position is equally untenable. The Government of Lord Reading has shown lamentable lack of political sagacity and ingenuity in dealing with the offer of responsible government made by the Nizam. The Government could have successfully maintained that so long as the Nizam is ruling as an autocratic monarch in his own dominions the character of his rule could never inspire any confidence that he would encourage responsible government in Berar. It is like saving others when one could not save oneself. So long as the Nizam has not by his conduct and by the despotic form of his Government raised himself in the estimation of his own subjects or of the public at large in British India how can the British Government rely on his mere word for the high pretensions of ruling as a constitutional sovereign over an autonomous province. Such a reply would have silenced this controversy for a long time to come.

Lord Reading concluded as below :—"By the way of summing up the attitude of the Government of India towards this portion of your Exalted Highness's representation that I need only repeat that I and my Government agreeing with the views expressed on behalf of Her Majesty's Government in 1878 unhesitatingly take our stand on the treaties of 1853 and 1860 and are unable to admit any liability to reopen matters expressly settled on these occasions." With due deference to Lord Reading it must be submitted that there was a liability to reopen this question which the Government had expressly undertaken. In the concluding portion of his despatch of 1878 Lord Salisbury representing Her Majesty's Government had expressed that if the then Nizam after undertaking the government should desire to bring the whole of the treaty arrangements between the two governments under general revision the British Government would take such a request into consideration. In the face of

this undertaking it was not fair for Lord Reading's Government to decline to reconsider this memorial which exhaustively aimed at bringing in the treaty arrangements from 1716 to 1902 under general revision. Lord Reading's Government have disposed of this important application for revision on the ground of re-judicata.

## PART V.

**Public Opinion.**

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**A**

Public opinion is clearly expressed about the rendition of Berar to the Nizam. After the termination of the Great War a suggestion was made by a Lahore correspondent signing himself as an Indian Historian in the London Times that Berar should be restored to the Nizam of Hyderabad as a mark of the King Emperor's recognition of the Nizam's eminent loyalty and substantial assistance in the war.

**The Hitawad.**

Wrote about this in the following words. "This proposal will hardly be welcomed by the people of Berar themselves. Of course no one who knows anything can speak of the Nizam's loyalty and assistance in war except in terms of highest praise. But to sacrifice the political destiny of a progressive part of a Province would be nothing but an act of supreme un-wisdom. Besides in these days when there is so much talk of self determination the people of Berar themselves would hardly relish the idea put forward on historical grounds. It is all very well for the obscure Indian Historian to talk about Berar like this from such a respectable distance such

as Lahore through the medium of a still more distant paper as the London Times. But when the suggestion begins to assume any practical form people of Berar would insist on having a say in the matter. A political cynic however would be disposed to remark that Government would by accepting the suggestion be killing two birds by one stone. The Nizam would be rewarded for his loyal services and Berar would once for all be disinfected of all the germs of political extremism. There is no more efficacious specific for the special political malady of Berar than a dose of a Native State rule. To talk seriously however we do not think that the people of Berar would self determine to pass under the Nizams' rule. It would be an act of betrayal of the people if Government ever seriously thought of acceding to such a step being taken."

## **B**

In November 1921 there was a rumour current that on the arrival of His Royal Highness the Prince of Wales in recognition of Nizams' war services an announcement might be put into the mouth of the Prince regarding the rendition of Berar to the Nizam. This rumour was strongly resented by the Press in India.

### **The Servant of India.**

Wrote "It is a matter which should be left entirely to the wishes of the people. The world is now too advanced, particularly after 60 much blood has been shed in the name of self-determination for a population to be handed over from one Government to another as if they were only a herd of cattle. The people of the Berars should therefore lose no time in expressing their wishes in the matter. It is to be hoped that under no circumstances will H. R. H. the Prince of Wales be made the mouthpiece for a declaration on this subject as it is one which is sure to stir feelings of the country deeply."

### **The Hindu.**

Observed, "We need hardly say that if the rumour materialises-which we hope it will not, it will be a cruel joke played on the poor people of Berar by some superior bureaucrat to advertise the



advantages of a bureaucratic government; for it is no use hiding the painful fact that a jump from bureaucratic Berar into autocratic Hyderabad is a veritable fall from the frying pan into the fire. For various reasons **for all of** which we must, in fairness, say His Exalted Highness is not responsible, the administration of Hyderabad is in certain respects at least a century behind that of British India; and we do not think the people of Berar are prepared for such a depressing depromotion. Modern Provinces are not mediaeval kingdoms for their rulers to play pawns with them in securing their respective dynastic or personal objectives, so that in the silent negotiations behind the scenes the views of the people of the provinces count for nothing. They are vital entities with certain settled hopes, fears and predilections to ignore which might be to court disappointment and even peril. Have the Government of India reckoned with them? We are not aware they have. To a modern, the rumour is incredible in its absurdity, but the difficulty is that neither the Government of His Exalted Highness nor the Government of India of the present day are altogether modern in their outlook. The people of the Berars cannot therefore ignore the possibility of their being sold away into mediaeval bondage behind their back and, after all, to be forewarned is to be forearmed."

#### **The Janmabhumi.**

Remarked, "What can be more outrageous than the proposal—for which rumour is at present, the only source and support—that the Berars are to be restored to the Nizam. Are provinces pawns on the draught-board to be shifted at will and played with at pleasure? Provinces are endowed with a certain personality—and they cannot be dealt with as if they are lumps of clay **or** clogs **of** earth. They have feelings and convictions, tastes and temperaments, senses and faculties and they cannot be tossed about from pillar to post or from Prince to Emperor and vice versa. They have above all a language and a literature, tradition and sentiments. They are sensitive, they are sentient. Lord Curzon negotiated the transfer of Berars to British India in 1903. That is past history. But we cannot helplessly allow history to repeat itself from begin-

ningtoendor from end to beginning in a reverse direction. We cannot suffer Lord Reading to undo what has been done. Berars is Maharatta in language, the only change we can tolerate is the change we desire namely, the integration of Berars with the Maharatha area in Bombay and carve it all into a single Province. If the Nizam requires to be rewarded let him be made the Duke of York or given the Duchy of Lancaster."

**The leader.**

Expressed as below. "When Lord Curzon succeeded in securing a lease of Berar for one hundred years from the Nizam for the British Government, there was a great deal of hue and cry raised over the transaction which was regarded as an act of spoliation. The rumour has now got abroad that Berar is going to be returned to the Nizam in view of his magnificent war services and that the visit of the Prince of Wales is to be utilized in making an announcement of its retrocession. The *Servant of India* is perturbed at the likelihood of the rumour turning out to be true and has urged that the wishes of the people of Berar should be consulted before any action is taken. A message from Nagpur stated that there would be a wave of resentment throughout Berar if the rumoured step was taken, that the Beraris would consider it an act of breach of faith with themselves and that even the non-cooperationists would resent the proposal as much as any councillor or parliamentarian. If this message correctly represents the general attitude of the people in Berar and the Central Provinces then it is a clear indication that they would much prefer to live under the 'satanic' Government rather than exchange it for an oriental or swadeshi type of administration with an indigenous ruler at the head. That even the non-cooperationists would resent the proposal shows that they regard the existing British system as far superior to that prevailing in the premier Indian State. Under the rule of the Nizam or any other Indian Prince the non-cooperation movement would not probably be allowed to exist for even 24 hours. The concern of the Central Provinces over the retrocession of Berar is only natural, for without it they can hardly exist as a separate administration and may

have to be parcelled out among the contiguous provinces. They cannot expect to survive after the cutting of the most prosperous and fertile areas. We hope that the wishes of the people of Berar will be consulted before they are placed under a less advanced type of administration."

**The Guzarathi Punch.**

Commented as below. "We do not know what element of truth there is in it but if it were to turn out to be a member of that family of rumours which too often appraise us of coning events, it would throw a lucid light on the origin and nature of the principle of selfdetermination for which so much human blood was split during the late war. The transference of one province inhabited by some millions of human beings from one sovereign to another unmistakably carries with it the unsavoury notion which makes no material difference between a community of human beings and a herd of cattle, at least so far as the game of politics is concerned, and from which modern civilization is said to have taken us away. And a touch of reality will show us that this much claimed advance, if it has not been quite substantial, has at least been shadowy. Man, the essentially selfish being that he really is, seldom leaves behind his selfishness. What he really does is camouflaging it under high sounding names. And this mentality of the average man also holds good with states. But at the same time he, in his insatiable pride, does not like to make that confession even to him-self and hence from the process of cheating the world, he comes to cheating himself. And here lies the origin of plebiscites-These plebiscites have, thus, no other merit than that of giving a glass to the cruder passions and desires of men and states and recent occurrences make it more than fully clear. But our Anglo-Indian Bureaucrats in the fulness of their wisdom, do not even like to have recourse to these shadowy appendages of a 'civilized Government, and, if the rumour turns out to be true, they will hand over Berar straight and without the interference of any such thing as a plebiscite. However, if at all the thing is to take place, we, for one, would like to see it done that way. It would prove to the world that, inspite of all their protestations

to the contrary, our rulers care very little for public opinion, at least in things that really matter. But we do not believe any such thing is really intended. Our impression is that the stunt is intended only to extract from a rather ungenerous public some indirect praise for the Government of India at the expense of our native States. And if that is the sole object we fear the expectations of the Government of India have been fully satisfied by the comments in the Indian Press. If, however, things turn out to the contrary, we fear Berar derive what consolation it can from the fact that people get the kind of government they deserve and if their being handed over to the Nizam means a still further curtailment of the limited liberties that they enjoy in British India, it is only they who are ultimately to blame. That is the only consolation they can take and the people of India give."

#### **The Hitavad**

Criticised it in these words.—If the authorities in Hyderabad cast a longing eye on Berar, they must understand that the Beraris, without distinction of political party will oppose the surrender tooth and nail. In these days of advancing democracy this method of dealing with the administration of territorial areas without reference to the wishes of the people themselves would be resented as highly retrograde. As we have said, we should have treated the rumour as simply absurd, but what with the non-cooperation mania on one side and the pseudo-political Khilafatist agitation on the other, people in Berar really fear that the British Government in a weak moment, may think it expedient and prudent to placate the first Mahomedan Power in India by sacrificing Berar and as H. H. the Prince of Wales is shortly to come to India and so much is made of the Nizam's War Services to the Empire it may really happen that some announcement might be put into the mouth of the Prince affecting the political status of Berar when our protests might be found to be too late. This is the reason why we think it necessary to enter our most emphatic protest against such a course, even if we still consider it as highly improbable if not absurd."

**C**

The letter of His Exalted Highness addressed to Lord Reading was published in the Indian press about 13th February 1924. The following are the opinions of the press on this

**The Voice of India.**

Wrote on 15 February 1921 as below.

"If the question was one affecting land owned by a private person, a Court of justice will find no difficulty in setting aside the perpetual lease as made without consideration and under illegitimate pressure by a superior authority. But it is obviously impossible to consider the question of the future of the Berars as a matter affecting private property. However irregular and unjust might have been the means by which the control of the Berars has passed under British rule—much of British India was acquired by no better means—the main issue in considering the restoration of the province to the Nizam is what its effect would be on the status and well-being of the people of the Berars. His Exalted Highness makes a point of the recent political and administrative changes in British India having materially affected the status of the province. He maintains that the interests of the inhabitants have been prejudicially affected by the financial resources of the Berars being made available to non-Berarees and his subjects in many matters being placed under the domination of outsiders. As an instance he mentioned that owing to the disparity in numbers, Berar has actually occupied, as His Exalted Highness is informed, a position of inferiority in the Central Provinces Council. We do not think there is much in this line of argument. We do not understand what His Exalted Highness means by saying that the financial resources of the Berars are made available to non-Berarees. As regards Berarees being placed under the domination of outsiders, they have in return acquired the right of holding high offices throughout British India. In any case this is a matter on which the only opinion that ought to count is that of the people of the Berars. His Exalted Highness makes the following tempting offer

" I declare that, should I succeed in the redemption of my province, I will insert in the instrument of restoration or any other State paper that may be drawn up, definite clauses for the conferment on the Berarees of a constitution for a responsible government with absolute popular control under a constitutional Governor appointed by me as my representative, in their internal affairs and complete autonomy in administration except in matters relating to the British Government and my Army Department." Sir Ali Imam in his covering letter says that " If real and genuine autonomy is secured to even a small province of our country, a beginning would have been made of the ultimate realisation of the goal that inspires all political groups for the whole of India."

If His Exalted Highness is prepared to confer responsible Government with absolute popular control to all his dominions including Berar it will be some guarantee of the concession being permanent. It does not seem possible that a responsible Government can function as a part of an autocratic system."

#### **The Bombay Chronicle.**

Observed on 19-2-1924 as below.

"It seems pretty clear that the lease of the Berars was gained by some degree of trickery, or at least by taking what appears to us unfair advantage of a moment's weakness ; and we hope that His Exalted Highness will succeed in making good his claim for restoration. At the same time, we cannot help remarking that while the offer of full autonomy under a Governor from Hyderabad is of a nature to tempt not only the Indian inhabitants of Berar but the Indian inhabitants of any part of British India, the people of Berar have not been asked to give their verdict on it, and the Indian inhabitants of the rest of the Nizam's Dominions are still without most of those representative institutions which are now regarded as essential to the proper conduct of a civilised State. The plea of His Exalted Highness would have been considerably strengthened if it had included the proposal of a referendum to the people of Berar, and some hint at any rate upon the part of His Exalted Highness, of an inten-

tion to enlarge the measure of self-government enjoyed by all his subjects."

#### **The Times of India.**

Had an epigram on 11-4-24 to the following effect.

"To those who know the strong views which congresswalae hold on the wickedness of the Government of India, the decision of the Berar Provincial Congress Committee against the proposal that the Berars should be restored to the Nizam will come as a surprise. In the eyes of the Congress the administrative and educational systems of British India are so thoroughly bad. **the** zulum of officials is so terrible, the soullessness of the machine so heart-rending, that to breathe the air **is** pollution and to co-operate with Government officers is an unmentionable sin. Patriots of all classes are panting for a way of escape from the insufferable oppression which they are **now** enduring, searching for a Hijrat to a better and purer land. Yet when the opportunity is offered them, for some extraordinary reason they refuse it. Historically there is a very strong case for the return of the Berars, and we should have thought that all sincere followers of the Congress would welcome this chance to free themselves from the stifling grip of the bureaucracy. Yet no sooner has the question of the restoration of the Berars been raised than Congresswalas become more insistent than anyone else that they must remain under foreign tyranny. The oddest fact of all is that the decision has been taken in the name of self-determination. Are Indians not slaves in British India ?"

#### **The Servant of India.**

Had a leader on this subject under the heading "Congressmen and the Retrocession of Berar."

"When an ex-President of the Congress like Hakim Ajmal Khan issues an appeal to Congressmen to take up the Nizam's cause in right earnest in the matter of the retrocession of Berar **the** controversy assumes a degree of practical importance which it did not possess before. For one thing it will no longer be possible for the Swarajists of C. P. and Berar to be stupidly **Bilent**. They will have **to** declare themselves for **or**

against the retrocession, as others have already done. It is privately well known that the Swarajists are opposed to the retrocession, but they have not declared their **opinion** publicly because it would mean an **open** preference of British rule such as would not be in keeping **with** their past characterisation of it. Therefore they have hitherto sought shelter under the plea that the question has not been put to them directly, greatly pleased all the while, no doubt, that the Non-Brahmins and Liberals had unequivocally declared themselves against the retrocession. The Hakim Saheb **has** now forced them into the open and in **that** at **any** rate we **admit** he **has** done a public service. It is amazing that the Hakim Saheb believes that the case of the Nizam has **evoked** "universal sympathy and support for him in India as well as abroad." We wonder where he gets his facts from. Apparently he is unaware that Sir Ali Imam, with all the resources placed at his command, is unable to push forward the Nizam's **case** to any appreciable **extent** in influential circles in England. But less excusable is the Hakim's ignorance of the resolutions passed at numerous public meetings in Berar and of the opinions that have been expressed **in** Indian newspapers since the publication **of** the Nizam's letter. What Indian opinion is **agTeed** about, supported to some extent by opinion in England, is that in getting possession of the administration of Berar, **the** British Government adopted methods that would not be upheld **by** our law courts. This is true **not** only of Berar but **of** many other parts of British India. And **this is true** not only of the British Government in the past—and of several Governments in the present also—but of every state or Governments established in India, not excluding the State **of** Hyderabad itself. Can the Hakim Saheb say, for instance that the first Nizam acted faithfully by his master, **the** Moghul Emperor, when, being his Viceroy, he declared his independence **of** Delhi? The unfortunate fact is that, while every **state** enforces law and justice on its subjects, there **is** no power above the state to enforce justice and equity **upon** it. This has been the case hitherto and will continue to **be** so, until the League **of** Nations or some other similar super-state organisation will be in a position to



enforce its decisions upon even a combination of the strongest states. It is **therefore** wrong **to** assume that because Indian opinion has condemned the methods by which Berar was taken over, therefore it is in favour of its being restored to the Nizam. The people of Berar have already asked the question "If we **are to** go back **to** the Nizam, then why not to the Bhonsla?" It is vain **to** ask now to retrace all wrong steps recorded in history. Indian opinion is no more in favour **of** the retrocession **of** Berar **to** the Nizam than it is in favour **of the** restoration of Nagpur or Satara or other territory equally unjustifiably taken over by the British Government **in** the past. Our strongest objection is, **however**, to the following statement of the Hakim Saheb :—

"The question of consulting the people of Berar in the matter, as some unwise diplomacy may suggest and a left hand policy may likely bring it to the surface, does not arise in this case. It is purely a question of the Nizam's proprietary rights on the province **and** should be decided purely on its merits."

The Hakim Saheb's conception of the State is obviously antediluvian. He thinks it is property : State and estate mean the same thing to him. Elsewhere he speaks of the Nizam as the 'rightful owner' of Berar. The Nizam is no more the 'owner' of Berar or Hyderabad than the King of England is the owner of India. It is true that **in** olden days, before the sovereignty of the people was recognised, the state was by some looked upon **as** the ruler's property, even as woman was looked upon as a bit of property. On not a few occasions territory was mortgaged or sold by a ruler for meeting his private expenses. But those ideas of property prevail no more even in Asiatic countries. There is no tribunal before which the late Emperor of Turkey could claim the 'ownership' of his palace, let alone his territory. The fact is the world has ceased to believe in the divine right of kings. Nowadays, **a** king is a king only **so** long **as** the subjects are willing that he should be one. The next moment **he** is **a** private individual, generally banished from his home for the convenience of his whilom subjects. The Nizam's claim over Berar is therefore no more than what

the people of Berar are willing to concede. It they refuse to go under the Nizam the British Government cannot drive them at the point of the bayonet, nor allow the Nizam to subdue them by force. It is therefore absurd of the Hakim Saheb to say that the question of consulting the people does not arise. In fact there is no other question **whatever**. By the way, one fails to understand why he calls consulting the people 'an unwise policy.' If there is universal sympathy and support for the Nizam, as he claims, it is **the** wisest policy to consult them. It is like having a packed jury in your favour. The inconvenient fact is that all the sympathy of which he boasts exists only in the imagination of the paid and unpaid advocates of the Nizam. The Hakim Saheb asks further: "Besides, if the Government of India does not **see** its way to consult the will of the ruled subjects in the moulding of their own policy in many things of importance—and if they did **so** they could not go on in India with the present form of their government—how could such demands be made in the case of the Nizam?" The fact that responsible government is the declared goal of British policy in India and that a substantial step has already been taken in that direction shows that **the** British Government has recognised the right of the people not only to be heard but to govern themselves as they like. That apart, even if **the** British Government had not insisted on consulting the people of Berar, we should have expected public leaders like the Hakim Saheb **himself** to have insisted upon it. Are not the Hakim Saheb and his friends insisting on a round table conference for settling the constitution of India? Have they not been refusing to recognise the present Indian constitution on the sole ground that it was forged in the British Parliament, without the people of India being given a chance to exercise their inherent right of self-determination? Is the doctrine of self-determination to be urged only where the British Government is concerned and not against the Nizam and other Indian rulers? That is, we are afraid, obviously what the Hakim Saheb thinks for he invites the Swarajists to disclose, by supporting the Nizam's claim to Berar, their future policy towards Indian States as that of protecting the rights of Indian Princes and

fully freeing their internal affairs from outside interference. There can be no more reactionary policy than this so far as its effect on the people of Indian States is concerned. The Indian Princes are despotic rulers, generally swayed by old-world ideas regarding their rights. If their ideas are accepted there would be no such thing as people's rights. Many of them do not differentiate between their private purse and state funds. It is the "outside interference" of the British Government that obliges them to maintain even accounts, &c. In fact, the complaint of intelligent subjects of Indian States is that the British Government does not interfere sufficiently to see that administrative reforms are introduced in the States and that they are brought in a line with British India. If they desire more interference, however, it is only with a view to making the Indian Princes allow their subjects to determine their future destiny for themselves. Congressmen who stand for self-determination and self-government for the people of British India, may give their moral support to this desire on the part of the people of Indian States. Strangely enough, however, one sees prominent Congressmen like Hakim Ajmal Khan and Mr. Jayakar, not standing up for democratic ideals in Indian States but figuring as apologists and supporters of autocracy. The rights of the people remain nevertheless, and the right of the people of Berar to have the last say in the matter also remains.

The Nizam's offer of Homerule to the people of Berar under his Suzerainty has altogether failed to impress them because they cannot reconcile his excessive solicitude for their political rights with his denial of all such rights to the people of Hyderabad who have been uninterruptedly under his rule for generations together. The Nizam will best achieve his object by introducing constitutional reforms in Hyderabad and conferring on his immediate subjects the political rights which he is prepared to concede to the more distant people of Berar. That will gain him more solid support than all the costly propaganda that he has launched. One misconception we would remove before concluding. It is believed by some Mahomedans that those who are opposed to the retrocession of Berar are influenced consciously or unconsciously by the

consideration that the Nizam is a Mahomedan prince and that if a Hindu prince had been concerned in the matter the opposition would not have existed. Nothing can be further from truth. If the proposal were the retrocession of the province not to the Nizam but to the Bhonsle the opposition would have been no less strenuous. There would be similar opposition to the restoration of the tracts. The belief itself we are afraid owes its genesis to the Communal bias of those who hold it."

## D

The replies of Lord Reading to the letters of His Exalted Highness were published on the eve of his departure about the beginning of April 1926. The following press opinions were expressed about the same.

### " The Leader," Allahabad.

"The efforts of His Exalted Highness the Nizam to secure the restoration of Berars have failed. Perhaps the public will never know the amount of money spent on the enterprise but the total expenditure must have come to a very large figure. That the Nizam had a strong 'case; few who are acquainted with the circumstances connected with the cession of Berar will deny ; but in matters where the possession and control of valuable territories are concerned it is not the claims of impartial justice but of high Imperial policy which prevail. The rejection of the Nizam's claim will, however, cause general satisfaction among the Beraris, an important section of whom had made it clear that they were strongly opposed to Berar being transferred to the autocratic rule of the Nizam in spite of his promise to grant autonomy to the province. It is an undeniable fact that, notwithstanding its imperfection, British administration is more acceptable to Indians than the system of Government which prevails in Indian States. Lord Reading's reply to the claim of His Exalted Highness that in respect of the internal affairs of Hyderabad the Nizam stands on the same footing as the British Government in respect of the affairs of British India and that the matter in dispute was not one in

respect of which the British Government was competent to give a 'decision' gives a ruling on an important constitutional issue which affects not only Hyderabad but a number of other Indian States. He denied that any ruler of an Indian State could justifiably claim to negotiate with the British Government on an equal footing, and asserted that its supremacy was based not only upon treaties and engagements but existed \* independently' of them, that the varying degrees of internal sovereignty which the rulers enjoyed were 'all subject to the due exercise by the Paramount Power' of its responsibility of taking remedial action for safeguarding Imperial interests and protecting the people from the consequences of serious misrule and that it was 'the right and duty' of the British Government to preserve peace and good order throughout India. This clear and emphatic assertion of the rights of suzerainty should show to the rulers of Indian States that whatever powers they enjoy are by sufferance and open their eyes to their real position which is one of subordination. They are claimed to exist independently of treaties. Constitutional lawyers may say what they like, but the right of supremacy can only be challenged by force.

**"The Daily Express", Madras.**

It has been accounted to Lord Reading for righteousness that no other Viceroy has been more zealous in preserving and even enhancing the power and prestige of Indian Princes, Whatever the people of India may think of the virtue of such an attitude, We believe very few of the ruling princes are prepared to give the departing Viceroy credit for having entertained such feelings towards them. Whatever others may think of the compulsory abdications of the rulers of Nabha and Indore, it is an open secret that they have created profound dissatisfaction and misgivings in the minds of their compeers. The last announcement of Lord Reading as Viceroy—that his Majesty's Government have definitely refused to reopen the question of retrocession of the Berar—is not calculated to dissipate this depression and distrust. It is possible to hold two opinions on the merits of

H. E. H. the Nizam's claims. The difference of opinion between the British Government and His Exalted Highness arises from the different interpretations each of them places upon the terms of the treaty by which the cession of territory was made. Public opinion in the Berars is against the Nizam's claims being complied with ; but as the Government of India have not given this as the reason for their refusal to reopen the question, it is not possible to say that either side has made out a convincing case on the merits. In these circumstances one would have thought that the best solution of the problem would be to appoint an impartial tribunal to go fully into the historical, political and military aspects of the question and give its considered award. It was just this that His Exalted Highness asked for in his letter of September last to H. E. the Viceroy. But Lord Reading has refused this reasonable request, and in doing so has taken a position which seems to us to ignore the fundamental importance of treaty rights. He states that British supremacy in India rests not only upon treaties and engagements but also independently of them, by virtue of its paramount duty to preserve peace and good order throughout India. The logical extension of this argument would justify any amount of interference by the suzerain power in the internal administration of Indian States. Lord Reading has enunciated a doctrine which if it hold good will not only blow up all treaty rights but also demolish the plausible excuses which the Government are not slow to invent when faced with the demand that the Indian States should be brought into schemes of constitutional advance that may in future, be evolved for British India without any modifications. Did Lord Reading contemplate this possibility ?

**\*\* The Tribune " Lahore.**

While the bulk of enlightened public opinion in India is definitely opposed to the restoration of the Berars to the Nizam unless the people of that territory themselves want this change of masters, we feel no hesitation in saying that our sympathies are largely with His Exalted Highness as regards the question of principle raised by him. " In respect of the internal

affairs of Hyderabad," said His Exalted Highness, " he stood on the same footing as the British Government in respect of the internal affairs of British India." The Viceroy's reply to this contention was that " the sovereignty of the British Crown is supreme in India and no ruler of an Indian State could justifiably claim to negotiate with the British Government on an equal footing. Since when we ask in all seriousness, has the sovereignty of the British Crown been supreme in this sense? That it was not so in 1877 when the late Queen Victoria assumed the title of Empress, there is conclusive evidence. In the course of a memorable debate in the House of Commons on that occasion, Mr. Gladstone said :—" I am under the belief that to this moment there are Princes and States in India over which we have never assumed dominion, whatever may have been our superiority of strength. I ask whether supremacy over certain important Native States in India was ever vested in the Company or whether it was not. We are bound to ask the Right Hon. Gentleman whether this supremacy was so vested or not, and whether he can assure us on his own responsibility that no political change in the condition of the Native' Princes of India will be effected by this Bill. " This categorical question elicited from the Prime Minister, Mr. Disraeli, an equally categorical reply. " This change of title," he said, " does not in the least affect the rights and dignity or honour of Native Princes in India." This was the position in 1877. How has the position changed in the interval between that time and now?

### **" Forward " Calcutta.**

Evidently the demand for a Commission to settle the question of rendition of Berar proved too much for Lord Reading who had come out on the sacred mission of " fixing more deeply, more firmly the priceless lustre, the wonderful gem of India in the Imperial diadem" and " to knit together even closer, all that is meant by the British Empire." His Excellency had no difficulty in discovering in the Nizam's letter an assertive tendency which, if it was allowed to grow unchecked, might spell disaster to " all that is meant by the British Empire, "

Without bandying words, Lord Reading gave His Exalted Highness clearly to understand that his contention could not be encouraged for a **moment**. His Excellency **wrote** back to the Nizam that "the sovereignty **of** the British Crown is supreme in India and no ruler of an Indian State could justifiably claim **to** negotiate **with** the British Government on an equal footing." The meaning of Lord Reading's words **is** transparent enough and should help the Indian princes to realise the limitations of **their** position. The increasingly " assertive tendency " **in** the princes and people was thus checked by Lord Reading with commendable impartiality.

### " Capital " Calcutta

Seems to think that Lord Reading's administration **was** a " magnificent success in the eyes of the out and out supporters of the British Raj in its " ma-bap " manifestations. " But His Excellency can justly claim that his policy with regard to the Indian States proved a still greater success, if possible. The restlessness and the spirit of self-determination that was visible among the princes have been sought to be effectively checked by making an example of **the** Maharajas of Nabha and Indore. The emphatic and unambiguous way in which His Exalted Highness has been reminded **of** his subordinate position was not a mere accident but was dictated obviously by grave diplomatic reasons. Lord Reading managed to **kill** two birds with one stone. Not only the Nizam's claims to Berar have been unceremoniously rejected but the real position of the Indian States in **the** confederacy of the British Empire has been brought home to their rulers in a way which, we believe, **should** leave no room for any display of " assertive tendency " in the future.

### " The Sind Observer " Karachi

Lord Reading's parting kick was delivered at the Nizam of Hyderabad. His Exalted Highness claimed the restoration **of** Berar to which the reply of Lord Reading, supported by His Majesty's Government is that the terms of the lease given in



perpetuity by the present Nizam's father in 1902 to the British Government are so un-ambiguous that no rendition can be claimed or entertained. We consider this as the last good public act of Lord Reading in telling H. E. H. the Nizam to be satisfied with his 80,000 square miles of territory and not to cast longing eyes on Berar which has once for all gone out of his and his family's autocratic control. There is a third party to this bargain and that is the people of Berar. They have made it perfectly clear that they are not going to submit themselves to the grievous burdens to be imposed by the Nizamic yoke ; and the Viceroy and the Secretary of State in rejecting the Nizam's claim were largely animated by a desire to respect this feeling of the Beraris besides taking their legal stand on the perpetual lease which at no time contemplated the restoration of the territory again to the Nizam.

**" The fl. B. Patrika " Calcutta.**

We condole with His Exalted Highness for not getting back the territory which was formally annexed by Lord Curzon. The history of that annexation as published in a pamphlet issued about two years back only disclosed how the predecessor of the present Nizam was bullied into consenting to the annexation. The people of Berar do not seem to be however, over-**adxious** to go back to their allegiance to the Nizam. Two or three meetings that were held rather pronounced in favour of remaining within what is called British India. Even the promise of autonomy held out by the Nizam did not produce much impression on the Berarees. These facts tell their own tale. But the very clear and unambiguous terms in which Lord Reading has described the relationship between the Indian States and the paramount power have fully corroborated the apprehensions of the Nationalist Press while condemning the principle underlying the Act passed for " the Protection of Princes." The legal fiction that the Rulers of Indian States are " allies " of His Majesty the King of England has been completely thrown overboard; " The Sovereignty of the British Crown is supreme in India, and therefore no ruler of an Indian.State can justifiably claim to negotiate with the

British Government on an equal footing." Most of the rulers of Indian States seem to be more suspicious and apprehensive of the Nationalists in India than of the Political department. They have not been able to make any organized attempt to resist the encroachments of the Paramount Power into the Treaty rights. Their best security lies in their " gadis " being broadbased on the popular will. The announcement of the Government's decision with regard to Berar has been suitably timed. The policy of Lord Reading as embodied in the Prince-' Protection Act, was further realised in the abdication of Nabha and Indore. It was but in the fitness of things that its culminating result in affirming the sovereignty and supremacy of the Crown over the Indian States would be published just when Lord Reading makes his final departure.

#### **" New India " Madras.**

The definite rejection of H. E. H. the Nizam's claim to the Berars by His Majesty's Government only adds to the heavy record of injustices done to Indian States, standing to the debit of the British Government in India. Lord Reading's " interesting reply " that " after His Majesty's Government's decision, no question for a Court of Arbitration can arise, and that the sovereignty of the British Crown is supreme in India and no State Ruler can claim to negotiate with the British Government on an equal footing," is fully in keeping with the conduct of the Government of India in the Indore ex-Maharaja's case. It may not be borne out by the terms of the Treaties made with some of the Rulers. But according to the principles of Western state-craft treaties are only enforced against the weak; they are not anything more than " scraps of paper ' for the strong, who can afford to disregard them. So far as the people of the territory in question are concerned, it is out of the question that their wishes should be consulted ; for if the principle of the basing the Government on the consent of the governed is to have unfettered play, the present system of Government in British India would not be worth many days' purchase.

## **PART VI.**

### **The Moral.**

There seems to be a great fatality hovering round this question of rendition of Berar. It has shattered the hopes of four generations of the Nizam. When the Treaty of 1853 was concluded the then Nizam Nasir-ud-Doula indignantly protested against the proposal to assign this territory to the company. The Treaty concluded by Lord Dalhousie was considered by English Statesmen " as a sharp bargain inconsistent with the dignity of the British Crown and enforced with utter disregard of the very courtesies of alliance and galling to a faithful friend and ally." Sir Salarjang during the minority of the father of the present Nizam did his level best and marshalled all his resources for the restoration of Berar. How anxiously and passionately he was working for this purpose can be very well realised from a pregnant remark which he made in a letter to Lord Northbrook. " It appears to me that there are three courses before me. Either I must recover Berar or I must be convinced of the justice of the reasons for withholding it or I must die." The first two have never happened and will never happen in the future. The third has happened and will happen for ever. Berar has not been restored and will never be restored. It is impossible for the British Government to convince any one about the justice of keeping Berar. Mir Mahboob Ali Khan implored Lord Curzon to restore Berar to him. He appealed most feelingly to the Viceroy to request His Majesty to restore Berar as a special mark of gracious favour on the auspicious occasion of His Majesty's coronation. But this request was declined. He lost all heart and died broken hearted. The present Nizam has also made stupendous efforts at great cost and he too has been thwarted.

The late Tukoji Rao Holkar made a very shrewd observation relating to Berar to Sir Richard Mead the then Resi-

dent of Hyderabad at Lord Lylion's Delhi Durbar to the following effect. "There are some matters **open** to dispute. But there is one on which no dispute **is** possible i. e. that the Foreign Secretary must have a *Loha-ka-Mizaj* ( an iron constitution. )" How hard the forces of **this** *Loha-ka-Mizaj* or the **Bteel** frame have proved can very well be seen from what has been narrated above. The usurpation of Berar has taken place and it is **with** the object of exploiting the resources of this rich valley of Berar producing the best and the cheapest cotton.

We sincerely wish that the politically minded people of Berar should have appreciated the advantages of the proposal of responsible Government and should have brought their minds to bear on this question. They would certainly have benefited themselves and placed the Government **in** a very false position. They **hould** have improved upon this proposal, suggested their own amendments, demanded safeguards and guarantees and thus should have tested the bonafides of the Nizam. With responsible government as is understood and as is enjoyed in self-Governing Dominions of the British Empire, with a constitutional governor enjoying all the powers which a Governor or Governor-General exercises in autonomous colonies, with a guarantee of the British Government against any change in the agreement committed to writing between the two Governments just like the guarantee contained in the Mysore Treaty, with a further stipulation that in case of any dispute between the autonomous province of Berar and the Governor appointed by the Nizam or his Government the disputes should be settled **by** the arbitration of the Central Legislature of the British Indian Government—Such an experiment would have been a happy consummation devoutly to be wished. It would have given the people of Berar an undoubted advantage over their brethren in British India. The reforms at present introduced in British India are very inadequate and unsatisfactory. Though the proclamation of 1917 declares responsible Government as the goal to **be** reached, the progressive realization is to be achieved at the sweet will of the bureaucracy. He would be a bold man who would

approximately predict when self-Government will dawn on this unfortunate Land. Communal dissensions and differences resulting from a policy of divide and rule clothed under the garb of communal representation, the frantic efforts that are being made to exploit the resources of this country to the utmost in the interest of Britain, the deceptive manner in which Indianisation is making head against the opposition of the Ruling race and the abject condition of the Indian industries make one almost forlorn about the future of this country.

The Nizam had been professing that he wanted the restoration of Berar merely on principle and in vindication of his honour and his *Izzat*. He did not wish to make any profit out of this barter. He said that his conscience would have remained completely satisfied if only his sovereignty had been *de facto* restored and recognized in a constitutional manner. If taking the Nizam at his word the people of Berar had pushed their claims in an articulate manner they would have done a great service to the national cause. If the people of Berar had been blessed with this advantage in the fight of these two calculating parties they would have accelerated the pace of Swarajya in British India. By their indifference the people of Berar have lost a great opportunity of advancing their progress and speaking their mind candidly when each of the contending parties is arrogating to itself to speak for them without knowing their intentions. If the Nizam had declined to accept any constructive suggestions made by them or shown any reluctance to make further concessions or give guarantees to accomplish real and genuine responsible government in the province it would have demonstrated to the world that his offer was a mere hoax and he would have stultified himself by such conduct.

Lord Reading by not giving any opportunity to the people of Berar to express their opinion about this proposal of the Nizam has denied them the right of self determination. He has not also gauged the sincerity of the Nizam by instating on stronger guarantees and the necessity of reforming his own

administration with a view to inspire confidence in the novel proposal which he made. This controversy was utilized by Lord Reading to make an unequivocal pronouncement about the position of the British Government towards the Indian States. The *New Stateman of England* observed " the general position of the Indian States as we know it to day may be said to have taken shape under the terms of the settlement which followed after the mutiny. Whatever the truth as to the proximate causes of that upheaval it is beyond dispute that events of 1857-58 would have followed a different course if the Indian States had not been deeply disturbed by the vigorous policy of annexation carried to its limit by Lord Dalhousie after 1850. The dissolution of the East India Company and the transfer of all authority to the Crown made the starting point for a new policy and temper. They inaugurated a long period during which everything possible was done by successive Rulers of British India to give the feudatary chiefs a feeling of security and immunity. The old treaties made by the company were solemnly confirmed. The princes were complemented upon being the faithful allies of Imperial Britain. They were flattered by salutes and decorations. Unpleasant incidents in connection particularly with the major State were of the most infrequent occurrence; and it was thoroughly well understood that all the authorities were agreed as to the folly of making trouble. The Indian States of course were recognised as a picturesque anomaly. The status of their princes was designedly kept vague. Neither at Whitehall nor at Simla there was any wish to stir things up still less to move towards any change. The break in this tradition came in the seven years of the Curzon Viceroyalty. Lord Curzon made the startling assertion that in dealing with the Indian Princes he had taken care to " ride them on the snaffle and not on the curb." Curzon was a man of curious illusions specially with his own aims and methods of rule. Curzon had a high standard of public duty as of administrative efficiency ; and this standard led him to take a high line with the Indian Princes of whatever rank. He could not help adopting towards them a tone which they were apt to resent as overbearing, or at least pedagogic and it was fully understood when he left

the country that his successor would be encouraged to make a return to the easier ways which had seemed right and proper to Viceroys such as Dufferin and Landsdowne and this as a matter of fact is what happened. Roughly speaking it would be true to say that during the twenty years which lay between the arrival of Lord Minto in 1905 and the latter part of Lord Reading's term, the policy of Simla was that of non-intervention with the affairs of the greater states coupled with markedly tolerant attitude towards the Princes themselves, their public conduct and private habits. But it so befell that Lord heading exceptionally fortunate in other respects was unlucky in this one that he was called upon to handle a large number of troublesome situations in the greater States than had come up for decision by any Viceroy for something like half a century. The difficulty of Kashmir was evaded. The Maharaja of Indore who had been involved in the affairs of Mumtaz was induced to go quietly. The Nizam of Hyderabad raised as a direct issue the question of the Berar settlement negotiated by Curzon in 1902. To this contention Lord Reading replied that the sovereignty of the British Crown is supreme in India and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing."

The Manchester Guardian in a leader referring to the reply of Lord Reading observed as below:—"There is evident danger that ambitious Princes may be tempted to take advantage of the struggle between the Government and the Nationalists to extract ruinous concessions from one or the other. Therefore, it is reassuring to find that Lord Reading is at pains before leaving India to assert very plainly the doctrine of the Paramount Power." Lord Reading's statement about the position of the British Government towards the Indian States has been clear and definite. It is the last word which has been authoritatively said; and it would not be improper if the conclusions of Lord Reading, are briefly stated as they are of very great general importance. Lord Reading pronounced that (1) the Sovereignty of British Crown is Supreme in India and therefore, (2) no Ruler of an Indian State can justifiably

claim to negotiate with the British Government on an equal footing, (3) that the supremacy of the British Crown is not based only upon Treaties and Engagements; (4) and that it exists independently of them and quite apart from its prerogative in matters relating to foreign powers and policies; (5) that it is the right and duty of the British Government while scrupulously respecting all Treaties and Engagements with the Indian States to preserve Peace and Good Order throughout India. Lord Reading further stated as insignia of this Sovereign Right (a) the adoption sanads issued in 1862 declaratory of the British Government's desire for the perpetuation of the House and Government of every Ruler, subject to continued loyalty to the Crown (b) the recognition by Government of the succession to the Mansad of every state (c) the fact that the British Government is the only arbiter in case of disputed succession and (d) the right of the British Government to intervene in the internal affairs of the Indian States. (6) Lord Reading emphatically asserted that internal no less than the external security which the Ruling Princes enjoy is due ultimately to the protecting power of the British Government and where Imperial interests are concerned or the general welfare of the people of a state is concerned and grievously affected by the action of its Government it is with the Paramount Power that the ultimate responsibility of taking remedial action if necessary must lie. The varying degrees of internal sovereignty which the Rulers enjoy are all subject to the due exercise by the Paramount Power of this responsibility. This plain statement in our opinion deserves to be borne in mind by all Indian Rulers. They are propounding the theory that they enjoy complete sovereign rights in their internal affairs; that it is only as regards foreign relations and protection from foreign invasion they have delegated this function to the British Government by reason of its sovereign character. Lord Reading very lucidly and logically urged that as a corollary of this sovereign power the British Government has the right to intervene in the internal affairs of every state. The Paramount Power has the responsibility to secure the general welfare of the people of a state when it is seriously and grievous-



ly affected. The Princes therefore cannot lay pretensions to sovereignty even in domestic affairs. They are bound to maintain good Governments and if by their misdeeds or misrule the subjects are aggrieved the Paramount Power has the right to take remedial action. Misrule under every form of government leads to rebellion or overthrow of the government or intense internal commotions. All these dangers are averted on the strength of a powerful Army. But as defence and the maintenance of peace and order are under treaty obligations surrendered to the Paramount Power, the British Government alone is responsible not only to protect the Indian Princes from external troubles but also from internal troubles of anarchy and rebellion. As a sequence of this duty the Paramount Power has got to see that such a grave and disturbing situation does not arise in any Indian State. This naturally leads to the conclusion that the Paramount Power is bound to secure good Government to the people of a state and to take remedial measures against a ruler who is misbehaving or who is estranging the sympathies of his subjects and goading them to revolt by misrule. Even in domestic matters, therefore, the Indian Princes do not enjoy full sovereign rights. They enjoy limited sovereignty subject to correction, superintendence and control by the Paramount Power. This categorical enunciation of the position of the British Government as a Paramount Power would be very useful in adjusting the relations of the Indian States with the British Government. Lord Reading concluded by laying down that the Title of Faithful Ally which the Nizam enjoyed had not the effect of putting his Government in a category separate from that of other States under the Paramountcy of the British Crown. This in common parlance means that the so called faithful Ally is only a dependant vassal. Lord Reading asseverated that it is the right and privilege of the Paramount Power to decide all disputes that may arise between states or between one of the States and itself and even though a Court of Arbitration may be appointed in certain cases its function is only to offer independent advice to the Government of India with whom the decision rests. The position of

the Government of India is thus boldly stated and the Indian Princes should take note of the fact that it is the final Arbiter of all disputes concerning them. Those Princes who are now trying to be independent of the control of the Government of India should with advantage bear in mind this sovereign status which Lord Reading, an eminent jurist, has admitted to belong to the Government of India.

The Berar controversy, therefore has led to a definite pronouncement, of the relations which subsist between the British Government as the Paramount Power, the Government of India and the Indian States. This aspect of this controversy is, therefore, of vital importance to determine the question of the future of Indian States.\*

\* Part I, II, III, & IV appeared in the form of articles contributed to the *Bombay Chronicle* in the year 1934 & 1916.

### CHAPTER III.

#### **Montford Report and Native States.\***

##### ORGANIC CONNECTION.

After the announcement of August 20th of 1917 of the Secretary of State for India in Parliament and the arrival of the Right Hon'ble Mr. Montague in India, some of the enlightened Princes approached the Viceroy and the Secretary of State for India with proposals for an organic connection with the British Empire. These proposals were not published for general information and were treated as confidential. We are, therefore, quite in the dark about the nature and scope of these proposals. The system of administration obtaining in Native States is different in character and type from that which prevails in British India. Native States are beyond the pale of the British Indian Legislature as foreign jurisdictions; they are not subject to the taxation imposed in British India. The question, therefore, of assigning a constitutional position to the Native States in the body politic of the British Empire bristles with many difficulties. The rule in Native States is purely personal and autocratic; where it is of a beneficent character it is benevolent despotism, but it is despotism all the same. The rule in British India, on the other hand, though yet far away from democracy, has popular government for its ideal. Self-determination or the consent of the governed is the key-note of the British policy, and it was courageously and magnanimously propounded by the illustrious premier, Mr. Lloyd George, the other day in England. The pronouncement of His Majesty's Government and the arrival of the Right

\* This appeared in the form of articles published in the *Servant of India* in the year 1918.

Honourable Mr. Montague in this country are a good augury of an early progress towards the beginning of responsible government in British India. Do ruling princes desire to initiate and carry on any such movement in the direction of popular government? For the present at any rate they do not seem to wish for anything more than a preservation of their privileges, their *Izat*, and their absolute rule, taking their stand on ancient treaties. The advocates of treaty rights have not suggested any constructive proposals to carry into effect the policy adumbrated in August last as regards the affairs of Native States. This duty becomes still more imperative when in the fullness of time the Ruling Princes and Chiefs desire to be elevated to the position of partners of the Empire.

This claim on the part of the Ruling princes is no doubt just and legitimate, and every subject of Native States and every sympathiser with the aspirations of Princes and Chiefs earnestly desires that the paramount power should raise their status and position by allowing them liberty to discipline their armies in the modern fashion, and thus affording them opportunities to serve the Empire with their own forces under the British Flag. It is, however, a matter of keen disappointment that the Conferences of representative Princes at Bikaner and Patiala have not even referred to the disabilities under which the ruling Princes and Chiefs are at present labouring in this respect. What better opportunity could have presented itself to these enlightened members of the exalted order, than the one so graciously allowed them by the Viceroy and the Secretary of State to represent their real grievances which have demoralised their forces and have rendered them positively helpless in bearing a substantial burden of the defence of the Empire? No one could have misunderstood their intentions, when as a matter of fact they had spontaneously helped the paramount Power with men and money, and when they have of their own free will offered to place the resources of their States at the disposal of their Sovereign. The omission by the Ruling Princes and Chiefs to voice their real feelings and sentiments would undoubtedly lead to the inference that they have nothing to complain and nothing to suggest so far as

this vital question of re-organising their forces is concerned. We lament the lack of statesmanship and sagacity which they have betrayed in maintaining silence on these vital points at this critical juncture.

As regards their Izat, every one enthusiastically advocates that the honour and dignity of the Ruling Princes and Chiefs should be preserved intact. There is a warmth of feeling between the subjects and their Rulers in Native States. The historic associations, the inspiring memories, the tie of feudal relations, the traditional loyalty and reverence, tend to preserve cordial relations between the Ruling Princes and their devoted subjects. The icy coldness and aloofness between the bureaucratic rulers and the masses which is a disquieting feature of the alien British rule, does not at all exist in Native States. There is no real conflict of interests between the Rulers and the ruled if the rulers know their limitations and are satisfied with a reasonable and fixed civil list and determine to govern as constitutional monarchs in Indian States. There are no vested rights, the preservation of which militates against the interests of the subjects- They desire that their princes should be their real leaders and should be respected in the Councils of the Empire. But this is not possible and this object cannot be accomplished unless the Princes in their own turn faithfully carry out in their own States the policy to which the British Rulers are committed by the recent announcement in Parliament. It is by affording opportunities to their subjects to represent to them their views and grievances and by establishing popular institutions that the ruling Princes and Chiefs can command the confidence of their subjects. They cannot engender this confidence unless they repose like confidence in their own subjects, and give them an effective share in the administration, as the British Government have already given their subjects in some measure and as they have pledged themselves to give in an increasing measure as years roll on.

#### SUGGESTIONS.

Chapter X of the joint report on Indian constitutional reforms of Lord Chelmsford and Mr. Montague contains some

suggestions about the Native States. His Excellency the Viceroy and the Secretary of State during the course of their inquiry did not condescend to grant interviews to subjects of Native States, when they were particularly sought. They did not of their own accord send for any subject of any Native State to hear the points of view of the subjects on this question. They did not pay any attention to the representations which were addressed to them on this subject.' They have studiously left this aspect of the question from consideration in their voluminous report. They however were pleased to give *ex parte* hearing to some ruling princes and Chiefs who called themselves leaders of this high order. The suggestions which these self appointed leaders were pleased to represent to the illustrious authors have been very sympathetically considered in this joint report. It is therefore all the more regrettable that the subjects of Native States were not allowed to place their views during the course of this inquiry. From the manner in which the whole subject of constitutional reforms is considered in this report and the perspicuity, detachment, impartiality, broad statesmanship and boldness which have been brought to bear upon the survey of the whole situation in British India, it would not be unfair to expect that the authors of this joint report would have applied their mind properly to this aspect of the question if the subjects of Native States had been permitted to present their say. It is therefore with a feeling of

\* The present writer had submitted on 13th November 1917 to the Secretary of State for India when he was in this country a brochure called "Native States and Post war reforms" containing suggestions about the Indian States. In compliance with the press note issued by the Bombay Government (No. 740D of the Political Department dated 2 October 1917) he requested for an interview with the Secretary of State for India and Lord Chelmsford during their stay in Bombay. But he was informed through the Resident Kolhaour on 30th November 1917 that under instructions from Government this request can not be granted. He then sent another letter on 12-12-17 on the attention of the Secretary of State for India that as the question of a constitutional plan for ruling princes and chiefs was to come before him for consideration the point of view of the subjects of Indian States should be given an opportunity of expression. The writer also stated *inter alia* that there was no person worth the name in the Native States that the princes had many opportunities to express their views to Government while the helpless subjects of Indian States had none to place their story before the authorities and earnestly appealed for an interview at this juncture. But even this simple request proved of no avail.

-profound disappointment that the well-wishers of Native States have to close this report and breathe a sigh of helplessness and despair.

So far as the suggestions bear upon the status of Indian Princes and Chiefs, they are conceived in a liberal spirit. Princes and chiefs must feel greatly thankful to the authors of this joint report.

(1) The first suggestion is about simplifying, standardizing and codifying the existing practice which has arisen in connection with the treaties. The report has clearly stated that the conditions which existed at the time of the treaties have undergone material changes and a literal fulfilment of the obligations imposed by them has become impracticable. It is further admitted that the treaties must be read in the light of the relations established between the parties, and their altered environments. It is therefore suggested that the body of case Law which has grown up around their treaties should be codified with a view to bring about simplicity and uniformity in its practice. Of course the report makes it clear that this work is to be undertaken with the consent of parties concerned. There is an assurance conveyed to the princes that the rights, dignities, and privileges, secured to them by the treaties would not in any way be impaired. (2) The second suggestion is about the establishment of a permanent institution called council of princes. The object of this council is to give opportunity to the princes of informing the Government of their sentiments and wishes, to broaden their outlook, and to enable them to confer with one another and with the government. The council is to meet once a year and if exceptional circumstances arise and if the princes so desire an extraordinary session is also to be called. The Viceroy is to be its president and in his absence one of the princes. It is intended to hold an inquiry to prepare a list of the rulers who enjoy full powers of internal administration, and who alone are to be represented on this council. The scope of the council is also outlined; any questions which affect the States generally and questions which affect the Empire as a whole and questions which affect British India and the States in common would be

submitted for consideration to this Council. Any member of the council may suggest any subject for inclusion in the agenda as one upon which discussion is desired. The rules of business are to be framed by the Viceroy in consultation with the Princes. This constitution of the Council therefore is entirely in accord with the wishes of the Princes and will be received by them with enthusiasm. (3) The third suggestion is about the formation of a standing committee of this council which may include some princes and also the Diwans or Ministers of some States. The functions of this committee are to advise the Viceroy or the political department of Government of India whenever any question relating to native states bearing more or less on matters of custom and usage is to be disposed of. It is also provided that no reference affecting any individual State would be made to the committee without the concurrence of its ruler. This safeguard would certainly protect the rights of any particular ruler and would leave no room for any complaint. The advice of the committee would be very valuable in disposing of references from native States, which are of a delicate and complex character and the solution of which by the political department unaided and on its own responsibility has caused considerable bitterness and discontent up to now. The creation of this committee will go a long way in bringing about satisfactory adjudication of many intricate questions relating to native States. (4) The fourth suggestion is about the appointment of Commissions of inquiring into disputes between State and State or between a State and a local government or the Government of India. The personnel of this Commission is to consist of a judicial officer of rank not lower than a high court judge and one nominee of each of the parties concerned. Up to now all such disputes were settled by the Government of India and in many instances it was a party to the dispute itself. This position was extremely anomalous and highly injudicious and could not have been justified on any grounds. The suggestion therefore removes a great scandal in the adjudication of such cases. (5) The fifth suggestion is about the appointment of Commissions into cases of misconduct of ruling princes. The personnel of such



a Commission, is also highly satisfactory. It is to consist of five persons including two ruling princes and a high court judge. The defendant is to have a right to challenge any name and the proceedings of this Commission are to be made public if the defendant so desires. The creation of such a tribunal would ordinarily satisfy the ends of justice and this suggestion would undoubtedly ensure a very satisfactory forum to any ruling prince whose misfortune would draw him before it as a defendant. (6) The sixth suggestion is to bring all autonomous States into direct relations with the government of India. There is to be only one political officer between each such state and the Government of India. This will undoubtedly enhance the prestige and influence of such native States and free them from the vexatious interference of the various underlings in the political department. All the autonomous States will welcome this suggestion with great relief and intense delight. (7) The seventh suggestion is about the joint deliberation by the Council of princes and the Council of States of all questions of common interest. The princes have been till now contending that they should have a voice in matters of common interest which have a considerable bearing on their own States. This problem has been agitated for many years past and a satisfactory solution of it has been arrived at by providing an opportunity of joint-deliberation on these important problems of common interest. The ruling princes shall have an opportunity to state their views and to influence their co-workers in British India about the utility of their proposals who have the power to ultimately settle these questions. Considerable misunderstanding is thus likely to be removed by this procedure and it will create harmonious relations between the native states and British India.

It will thus appear that all the suggestions made by the ruling princes have been favourably considered. The appointment of a ruling chief to the imperial war council for the second time lays down a precedent in favour of ruling princes which will not be lightly disturbed hereafter. If the self appointed leaders of Indian princes had mustered courage and had spoken frankly and plainly to Mr. Montagu

and Lord Chelmsford when they were honoured with an interview about the inefficient position of their armies, about their reorganisation, about their equipment, about military and naval training to the Cadets of their own order and about the hardships which they suffered at the hands of political officers, their grievances in this connection would never have fallen on deaf ears. The very considerate treatment meted out to their suggestions and their acceptance in this final report inevitably leads to the conclusion that the princes have lost a golden opportunity in not ventilating their other real grievances at **the** right moment. Whatever they asked was granted to them and if they had any real grievances disquieting them and tormenting them in their every day life, they have to thank themselves for their bad luck. For none but the most slavish by nature would abstain from opening his lips when the opportunity of redress presents itself.

We respectfully venture to ask the authors of this report whether there is any single treaty which justifies the claim for **the** creation of a council of princes, for the establishment of a standing committee for consultation and advice and for the demand of joint deliberations on matters of common interests. The Native States have accepted the position of subordinate union, and they cannot as a matter of right set up any demand for equality of treatment. Whatever the paramount power dictates, ordains or settles the feudatories have to accept without demur. Changed times, changed conditions, the changed angle of vision and the enthusiastic co-operation of ruling princes have induced the paramount power to raise the position of their feudatories to the position of partners in the empire. This is no doubt a sound policy and reflects great credit on the paramount power for broad Statesmanship. But does not this elevation carry with it any corresponding responsibilities on the part of the princes? Are they not to conform to the standards of administration and follow the ideal of responsible government laid down by their overlord? Who is to call to account these princes for their stewardship of the subjects committed **to** their charge? Who is to give them light and knowledge, advice and encouragement in **Buch** matters? Who is to admonish them for

their indifference and neglect of their administration ? Who is to remonstrate with them for their hopeless backwardness and erratic conduct and their moribund condition? If after a century of paramount supremacy, and contact with British civilisation and British connections there are states in all stages of development patriarchal, feudal, autocratic, despotic and what not, who is to be blamed for this deplorable state of things ? The admission of British statesmen that internal influences have not affected these states and that they have not been able to assimilate new principles during a course of a century when peace and order have reigned in the land reflects great discredit on the paramount power. The duty of every earnest thinker of 'this problem ought to have been to devise ways and means to improve the present condition of native states. Instead of this these two responsible officers of the crown view with stolid indifference on this state of things. They do not feel called upon to devise any means to erradicat the evils of mediaeval hutociacy and improve the present position through an \* over cautious policy'and unreasonable nervousness. They are inclined to perpetuate and stereotype the existing order of things in native states. We are forced to the conclusion that the authors have not adequately realised their responsibilities in this connection and have neglected their duty as representatives of the paramount power which has unmistakably admitted its ultimate responsibility for the good administration of the subjects of native states. The illustrious authors have condemned benevolent despotism in British India and have devised a scheme to introduce responsible government in British India, The despotism in Indian States of one man rule is not even benevolent but often malevolent. That they should have altogether omitted to consider the evil effects of autocracy and failed to make recommendations to the princes to abandon autocratic forms of administration and try to rule as constitutional monarchs is a sad irony of fate of the 70 millions of His Majesty's subjects.

**LAISSEZ-FAIRE.**

The authors of this voluminous report have deliberately avoided the consideration of the question of responsible government

### PROBLEMS OF INDIAN STATES

BO far as it bears on Native States. They observe as below. "There is a strong reason why the present stir in British India cannot be a matter of indifference to the princes. Hopes and aspirations may overleap frontier lines like sparks across a street. There are in the native statesmen of like minds to those who have been active in spreading new ideas in India. It is not our task to prophesy. But no one would be surprised if constitutional changes in British India quickened the pace in the native States as well, if the advanced princes who have already set up the rudiments of representative institutions were impelled to develop them and if even the most patriarchal rulers thought it time to clothe their authority in more modern garments. Our business however is to observe our treaty obligations and to refrain from interference and to protect the states from it. We must leave the natural forces at work to provide the solution in due course. If change comes in the native States it can only be by the permeation of ideas and not as a direct result of constitutional changes in British India." The reasons given are, to say the least of them, unworthy of the high statesmanship disclosed in the body of this document. The report says : "We feel the need of caution in this respect. It would be a strange reward for loyalty and devotion to force new ideas upon those who did not desire them." This is a pregnant sentence and reveals clearly the motive which led to the concessions which have been promised to ruling princes. Who these ruling princes are who have given such valuable help at this juncture and which has been appreciated with such consideration by the authors of this report we do not know. But in this they have made a serious mistake. They have not thought of those whose money, resources and materials the princes have so profusely contributed to the Paramount Power. Can it be said that any single ruling prince during the crisis has given anything from his private coffer ? Everything which has been contributed by the ruling princes to the war has come from the pockets of the subjects of Native States. And as a matter of right it belongs to them primarily. If anything which has been contributed is to be repaid in some form or another the question arises who are

*to* be requited for this generous help? If the princes are **to** get anything as a reward for loyalty and assistance would it be just and proper to ignore altogether the claims of the subjects on whom the entire burden of these contributions has fallen ?

The authors have been labouring under two misapprehensions in dealing with Natives ; (1) one is that the British Government has no right whatever to interfere with the internal administration of Native States, however high and noble the purpose may be, and that there is a corresponding obligation on the part of Native States to refrain from interference in British affairs. (2) The second misapprehension is that the Native States are to be left studiously alone and their improvement is to be left **to** fate and time. This theory of obligation of mutual abstention is not warranted by the terms of any treaty and by any political practice in the past history. Writers on the Indian constitution have reiterated that the paramount power has the right to interfere in Native States on the score of good administration. It has been the fashion of some feudatories to assert that the paramount Power should not interfere in their internal affairs and this desire is mainly generated by their propensities of autocratic irresponsible and personal rule. They think: that their despotic powers should have a full sway and that they should be unhampered **in** their career. Interference in their internal affairs is therefore very galling to them, and they are constantly smarting under it. **It** is therefore very convenient for Indian Princes to advocate this doctrine of mutual abstention. But so far as the Paramount power is concerned to countenance this suggestion is highly detrimental to its interests and would necessarily lead to its surrendering the power of interfering in the affairs of Native States **to** secure good government of the people under their control. By conceding this principle they would be failing **in** their duties to the subjects of the Native States. The subjects of the native states owe allegiance to His Majes/y the King Emperor **of** India. And allegiance imposes a corresponding obligation **on** the sovereign to secure good government to the people who pay

this homage. His Majesty's Government has declared that responsible government is to be the goal of British administration. Is it not imperative upon these representatives of the Crown to place this noble ideal before the Princes as worthy of their acceptance? It may not be expedient to impose this upon the ruling Princes against their will. But what would deter these illustrious statesmen from advising these ruling Princes to accept this ideal with all the powers of persuasive eloquence, sagacious diplomacy and superior influence at their command? No Prince would have taken any offence to be told that responsible government is the modern ideal of good administration and that the foundations of stable and popular rule are based on the same. It should certainly be left to the good sense, foresight and statesmanship of individual rulers, to follow out the ideal in their own States.

But they could certainly have encouraged the acceptance of this principle by placing some premium on it. They should have restricted the admission to the council of Princes only to those Princes who have conferred substantial powers on popular representatives in the States, and who carry out the principle of responsible government in practice in their territory. They ought to have reserved nomination to the standing committee of the council only to those who were fitted to occupy this exalted position by their liberal and progressive policy in their individual States. The honour of salutes, invitations to important state functions, selection to the Imperial War Cabinet, nomination to the league of nations should be conferred only on those who are prepared to accept the goal which His Majesty's Government have declared after great consideration, experience and foresight. In numerous ways the paramount Power could have signified their approval of those Princes who are prepared to follow their lead and their disapprobation of those who are not so disposed. This was the bounden duty of the highest representatives of the Crown. It certainly shows a lamentable lack of statesmanship and courage in the authors of this joint report, when through mistaken notion of non-interference and still more mistaken interpretation of treaty rights, they have swerved from the clear and unfaltering duty

of placing responsible government as the noble goal to be achieved both in British India and Native States alike. We therefore feel greatly disappointed that the subjects of Native States who form nearly seventy millions of His Majesty's Indian subjects have been summarily dismissed from consideration in this bulky report on this flimsy ground.

As regards the second misapprehension that the Native States are to be left to fate and time to develop themselves, we have to make this remark that it shows a very narrow and perfunctory conception of the solidarity of the British Empire. If Native States are to be allowed to develop according to their own fancies, if accepted principles of administration in British India have got no bearing whatever on the adjoining territories of Native States, if the highest canons of morality and recognised principles of political science are not to guide and influence the feudatory Princes, what hope is there that the Empire at large would be of one mind, one impulse, one thought and one conjoint action? It is the duty of the highest authorities to try to bring about this consummation. They cannot maintain a *laissez faire* attitude in this matter. Only the Paramount Power can educate and advise, guide and control the Indian Princes in such matters. If they cannot undertake this task who else can take it up? The authors of the joint report have not thought it fit even barely to state that the ideal of responsible government is worthy of being followed by the Indian Princes. That such an attitude should be assumed by a radical statesman of Mr. Montagu's liberalism must be considered as very unfortunate by the subjects of Native States.

The conservative statesman Lord Curzon who once wielded the destinies of this country has undoubtedly laid down very correct principles so far as the policy towards Native States is concerned. The report has stated this policy as conceived by the authors in the following words: "Our business however is to observe our treaty obligation and to refrain from interference and to protect the States from it. We must leave the natural forces at work to provide the solution in due course. If change comes in Native States it can only be by permeation of ideas

- and not as a direct result of constitutional changes in British India." In another place they say that "the last thing we desire is to attempt to force this pace.....There can be no intention or desire to accelerate the growth by artificial means." How different is the ideal which Lord Curzon placed before the Indian Princes.

"It is obvious that they must keep pace with the age. They cannot dawdle behind and act as a drag upon an inevitable progress. They are links in the chain of imperial administration. It would never do for the British links to be strong and the native links weak or vice versa. As the chain goes on lengthening and the strain put upon every point increases so is uniformity of quality and fibre essential. Otherwise the unsound links will snap. I therefore think and lose no opportunity of impressing upon the Indian Chiefs that a very clear and positive duty devolves upon them. It is not limited to the perpetuation of their dynasties or the maintenance of their Raj. They must not rest with keeping things going in their time. Their duty is not one of passive acceptance of an established place in the imperial system but of active and vigorous co-operation in the discharge of its onerous responsibility."

It is really an irony of fate that we have to invoke the aid of a conservative minister in opposition to a radical statesman who has championed the cause of British Indians so vigorously, so courageously and so impartially in this report. But so far as Native States' subjects are concerned we cannot help concluding that the authors of this joint report have not brought to bear real and broad statesmanship on the problems of Native States and have accepted doctrines which have become out of date at the present juncture. This great opportunity unprecedented in the annals of Indian history, has left the subjects of Native States where they were with no prospect of the betterment of their position in the near future and this is sure to fill their minds with gloom and despair.



**RESPONSIBLE GOVERNMENT IN NATIVE STATES.**

How the Reform Scheme affects the interests of the subjects of Native States has been already noticed. The Scheme, for the first time, in the constitutional growth of the British Indian Empire, establishes the organic connection between the Ruling Princes and the Government of India. It is, therefore, necessary to examine how far the proposals pertaining to Native States are in consonance with the ideal of responsible government contained in the pronouncement of August 20, which is the foundation upon which the frame-work of the reform scheme is based. The ideal which the distinguished authors have painted in this Report is one of federation. "Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of federation.....In this picture there is a place also for the Native States. It is possible that they too would wish to be associated for certain purposes with the organisation of British India in such a way as to dedicate their peculiar qualities to the common service without loss of individuality. " This is undoubtedly a fascinating picture of India's full advancement. When this goal would be reached, it is difficult for any man to foretell. But it is enough for our purpose to realise that in the federal ideal of India the Native States are to occupy a substantial position. The history of any federal government which has thrived up till now, unmistakably **showsthat** the component parts of such an organisation have essentially similar political institutions and political ideals. The federation of autocratic and democratic units, has never been witnessed in the history of the world. The strength of a commonwealth, mainly lies in the equality of status, in the uniform measure of political freedom, and in the common form of government. Without these no federation can prosper and inspire strength in the body politic. If, therefore, the Native States are to be indissolubly connected with the destinies of British India, and if this ideal of a self-governing partnership in this vast Empire is ever to be realized, the Native States must accept the ideal of responsible government which

the illustrious authors of the Report have endeavoured to set up in British India. In view of furthering this happy consummation of a federal union, the basic improvement of the Native States ought to have been provided for by the distinguished authors of this Report. They ought to have recommended responsible government as a worthy ideal for the Native States if not in the interests of the subjects of Native States, at least, with a view to secure the realization of their noble conception so graphically described in this Report.

Such a course was obligatory by the terms of the pronouncement of August 20 of 1917. This pronouncement has been declared binding on His Majesty's Government.\* Its terms clearly lay

\* On August 20, 1919, the Secretary of State for India made the following announcement in the House of Commons :—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what the steps should be that there should be a free and informal exchange of opinion between those in authority at Home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, to whom the responsibility lies for the welfare and advancement of the *Indian peoples*, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament."

down that " the policy of His Majesty's Government is the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in *India* as an integral part of the British Empire." We have been advised to\* read very critically the words of this announcement, which we are told, were weighed and deliberately used after mature thought and with a full sense of responsibility. We give credit to the Secretary of State for India for all this wisdom and circumspection, when he made this pronouncement in the House of Commons. This pronouncement nowhere limits the introduction of responsible government to British India, but the word is *India*, and India has been defined so as to include Native States also. The qualifying part 'as an integral part of the British Empire' clearly and unequivocally points out, that when this announcement was made the idea that India includes Native States along with British India was fully before the eyes of those who drafted this announcement. The distinguished authors of the Report have reaffirmed this statement in Chapter 10. They say "It is impossible to deal with the constitutional position in British India without also considering the problems presented by the Native States. India is in fact as well as by a legal definition one geographical whole. The integral connection of the States with the British Empire not only consists in their relation to the British Crown, but also in the growing interest, in many matters common to the land to which they and the British provinces alike belong." The significant import of the word 'Indian peoples' and of the expression 'an integral part of the British Empire' would be quite obvious from the elucidation quoted above from the Report. It is, therefore, quite patent to any one who reads this solemn pronouncement of August 20, that it was the intention of His Majesty's Government, at the time of making this announcement, to declare the ideal of responsible government as applicable both to British India and to the Native States. It is, however, a matter of intense regret and disappointment that the Rt. Hon. the Secretary of State for India and His Excellency the Viceroy who were responsible for this declaration of policy should have assumed a halt-

ing attitude in making their recommendations about the Native States. Conscious of their solemn announcement, they should never have shirked the duty of recommending this ideal to Native States as forcibly and earnestly as they have done in the case of British India. We are entirely at a loss to account for the lukewarm attitude of the illustrious authors, in regard to the question of Native States. Consistency, if not statesmanship, required a balance of mind in urging the necessity of this ideal simultaneously for all parts of India. When the whole Empire is vibrating with common sentiments and common aspirations and with the instincts of enlightened patriotism and imperial responsibilities, the ideal of future advancement and future greatness must be the same for all its component parts. To discriminate between British India and Native States in this respect and try to introduce unwarranted limitations to this ideal is highly impolitic and detrimental to the solidarity of this Empire. We, therefore, strongly urge, if not on any other ground, at least on the score of the announcement, that it is the duty of the paramount power to recommend responsible government to Native States, and to use all its influence to encourage the acceptance of this ideal by Ruling Princes and Chiefs in India. The paramount power would never be blamed by any of its critics, if it recommends to its feudatories what is considered to be the wisest and the best policy of modern times.

The Defence, Tariffs, Excise Exchange, Opium, Salt, Railways, Pests and Telegraphs are admitted to be matters of common interest to British India and to the Native States alike. The revenue derived from many of these sources, a considerable portion of which comes from the pockets of the subjects of Native States, is appropriated solely by the British Indian Government. Decisions of policy bearing on these matters, sometimes prejudicially affect the subjects of Native States. This has been a standing grievance under which the dumb 70 millions of His Majesty's Indian subjects are still labouring. The Report provides for joint deliberation on matters of common interest, between the Council of State and the Council of Princes. If we look to the composition of the Council of

**State we find that** nearly **two-fifths** of its members are elected by the British Indian subjects. The British **Indian subjects can** under this constitution even, claim to influence **the policy** of Government in connection with the above matters of **common** interest. But the composition of the Council of **Princes, has** absolutely no popular element in it. The Council of **Princes cannot** in any sense represent the subjects of **Native States**. There is hardly any community of interests between **the subjects** of Native States and their princes. The questions, **which** this mode of joint deliberation proposes to solve, directly **concern the material** well-being of the subjects of **Native States**.

If the British subjects have the right to express their opinions on matters of common interest, **we fail to see how the** subjects of Native States could be denied **this privilege** when their own interests are vitally involved. The **non-inclusion**, therefore, of the representatives of the subjects of **Native States** in the joint deliberations has been highly **unfair and thoroughly** unjustifiable. But there is another great danger **which may** prejudice the interests of the British **Indian subjects**. The present reforms do not provide for full responsible **government**, or even a measure of the same, in the Government of **India**. The Council of State is a body **in which the bureaucracy** is allowed to enjoy a dominant share. The **voice of the bureaucracy** will always **prevail** in matters of **tariff, defence and policies** connected with the railway administration. **The representatives** of the people in the Council of State shall **not have a** potent voice to control the policy of Government in regard to defence, tariffs, exchange **and** railways. **The joint deliberations** in these matters of common interest with the **ruling Princes**, instead of giving support to the representatives of **the people** would only go to strengthen the hands of the **bureaucracy**. Very few members of the Council of Princes **will, by their own** personal fitness and ability, be in a **position to discuss** thoroughly the intricate questions and the **details connected with** these matters. Fewer still will be those **who can muster** courage to oppose the bureaucracy and openly **side with the** representatives of the people. The ruling **Princes would not be** responsible to **their subjects**. **So long as responsible government**

is not introduced in the Native States, the ruling Princes representing their States, cannot be accountable to their subjects for any opinion expressed by them in connection with these matters. The Princes by reason of their inexperience and incompetence, by reason of their subordinate position, would more often than not play into the hands of the bureaucracy, and thus prove a source of hindrance to representatives of the people. This organic connection, therefore, of the ruling Princes and the representatives of British India is attended with potentialities of great mischief and danger to the full development of national prosperity. The Post War Reforms would consist substantially of economic development. Tariff, exchange and railways will play a prominent part in the industrial regeneration of this country. The popular representatives of the Council of State will have to fight every inch of their ground against the bureaucracy to control tariff, exchange and railways so as to make them entirely subservient to the interests of the people, in opposition to the foreign capitalists and monopoly-holders whom the bureaucracy will endeavour to protect. In this uphill work, can it for a moment be believed that autocratic Indian Princes will support the national cause unless they are made amenable in their own turn to the advice of their own subjects? And is such a result possible unless responsible government is introduced in the Native States? It is, therefore, of supreme importance to British Indian subjects, to insist upon the introduction and adoption of responsible government in the Native States, before the ruling princes are given the privilege of joint Councillors with the chosen representatives of the people.

The special session of the Congress has not considered the bearing of Chapter X of the Reform Scheme on British Indian interests. Nor has the Moslem-League cared to devote its attention to this aspect of the question. We appeal to all British Indian statesmen to consider these proposals in the light of their own self-interest, 'if not in the interest of their brethren in Native States, emphasising the necessity of the adoption of responsible government by the rulers of Native States before they are allowed the privilege of joint deliberation with the Council

of State. The Moderates' Conference is to be held shortly, and we commend the following resolution to the consideration of this body during its sittings in Bombay:—" That this conference is strongly of opinion that the paramount power should recommend the ideal of responsible government to the Native States, and that it should encourage the Ruling Princes to accept this ideal, by conferring the privilege of membership of the Council of the Princes and the right of joint deliberation and the selection to the Imperial War Conference and to the league of nations only on those princes who have shown their willingness to co-operate with His Majesty's Government in carrying out the policy announced on August 20, 1917." Such a resolution would be welcomed by all the subjects of Native States and would advance British Indian interests also.

THE MAHARAJA OF PATIALA ON THE PROPOSALS\*

The Maharaja of Patiala, who is the Indian representative to the Imperial War Conference of this year, has made a statement on Reforms which cannot go unchallenged. The Maharaja stated ' I need hardly say that I and my brother princes had the fullest opportunity of laying our views before the Secretary of State and the Viceroy.' If the Maharaja means by the term ' My brother princes \* only nine others of his class we have nothing to say. But if he means that all the seven hundred ruling chiefs and princes or at least the chosen representatives of this large body were given the fullest opportunity to express their views on the Reforms he is not correct in his statement. The Maharaja and his nine friends were not elected or were not even formally authorised by the ruling chiefs and princes to represent their views. They call themselves the representatives of this class ; but these self appointed leaders represented no one but themselves. It is to be observed with intense regret that the Secretary of State and the Viceroy did not invite the ruling chiefs and princes to express their views

\* This was contributed to the *United India and Native States* 86th September 1918.

is connection with the question of constitutional reforms, Some of these self appointed representatives sought an interview with these two high dignitaries and they were graciously pleased to accord the same to them. Nobody knows what passed at this interview nor was anything made public concerning it. No public discussion was invited or suggestions were asked for from the ruling chiefs and princes or their subjects. Not only this, but representations submitted on behalf of ruling chiefs and princes and their subjects were not paid any the slightest heed. When interviews were solicited in connection with questions affecting Native States they were summarily declined. Under these circumstances it is very amazing to see that the Maharaja of Patiala should lead the English public believe that the ruling chiefs and princes had the fullest opportunity of expressing their views. It is sheer injustice to this large class to say that they were invited to state their views before Mr. Montagu and the Viceroy when as a matter of fact this high privilege was denied to them. The Maharaja further observes that the recommendations in the report are indeed based on discussions which 'I and my brother princes had with the authors.' The nature of these discussions it is impossible to know as what passed between the ten ruling princes and the authors of the Report is kept strictly confidential. If really these discussions related to the welfare of Native States they ought to have been made public long ago. At any rate the subjects of Native States and the majority of ruling chiefs and princes have a right to know what passed during this interview, whether these apostles of their cause faithfully represented the difficulties under which the princes and chiefs are at present labouring, or whether they represented only such make beliefs as these self-appointed ten thought to be the grievances of their class. We do not deny to the Maharaj\* of Patiala and his nine other comrades the gratification they may feel for the great honour done to them by the Secretary of State and the Viceroy in accepting the suggestions which they made on behalf of the princes. But



if they are indulging in the vain thought that they represented the grievances of the majority of ruling princes they are hopelessly mistaken. It is equally a matter of great pity that two such great statesmen as Mr. Montagu and Lord Chelmsford should have relied solely on what they heard from these ten volunteers as the whole catalogue of grievances which the ruling chiefs and princes had a right to place before them in the course of this inquiry. The one-sided statements of these ten princes heard in camera at Delhi have not the sanction nor the approval as the authoritative opinion of the whole body of seven hundred princes who rule over nearly one-third of the area of India. The vital interests of seventy millions of His Majesty's Indian subjects were really at stake ; and that these two highest officials of the Crown specially appointed by His Majesty's government to hold a detailed inquiry into the question of Constitutional Reforms should not have condescended to openly and formally consult the properly elected or selected representatives of the ruling *princes* and their subjects is undoubtedly a matter of serious consideration. The recommendations based on ex-parte statements are defective in material points and highly unsatisfactory so far as the Native States are concerned.

With all the grandiloquent eulogy bestowed on the Reform-proposals by the Maharaja of Patiala affecting the Indian States, it is significant to note the scrupulously cautious and the non-committing attitude of the Maharaja. His Majesty's government have openly and unequivocally declared their policy of the gradual development of self governing institutions with a view to the progressive realization of responsible government in India. The Maharaja with all his anxiety about taking his place in the organic development of the British Empire, does not say one word as to whether he is willing to accept this noble ideal and follow it in his own State. If the King Emperor's quarrel is his quarrel is not the King Emperor's wish his own wish? Is he not prepared to follow the principles which his Overlord propounds as the soundest principles of good administration ? Why should he shirk from enthusiast-

cally supporting and expressing His approval of **this** ideal of responsible government? The Maharaja has concluded **his** statement by saying \*' we welcome such developments designed to associate the people **of** British India more directly with **the** responsibilities of administration as we realize that **such** changes will tend to promote the unity of India and **the** prosperity and contentment of the Empire. " If **the** changes adumbrated in the Report are likely to promote the prosperity and contentment **of** the Empire why should the Maharaja hesitate to declare his intention to introduce the same **in** his dominions. Would they produce any other results **in** his own State where there is unbounded loyalty between the rulers and the ruled? Example is **better** than precept and mere tall-talk instead of enhancing the worth of any man undoubtedly lowers his prestige **by** empty platitudes. If the Maharaja welcomes the developments, contemplated in the **RepDrt**, with a view to associate the people with the responsibility of administration why should he not zealously proclaim that he would himself **in**-troduce such developments to associate his subjects with **the** responsibilities of administration and thus give undoubted **proof of** his sincere approbation of the Reforms. Instead of **the** **clap-trap of** empty praise we expect **from** a statesman of **the** Maharaja's position the active adoption and assimilation of **the** principles of responsible government, so lucidly illustrated **in** the Report, in his own states and in his sphere of influence. Nothing would give greater satisfaction to His Majesty **the** King Emperor **of** India about the loyalty and fidelity of **the** ruling chiefs and princes to the throne than their voluntary adoption of the principles of government which His Majesty's ministers are trying to introduce in the administration of British India.\*

\* We are sorry the authors of the report have used the expression Native States and not Indian States. The expression is retained as this Chapter deals with this subject in the Montford Report.

## CHAPTER IV.

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### Chamber of Princes.

'If the wheels of administration are to run smoothly, the stirring times in which we live, and particularly the events of the past few months have emphasised the danger that attends the exercise of autocratic rule without proper regard to the interests of the people. In the vast majority of the countries of the world, the realisation of this danger has led to the substitution of government by the people for the uncontrolled authority of an individual sovereign. The rulers of the Indian States in virtue of their protection by British Government enjoy an unusual degree of personal control over the welfare of their subjects and the responsibility that lies upon them is correspondingly great.—*His Excellency Lord Chelmsford at Bharatpur.*

A conference of the Ruling Chiefs is going to be held in the capital of Delhi on 20th January 1919. The suggestions contained in Chapter X of the Report on Constitutional Reforms will probably form the principal topic of discussion. It is really a great pity that the deliberations of such Conferences should not be made public. Why they should be held in private it is difficult to know. The present question of Constitutional Reforms is so important that it is absolutely necessary in the public interests that the proceedings of this year's conference at least should be made available to the subjects of Native States and to the subjects of British India and also to all the Chiefs and Princes who have not the privilege of attending this year's conference. It is necessary to know how far the Ruling Princes in India are willing to co-operate with His Majesty's Government in carrying out the policy of August 20th 1917. The illustrious authors have failed to lay down this ideal for the immediate acceptance of the Ruling Princes. We have in the preceding chapter criticised this halting attitude of the joint authors in connection with Native States. Since the publication of the Report the war has brought about catastrophic

**changes of far-reaching magnitude and importance. The abdication of the Kaiser and the fall of one crown after another during the brief interval of one week, have sounded the death knell of autocratic rule-** The Austro-German revolution **not only** adorns a romantic tale but points a moral which **all the uneasy** heads that wear the crown **should** for ever bear **in mind.** It is, therefore, very encouraging to note that the **Viceroy**, in his speech at the investiture of the Ruler of **Bharatpur State**, eloquently and earnestly appealed to the Rulers of **Indian States** to move with the times. "In India itself," said **His Excellency**, "the British Government has decided **to grant** a substantial measure of power to the people in the **administration** of their own affairs. Autocratic **rule** anywhere will in **future be an** exception and an anomaly." We expect that **His Excellency** will be pleased, at the forthcoming conference, to **state** emphatically the necessity of accepting this ideal by **the Ruling Princes in** India. The hesitation which is apparent in **the Report** in this connection will, we venture to hope, **be entirely given** up and a distinct pronouncement about the **acceptance** of the ideal of responsible government by the **Ruling Princes** will be made by **His Excellency** in his opening **address** at this Conference. **It** is also necessary to remind the **Ruling Chiefs** and Princes that membership of the Council of Princes **and of** the Standing Committees and the right of joint **deliberation are** high privileges which would be conferred only on **those** who by their acts and deeds earnestly and enthusiastically co-operate with the British Government in attaining **this high** ideal.

**Coming now to** the merits of the suggestions contained in **Chapter X** pertaining to Native States, they **may be divided** into two groups. The first group consists of suggestions bearing **on** constitutional reforms such as the Council of Princes, **Standing** Committees and the procedure of joint deliberation **on matters of** common interest. The second group consists of suggestions about standardising treaties and commissions of **inquiry** into **cases** of disputed rights and defaulting Chiefs. The **latter** reforms have been overdue for **the last 50 years.** **Justice, equity and good conscience for a long time demanded**

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the measures suggested in the second group. But we shall deal principally with the suggestions in the first group as they are of greater importance.

The creation of a permanent institution called the Council of Princes is undoubtedly a very useful measure. The Council is to consist only of those princes who enjoy full powers of internal administration. The Report does not specify the rights which go to constitute full powers of internal administration. Writers on jurisprudence have defined, and especially Mr. Austin, the quasi-sovereignty enjoyed by the Ruling Princes in India to consist in the right to levy taxes, the right to make laws, and the right to exercise civil, revenue, and criminal jurisdiction over their subjects. The right to wage war and conclude peace which constitutes the essential element of sovereignty is not enjoyed by these States. The number of those Ruling Princes who have the right of levying taxes and making laws and administering civil and criminal justice and passing sentences of life and death on their subjects is not more than 90. Applying this test, we find that only about 90 out of the 700, or 13 per cent, of the total Indian States are eligible for entry into the Council of Princes. The remaining more than 600 would be without any representation at all. The Report has altogether left out of consideration these 600 smaller states, and the brushing aside of this large section unmistakably shows the perfunctory manner in which this subject of Native States is dealt with by the illustrious authors. One of the important subjects which deserves urgent consideration at the hands of the Ruling Chiefs in this Conference would be the disposal of smaller States or rather States which do not fall under the category of fully autonomous States. The expression "autonomous State" here only means a State which is under the entire control of an autocratic Chief and is not subject to interference in his administration by the Paramount Power.

The object with which the Council of Princes is proposed to be created is to give the Princes an opportunity (1) of informing the Government as to their sentiments and wishes, (2)

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of broadening their outlook, and (3) of conferring with one another, and (4) with the Government. It is superfluous to state that these objects are common to **all** the Native States. It is, therefore, of the utmost importance **in** carrying out the objects of **Buch** a Council to include **in it** representatives of smaller States. To our mind it **is** not very difficult to devise a scheme which will secure just and adequate representation of all the princes on this Council. If the Government of India is **to** assume direct relations **with** all the Native States as described in the Report, **it is** necessary for the welfare of these Native States that **they** should have an opportunity to represent their views **on all** questions which have any direct bearing on their grievances, hardships and their views on **all** questions which **have a** direct bearing **on** their States. The Council of Princes is the only medium which can afford an opportunity **for** a fearless and open exposition of the views of smaller States concerning their interest. We, therefore, very strongly urge the necessity of considering the problem of giving representation to the smaller Native States which are not included in the proposed Council in the Montagu-Chelmsford scheme. If **the** princes who are privileged to attend this year's conference neglect **to** consider this question, to formulate their views or **to** suggest some solution about the smaller States, they would be doing great injustice to their brother chiefs and princes. Neglecting the claims of smaller States will, we apprehend, weaken the solidarity of all the Native States which the illustrious authors so eagerly desire to maintain. Smaller States too, have rendered utmost assistance, and in **some** cases even beyond proportion to their income and resources, for the prosecution of this war, and it is essential that due recognition should be given to their claims.

Unfortunately, we find some Princes themselves raising objections to the creation of a Council of Princes. Misled by the designation of allies, these Princes think it derogatory to their *izzat* to participate in the deliberations of such a Council. The permanent creation of the institution of the Council of Princes will afford the best opportunity, which does not now

exist, for all the enlightened Princes to exchange views, ventilate grievances and to take a concerted action on all matters affecting their interests and advancement. Wisdom and foresight demand that the most advanced and enlightened Rulers of the largest Native States should take part in the proceedings of this Council and should try to make this institution sufficiently powerful and influential to safeguard the interests of Native States against all attacks from within or without. Another objection, which is in some respects cogent, is that if all the full-power Chiefs are to be placed on the same footing in the proposed council, it would be very unfair to the largest Native States. If, for instance, a State like Baroda and a smaller State in the Southern Maratha Country—each coming within the description of fully autonomous state given in the Report—are to have the same rights and same privileges in the proposed Council of Princes the arrangement would not be acceptable to various Ruling Princes. We will, therefore, suggest that the representation to the Council of Princes should be based on the basis of population, income, and powers of Native States. It is satisfactory to observe that the illustrious authors have abandoned the test of salutes in their Report. But it is necessary to add to this test another qualification based either on population or income or both. If, for instance, a State which has at present a Resident attached to its court and which is the smallest in population and income in all such States is taken as a unit of representation to the Council of Princes, all the fully autonomous Native States should be divided into constituencies equal to this unit. This division should be made as far as possible on geographical contiguity and ethnological identity. Each constituency should be equal in extent, population, income or both to such a unit, and it should have a right to elect one representative to the Council of Princes. This method will do away with the objections which have been raised in some quarters. If this method is approved, it will also furnish a solution for giving representation to smaller States. Another mode suggested is that of giving multiple votes to bigger Native States in proportion to their income and population. The majority of smaller

The suggestions contained in the Report, if they are modified in the light of the remarks made above, would go a long way to better the position of Native States and to raise their status. This indeed is a great opportunity which the Princes assembled should utilise to press for modifications. The reconstruction of the Empire is under consideration. The Ruling Princes in India would be justified in claiming rights and privileges in other respects also. Such of them as possess a standing army should claim the right to reform and reorganise the same with a view to make it serviceable in the cause of the Empire. The Princes should demand that facilities for training their cadets should be provided for in this country, so as to qualify them for officering their own armies and those also of British India. They should demand the right of fiscal autonomy to build up their own industries, concessions for Railway extension, such as feeder lines. They should also demand the right to construct harbours in their territories and build dockyards with a view to encourage ship-building and share the sea-borne trade of this country. The most important States in Southern India can develop sea-ports which can become naval bases. The example of Mysore which is the most progressive State in India will show the various directions in which a State can utilise its resources and ensure its prosperity. All these demands are worthy of being conceded if Government sincerely wish to raise the position of their partners in the Empire, so as to make them towers of strength in times of need. No one need apprehend danger if Native States become prosperous. Rather weak States are a danger. The driving power of nationalism may absorb the Native States, scattered over the length and breadth of this country if they remain in a moribund condition. The forces of self-governing and autonomous institutions may one day seriously sweep over smaller Native States and imperil their existence by mediatising them as was done in the case of smaller States in Germany. With a view, therefore, to avoid such a contingency and to safeguard their own interest, the Native States can hope to exist in this transitional period only by moving with the spirit of the times. The establishment of responsible government in their States



is the only sovereign remedy to ward off all dangers from without, and also from within. Will any enlightened Prince come forward to establish popular government and thus lead the way to others ?

THIRD CHIEFS' CONFERENCE\*

The opening speech of H.E. the Viceroy, at the Chiefs' Conferences, will be read with profound disappointment by all lovers of Native States. H.E. has abstained from making any reference to the ideal, which has been laid down in the joint report, for British India. It was expected that His Excellency will reiterate what he eloquently expressed at the Bharatpur Darbar.

\* A Chiefs' Conference was held in Delhi in March 1913 to discuss the question of a College for Chiefs. There was a second conference about this very business in March 1914. These two conferences were for a particular purpose. The first Chiefs Conference to discuss questions affecting Indian States was held in November 1916. The second was held in November 1917. The third was held in January 1919. The fourth was held in November 1919. The Chamber of Princes or Narendra Mandal held its first sitting in February 1921, the second in November 1921, the third in February 1924, the fourth in November 1924, the fifth in January 1926, the sixth in November 1926 and the seventh in February 1928. All these conferences were held in Delhi and His Excellency the Viceroy and Governor General of India presided over each one of them. The reports of these Conferences are marked confidential and are not available to the general public. There was a practice to publish the opening speech of the Viceroy every session. A concluding speech was made by a distinguished prince giving a brief résumé of the work done at the session. The public had thus an opportunity to judge of the work done in bare outline by this procedure. But since 1921, this practice has been abandoned and the public is kept in the dark as to what is passing in the Narendra Mandal. The interests of the States include the vested rights of the subjects of the Indian States and are intermixed with the interest of British India. It is therefore just and fair that the proceedings of the sessions of the chamber and princes should be published for general information. Why the princes of the Government should hesitate to trust the people by keeping them informed of what is passing in the sittings of the chamber of princes it is difficult to say. But this method is thoroughly unjust and highly unsatisfactory. Secrecy begets suspicion and publicity dispels all distrust. It is earnestly requested that, the proceedings of the chamber should be published and should not be marked confidential and should be available to the public at large.

He reminded their Highnesses very pertinently that the British Government is the Paramount Power in India. The illustrious authors have emphatically stated the serious limitations on the rights of the Native States in the shape of interference on the part of British Government in their internal administration to prevent flagrant misgovernment. He concluded his speech by saying that Princes and Chiefs have a joint heritage with the people of British India. Is it not, therefore, necessary to recommend to the Princes and Chiefs, the policy which His Majesty's Government, after careful consideration and inquiry have thought fit to adopt for British India. The Government of India have asked the opinions of the Native States about the reform proposals. It is a great pity that these opinions are not published. As a matter of fact at the time of the Minto-Morley reforms the opinions of rulers of Native States were made available to the public. We do not see why this precedent should not be followed now, when the question involved is of such a vital importance. We doubt whether even a single Chief has expressed his willingness to co-operate with Government in the immediate introduction of responsible government. It is, therefore, all the more necessary under the circumstances that their Highnesses should be gently advised about the necessity of their adopting the ideal of responsible government. The Princes and Chiefs have shown nervous solicitude for the treaties and engagements being kept in tact. No one has the remotest idea to violate, in any way, these sacred treaties and engagements, but we would respectfully question their Highnesses what treaty-rights entitle them to ask for a Council of Princes or for a standing Committee or for direct relation with the Government of India for a joint deliberation in matters of common interest. These are all generous concessions extended to the Ruling Princes by the Paramount Power. If the Princes are anxious for these privileges, is it not incumbent on them that they must with equal willingness and enthusiasm come forward and avow their intention to follow into the footsteps of His Majesty's Government? And if the Princes have not the grace or courtesy to adopt the policy so dearly enunciated in the Report, we

#### CHAMBER OF PRINCES

think that it is the duty of the Paramount Power in the interest of one-fourth of the vast population of this continent, to advise the Princes and Chiefs to adopt this ideal. H. E. the Viceroy by not making such a pronouncement, failed in his duty towards the subjects of Native States, who are guaranteed good government.

As regards the proposal for discriminating Princes who enjoy full powers of internal administration from others, it appears from the letter of a writer in the Pioneer, that considerable misapprehension prevails on this point. In the report, the proposed demarcation is sought to be justified on the ground that uniformity of terminology tends to obscure distinction of status. But when we remember the fact that treaties and engagements are concluded with every State, it is not possible that there could be any confusion in the existing distinction of status. Similarly, it is observed, that practices appropriate in the case of lesser Chiefs may be inadvertently applied to greater ones also. We know that the Political Department is jealously watchful of such practices. Even the minutest details of observances, such as the way in which Ruling Princes are to be received, the right or left position in which a political officer is to be seated, the number of paces which he is to traverse in the Darbar, the distance where he is to be welcomed, use of appellations such as Maharaja, Raja, Maharanee, Ranee &c- to be employed in the case of heirs-apparent and wives of Ruling Princes and sundry other matters are so rigidly insisted upon by the Political Department that there is not much force in the argument that the dividing line is needed to ensure the observance of proper practices. We wish the point had been made clear. It is quite necessary to note in this connection that such a dividing line should have nothing to do with the social functions or ceremonial practices so far observed in connection with the Native States. If the custom of inviting Ruling Princes and presenting them in Darbars as before is strictly maintained, if salutes and honours and the precedence, dependent on them are scrupulously continued, if rank and izzat at banquets and other state functions are carefully respected, and if there is

not going to be the slightest diminution in the pomp and paraphernalia of the Ruling Princes, all apprehensions about the dividing line would be completely allayed. The dividing line undoubtedly is necessary to assist future relations between the paramount power and the States. But what the future relations are to be, it is not made clear in any part of the Report or in the speech of the Viceroy. The only additional reason given is that such a distinction is necessary for issuing invitations. If, on the other hand, the necessity of consulting important States about such matters as war emergencies, participation in war loans, enlisting of recruits, contribution for war purposes, broad policies about famines and epidemics, about exploring the resources of the states for industrial development, about the Imperial Service troops, about the efficient condition of standing armies of the Native States, about unrest, about peace and order and such other important affairs had been mentioned and emphasised the utility of this proposal would have been quite obvious and would never have been confused with matters with which it has no concern. To adjust the relations of the Government of India, as regards the various items mentioned above, a distinction of important and unimportant states is imperative. And the growing needs of the Empire make it abundantly clear that for expediting communication, for taking prompt action as regards all these important problems a dividing line should be drawn. When necessity of this differentiation is made clear, no Ruling Prince or Native State will legitimately raise any objection to it. All these questions are undoubtedly related primarily to Native States of large income and vast population. If some criterion of income and population is added to the test of full powers of internal administration, a dividing line could be very easily drawn.

The second ground of uneasiness about this dividing line is the concluding remarks of paras 302 of the report. It is stated that the proposal in para 306 to 311 apply to States which may be so classified as important. As a matter of fact, commissions of inquiry into cases of misconduct, and disputes and the necessity of joint deliberations on matters of common interest affect all States irrespective of their importance or powers.

The illustrious authors of the report do **not**, we think, intend to deprive even a small State **of the right of claiming a forum for the** adjudication of its dispute or the right of expressing its views **on** matters of common interest. **If** the paragraphs **had** net stated that the proposals in Chapter X relate only **to** States of the former class, no objection whatever for the dividing line would have been raised by any Native State.

As regards the Council of Princes, His Excellency **the** Viceroy has stated that **(1)** attendance and voting in **such a** Council will be voluntary, and that **(2)** each individual State represented in it will retain the right of separate negotiation with Government, and (<) the right to expect **that** Government will consult the Darbar in writing in regard **t** > **important** matters affecting their interest. With these limitations, **the** Council of Princes would only be an advisory body. **Fur-**ther the absence of foremost Ruling Princes, such as, H. E., Highness the Nizam, H. H. the Maharaja of Indore, H. H. **the** Maharaja of Mysore, and H. H. the Maharaja of Baroda **will** have the natural effect of lowering the prestige and influence **of such** a Council. Under these circumstance?, and **in** view of the fact that the Council is going to be purely advisory, **why** should the small States be excluded from being represented on this Council by groups? The Viceroy was pleased **to re-**affirm what he stated at Dhar about the smaller states. **If** they are 'partners and co-partners and co-workers', and **if** they really occupy such a posi'ion in the estimation of the Government of India why should they be excluded from the Council of Princes? The difficulty about the inclusion of all the Native States in the Cuuncil of Princes will be solved, if the smaller States are allowed to be represented by groups. **It** seems, **from** the speech of the Viceroy that with **a** view to elevate **some** Princes to the Council the restrictions on their powers are proposed to be removed. We fail to see the pr priety of this **pro-**posal. If the Council of Princes is going to be merely advisory, why should not these States be groupsd together and given some representation even without removing existing restrictions? There **is** a very serious object on besides, **to the** removal of **w-**

strictions on powers of these States. These restrictions relate to the power of a State to pass sentences of death on its subjects. They are imposed with a view to safeguard the liberties of subjects of such States. The fact that there is a higher court of appeal to review or to set aside, or to modify or to confirm acts as a great deterrent in restraining many Chiefs from arbitrary exercise of their powers to the detriment of their subjects. If the inefficient judicial machinery of petty States, the calibre and the strength of those who wield authority in such States and the caprices and prejudices of autocratic rule are taken into consideration the surrendering of this residuary jurisdiction by Government would be attended with serious consequences to the subjects of such Native States. Government is a trustee bound to safeguard the interests of the subjects of Native States, in cases where the question of life and death is involved. And after all, why should this power be conceded if only to enable a Chief to adorn the Council which is purely of an advisory character? H.-E. the Viceroy shrewdly warned their Highnesses that the Council of Princes could not be vested with definite powers, unless the Ruling Princes are willing in some measure to entrust to such a corporate body, rights which they at present enjoy as individuals. The whole situation, therefore, has been summed up in this broad hint. Unless the Princes surrender in some measure their powers to the proposed Council of Princes, unless it is more fully representative in character by the inclusion of all Native States, whether individually or by groups, the Council of Princes would never command that respect and that influence which the Princes devoutly wish that it should. And it remains entirely in the hands of the Princes themselves to bring about such a consummation, as was envisaged in the Viceroy's opening address.

#### FOURTH CHIEFS' CONFERENCE.\*

The Royal Proclamation announces that His Majesty the King Emperor of India has assented to the establishment of

\* This appeared in the "Leader" of Allahabad on 16 January and February 14, 18, 19 of 1920.

a Chamber of Princes. His Excellency the Viceroy in his opening speech at the 4th Princes Conference had made a preliminary statement that it was the intention of the Government of India and His Majesty's Government to call into being a Permanent Chamber of Princes. The Viceroy had further remarked that the formal establishment and recognition of the Chamber must be reserved for a later date when the details of its constitution and functions would be worked out. These details are not yet furnished and the outline of its constitution can be gathered only from the speech of His Excellency delivered at Delhi in November 1919. We, however, hope that the procedure followed as regards the Government of India Amendment Act would be followed in the case of the Chamber of Princes. The public ought to have an opportunity of considering the draft of the constitution before it is finally adopted. The establishment of the Chamber of Princes simultaneously with the new constitution in British India generates peculiar feelings in the minds of those who are following the trend of events during the last three years. The improvement of Indian States was tacked on to the Indian Constitutional Reforms in the Joint Report. It was naturally expected that the illustrious authors would recommend to the Indian Princes the introduction of responsible government in their States as it was the key-note of that famous document. The pronouncement of August 1917 which was the preamble of the Report stated in unequivocal terms that the policy of His Majesty's Government is the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India. The words of the proclamation must have been used after mature consideration and great circumspection. If the intentions of His Majesty's Government were confined only to British India, the announcement would have been so expressly worded. But the term India used in the pronouncement includes both British India and Indian India. It inspired the hope that the policy of the Paramount power would also be extended to Indian States, But the talented authors studiously evaded this responsibility of recommending this ideal to the Indian Princes. It is

equally a matter of poignant regret that the Royal Proclamation also does not commend this. All subjects of Native States anxiously expected that at this supreme moment the Princes of India would be made aware of their duties and responsibilities. The Royal Proclamation declares in memorable words the right of every people to direct their affairs and safeguard their interests and asserts that without this the progress of a country cannot be consummated. Is this doctrine not applicable to Indian States? The Proclamation states that the act entrusts the elected representatives of the people with a definite share in the Government and points the way to full responsible Government hereafter. It also concludes with the hope that under the guidance of Almighty India may grow to the fullness of political freedom. Are the Indian States to be excluded from this happy consummation? In the interest of 70 millions of His Majesty's Indian subjects it would have been very wise if the ideal of full responsible Government had been dictated to the Princes since they are treated as partners of this vast Empire. The Royal Proclamation, therefore, does not promote in the remotest degree the interests of the subjects of Indian States and has unwittingly left them in oblivion. It was earnestly expected that the broad minded and catholic statesmen who advised His Majesty to issue the Royal Proclamation would hold out prospects of political freedom to the subjects of the Indian States and thus make them partners jointly with the subjects of British India in the reconstruction of the future. We confess that we are bitterly disappointed in this respect.

#### SMALLER STATES.

Ever since the publication of the Montford Report, the Constitution of the Council of Princes now designated as the Chamber of Princes is engaging the attention of Statesmen both in British India and in Indian India. The distinguished authors of the Report after mature consideration came to the conclusion that with a view to assist and improve future relations between the Crown and the States, a definite line should be drawn separating the Rulers who possess full powers of internal ad-



ministration from the others. The Report did not expressly say anything about the lesser States. The statement in the Report that the proposals in paragraphs 306 to 311 which included the creation of the Council of Princes, were intended to relate to States who enjoy full powers of internal administration, led to the inference that the smaller States which number nearly 60J were to be excluded from the Council of Princes. The smaller States felt naturally great anxiety about their future prospects. The suggestions contained in Chapter X of the Report were sent to Indian Princes and their criticism was invited by Government. Various views were propounded each Prince trying to advance his own interests. It was assumed that the line of demarcation was principally intended for inclusion in the Council of Princes. The suggestion about the creation of a Council of Princes was the most important of all the proposals affecting the Indian States. Preposterous claims were put forward for admission to the proposed Council. Those who enjoyed hereditary salute of 11 **gunB** or over maintained that they **and** none else should be included in the Council. It is said that some of Their Highnesses thought that it would be derogatory to them to sit side by side with Rulers of smaller States. Those who had only Personal Salutes advocated that the privilege **of** membership should be accorded to them and should not be extended lower still. Those who possessed 9 guns Salute said that the Council ought to include all Princes of this category along with others enjoying higher Salutes. Those who were not honoured with any Salutes but were invited to Imperial functions upto now, urged that they should not be left outside the Council. To a dispassionate observer these opinions only showed the intensely selfish and narrow frame of mind of the Indian Princes. Not one of them is reported to have expressed any views based on broad and generous principles, no matter whether he would individually get admission **into** the Council or not. Except a few honourable exceptions such as His Highness the Maharaja of Kolhapur, we doubt **if** even a single Prince presumably entitled to be included in the Council, expressed his willingness that those who were not fortunately circumstanced as himself such as th«

Rulers of the smaller States should be included in the proposed Council. Under these circumstances it is no wonder that the question of the membership of the Council of Princes became very perplexing and even caused embarrassment to Government.

#### TEST OF SOVEREIGNTY.

Coming now to the line of demarcation in the Report the term "full autonomy over internal affairs" or the term "full powers of internal administration" is not well defined and it has given rise to considerable doubt about the precise status of each State. Government, we are informed, published a confidential statement of States whose sovereignty was of a doubtful character. But they did not publish a statement of those States who in their opinion enjoyed undoubtedly full powers of internal administration. Such a publication would have enabled those who are thinking about this subject to clearly understand the position of the three categories of Indian States, namely, full Sovereign States, doubtful Sovereign States and smaller States without full Sovereignty. A classification of this character was rendered inevitable by the presumption that the Council of Princes was to consist only of States enjoying full powers of internal administration. The dividing line up to the present time between the larger and smaller Indian States was drawn on the basis of Salutes. A perusal of Salute list would convince any one that this honour of Salutes is conferred on States for reasons which are as mysterious and unfathomable as the unknowable element in the cosmic system. His Excellency the Viceroy at the third Princes' Conference stated very emphatically that "it would be unwise to base on the salute list as it stands any fundamental distinction between the more important States and the remainder. If such a distinction is to be made it must be based upon constitutional considerations, that is to say upon the nature of the link between the individual State and the Crown." The expression "Constitutional considerations" and "Nature of the link" were equally vague and did not convey what was meant by Government. In spite of this pronouncement and after the consideration which was bestowed on this

subject for one year. His Excellency declared at the 4th Princes' Conference that he was convinced that it would be wise after all to base the distinction primarily upon the salute test. The policy which was considered unwise last year is now pronounced as the wisest by the same authority. We are extremely surprised for this change which has come over the Government of India. His Excellency has not given detailed reasons for this somersault. The few arguments of an apologetic character which His Excellency has advanced are thoroughly unconvincing. His Excellency has stated that it is extremely difficult to define with precision full powers of internal administration. A statesman of his position dealing with international relations and endowed with highest legal talents should make such a confession is certainly not very creditable to the enlightened and highly civilized Government. Various writers have defined with clearness the Sovereignty which Indian States possess and it would have been quite easy to classify States which enjoy full powers of internal administration. Sovereignty as Sir Henry Maine has in one place defined, consists of a bundle of rights. The external relations of the Indian States such as making war or peace have been entirely controlled by the paramount power and this position has been now completely acknowledged by them all. The Paramount power is further responsible for the good administration of the States and has the right to enforce obedience of the States for the proper discharge of this duty. Subject to these two limitations the larger Indian States do enjoy full powers of internal sovereignty, such as the power of legislation, the power of taxation and the power of internal administration. If some States do not enjoy unrestricted powers of criminal jurisdiction, such as those of trying their subjects for capital offences and of passing the maximum sentence under law, they are undoubtedly of an inferior status compared with those who enjoy such powers. The expression, therefore, 'full powers of internal administration' is well understood and is capable of denotation, and is not certainly one which would baffle British statesmanship. We are, therefore, painfully surprised that His Excellency abandoned this test

which was deliberately adopted in the joint Report. The Government of India has shown a tendency to resile from the position taken in the joint report, and this retrograde move in this respect is on a par with the despatch of the Government of India of last March which has been discarded by the joint Committee and by Parliament. If there is one thing more than another which is preciously cherished by the Indian States, it is this sense of Sovereignty though mutilated in essential respect. The ideal therefore, of sovereignty and the test of dividing States on this basis was undoubtedly wise and appealed to the patriotism of Indian States, No doubt the test of full internal sovereignty required to be supplemented by other important qualifications such as those of population and income, to accomplish the object for which the line of demarcation is intended in the Report. Be that as it may, the test of Sovereignty was by universal consent the most appropriate one. Why the Government of India are pleased to 'abandon this test it is impossible to understand. If Government think that by keeping this test out of sight, the idea of Sovereignty will be kept out of mind of the Indian Princes they are sadly mistaken.

#### ANOMALIES OF THE SCHEME.

His Excellency the Viceroy at the 4th Princes Conference has propounded for the consideration of Indian Princes a scheme for admission to the Chamber. It is based solely on salute test and is as follows :—

(1) That all States, the Rulers of which enjoy a permanent dynastic salute of 11 guns or over, should be entitled as a right to membership of the Chamber.

(2) That States whose Rulers enjoy a dynastic salute of 9 guns but have at present such full or practically full internal powers as to qualify them in other respects for adhesion to the Chamber, should be so admitted.

(3) That as regards those States whose Rulers possess a dynastic salute of 9 guns but are not in possession of practically full internal powers, the Government of India should investi-

gate **and** decide whether to grant the internal powers required in order to make the States qualified for admission to the Chamber. His Excellency has further explained that the necessary enhancement of powers should be granted in every case where no sufficient reasons exist to the contrary, since it is of the highest importance that the question of admission to the Chamber should be dealt with on broad and generous lines the deciding factor being the status of the particular State and not **the** personal qualifications of the Ruler for the time being.

The anomalies of this scheme are patent on the very face of it. It does not appear to be the intention of Government to grant enhanced powers to raise the status of some States enjoying a salute of **11** guns or over though they do not possess full powers of internal administration. By the mere fact of the possession of the requisite number of salutes they are entitled as of right to be the members of the Chamber, while as in the case of States enjoying only **9** guns' salute and not possessing full or practically full powers, it is intended to grant them. Many States such as Ratlam with **13** guns. Bilaspur, Chambha, Faridkot, Malerkota, Mundi, Shirmur, Suket, in the Punjab, Manipur in Asam, Sailana, Sitamahu, Narsinagarh, Rajgarh, Jhabua, Ajigarh, Baoni Bijwar, Charkhara, Chhatarpur and Panna of Central India do not enjoy unrestricted criminal jurisdiction and are on the same level as regards political status with many States enjoying **9** Guns' salute or even with States having no guns at all. Why should the possession of only two additional guns make such a distinction between the first and third class mentioned above? Such a distinction without any sensible difference will only create intense dissatisfaction amongst **the** Indian Princes.

#### GRANT OF POWERS.

The Scheme shows clearly that Government want **to** enhance the powers of some States with a view to elevate their status for admission to the Chamber of Princes. If **Salute** is to be the guiding test what necessity there is of enhancing powers and elevating the political status? Does it not indicate that the idea of Sovereignty is still at the back of this consideration. Otherwise by simply increasing salutes of

those States who do not possess the maximum number or by conferring salutes on those States who do not enjoy this honour, Government could have secured the admission into the Council of such States whom they desire to include. When once salute test is adopted the status of a State is quite immaterial. It cannot be the deciding factor. If the Sovereignty test is abandoned the question of powers does not at all arise. Government can by one stroke of pen adjust the salutes and bring about the desired result. As regards the grant of internal powers we entirely fail to see the propriety of the same. These powers are to be granted in order to make the States qualified for admission to the Chamber. They are not to be granted for any valuable services rendered by such States. They are not to be increased in consideration of efficient administration which such States may be maintaining or any meritorious actions on their part. But there is a most important consideration which seems to have been lost sight of by Government in expressing its readiness to grant internal powers to certain States. The restrictions on the powers of such States are more or less about criminal jurisdiction. Many States require the sanction of political Officers or confirmation of Government for all capital sentences passed by them. In the case of some, applications for revision are entertained by the political Department and some States though enjoying practical sovereignty in their internal administration, do not possess the right of trying offences involving sentence of death. The grant of internal powers would mean conferring these powers on the Rulers of these doubtful States. Viewed in this light the grant of internal powers has a material bearing upon the liberties of the subjects of these States. It is no doubt true that the Political Department does not generally interfere with the decisions of Ruling Princes, but the consciousness that there is a revising Court has saved many people in Indian States from being sent to the gallows. Sufficient unto the day is the existing evil of autocratic powers in Indian States. Why should Government enhance the powers of these Rulers without any corresponding obligations on their part to secure efficient administrations of justice in their States? What guaran-

tees Government want to impose before granting such powers to the States concerned? The ultimate responsibility about the well being and the good administration of the States, rests upon the shoulders of the Paramount powers. Why should Government under these circumstances, make the personal rule in these States still more despotic without any assurance from these Rulers that they would maintain a high standard of efficiency an independent judiciary and scrupulous impartiality in their administration. There is absolutely no necessity of enhancing the powers of these States simply for their inclusion into the Chamber. Without prejudicing the liberties of the subjects of these States, they can be grouped together and can be given larger representation than that which may be given to the smaller States. The pronouncement of the Viceroy giving representation to smaller States knocks the bottom of the scheme granting powers and renders it perfectly useless. From the time of the publication of the report, the inclusion of the smaller States was in doubt. At one time it was feared that only States enjoying full internal sovereignty would be included in the Council of Princes. His Excellency the Viceroy has now declared that some scheme would be devised whereby a reasonable and adequate representation of the lesser States would be secured in the Chamber of Princes so as to enable them to have a voice in matters affecting their interests. Government have also conceded that the changes such as those of the commissions of inquiry, judicial commissions etc. shall be applicable when this may seem appropriate and possible to the lesser Rulers. This is really a most important decision which the Government have arrived at after prolonged agitation carried throughout the last year and would give entire satisfaction to nearly 600 smaller Indian States. When this has been settled what difficulty there is of including all the States in the Chamber of Princes. Sovereign States can be individually admitted into the Chamber. States enjoying doubtful sovereignty can also be formed into groups like the smaller States and may be given liberal representation. This would certainly remove all the difficulty and embarrassment which may be caused to Government in individual cases. They may be included as

exceptions since there are always exceptions to rules framed on any subject. There is absolutely no justification in view of the pronouncement of giving representation to smaller States, to grant internal powers to any States or to abandon the test of sovereignty. Without therefore, receding from the position taken in **the** Report and without resorting to the anomalous and discarded **test** of salutes, Government could make the inclusion of all **the** States into the Chamber of Princes quite practicable. The ideal of sovereignty which is the **Teal** distinguishing feature of Indian States would thus remain prominently in view in the matter of the classification of various States.

#### SALUTE TEST.

**We** are firmly of opinion that the salute test now adopted by Government is thoroughly unsatisfactory. Merely increasing of salutes with a view **to** remove its inequitous character would not bring any satisfaction amongst the Princes. No one in these advanced days attaches any importance to the empty sound generated by simple waste of powder.\* It will not satisfy the craving of the Princes for prestige, power and exalted position. It is likely that this test is open to abuse as it is quite apparent from the very anomalous condition which **pre-**vails about it at the present moment. As the salutes are un-

\* **The Rt. Hon. Lord Oliver the labour Secretary of State for India in the *Foreign affairs* 1927** observed as below.

" Before the problem of the incorporation of Indian Native States in a national Indian dominion government can be seriously approached the precise position if not of the states of the first class at any rate of those of the second and possibly of some now treated among the third must be defined and scheduled. The character of the existing confusion in regard to this question of status is illustrated by the story current that when Lord Chelmsford had to consider it in connection with the establishment of the Chamber of princes it had to be admitted that official and diplomatic records were so imperfect or inconclusive that the best practical method of classifying the states was to do according to the number of guns to which each ruler is entitled on the occasion of a salute. This *traditional heirarchy of cannon thunder* must obviously in each case have its assessment noted in some remote concord.



substantial and hollow they may be conferred without valid reasons. It is not sound statesmanship to devise a test **which** is open to abuse. It does not inspire confidence, and it does not create any esteem. The test of sovereignty"; on the other hand is one indicating real and substantial power. It is not open to abuse as powers can not be lightly conferred as salutes are. Sovereignty will be looked upon with pride and honour both by the princes and the people by reason of the respect and esteem which it carries along with it. We, therefore strongly condemn this retrograde movement in the policy of the Government of India.

The ideal of sovereignty would always appeal to the Princes and will invoke respect for them in the whole of India. Empty salutes will make them only the butt of public ridicule. We, therefore, strongly urge on the attention of the Princes also that they should emphatically protest against this test. It is ideals alone which inspire men to action- The ideal of sovereignty will constantly instil into the Princes the consciousness that they are centres of authority and that their position carries with it great responsibilities. The ideal of salutes would only inflate their vanity and would give them no incentive to work out the ideal of enlightened rule. Self-interest really dictates that the Princes must vigorously **stick** to this test and must unequivocally condemn the new test which is now extolled as the wisest one. A few vain-glorious **SOUIB** among the Princes may be hankering after honours and may be enamoured of the empty sounds of salutes fired at their expense. We, however, appeal to their good sense to realise the far-reaching consequences of displacing **the** test of sovereignty and thus allowing it **to** be forgotten from its being out of sight.

#### LEVELLING INFLUENCE.

The levelling influence **of** this institution will be only too obvious by the bracketing of Princes with their feudatories in this Chamber. The proviso that the admission of the feudatories should, not in any manner or to any extent impair or

prejudice the right of any other State that can legitimately claim suzerainty over such feudatories would certainly bring no consolation to the overlord. The sitting together of the suzerain and his feudatory side by side in the same Chamber will undoubtedly create feelings of mortification in the former. The assurance, therefore, contained in this proviso is not at all sufficient to encourage Ruling Princes to submit to this humiliation. As a matter of fact some prominent Indian States are seriously contesting the right of their feudatories to be admitted to this Chamber along with them. The scheme does not attempt to remove this objection. Unless Government find out a way out of this difficulty we doubt whether spirited Princes such as those of Indore and Baroda will feel at ease in attending this Chamber. The grant of internal powers to various smaller States and their elevation to the Chamber of Princes will tend to accelerate the same process. The one member one vote system will have an equalising influence and would completely obliterate the difference between larger States and smaller States based on income, population and extent. What inducement there is for big States like Hyderabad, Mysore, to join the Conference, if all of them are to be hustled together in the process of one member one vote.

His Excellency stated at the last Conference three considerations which in our opinion **will** tend to **buttify** the institution. The attendance and voting are to be voluntary. The principle of one member one vote is to be adopted because **it** is to be a consultative and not an executive body. Government further undertakes that they **will** safeguard the interests of the absent members. Government assure that the views of the absent Rulers would be duly ascertained and weighed and that they would be given opportunities to record their opinions on questions of importance. It is declared that the direct transaction of business between the Government of India and any State will not be prejudiced by this institution. That each individual State will maintain its right of direct communication with Government and that the Chamber shall **not** discuss the internal affairs of any particular State or any action of any

individual Ruler. In the face of these considerations why should the rulers of the larger States attend the Conference at great personal inconvenience and cost, only to get their voices drowned in the consensus of opinion of Princes and Chiefs, who cannot be compared with them in respect of prestige, influence and powers. We are, therefore, perfectly convinced that the considerations so prominently referred to by His Excellency, contain germs of destroying the solidarity of this institution and rendering it unfruitful. The practical result will be that the Chamber would be turned into a Council of Ruling Chiefs and Princes of smaller States. Such a Chamber will fail to enlist the sympathies and secure the co-operation of larger States. Government in not devising means to respect the relative importance of various States in the constitution of this Chamber, has set in forces of disintegration long before this institution has actually come into existence. Such a result is highly deplorable and the scheme which His Excellency has propounded would not commend itself to sensible Rulers of larger States.

His Excellency the Viceroy has proposed a nomenclature of Ruling Princes and Ruling Chiefs, rulers of all States which are qualified individually for admission to the Chamber are to be called Ruling Princes. Rulers of lesser States whose interests will be represented in the Chamber by groups are to be called Ruling Chiefs. His Excellency at the 3rd Princes' Conference hinted a distinction of States and estates. If such a nomenclature is going to be adopted with reference to Indian States it will have a very undesirable effect upon the solidarity of the States. The number 700 of Indian States always counts in every consideration of the political situation of India. If the larger principalities are to be designated as States and the smaller States are to be described as estates nearly 500 would be removed from the category of Indian States. The awe and respect which the number inspires will at once diminish. A State connotes various attributes of a political organisation to any thinking mind and more especially so to a foreigner. The 700 Indian States irrespective

of individual importance appeal to the mind of an English man as a formidable institution in the political machinery of India. If from this idea we delete 500 units, the conception of Indian States would be very meagre. The 500 estates would appear to the imagination of an ordinary thinker as big Jamindars or aristocratic land-lords in England. It is also likely that those who may be now classified as States will in course of time be subdivided into important and unimportant on the basis of income, population and extent. By this process of elimination there would remain not more than 50 States to reckon with in Indian politics. This is sure to be the logical sequence of this evolution as it will destroy the strength of this body of 700 units. It is therefore, of the utmost importance that all the Indian Princes must strongly protest if any attempt is made to divide them into States and estates. It will be a thin end of the wedge which will bring about a cleavage fraught with serious consequences to the existence of Indian States as a body politic in the administration. With a view to preserve this order the Indian Princes should unanimously strive to maintain their corporate existence, no matter whether the individuals composing it are important or insignificant. It is the number which gives strength to a cause, and any step tending to diminish this number or destroy the corporate importance of the States as a whole, must be severely protested by all the Indian Princes; otherwise the levelling process set in motion will lead to the gradual extinction of this large body and reduce the estates to mediatised States in Europe. Government, no doubt, hold out two inducements to rally round the important States and persuade them to join this Chamber. His Excellency stated at the last Princes' Conference that the resolutions passed by the Chamber must inevitably exercise influence on the relation of Government with Darbars not participating in the deliberations of the Chamber. It is added that such resolutions will be weighty contributions affecting the settlement of matters of common concern to the States. In the face of the considerations set put above this inducement of Government would not at all

encourage any State to join this Chamber as after all this institution is going to be purely consultative and not executive. The second inducement which has not been expressly stated but which we apprehend would be more alluring is the creation of the standing committee of this Chamber. This Committee, will be appointed by the Chamber. It would undoubtedly wield very great influence on the settlement of questions affecting Indian States. The Committee would be composed of members attending the Chamber, and if important States abstain from joining the Chamber, they would lose the great opportunity of being appointed to the Committee or of influencing the appointment to the same. If this Committee is not properly representative of the Chamber and is only the off-spring of skilful manoeuvring of few clever busy bodies, it is sure to be a source of baneful influence to the Indian States. It will be a fifth wheel in the bureaucratic chariot of the Political Department and will cause greater uneasiness to the Indian Princes than is caused by the present machinery. It is, therefore, necessary for the larger Indian States to interest themselves in the affairs of this Chamber at least to safeguard their interests from being prejudiced by the machinations of a standing committee which may be ushered into existence in due course.

#### LIFE OF DEMARCATION.

The conception of the dividing line in the Report is understandable. It is intended to improve the relations between the Crown and the States. In our opinion it has nothing to do with the admission of the Princes to the Chamber. The Government of India seem to be labouring under the impression that the line of demarcation is intended for this object. Whatever doubts there may be on this point, from the stage which now has been reached in the creation of the Chamber, there is absolutely no necessity of a dividing line of important and unimportant States so far as the admission to the Chamber is concerned. Larger States with salutes are now declared eligible to the Chamber. Smaller States are also assured that they would get adequate representation in the Chamber. Where

**then** is the necessity **of** a dividing line for **the** membership **of** this Chamber? We **are aware that there are** some critics who maintain that so far as **the** Government is concerned all States **are** alike as regards the **power** of interference and the **power of** advice. This no doubt is true so far **as** one part of the duty of the paramount power towards the Indian States is concerned. But when the question of partnership in the Empire is involved it would **be** found impracticable to treat all States alike irrespective of their relative importance. The Paramount Power has to seek the co-operation of the Indian States, many **a** time in the interests of **the** Empire. The war has disclosed very vividly the relative inimportance of various States. (1) The contributions to the war and relief-funds (2) recruitment in the army (3) contributions to the war loan (4) contributions in the shape of gifts, of tanks, and aeroplanes, armoured cars and machine guns, hospitalships and hospitals, motor ambulances and comforts for troops, launches, horses and other animals and supply of equipment and food-stuffs, railway locomotives and rolling stocks (5) and over and above the assistance rendered by the Imperial Service Troops—all these have brought home the value of the co-operation of important Indian States. It is not possible that lesser States having limited income can render any appreciable help in such critical junctures, although it is a fact that even the smallest Indian State has done its best and **has** shown willingness to bear all sacrifices cheerfully in the hour of need and in the service **of** the Empire. Similarly currency, excise, import and export duties, railway extensions, posts and telegraphs, mining concessions, have **a** material bearing upon the larger Indian States. **The** interests of smaller States are not appreciably affected in this respect. On all occasions where co-operation of Indian States is required, it will be necessary for Government to seek it in the first instance from **the** important States only. If the dividing line is necessary for one thing more than another it is only for this purpose. Similarly **when** a new policy is to be **laid** out so as to make **it** applicable to the **whole** of **the** Indian Empire, **the** propriety of consulting the important States becomes quite obvious. **It**

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would not **be** possible, **neither** would **it be** practicable to **consult** each **and every** State in such cases. Government should have before them a classification of important and unimportant **States** by which they **can** consult and co-operate with important States in case of emergency when vital questions are involved. Would Government be pleased if in the matter of contributions such as those that were made during the war time, a State like Hyderabad were to pay its quota to the same extent which will be paid by a State like Jaisalmer or Pratapgar **on** the ground that all of them stand on the same level in the Chamber of Princes. If all States are going to be treated as equal by Government, why should States on their part unequally bear the Imperial burdens commensurate with their income and importance. If population, income and extent are not to count in the imperial treatment of Indian States, why should Government receive unequal contributions from the various States. If one State, one vote is to **be** the order of the day, one measure of contribution should be adopted in all cases where liabilities of States are concerned. Viewed in this light the unjustifiable character of the scheme of Government would become apparent. We, therefore, strongly maintain that there should be a dividing line based upon income and population and sovereignty to distinguish larger Indian States from the smaller ones, so far as the relations with the Crown are concerned. Such a dividing line would not cause any heart-burning in the Indian Princes. The direct relations **with the** Government of India should be based on such a dividing line. Otherwise the policy of direct relations would lose all its propriety and will further tend to lower the prestige of the Central Government. A small State like Sachin or Loharu should stand on the same level with a State like Baroda or Hyderabad so far as direct relations with the Imperial Government are concerned, would be incongruous in the extreme. Dividing line and direct relations in our opinion **go** hand in hand, and **a** dividing line based on considerations other **than those mentioned above, would be perfectly meaningless.**

## CONSTITUTION

We have shown, the hollow character of the constitution which has been proposed by Government for this Chamber. The principal difficulty in this task was about the inclusion of smaller States. Government have now solved this question by their willingness to include all the States in the Chamber. The smaller States are to be given representation and this can be done by grouping them on territorial basis. Once this principle of grouping is recognised, there is absolutely no difficulty in giving representation to all **th9** States without resorting to the discarded test of salute or the make-believe arrangement of granting powers to smaller States. This principle will enable Government to adhere to the test of sovereignty. Full sovereign States can be made eligible to the Chamber individually. Doubtful States can be grouped together like the smaller States and given representation. The groups of doubtful States may be given representation on a higher scale than the smaller States. This will further keep the individuality of States intact and remove apparent disparity. We therefore fail to see why Government have propounded this scheme after they were prepared for dividing States into groups and giving representation to them all.

Government have declared that the Chamber is to be a consultative and not an executive body, which means that every member shall be entitled to one vote. When the opinion of this Chamber is to be ascertained as a body it can be done only by counting the votes of its members. There is no other process of expressing the general sense of any such organisation. The Chamber, though it may be consultative, shall have to record votes in every case when its opinion on a given question is to be ascertained. So far, therefore, the votes of the members are concerned, the character of the Chamber whether it is consultative or executive makes no difference whatever. And in this lies the serious drawback of the constitution proposed by Government. A State like Hyderabad or Mysore should be placed on the same level with an insignificant state in the Chamber seems extremely grotesque. The policy of one State one vote appears to be perfectly iaequitious >



The Chamber is to consist of the representatives of the various States. The States vastly differ in respect of population, income and extent. How can the political status of each member of this Chamber be equal under these circumstances. If a constitution is to be provided, it must be based on some historical precedent. We have not heard of any federal constitution in which States differing in population and income are treated on the same footing. The constitution of the Bundesrath before the revolution of 1918 affords a very striking and appropriate parallel to the Chamber of Princes. The representation in the Bundesrath is given to States and it is of an unequal character, in proportion to their importance. Population is taken as the only basis for the representation in the federal constitutions in the Commonwealth of Australia, Canada, the Swiss Cantons, the South African Union, and the United States of America. When there are these historical parallels why should Government resort to the unmeaning test of salutes for representation in the Chamber. If population is taken as the basis of representation it will ensure the individual importance of each State and will induce all States to participate in it. If, therefore, the original test of sovereignty suggested in the joint report **b3** adopted and if representation be given on the basis of population Government can evolve a satisfactory constitution of the Chamber. The only difficulty that would arise under such circumstances is about determining the unit of representation. The analogy of the British administration is very useful." The district is the unit of administration in British India. A district having minimum population in British India should be taken as the unit of representation. Sovereign States having population equal to this unit, should be individually admitted to the Chamber and should have one vote each. Sovereign States having population less than the standard unit should be so arranged that each group would possess **ih\*** requisite population. Such a group can send one representative to the Chamber. States having population above the unit should be given cumulative votes. The maximum of such votes should be fixed, The multiple **yotfs** should be regulated according to the

scale adopted in some joint stock concerns with a view to prevent individual votes being swamped by the accumulation of votes in any single unit. Constitutional history supplies illustrations for such a course. We hear that His Highness the Maharaja Chhatrapati of Kolhapur has submitted such a constructive proposal giving exhaustive details to the consideration of Government and the Princes. We only hope that it will receive dispassionate consideration at the hands of those who are interested in the creation of this Chamber. (1) Sovereignty (2) population (3) and the relative importance of each State are the three essential factors which must be embodied in any constitution that may be suggested for the Chamber. These are the foundations on which the frame-work must be based, if it is to commend itself to all the important Indian States. We hop<sup>9</sup> Government would endeavour to make the constitution sufficiently attractive to enlist the sympathies of all the Indian States. If the important States remain outside owing to any defects in the constitution the Chamber will not inspire any respect and cannot claim any representative character.

The experience of the four Conferences of Princes held till now, enables us to make certain suggestions which deserve earnest consideration. If the Viceroy and the Political Secretary are to guide and control the Chamber of Princes, the situation would be very incongruous. A Chamber of Princes transacting State business is an unique institution in the history of the world. Princes assemble for ceremonial purposes or for social or quasi-social functions. But we have not heard of any institution wherein Princes have transacted State business unaided by responsible Ministers. Even in the League of Nations, no King was present and all the States were represented by their plenipotentiaries or influential Ministers. The Viceroy generally is selected from English Public life. By his education, experience, public service, he is endowed with all qualities which are necessary for conducting the business of a deliberative body like a Chamber. Same is the case with the Political Secretary. But in the case of Princes, some of them even do not know the English language.

**Some** have a smattering knowledge but **it is not enough** to enable them to understand the proceedings thoroughly. Few possess the command of language to intelligently **follow and take part in** the discussion. Fewer still possess **the necessary** presence of mind, dash and courage to **turn the scales** in the debate. Those who can influence the body **by their** persuasive skill, eloquence or argumentative **powers** can be only counted on one's fingers. The Chamber as **at present** constituted and the manner in which it is conducted **cannot claim to** represent the real opinion of the Princes. **The** Viceroy, therefore, should not be the President of such a body. In the fitness of things, the Council should **be composed** of the responsible Ministers of the States on the one **hand** and the Political Secretary and some members of the **Executive** Council on the other. In that case it will ensure a **thorough** discussion and proper settlement of various questions coming before the Chamber. Then only the Chamber would be really representative of the States. Taking **the Indian** Princes as they are, with their defective education, culture **mental** equipment and experience of public life, it is highly desirable that some one of them the most enlightened **Indian Prince** should preside over the Chamber. The language of **the Cham-**ber must be one which can be understood by all **the Princes** attending it. Otherwise one shall have to **witness the sorry** spectacle of Princes voting for and against the **same proposi-**tion through mere ignorance of proceedings. **It is rumoured** that at the third Princes Conference a distinguished **Indian** Prince appealed to the Viceroy to put the proposition **in Hindi** to the Chamber on the ground that some of **Their Highnesses** did not understand the bearing of the proposition placed **before** them. **If** this is true the justification of this suggestion **will** be self-evident. For the last two or three years there is an **in-**formal Conference of the Ruling Princes held before **the for-**mal opening. But we hear that in this informal meeting, **the** business is conducted on the same lines as those adopted at the formal meeting. The agenda is discussed **in** English, very few follow it, the Secretary and his intimate friends **settle** the resolutions and wind **up the** business. **Even at these informal**

Conferences the Ministers or the responsible advisers are not allowed to attend and help their Princes. Under these circumstances we fail to see why these informal Conferences are held at all. If they are intended to give the Princes a thorough insight into the questions which are to come before the Conference, why **Bhould** they be denied the assistance of their advisers. Without the assistance of their Ministers how can the Princes form their views on the questions which are to come before the **formal** Chamber. If the Conference is informal what harm there is in allowing Ministers to participate in the **debate** or at least attend and follow the proceedings. The Ministers or Advisers coming as they do from the class of Commoners will conduct themselves in a manner which will not conflict with the dignity or *Izat* of the Princes. They will keep their distance and they would also be conscious of their responsibilities. The presence of Ministers or Advisers near the Princes **will** enable them to understand the situation and to make up their **minds** on any given question. Exclusion of Ministers from informal sittings has given rise to **serious** discontent and has estranged the sympathies of **many** Princes from these informal gatherings. The object with which the informal Conference was started has been thus frustrated. It is also necessary that the Secretary of such a Conference should not be **top-heavy**. He should act more as a servant **than** as a dictator. The Secretaryship of this Conference **Bhould not** be used as a passport to frequent Vice-Regal Lodges or to further personal ends. The appointment of a Secretary **should** be entirely **made** by regular election. The duties of a Secretary are no doubt multifarious and it would be more to the interests of the Chamber that they should not be entrusted to a big Ruling Prince, the vast responsibilities of whose State engross his mind and leave him very little time to devote adequate attention to these duties. There has been, **we** hear, **great** murmur in this respect also. As a matter of fact the institution of the informal sitting is of the highest importance **if** it is properly utilised. The Princes can get an opportunity of freely exchanging their views, making friendships, reviving acquaintances, cultivating closer relations, discussing pros

and cons of the subjects of the agenda and shaping the policy to be pursued by them. If the Princes condescend to take the advice of their Ministers at these informal sittings it will help to expedite business. But instead of such a happy result the tendency among the Princes is to keep away from the informal Conferences or to be indifferent about their proceedings. It is really a matter of sincere regret that such a valuable opportunity should not be properly utilised by the princes. Whatever the defects there may be and we know that there are some and of a serious character too, they should be remedied at once. We appeal to the good sense of many Princes to speak their mind and put the institution in vigorous working. We know that some princes although suffering great hardships would be extremely reluctant to candidly express their views to avoid unpleasantness. Many would think it derogatory to admit that they do not understand the language or their inability to follow the proceedings. We also are aware that some Princes out of vanity would be reluctant to confess that they cannot form their judgments without the assistance of their advisers. But it is no use mincing matters. It would serve no purpose in looking vacantly at the proceedings and ignorantly recording their vote on questions coming before the Conference. It would only be suicidal to their interests. The Chamber of Princes is going to discuss questions affecting the Indian States. Incompetency should not come in the way of Princes to enable them to take an intelligent part in the Chamber. They must be in a position to record their votes without fear or frown and with full knowledge of the facts just as they would give their opinion, if the questions were referred to them by Government in the ordinary course. The fact of being in the midst of an imposing assembly or of being over-awed in the august presence of the Viceroy or being handi-capped by the absence of their Ministers, or by the want of knowledge of the language, or of the procedure, should on no account prejudice the princes. These are the several important matters which deserve to be carefully attended to, if the Chamber of Princes is to be a successful institution in the future. We have stated the several drawbacks which have J'

been whispered in this connection. The anxiety of the Government **to make this** institution successful will enable them to remove the causes **of** dissatisfaction and give a sympathetic consideration to the criticism offered in **this** respect. His Majesty has advised His Officers to work in harmony and **kindness**, and we hope that **this** spirit will permeate the Political Department and will enable **them** to achieve success in the organisation **of this** Chamber.

NARENDRA MANDAL.

**The** inauguration of the Narendra Mandal or Chamber of princes took place **at** Delhi **at** the hands of His Royal Highness the Duke of Connaught on the 8th February 1921. The ceremony was fascinating and picturesque from a spectacular point of **view**.

The following Royal Proclamation was read when all the present **were** standing.

ROYAL PROCLAMATION.

"**GEORGE THE FIFTH**, by **the** Grace of **God** of the United Kingdom of Great Britain **and** Ireland, **and of the** British Dominions beyond **the** Seas, **KING**, Defender of **the** Faith, **EMPEROR OF INDIA**.

To my Viceroy and Governor-General, **and to the Princes and Rulers of the** Indian States : **GREETING-**

1. In My Royal Proclamation of December 1919\* I gave earnest of My affectionate care **and** regard for **the** Ruling Princes and Chiefs of the Indian States by signifying My assent

\* **Simultaneously with the new constitution in British India I have gladly consented to the establishment of a Chamber of princes. I trust that its counsel may be fruitful of lasting good to the princes and the states themselves may advance the interests which are common to their territorial and to British India and may be to the advantage of the Empire as a whole. I take the occasion again to assure the princes of India of my determination ever to maintain unimpaired their privileges rights and dignities.**

to the establishment of a Chamber of Princes. During the year that has since passed My Viceroy and many of the Princes themselves have been engaged in framing for My approval a constitution for the Chamber and the rules and regulations necessary to ensure the smooth and efficient performance of its important functions. This work is now complete ; and it remains for Me to take the final steps to bring the Chamber into being, in the confident hope that the united counsels of the Princes and Rulers, assembled in formal conclave, will be fruitful of lasting good both to themselves and their subjects, and by advancing the interests that are common to their territories and to British India, will benefit My Empire as a whole. It is in this hope that I have charged My revered and beloved Uncle, His Royal Highness the Duke of Connaught and Strathearn, to perform on My behalf the ceremony of the inauguration of the Chamber of Princes.

2. It is My firm belief that a future full of great and beneficent activities lies before the Chamber thus established. To the Princes, long versed in the arts of government, and statesmanship, it will open still wider fields of Imperial Service. It will afford them opportunities, of which, I am convinced, they will be prompt to avail themselves, of comparing experience, interchanging ideas, and framing mature and balanced conclusions on matters of common interest. Nor will less advantage accrue to My Viceroy and the officers serving under him, to whom the prudent counsels and considered advice of the Chamber cannot fail to be of the greatest assistance. The problems of the future must be faced in a spirit of co-operation and mutual trust. It is in this spirit that I summon the Princes of India to a larger share in My Councils. I do so in full reliance upon their devotion to My Throne and Person proved as it has been both in long years of peace and in the terrible ordeal of the Great War, and in the confident anticipation that by this means the bonds of mutual understanding will be strengthened and the growing identity of interest between the Indian States and the rest of My Empire will be fostered and developed .

3. In My former Proclamation I repeated the assurance given on many occasions by My Royal predecessors and Myself, of My determination ever to maintain unimpaired the privileges, rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable. I now authorise My Viceroy to publish the terms of the Constitution of the new Chamber. My Viceroy will take its counsel freely in matters relating to the territories of the Indian States generally, and in matters that affect those territories with British India, or with the rest of My Empire. It will have no concern with the internal affairs of individual States or their Rulers or with the relations of individual States to My Government, while the existing rights of the States and their freedom of action will be in no way prejudiced or impaired. It is My earnest hope, that the Princes of India will take regular part in the deliberations of the Chamber; but attendance will be a matter of choice, not of constraint. There will be no obligation upon any member to record his opinion, by vote or otherwise, upon any question that may come under discussion; and it is further My desire that, at the discretion of My Viceroy an opportunity shall be given to any Prince who has not taken a part in the deliberations of the Chamber to record his views on any question that the Chamber has had under its consideration.

4. I pray that blessing of Divine providence may rest upon the labours of the Chamber; that its deliberations may be inspired by true wisdom and moderation: and that it may seek and find its best reward in promoting the general weal and in increasing the strength and unity of the mighty Empire over which I have been called upon to rule."

\* The Royal proclamation which heralded this opening sounded a true note when it expressed the confident hope that the insituation would be fruitful of lasting good both to the Princes and their subjects. But it studiously abstained from referring to the means by which this hope was to be realised.

**\* This appeared in the Servant of India of Febusry 192}.**



The proclamation stated that the Chamber would afford opportunities to the Princes for comparing experience, interchanging ideas and framing mature and balanced conclusions on matters of common interest. Unless the Princes follow the same policy which is being pursued in British India, how can they ensure that spirit of co-operation which alone will strengthen the bonds of union for the common good? The proclamation assured the princes the inviolate and inviolable character of the pledges given to them. It affirmed the determination of His Majesty to maintain unimpaired the privileges, rights and dignities of the Princes of India. It is a matter of intense regret that the proclamation did not remind the Indian Princes of their obligations to maintain good government in their states. The British Government has guaranteed the maintenance and succession of the Princes to the Gadis of their states on the distinct understanding that they conform to the requirements of good Government. The term "good Government" is wide enough to include all forms of enlightened rule and even self-Government. In this proclamation His Majesty's Government ought to have given as much prominence to the obligation of the Princes to the Imperial power as they have done to the obligations of the latter to the former. The treaties have conferred privileges as they have imposed duties and obligations on the Indian rulers. The speech delivered by His Excellency the Viceroy in requesting His Royal Highness the Duke of Cannought to open the chamber was very disappointing. The Viceroy has more than once frankly advised the Indian Princes to move along with the progress of the times and to be alive to their responsibilities towards their own subjects. But on this memorable occasion when he should have advised the Princes to follow in the foot-steps of the British Government and to introduce responsible Government in their States, he observed a reticence which was thoroughly discouraging. As the highest representative of His Majesty in this country it was the bounden duty of the Viceroy to have conveyed this pressing message to the Indian Princes. His statement that the great ideal was of an India governing itself through its Princes

and elected representatives and owing allegiance to a common head is equally open to exception. Nobody desires the continuance of personal rule in Indian States. The people of the States do not cherish the ideal of autocratic rule. What everyone ardently wishes is the co-operation of the State-subjects under the aegis of their rulers with the constitutional Government of the democracy in British India. His excellency should have emphasized the need for introducing the forms of constitutional Government in the States. The speech of His Royal Highness the Duke of Cannanght was statesman-like and worthy of the occasion. He stated that the sanctity of the treaties was a cardinal article of Imperial policy and eulogised in eloquent terms the splendid services rendered by the Indian States during the dark days of 1918 when the fate of civilization seemed to hang in the balance. His remark " that this help can only be forgotten with the Empire itself " will be treasured for ever by every patriotic Indian. We only wish that H. R. H. had associated the subjects of Indian States with their Rulers in this due meed of praise, because, as is too well-known, this help has substantially come out of the pockets of these poor people. Not a single Prince has paid anything out of his private resources towards these contributions. It is, therefore, in the fitness of things that those who have borne the brunt of the burden ought to have been remembered prominently along with those who were only the medium of conveying this help to the paramount power. H. R. H. the Duke earnestly reminded the Princes and we only hope that this advice will be borne by them as a keepsake of this momentous occasion. " Increased opportunities as I need not remind Your Highnesses bring in their train responsibility. I know well that Your Highnesses will appreciate the trust reposed in you by His Imperial Majesty and his Government and will worthily respond both as pillars of the Empire and as Rulers, striving over for the greater happiness and prosperity of your own subjects. "

It is really a strange irony of fate that H.R.H. the Duke was called upon to perform within the interval of a day two functions of a diametrically opposite character. In the Cham-

## CHAMBER OF PRINCES

bei of Princes the formula of 'the preservation of rights, dignities, privileges and izzat of the Indian Princes' repeated while in the legislatures inaugurated on the next day it was loudly proclaimed that the principle of autocracy had been entirely abandoned, that its retention would have been incompatible with that ideal of securing the contentment of the people which has been declared by the late Queen Victoria to be the aim of British rule, and that it would have been inconsistent with the legitimate demands and aspirations of the Indian people and the stage of political development which they had attained. Are not these noble sentiments, so vividly expressed by the veteran Duke of Devonshire on the occasion of opening the Councils equally applicable to the Indian States? Why should British statesmen shrink from courageously giving expression to them when the occasion legitimately demanded it? There seems to us some peculiar propriety in selecting the courtyard of the De, van-i-Am for this glorification of autocratic rule. The massive building, once the seat of the Mogul Empire and resplendent with gorgeous wealth and colour which oriental imagination would display, presented a hoary and deserted appearance on this occasion. It was not even cleaned of its dust nor was any attempt made to remove its sombre look by dressing it with ordinary carpets or decorating it with buntings which were lavishly scattered all round. If this desolate hall had been gifted with a tongue, it would have very eloquently unfolded the mournful tale of despotic rule. It, however, told in a subdued voice the fate which autocracy always meets with in this world. Its very existence as a relic of a bygone empire must have conveyed to the glittering audience assembled in its front the transitory character of imperious pride and vain glorious pomp. While on the other hand the new foundations of the council chambers were laid quite outside the delapidated city for starting the future Indian Parliament on its base, which would attract the elected representatives of the people from every part of India to shape the destinies of this country. The chamber is a relic of antiquity. The councils are alive with new vigor and are sitting with new conscious-

ness. One is past history, the other has within it the making of new history. We only hope that the Indian princes who had assembled here would bear in mind this contrast and compare their own aspirations with those of the government and the chosen leaders of the people and would try to imbibe the right lesson from their environments and from the new order of things and the world forces which are marching very rapidly and covering all the ground.

We, however, sincerely regret that very few Indian princes realised the duties and responsibilities imposed on them. The resolution of thanks moved on behalf of the Indian princes to His Royal Duke and the speeches of the eminent rulers who supported this, did not at all disclose that breadth of vision which ought to have characterised them. The reiteration of fidelity and loyalty to the British throne has lost all its novelty and charm at this hour of the day. Every citizen of this vast empire is fully alive to his sense of duty in this respect. It is enlightened self interest that makes us all genuinely loyal to the British throne. The government does not expect these platitudes to be repeated on every conceivable occasion. If instead the princes had enthusiastically responded to His Royal Duke and assured him of their determination to unflinchingly follow the same policy on which the British government has entered and accepted the same ideal which has been laid down by His Majesty's government in August 1917 and which has been only partly carried out at this moment, it would have given unqualified satisfaction to the Duke for all the troubles he undertook in coming over to this country at this time of his life to inaugurate this Chamber. Such an assurance would have also immensely pleased His gracious Majesty the King Emperor because uniformity of policy which the Viceroy so vigorously advocated and which will strengthen the bond of union would alone maintain the solidarity of this empire. As pillars of this empire nothing short of an honest and sincere effort to immediately introduce responsible government in their states is expected of the Indian princes. It was therefore a matter of relief to find that at least one belonging to this distinguished order, His Highness the

Maharaja of Patiala, is conscious of his duty in this respect. His Highness the Maharaja observed : "The Princes of India realise fully that as rulers of men they cannot remain unaffected by what may well be called world movement and they must be prepared to face the new situation with the principal object of making their present interest identical with that of their people". We fervently hope that the Indian princes will bear out the Maharaja in their administrations and thus try to establish constitutional government in their own States.

## NARENDRA MANDAL (2nd SESSION).

\*The advice which Lord Reading gave to the ruling Princes in his speech at the opening of the second session of the Narendra Mandal ought to have been more explicit than it was. There was a time when distant hints alone seemed proper to advise these members of the Indian aristocracy as to the reform of their administrations. Lord Chelmsford once told them, that crown after crown had disappeared within the space of a month before the mighty forces of democracy. It has become imperative on the part of British statesmen now to advise the princes that they must conform to the recognised standards of British Indian administration. The Viceroy should have seized the present occasion to tell the princes straight out that if they want to be respected in the Councils of the Empire they must immediately introduce representative institutions in their States. The Imperial Government should further evince their earnestness by honouring only those who comply with this advice. The membership of the Chamber or the invitation to the Peace Conference or to the League of Nations ought to be conferred only on those princes whose Governments approximate to the British Indian administration. The inclusion of the despotic ruler of Cutch or the autocrat of Nawanagar in the Assembly of the League of Nations is incongruous in the extreme.

His Excellency hoped that the Chamber would be fruitful of benefit to the Princes, as well as to their subjects, to British

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\* This appeared in the; *Servant of India* (Ncv. 1821.)

## PROBLEMS OF INDIAN STATES

India and to the Empire. But there is nothing in the constitution of the Chamber which enables it to understand the views of the subjects of Indian States. Surely the interests of the Princes are not identical with those of their subjects. The Princes look upon their States as their own private property, they are reluctant to surrender power or their privileges. But the people in the Indian States are pulsating with the new impulse of freedom. They want that the States must be ruled in their interests. They desire that the resources of the States ought to be used for their good. They do not grudge the Indian Princes their position as constitutional rulers and the prerogatives which such a position may carry along with it. There is thus a conflict of interests between the rulers and the ruled in the Indian States. Under these circumstances we invite Lord Reading to examine the constitution of the Chamber critically, in order to find out if there is any safeguard in it which will ensure the grant of political rights to the subjects of Indian States. The Legislative Assembly and the Council of State are intended to represent the masses and classes of British India, but the Chamber of Princes represents only the order of Indian aristocracy. The classes not to speak of the masses of the Indian States are not at all represented. Will His Excellency try to remove this fundamental defect in the constitution of the Chamber ?

His Excellency mentioned three subjects not included in the agenda, namely the Fiscal Commission, the re-organization of the forces of Indian States and the protection of the rulers of States from attacks in the press and on the platform of British India. As regards the Fiscal Commission we wish that an Indian statesman, having the experience of Indian States and the requisite knowledge and ability, had been added to the personnel. The inclusion of Sir Vishvesvaraya, the distinguished Indian administrator; would certainly advance the interests of the Indian States about fiscal reform. We also hope that witnesses from Indian States subjects would be invited to give evidence before this Commission. As regards the reorganization of the forces of Indian States we earnestly request the Government to abandon their policy of distrust and

to give liberty to Indian Rulers to marshal all their manpower and all their resources, so as to make them really serviceable in the causa of the Empire. As regards the third subject of giving protection to the rulers of States from attacks in the press and on the platform we fail to see the propriety of raising this question, when once it has been authoritatively disposed of by the Government of India. His Excellency gave a very sound reason when he stated "that it would have been difficult to retain for the benefit of the members of your order a measure of law which was thought unnecessary by His Majesty the King". Lord Reading referred to the grant of protection in another form. The claim for protection of the Indian Princes in the face of the considered opinion of the Government of India is simply preposterous. This subject ought to have been dropped and if it is going to be considered again at the instance of these rulers, we have to enter an emphatic protest against the same. On abstract principle the Indian Princes are not entitled to this concession, The British Government is the paramount power and the overlord. It has claimed the right to depose princes for gross and continued misrule. If then this position of overlordism is once accepted what prevents the press and platform in British India from criticising the administration of these rulers and their vagaries with a view to appeal to this paramount power as the supreme authority, controlling the destinies of Indian States. There is a heavy responsibility resting upon the Government of India to safeguard the interests of the subjects of Indian States before thinking of granting any protection to the autocratic rulers. In not a single State is there any liberty of the press. There is not a single newspaper worth the name (except the Karnataka of Bangalore) ventilating grievances of the people in any Indian State. Are not the subjects of Indian States entitled to claim this elementary right of citizenship of expressing their views and their grievances to their rulers in an open and organised manner? And so long as this State of things continues in the Indian States, will the Government of India be justified in entertaining the idea of granting protection to the rulers of these Indian States?

## SECRECY.

The Narendra Mandal has been functioning for the last seven years. Till the end of the second session there was a practice to publish the inaugural speech of the Viceroy and a concise summary of the work done was given in a concluding speech of one of the foremost members of the body and published for general information. This practice has been abandoned since the 3rd session and no one outside this aristocratic conclave has even the faintest idea as to what is passing in this chamber- It is really difficult to understand why these proceedings are kept so strictly confidential when as a matter of fact the interest of British India and the interest of the subjects of the Indian States are vitally concerned. In January 1926 at the time of the 5th session of this Chamber the Hindustan Times wrote as below :—" The Chamber of Princes still continues to prefer to sit in darkness. The Press is shut out from within its precincts. A few approved members of the public can alone, attend under an implied promise of silence. The world must remain unaware even of the advice tendered to the Princes of India by the representative of England's King in this Country. The reasons for this secrecy are a puzzle. The originators of the idea of a Council of Princes never contemplated that it would meet practically behind closed doors. The joint authors of the Montford Report nowhere indicate the restrictions which diplomacy has later on imposed upon the deliberations of this Chamber. There are considerations why the Chamber should meet under the full glare of lime light. Questions of common interest to British India and the States are discussed and in a manner settled in the Chamber; the States have also been given a consultative voice in the decision of certain matters which indirectly affect the people of India. It is unthinkable that the Government of India and the representatives of the States should meet and determine the line of action in such matters without the public being given a chance of knowing anything. This will clearly show how galling the secrecy is. **Furthermore** the deliberations **of this body** with closed **doors have**



rendered this institution thoroughly useless and moribund. It has failed to foster a sense of responsibility in the members in the views expressed by them in this body. The very fact that the proceedings are open to the public and thus amenable to public criticism exercises a great restraining influence on those who participate in the deliberations of such a body. They would not dare to make any proposals in a light-hearted manner which are likely to be resented very strongly both in British India and in the Indian States. Reckless statements would be at once exposed. Irresponsible talk would be openly challenged. The duties of the Princes will be brought home to them and their own limitations would be ever present before their mind in making public statements. The machinations which it is feared are going on in the Chamber and are being sedulously indulged in by the so-called leaders of this body and which are intended to stifle the growth of future democracy in this Country would never have been possible if the proceedings of the Chamber had been open to the public. Secrecy has almost stultified this institution and has failed to inspire any respect about it in the thinking public and is engendering feelings of suspicion about the same. Unless therefore immediate steps are taken to make the proceedings of this Chamber open to the public the utility of this institution will seriously deteriorate. It is rumoured that one of the Indian rulers had moved a resolution in this Chamber to publish its proceedings. It is however a matter of poignant regret that Lord Reading as the president of this body discouraged this proposal by drawing a harrowing picture of the consequences of publication to the frightened and oversensitive minds of the Indian Princes. We hope and trust that better counsels would prevail and if this institution is to be elevated to the dignity and status of other senatorial institutions like the two Houses of the Central Legislature in British India, it ought to conform to the recognised practice of publishing its reports and of allowing the members of the public to witness the annual sessions of the same as spectators.

## PROBLEMS OF INDIAN STATES

### FLAGGING- INTEREST.

The present constitution of the Chamber is based on a salute test which is unknown to any recognised canons of representation adopted in similar institutions established in the civilised world. Sir Vishweshwar Aya, the distinguished Indian statesman, has described this institution as an anachronism. Important States who count in the politics of this nation have not cared, to join this institution. His Exalted Highness the Nizam, the Maharaja of Mysore have studiously kept aloof from this chamber. The majority of Mahomedan Princes have not shown any enthusiasm to join this. Some of those who joined have been smarting under personal humiliation by being bracketed with their own feudatories. It was a most humiliating sight that a small feudatory like Sitamaho and Zaubha should claim equality with such an august Prince as the late Alija Bahadur Maharaja Scindia of Gwalior. Could any Prince exercising sovereign powers over thousands of acres and enjoying an income amounting to some crores like His Exalted Highness the Nizam be ever induced to be associated on terms of equality with a princeling owning a few hundred acres and an income between two and three lacs. British statesmanship ought to have handled this problem in the light of constitutional history so familiar to it. The interest of the Princes in the chamber has been flagging. In 1923 out of the aggregate number of 108 only between 40 to 50 Princes attended the session. In 1926 even though the occasion was one of bidding good bye to Lord Reading the retiring Viceroy of India only 31 Princes attended. It is to be remembered that the quorum of the chamber requires the presence of at least 30 members. In 1926 by reason of the fact that it was a session which had to welcome the new Viceroy, the attendance was below sixty. And even this year it has not gone above sixty. This very average attendance clearly shows how this institution has failed to evoke any genuine interest or enthusiasm amongst its own members. Lord Reading is reported to have observed that there were cassettes who prophesied that the chamber would steadily cease to exist owing to the indifference and inattention of its members. The average attendance at the

**last seven sessions** unfortunately **shows that these fears** were well founded.

## REVIEW OF WORK DONE.

Now looking to the work which has been accomplished by this body during the last seven sessions it is hardly encouraging and commensurate with the heavy expense incurred by the Indian Princes. The incidence of this outlay falls upon the poor tax-payers of the various States to which the Princes belong. The only achievement of this body was that it influenced the Government to pass a certificated measure namely the Princes Protection Act in the teeth of public opposition and resentment. The measure has remained a dead letter on the Statute book and it has been universally considered that it was discreditable to the Indian Princes. The most illustrious and one who was a highly respected member of the chamber His Highness the late Maharaj Scindia openly stated in the chamber that he considered it derogatory to his honour to seek such protection. This considered opinion about this measure of this self respecting and patriotic Prince is sufficient to demonstrate that this measure stands self-condemned. Considerable time of every session of the chamber is spent in hearing the grandiloquent report of the member of this institution who is privileged to be present at the sitting of the League of Nations. How grotesque and incongruous is the sight of an India autocrat who is only a feudatory of the British Government and who is permitted there by the sufferance of the Imperial Government to sit along with the chosen representatives of the self-governing countries of the world is vividly realised by a query which one of the members of this League of Nations put to this august assembly asking what *Incus standi* such a prince has in the assemblage of the representatives of self governing countries. The Indian Prince must have felt very bitterly this oblique reflection and must have realised in his heart of heart that he should be spared this mortification. The invitation to the League of Nations to an Indian autocrat is rather a humiliation than an honour.

The object of the League of Nations is that the joint public opinion of many self-governing countries could be brought to bear on domestic affairs of all countries and administrations taking part in the League. The deliberations of the League of Nations are intended to promote reflection to larger lines concerned with the solidarity of the unit of which India is a part and the higher calls of its destiny and of humanity at large. The purpose of inviting the members of the Chamber to the league is to open up a wider field of activity for the princes in the interests both of India and the Empire. Viewed in this light how many of the Indian Princes have profited by this larger outlook. How many of them have realised the world force which are at present working? How many have grasped the meaning and the inwardness of the movement of liberty and self determination which dominate the civilised world. The Maharaja of Bikaner was privileged to attend the sessions of the League twice. The Maharajas of Patiala, of Nawanagar, of Kutch and Kapurthala once each. But every one of them has not shown even the slightest improvement in his outlook of life or in his cherished ideals. Every one of them is aspiring to rule like a benevolent despot. He does not yet realise in spite of his association with the members of the League in spite of the liberalising influence of western politics that the days of autocracy however benevolent in character are doomed for ever. The reading of the reports of the perignations of these important Princes to Geneva must be appealing to the risible faculties of those shrewd members of the Chamber who are clever enough to understand the absurdity of an autocratic ruler, rubbing shoulder with dominion ministers and plenipotentiaries of self-governing nations. The dignity of this honour must be very cumbrous and embarrassing. The huge waste of public money by these Indian Princes which at times appears even scandalous to foreign observers as is evidenced by engaging hundred rooms in a costly hotel in the metropolis for a single ruler entails very great hardship and acute strain on the resources of the states. This part of the business of the Chamber therefore is not at all edifying. On the contrary the invitation carries with it onerous obligations

causing serious pecuniary loss to Indian Princes as is the case so far as opium is concerned. The Indian Princes are persuaded to stop the cultivation of opium and the export of this drug which is a source of very great profit to several Indian States. There is no offer of any compensation for the loss of revenue which may be caused by this act. The Imperial Government which is so sensitive about the moral well being of foreigners does not in the least feel any compunction for the moral deterioration and degradation of its own people by the consumption of country and foreign liquor. The British Government which desires the Indian Rulers to incur this heavy sacrifice is not prepared to set a better example by enforcing prohibition within its own territories by legislature. Example is better than precept and the Indian Princes would be perfectly within their rights to ask the British Government to stop the liquor traffic before they are called upon to stop the growing of poppy. Like charity morality also should begin at home, should be practised by oneself before glibly preaching it to others.

Turning now to the other resolutions about which it must be candidly stated that we have no firsthand information but such as dame rumour supplies we are inclined to believe that the presence of Indian rulers was not quite indispensable for the discussion of many questions or for thrashing them out. The questions regarding extradition, reciprocity of decrees, excise regulations, boundary disputes, riparian rights, jurisdiction over state lands through which Railway lines pass, compensation for Railway lines and irrigation lines through the state boundaries, wireless communication, postal arrangements, mining concessions, agricultural improvements, horse breeding, wireless, radio broad casting, employment of Europeans-these could have been discussed by inviting ministers or state officers connected with these subjects. The Political Secretary and the members of Government concerned could have discussed them at a Round Table Conference with great advantage. Greater expert knowledge and accurate information would have been available by such a

procedure. Conclusions would have been easily reached and unanimity could have been secured. The Indian Princes by reason of their limitations are not fit to handle these subjects with any consummate skill which their own officers possess. Why should they be unnecessarily troubled and bored in the discussion of questions in which in their own states they hardly take any personal interest and are guided and influenced by their officers. The discussion of such questions therefore by the Princes is inherently defective by this very reason and causes tremendous expenditure which would never have been caused by any formal or informal gathering of ministers of all the states who are entitled to be present at the Chamber. The experience of these seven sessions must therefore be seriously utilised and different machinery must be found to discuss questions analogous to those described above which are brought before the chamber.

It is further necessary to bear in mind that if these questions had been publicly discussed the subjects of Indian states and British Indian statesmen would have offered well informed criticism and would have made valuable suggestions which deserved consideration both by the rulers and the political department. There is no secrecy connected with these subjects and public discussion would never have endangered the safety, tranquillity and interest either of British India or of Indian states. By shutting out public criticism and constructive suggestions the Government and the rulers would find when these discussions become public that they have been the losers by this unwarranted procedure.

Another result which is perceptible is that the activity in the chamber is too closely confined to a few Princes only. By reason of personal incompetency, difficulty of understanding the language, inability to take an intelligent part in the debate, and the complex character of the various subjects brought before the chamber many members are unable to take any active part in formulating views on questions under discussion. There is no genuine and lively interest in the proceedings of the chamber. Few Princes by reason their own cleverness are

monopolising the whole show and the activity of the chamber is solely confined to them. There is a mutual adoration society formed and the members of this small body exploit all places of honour and almost all sub-committees are manned by them. The invitation to Geneva or to the Imperial War Cabinet generally falls to the share of one of these members of the Mutual Adoration Society. The Maharaja of Baroda is sojourning generally in England. By reason of his personal attainments, he is the fittest and by far the best member to represent the Princes at the League of Nations or in the Imperial War Cabinet. But this honour has never fallen to his share as he is not included in the small circle who boss the show of the chamber of Princes. This is regrettable. If the Chamber is ever to attain any recognised position, it must be thoroughly representative; and unless the Princes take active interest in the deliberations and unless fitness and ability are placed in view in making selections to standing committee, sub-committees and bodies like the League of Nations and the Imperial War Cabinet the Chamber would never exercise any potent influence on the political life of this country.

It is becoming equally apparent that for the discussion of administrative problems or questions relating to the routine of administration, the Ministers rather than the rulers are the proper persons to deal with. These questions therefore as a matter of convention should be discussed by the officers of Government viz. the Political Secretary and the Members of the Executive Council connected with various subjects with the responsible Ministers of various states. For the consideration of such problems, the presence of the Viceroy or of the Princes is not necessary. The Indian Princes should be called and should be addressed by the Viceroy on matters relating to broad policies and more especially on duties and obligations resting on the Indian Princes. The Viceroy can legitimately use the sittings of the Narendra Mandal to impress upon the rulers the necessity, of reforming their administrations, of associating the people with the work of Government\* of creating representative institutions, of restricting their own

civil list, of establishing the reign of law and the supremacy of Parliamentary Government, in short of the necessity of introducing responsible Government and accepting the ideal of constitutional Monarchy. The Viceroy can utilize this occasion to candidly advise the Indian Rulers without mincing matters. There should be plain speaking Gentle hints, distant suggestions, courtly decorum, diplomatic language would be quite out of place. Difficulties of the Rulers may be dispassionately considered. Their vagaries should be distinctly pointed out. In fact, a free discussion and interchange of ideas should be actively encouraged ; and moral pressure may be brought to bear on the Indian Rulers by reason of personal contact to reform them and through them their administrations. If this is done the Chamber would justify its existence and its influence may be of a solid character advancing the cause both of the states and of India as a whole. It appears that it is only this year that Lord Irwin has attempted to persuade the Indian Princes to restrict their Civil list through the medium of this Chamber. This is a measure of great importance. If once the civil list is fixed and if proper safeguards are placed on the Indian Rulers for not appropriating anything more than the amount sanctioned for the civil list, the whole problem of Indian states reforms would be solved in no time. There is no conflict of vested interests with the interests of the people such as that which exists in British India. It is the all absorbing civil list of the Ruler which knows no limitations and which is entirely under the control of the autocratic Prince, that leaves no margin for any improvement in the state. Unless there is enough and more money, efficiency of the administration cannot be secured. Unless civil list is restricted there is no scope for saving money for public utility departments. If once the civil list is limited it will encourage the growth of representative institutions, it will bring home the propriety of consulting the wishes of the people, in expending the surplus money in the hands of a Ruler after the Civil list is definitely fixed. Unlimited Civil list therefore is the root cause of all the evils from which the subjects of Indian States are so acutely suffering. Lord Irwin, has done a splendid service in giving pro-



minance to this subject and in influencing the Indian Princes to adopt a resolution to this effect at the seventh session of the Narendra Mandal. Lord Curzon it is rumoured had attempted this before by requiring the Indian Rulers to submit their accounts of their private expenditure. This dictatorial way was then resented. Lord Irwin, by his tact and ingenuity, has made the members of the Chamber to adopt this resolution *suo mo to* and herein lies the success of any improvement which is to be of a lasting character. Reforms cannot be forced from outbid?. They must come from within. If therefore the Chamber is used for similar purpose of constitutional advance the status of Indian Princes would undoubtedly be raised and their presence at the Session would be quite indispensable. We, therefore, hope that the Sessions of the chamber and the assemblage of the Princes should be utilised solely for this purpose and administrative problems intricate full of details and requiring expert knowledge should be left to state officials and the officials of the Government of India.

If we survey the proceedings in the light of the Royal Proclamation of 1921 we have to admit that the results have not come up to the expectations then formed. The proclamation stated that the chamber would afford opportunities of comparing experience, interchanging ideas, and framing mature and balance conclusions on matters of common interest. The Proclamation also hoped that the United counsels of the Princes and Rulers will be fruitful of lasting good both to Princes and their subjects. We respectfully put it to the Indian Princes what work they have done of lasting good to their subjects. Have they ever passed even a single proposition relating to the good of their own subjects? Have they ever shown in their deliberations in these sessions that the good of the subjects was ever prominently before their eyes? If the Princes can point out to any measures or any resolution of such a character we shall be extremely glad to revise our opinion. The sole concern of the Indian Rulers has been to strengthen the hold of their autoaratic rule and to keep intact, their privileges, and their

Izafc, similarly **we** do not find **they ever** **stood up** for the **rights of** their own order. The deposition of the **Maharaja of Nabha**, the abdication of the Ruler of Indore and the **recent confinement** of the ex-Ruler of Nabha were all questions intimately connected with the status and position of Indian Rulers. **Did the** Indian Princes raise any question **about** these drastic actions **of** Government? Did they seek **any** explanation **from** government about the same? Was it not their **duty to raise** debates in the Chamber and to satisfy themselves that **the steps** taken by government were justified by **the necessities of the** respective cases? Such a procedure would have been **of double** advantage. If the Princes had been satisfied **with the decisions** of Government they would have given moral support **to** Government and much of the odium which these measures **have** cast upon Government would have been dispelled. **If the** Royal Proclamation wants the Indian Princes to **work in** a spirit of cooperation and mutual trust was it not the **duty** of these Princes to save the Government from embarrassment **caused** by uninformed public criticism. Why did the Indian Princes keep ominous silence on this subject? If they really **felt** that any injury was done to a member of their order the Chamber was the right place from whence they could **have** entered their protest against the actions of Government **in these** serious cases. Why the Princes were afraid of taking **some** initiative **in these** matters. They have not given **any** explanation about their moral cowardice. Were they restrained **from agitating** about these questions by the consciousness **of their own** defects and derelictions similar to those attributed **to these unhappy** Rulers; or does their silence **mean** that **the action of** Government was perfectly justified? If so **why had** they **not** the courage to support the Government and **to save it from** unnecessary reproach. Viewed from any stand-point **the conduct** of Indian Rulers in maintaining studied silence over these incidents is thoroughly discreditable and proves the utter uselessness of this body to safeguard the rights **and the** privileges of their own order.

The question **of the education of Princes has been hanging fire for the last 15 years. The Chamber of Princes**

had its origin in this question. The first chiefs' conference was held for this purpose in 1913. Why is this question being neglected? Does it not affect their vital interest? Unless the young Princes are educated what hope is there that they would prove successful rulers. The continuance of their thrones and their families wholly depends on the fitness, capacity and education of the young princes who are to be called upon to rule over their states. In these days of democracy how can ignorant princes keep pace with the times. The experience of the Chamber ought to convince the present generation of rulers that they must educate their heirs apparent in the modern science of politics and bring them up thoroughly equipped with sound knowledge and culture. The indifference of the Princes in solving this problem promptly is a sad commentary on their earnestness about the chamber.

Thirdly as regards matters of common concern which are affecting the pecuniary interests of Indian states what efforts the Indian Princes have made on behalf of their subjects in this Chamber. For ought we know they only claim exemption from customs duties levied on articles consumed by the Princes for their personal use. Was it not equally necessary to claim a share for their subjects in the revenues derived from Customs, Posts, Railways, Telegrams and other commercial service, Coinage, and monopolies of salt, opium and liquor? Similarly was it not their duty to raise the question of improving the efficiency of their armies, the training and equipment of the same, the training of officers so as to make these forces effectively serviceable during any emergency? We do not think that the Indian Rulers mustered courage during these seven sessions to safeguard their rights, to remove their disabilities in matters of joint concern, common to their territories and to British India. Is it not therefore necessary that there must be some change in the angle of vision of these Princes in approaching the Chamber and in making the use of the same in furtherance of their own vital interests and those of their subjects. The Chamber should not be used only as a means for the advancement of Imperial interest\*

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through the ignorance or want of moral fiber among the members of this body. Until the reports of these sessions are made available to the public we are unable to examine in detail the actual working of this institution during the last seven years.

### SUGGESTIONS.

We, however, venture to submit the following suggestions to re-suscitate this chamber with vigour and enthusiasm and to enable it to function in a successful manner amidst the political institutions of this country.

1. The proceedings of this chamber should be published for general information and the sittings should be open to the public, due regard being had to the capacity of the meeting place and general restrictions about conducting oneself decently at this place.

2. The history of this Chamber extending over its existence of seven years should be authoritatively published. The proposals of the various Princes as regards the constitution of the Chamber prior to its formation should also be published just as the literature about the Minto-Morley reforms was published by Government for general information.

3. The Constitution of the Chamber should be thoroughly revised. The salute test should be abandoned. Eligibility to the Chamber should be based upon sovereignty, extent population and income, and votes should be arranged in accordance with this test.

4. Smaller states should be grouped and should be represented by members.

5. Rules of business must be changed. The proceedings should be conducted\* in a language %which is understood by all the Princes.' The Viceroy should not be the president. But he should address the meetings generally.

6. Provincial conferences should be permitted to discuss questions, pertaining- to the states just as was the effort of the ^distinguished, ruler of Rajkofc.♦♦:-•!;.\* if ;ji

### CHAMBER OF PRINCES

6. The chamber should be used and the presence of the RUIOTS should be required only for the growth of constitutional advancement of the States.

7. Conferences of Minister should be arranged to consider matters of administrative efficiency,

8. The main object of the chamber should be to bring about the acceptance of the common ideal of responsible Government in States as is the cherished goal of British Indian administration and thus enable the States to occupy an honourable position in the federal government of the future.

9. As there are two Chambers in British India one of vested interests and the other representing the masses there should be similar two institutions relating to Indian India, one representing the Princes like the present Chamber of Princes and the other representing the people of the Indian States.

10. Instead of the Standing Committee of the Chamber of Princes advising the Viceroy and the Governor General there should be an Advisory Council representing the Indian Princes and the subjects of Indian States to advise the Viceroy and the Governor General on all important questions bearing on Indian States.

11. Effect should be given to establish a senatorial institution representing the two Chambers of British India and the two Chambers of Indian India for discussing and settling policies and carrying on the administration relating to matters of common concern.

We place these suggestions before Lord Irwin who has shown great solicitude and earnestness for the improvement of Indian States. If the States are to occupy an honourable position in the federal government of the future we earnestly believe that the suggestions made above deserve the serious consideration both of the Indian Rulers and of the Viceroy and the Government of India.

## CHAPTER V.

### **\*H Draft Constitution of the Chamber of Princes**

#### PREAMBLE.

With a view to give the Ruling Princes the opportunity of informing the Government as to their sentiments and wishes of broadening their outlook and of conferring with one another, and with the Government, it is proposed to establish a permanent consultative body.

#### DESIGNATION.

1. This consultative body shall be called the Chamber of Princes or Nrapati Mandal or Rajmandal.

#### FUNCTIONS.

2. The Chamber will discuss questions which affect the States generally and questions which are of concern either to the Empire as a whole or to British India and the States in common.

\* This scheme was prepared in October 1919. The present Constitution of the Chamber of princes based on the salute test is most unsatisfactory. If however the constitution is at any time going to be altered this draft scheme may prove useful.

I have prepared this draft with a view to facilitate discussion of the subject. I am conscious of its shortcomings more especially due to my inability to get correct information about the number of Sovereign States enjoying full and unrestricted powers of civil and criminal jurisdiction in their States and the power to make their own laws. It is needless to say that the scheme is open to correction. If however, the points which I have submitted in the explanatory notes, elicit any criticism, I shall feel more than satisfied.

**TIME OF MEETING.**

3. The Viceroy shall summon the meeting at Delhi once a year generally and oftener if the meeting of the Chamber becomes necessary for any important business.

**PRESIDENT.**

4. The Viceroy shall be the President of the Chamber and in his absence any Prince elected by the Chamber, for the first four years and thereafter the president will be elected by the Chamber.

**EXECUTIVE COMMITTEE.**

5. The Chamber shall elect every year an Executive Committee consisting of five members to carry on its work throughout the year.

**HONORARY SECRETARY.**

6. The Chamber shall elect every year an Honorary Secretary to carry on the work of the Chamber under the control of the Executive Committee. There shall be a paid Under Secretary and an establishment paid out of the funds contributed by the members and working under the direction of the Honorary Secretary.

**AGENDA OF BUSINESS.**

7. The Executive Committee shall prepare the agenda of business to be brought before the Chamber for discussion.

8. If any member desires that any subject should be included in the agenda, he should request the Executive Committee for the same.

**VETO.**

9. The Viceroy shall have the prerogative to remove any subject from the Agenda prepared by the Executive Committee and include any which he thviks necessary.

**RULES OF BUSINESS.**

10. The Chamber shall have the right to frame the rules of business with the sanction of the Viceroy.

**SPECIAL MEETING.**

11. On the requisition of one-third members of the Chamber a meeting of Princes shall be called.

**MEMBERSHIP AND VOTE.**

12. Every Prince, who enjoys full sovereign powers in his State and the population of whose State is about three lacs, shall be eligible to be a member of this Chamber and shall be entitled to one vote.

13. Every Prince, who enjoys full sovereign powers in his State and the population of whose State is above five lacs and does not exceed ten lacs, shall be eligible to be a member of the Chamber and shall be entitled to two votes.

14. Every Prince, who enjoys full sovereign powers in his State and the population of whose State exceeds ten lacs, shall be eligible to be a member of the Chamber and shall be entitled, in addition to his two votes, to one vote for every million of population belonging to his State.

15. The Princes, who enjoy full sovereign powers in their States but who do not rule over a population of three lacs each, shall be grouped as noted in the accompanying Schedule A, and each group shall be eligible to elect one Prince to the Chamber and he shall be entitled to one vote.

16. Princes, who enjoy restricted powers in their States, shall be grouped as marked in Schedule B, and each group shall be eligible to elect one Prince to the Chamber and shall be entitled to one vote.

17. All smaller States shall be grouped on territorial basis and each group shall be eligible to elect a ruler of one of them, who shall be entitled to one vote.



#### **A DRAFT CONSTITUTION**

18. Each member elected by groups mentioned in clauses 15, 16 and 17 shall be eligible to hold office for three years.

#### **ELECTION RULES.**

19. The rules of election and the qualification for a member to be elected shall be made by the Chamber with the sanction of the Viceroy.

#### **CONDUCT OF BUSINESS.**

20. The business of the Chamber shall be decided by a majority of votes.

#### **LANGUAGE.**

21. The proceedings of the Meeting shall be conducted generally in English and provision shall be made to interpret the proceedings to any member in the language which he understands if he so desires.

#### **Explanatory Memorandum.**

1. The preamble is quoted from para. 306 of the report on Indian Constitutional Reform.

2. As regards the designation I would like to call it Nrapati Mandal or "Raj Mandal." The word Narendra in its etymological sense connotes personal attributes. That the Princes should style themselves as "best of men"—because that is the meaning of the word Narendra—appears to me very egotistic. I would have styled it Raj Mandal, a word familiar with Indian history and more in consonance with our traditions.

3. The functions have been defined in para. 306 of the M. C. Report.

4. Sections 3 and 4 are provided in para. 306 of the Report.

5. Sections 5, 6 and 7 are necessary for carrying on sustained work of the Chamber in a systematic manner.

6. Section 7 empowers the Executive Committee to prepare the agenda. The report provides that the agenda should

be approved by the Viceroy and this is especially provided in para 9. Section 8 is provided by the Report.

7. Section 10 is in compliance with the suggestion contained in para. 306.

8. Section 11 is provided in accordance with the suggestion in para. 303 to the effect that the Princes might suggest to the Viceroy that the extra-ordinary meeting should be held.

9. Sovereign State may be described as a State enjoying full and unrestricted powers of civil and criminal jurisdiction within its territorial limits and the power to make its own laws. Government have not published a statement of States who in their opinion are Sovereign States according to this definition. Existing books have not clearly given this classification. It is, therefore, very difficult to know exactly the number of full Sovereign States.

10. Up till now for all ceremonial functions the States have been classified on salute test. This test is no doubt very unsatisfactory. His Excellency the Viceroy last year very pertinently observed, " We felt that the whole question of salutes needed most careful investigation in view of the anomalies which appear to exist, and we held, therefore, that it would be unwise to base upon the salute list, as it stands, any fundamental distinction between the more important States and the remainder. " In spite of this pronouncement the invitations to the Conference are still based on this test. The anomalies of the salute test are very patent.

11. If we scrutinise the salute list which has been appended herewith marked C, it will be found that the States enjoying salutes up to 13 guns are 54 in number. Of these Rutlam and Sirohi do not come under the definition of sovereign States. All the rest I have taken as Sovereign States. So 52 States only can be classified as Sovereign States from this batch.

Of the 31 States enjoying hereditary salutes of 11 guns and one enjoying a personal salute, 20 have doubtful sovereignty. Of the remaining 12 Janjira, Samthar and Teheri are not Sovereign States from available information. I have, there-

••fore, selected only 9 States out of this batch as Sovereign States. Thus the total number of Sovereign States comes to 61.

There are 36 States enjoying hereditary 9 gun salutes. Of these 28 are of doubtful Sovereignty. Of the remaining 8, 4 belong to the Aden Protectorate and 4 to Burma and are admittedly smaller States.

Of the 7 States enjoying personal salutes of 9 guns, one is of doubtful Sovereignty. The remaining 6 are admittedly smaller States.

12. It will thus be evident that there are only 61 Sovereign States which shall have necessarily to be included in the Chamber of Princes. But there is one important consideration of a constitutional character which must be borne in mind in this classification. By this form of representation the larger and more progressive States will not wield their legitimate influence in the assembly, at all events, commensurate with their population or magnitude or their income. The largest or the most advanced State gets the same representation as the smallest or the most backward. This is no doubt a very sound objection.

13. The distinction between States must be based on constitutional consideration. In constitutional history importance of a State depends particularly upon population. The history of various federations clearly shows that for all purposes of representation population is taken as the only basis. In the Commonwealth of Australia the House of Representatives consists of members sent by constituencies formed on the basis of population. Same is the case of Canada. The Swiss cantons are divided into 22 divisions each consisting on an average of 20 thousand population. The constitution of the South African Union and the United States Constitution are also based on the test of population. It will, therefore, be necessary not only to look to the test of sovereignty but also of population for purposes of representation.

14. Viewed in this light the basis of British Indian Administration would be very instructive, The'unitof adminis-

tration in British India is the district. Except Burma the minimum average population of a district is above 4 lacs and in Burma the average minimum is 2 lacs and 15 thousand. The statement given below will show the average population of districts in various Provinces in British India :—

Serial No.	Name.	No. of Districts.	Average area in Square Miles.	Average Population.
1	Madras	25	5,400	1,407,117
2	Bombay	23	5,436	784,142
3	Bengal	47	3,224	1,503,520
4	N. W. Provinces	49	2,194	957,247
5	Punjab	31	3,570	672,932
6	Central Provinces	18	4,805	599,127
7	Assam	13	3,770	421,295
8	Burma	3	4,801	215,478
9	Berar	1	2,953	482,915

[ *The Indian Empire* by Sir William Hunter page 510. ]

15. If, therefore, we take three lacs of population as a necessary qualification for a Sovereign State to be individually represented in the Chamber of Princes, I think it would not be an improper test. Each State will represent as large an interest as that of an average British District. And as in British India representation in constitutional bodies is distributed on districts, a classification of Sovereign States on this very consideration, would not, in my humble opinion, be deemed unfair."

16. The constitution of the German Bundesrath before the Revolution of November 1918 affords a striking and very-appropriate parallel to the Chamber of Princes. The representation in the Bundesrath is given to States and it is of a unequal character. The States of Germany were divided with unequal representation according to the importance of each State as follows :—Prussia had 17 votes, Bavaria 6, Saxony and Wurttemberg 4 each, Baden and Hesse 3 each, Mecklenberg-Schwerin and Brunwick 2 each. The other 17 States one apiece. The votes of each State, which was entitled to more than one vote, were to be cast as one unit. If, therefore, the important States are given votes in proportion to their population, there would be no objection on this principle. And for such a procedure there is this constitutional precedent.

17. I divide Sovereign States on the basis of population. A State having a population of 3 lacs should have an undoubted right to be present in the Chamber of Princes. Such a State, so far as voting is concerned, should have one vote up to 5 lacs of population. A State whose population exceeds 5 lacs and does not exceed 10 lacs should have 2 votes and one having a population above 10 lacs should have an additional vote for every million of population. Sovereign States the population of which is below 3 lacs each are grouped together. Each group consists of States having an aggregate of 3 lacs of population. By this method they are given a fair representation and also equality of treatment along with other Sovereign States. This is the only way of bringing together all Sovereign States without any prejudice to their respective importance in point of population. The statements marked A and B give the list of these Sovereign States and their votes and the number of their representatives.

18. Two States whose population at the last census falls short of three lacs, such as Nabha and Zind. are in the list A.\* Because by this time the population must have risen to this standard, and secondly, in dividing constituencies it is not always possible to make equal divisions without sacrificing the integrity of a State to suit any particular limit. In the Swiss constitution the National Council consists of representatives of electoral districts each consisting of 20 thousand

inhabitants. If any canton has less than 20 thousand inhabitants, it is nevertheless entitled to send a representative. These constituencies are generally formed upon an approximate calculation, and mathematical accuracy need not be expected in them. I have also adopted a scale of votes for these various States of different magnitude. States which have a population from 3 to 5 lacs are treated on a level of equality and are given one vote. Every State with a population above 5 lacs and not exceeding 10 lacs is given two votes, and every State with a population above 10 lacs is entitled, in addition to its two votes, to one vote for every million of population above 10 lacs. Such a method of restricting multiple votes has been adopted even in ordinary joint stock concerns. With a view to avoid any swamping of individual votes by the accumulation of multiple votes in one and the same body, such a device is often resorted to and is sanctioned by law. In the Presidency Banks Act (XI of 1876), section 56 provides that in the case of the proprietor of the capital stock of rupees two thousand he has got one vote, and in the case of the capital stock amounting to 10 thousand he has got two votes and the proprietor of the stocks in excess of this has one for every multiple of 10 thousand. This is up to 50 thousand. Then for an excess of 25 thousand there is one vote and the maximum number of votes is also limited. It will thus appear that for an ascending scale of importance there is a descending scale of votes prescribed with a view to safeguard minorities. The scale of votes I have suggested is adopted on the analogy which I have quoted above. By this method it will not be possible for any two big States by a coalition to stultify the votes of the other members of this Chamber. If it be found necessary in practice that minorities are being swamped away by the cumulative votes of big States, a provision similar to that which obtains in the German constitution may be adopted. In the Bundesrath, if 14 negative votes are cast on one side, no amendments to the constitution would be passed, and organic changes proposed by larger States may be defeated by this contrivance. I hope that there would be no occasion for such a provision as the Chamber of Princes is to be of a consultative character at the present juncture.

#### A DRAFT CONSTITUTION

19. I have annexed a list of States whose sovereignty is doubtful marked D. It includes States which enjoy restricted powers. The total population of these States comes to 6,400,000. They are grouped on territorial basis.

If we assign one member to every group and an additional member to a group for every multiple of population, these States will be able to send 15 representatives to the Chamber. They will get a fair representation by this arrangement.

20. The smaller States, which are not included either in the category of Sovereign State or in the doubtful States, can also be divided on territorial basis and grouped, total population of all such States approximately amounts to 12,000,000. If these groups send 12 members to the Chamber each in proportion to its population on the basis of one member for every million, they would be adequately represented.

PROBLEMS OF INDIAN STATES

List of Sovereign States having full and unrestricted powers of Civil and Criminal jurisdiction in their States and the power to make their own laws and having population above three lacs each, -

Serial No.	Name.	Area.	Population.	Income in lacs.	Hereditary Salute.	Votes.
	<b>Under Government of India.</b>					
1	Hyderabad	82,698	11,141,142	359	21/	12
2	Mysore	29,444	5,539,399	190	21	7
3	Baroda	8,099	1,952,692	123	21	3
4	Kashmir and Jammu	80,900	2,905,578	87	19	4
	<b>Central India Agency.</b>					
5	G-walior	25,041	2,933,001	163	21	4
6	Indore	9,500	850,690	72		2
7	Bhopal	6,859	665,961	29		2
8	Rewah	13,000	1,327,385	29	17	3
9	Archa	2,080	321,634	16	15	1
	<b>Rajputana Agency.</b>					
10	Todhpur	34,963	1,935,565	55	17	3
11	Udepur	12,691	1,018,805	24	19	2
12	Jaipur	15,149	2,658,666	02	17	4
13	J Bharatpur	7,982	626,665	35	17	2



Jl-contd.

Serial No.	Name.	Area.	Population.	Income in lacs. Hereditary; Salute.	Notes.
14	Bikaner	23,311	584,627	23   17	2
15	Kofca	5,684	544,879	33   17	2
16	Alwar	3,141	828,487	30	2
<b>Baluchistan.</b>					
17	Kelat	71,593	372,531	98 i 19	1
<b>Madras.</b>					
18	Travancore	7,091	2,952,157	100 19	4
19	Koehiu	1,362.	812,025	27	2
20	Paddukota	1,100	380,440	11   11	1
<b>Bombay.</b>					
21	Kolhapur	2,855	910,011	48 : 19	2
22	Cu'ch	7/-16	488,022	20 ! 17	1
23	Bhavnagar	2,860	412,664	30 13	1
24	Junagarh	3,284	395,428	27 13	1
23	Navanagar	3,791	336,779	31 13	. 1
<b>United Provinces.</b>					
26	Rampur	889	533,212	33 13	2
27	Benares	933	438,544	10   13	1

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Serial No.	Name.	Area.	Population.	Income in lacs.	Hereditary Salute.	Votes.
<b>Punjab.</b>						
28	Patiala	5,412	1,596,692	57	17	3
29	Bhawalpoor	15,000	720,877	24	17	2
30	Kapurthala	630	314,351	13	13	1
31	Nabha	928	297,949	14	11	1
32	Zind	1,259	282,003	12½	11	1
<b>Bengal.</b>						
33	Cooch Bebar	1,307	566,974	24	13	2
34	Bhutan	20,000	400,000	...	15	1
			48,015,835			83

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List of Sovereign States having full and unrestricted powers of Civil and Criminal Jurisdiction in their States and the power to make their own laws and having population below three lacs.

Serial No.	Name.	Area.	Population.	Salute.
	<b>Rajputana Agency.</b>			RB.
1	Tonk	2,553	273,201	12 17
2	Dholapur	1,155	270,973	10 15
3	Bundi	2,220	171,227	7 17
4	Bunawara	1,946	165,350	4 15
5	Karoli	1,242	156,786	5 17
6	Drngarpur	1,447	100,103	iH 15
7	Kishangarh	858	90,970	6 15
8	Zalwar	810	90,175	4 11
9	Jaisalmer	16,062	73,370	1 15
10	Partabgarh	886	52,025	2 15
			<b>1,444,180</b>	
	<b>Central India.</b>			
11	Datia	911	173,759	4 15
12	Dhar	1,775	142,115	9 15
13	Jaora	1 568	84,202	8i 1 13
14	Devas (Senior)	446	62,312	J ,
i>	Devas (Junior)	440	54,904	! 15
			<b>517,292</b>	

## B-contd.

o fc g Q	Nam.:	Area.	Population.	.5 a si 0 0 ia	" 0 >
	<b>Bombay.</b>			Rs.	
16	Palanpur	1,766	222,627	5	n
17	Khairpur	6,050	199,313	16	15
18	Idar	1,669	168,522	4	15
19	Gondal	1,024	162,859	15	11
20	Bajpimpala	1,517	117,175	8	11
21	Morvi	822	87,496	6	11
22	Porbander	636	82,640	6	13
23	Cambay	350	75,225		11
24	Dhrangadhra	1,156	70,880	H	13 j
25	Radhanpur	1,150	61,548		
			1,248,285		
	<b>Bengal.</b>				
26	Tipperah	4,086	173,325	8	13
27	Sakkim	2,818	59,014		15 i _
			23,339	1	12

e

## SALUTE-LIST.

Name of State.	Salute: J a. g-a .2 n : O g	Remarks.
1 Baroda	21	
2 Gwalior	21	
3 Hyderabad	21	
4 Mysore	21	
5 Bhopal	19	
6 Indore	19	
7 Jammu and Kashmir	19	
8 K>lat	19	
9 Kolhapnr	19	
10 Mewar (TJdepnr)	19	
11 Travancore	19	
12 Bhawalpur	17	
13 Bharatpar	17 i	
14 Bikaner	17	
15 Bndi	17	
16 Cochin	17	
17 Kntcb	17	
18 Jaipur	17	

0-contd.

d	Name of State.	Salute 1	doubtful reignity.	Remarks.
2				
ii	J		1	
			S	
			I	
19	[varuali	17	...	
20	1 Kotah	17	...	
21	Mar war (Jodhpur)	17	...	
22	Patiala	17	...	
23	Rewa	17	...	
24	Tonk	17	...	
25	Alwar	15		
26	Banaawara	15	...	
27	Bhutan	15	...	
28	Datia	15	...	
29	Dewaa (Senior Branch)	15		
30	Dewas (Junior Branch)	15	...	
31	Dholpur	15	...	
32	Dhar	15	...	
33	i Dangurpur	15	...	
34	i Idar	15	...	
35	Jesalmir	15	...	
36	i Khairpur	15	...	
37	; Kisbingarh	1 15	...	
38	Orchha	15	...	

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serial N <sup>o</sup>	Name of State.	Salute.	E doubt <sup>3</sup> rereign <sup>^</sup>	Remarks.
		<b>i</b>		
39	Partabgarh.	15		
40	Sikkim	15		
41	Sirohi	15	Yes.	
42	Benares	13		
43	Bhavnagar	13	...	
44	Cooch Bihar	13		
45	Dhrangadhara	13		
40	Jaora	13		
47	Jind	13	...	
48	Junagadh (or Jnnagarh)	18		
49	Kapurthala	13		
50	Navanagar	13		
51	Porbandar	13		
52	Rampnr	13		
53	Ilatlam	13	Yes. <b>j</b>	
54	Tippra	13	...	
55	Ajaigarh	11	Yes.	
56	Baoni	11	Yes.	
57	BLjavar	11	Yes.	
58	Oambay	11		

©-contd.

Serial No.	Name of State.	Salute!	doubtful sovereignty.	Remarks.
59	Ohamba	11	Yes	
60	Cbarkhari	11	Yes.	
61	Chhatrapur	11	Yes.	
62	Faridkot	11	Yes.	
63	Gondal	11		
64	Janjira	11		Smaller Statu
65	Jhabua	11	Yes.	
66	Thalwar	11	...	
67	Khalasi (Bhilaspur)	11	Yes.	
68	Malerkotla	11	Yes.	
69	Mandi	11	Yes.	
70	Manipur	11	Yes.	
71	Movri	11	...	
72	Nabha	11	...	
73	Narsingarh	11	Yes.	
74	Palanpur	11	...	
75	Panna	11	Yes.	
76	Poddokota (or Podnkotta)	11		
77	Radhanpur	11		
78	Rajarah		Ye?.	



©-contd.

6 N m s r i a l	Name of State.	Salute.	3 d o u b t f g • O g	Remarks.
79	Rajplmpala	11	...	
80	Sailana	11	Yes.	
81	Samthur	11		Smaller State.
82	Sirmur (Naban)	11	Yes.	
83	Sitamaa	11	Yes.	
84	Suket	11	Yes.	
85	Tehri (Garhwal)	11		Smaller State.
86	Alirajpur	9	Yes.	
87	Balasinor (or Vasadaainor)	9	Yes.	
88	Bansada	9	Yes.	
89	Baraadha	9	Yes,	
90	Bariya	9	Yes.	
91	Barvani	9	Yes.	
92	Chhota Udepur	9	Yes.	
93	Dharampur	9	Yes.	
94	Dhrol	9	Yes.	
95	Fadthli	9		
96	Hsipaw ( or Thibaw )	9		
97	Karond ( Kalahandi )	9	Yes.	
98	Ki/ngtmig (or Kyaingtou )	9		

0-contd.

Serial No.	Name of State.	Salute.	Of doubtful sovereignty.	Remarks.
99	KhAlchipur	9	Yes.	
100	Kishn and Socotra	9		
101	Lahej	9		
102	Liinri	9	Yea.	
103	Loharu	9	Yes.	
104	Lunawara ( or Lunawada )	9	I Yes.	
105	Maihar	9	! Yes.	
106	Mayurbhanj	9	! Ye8.	
107	Mong Nai	9	i	
108	Mudhol	9	i Yes.	
109	Nagod	9	Yes.	
110	Palitana	9	Yes.	
111	Patna	9	Yes.	
112	Rajkot	9	! Yes.	
113	Saehin	9	j Yes.	
114	Sangli	9	i Yes.	
115	Savantwadi	9	Yes.	
116	' Shehrand Mokalla	9	...	
117	' Sonpur	9	) Ye?.	
118	i ; Smith ,	y	Yes.	

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o f "A !* j	Name of State.	Salute.	^ a 1'S 5 S	Remarks.
U9	Vankaner or Wankaner		Yes. I	
120	Wadhwan	9	Yes.	
121	Yawnghwe ( or Nyaunggywe )	S		

PERSONAL SALUTES.

1	Bhor	11	Yes.	
2	Danta	9		Smaller State.
3	Dthala	9		Do.
4	Ranker	y \		Do.
5	Las Bela	9		Do.
6	Jamkhandi	9	Yes.	
7	Tawngpeng	9		Smaller State.

## D

List of Princes whose sovereignty is of a doubtful character.

; Salutes.

Name of State.	Area.	Popula- tion.	Revenue,	o o a 04	o &4
<b>Madras.</b>					
1j Banganapalle	255	139,344	2,81,000		
2J Sandur	164	13,517	93,405,		
			52,861		
<b>Bombay.</b>					
1 3 Bhor	925	137,268	4,05,433	11	
<b>Kathiawar Agency.</b>					
1 41 Sachiu	42	18,903	2,07,981	9	11
5 Wakancr	117	32,053	4,68,100	«	11
61 Palitana	289	52,856	5,14,867	9-	
7 Dhrol	283	24,358	1,49,030		
8 Limbdi	314	31,287	2,50,000	9	
9 Rajkot	282	50,638	3,69,291	9	
10 Wadhwan	236	34,951	4,75,846	9	
			245,546		
<b>Rewa Kantha Agency.</b>					
11 Balasinor	189	32,618	1,36,350	9	
12i Baria	813	55,350	7,95,349	9	

**A DRAFT CONSTITUTION**

**D-confed.**

Serial No	Name of State.	Area.	Popula- tion.	Salutes.		Votes.
				Revenue, j 1 1 1 Permanent.	0 D a.	
				Rs.		
13	Ohhofca Udepr	873	103,000	7,20,900;	1 9	
14	Lunawada	388	75,998	3,12,954	9	
15	Suntli	394	70,974	2,37,663	9	
			397,940			
	<b>Surat Agency.</b>			j		
16	Bansda	215	44,594	5,69,356	9	
17	Dharampur	704	115,000	8,00,000!	9	
			159,594			
	<b>Bombay—( contd. )</b>					
	<b>Thana Agency.</b>			1		
18	Tawar	310	3,489	2,04,9481	...	...
	<b>Southern Mahratta Coun- try States.</b>					
19	Sangli	1,112	226,128	11,58,051	9	...
20	Miraj (Senior)	339	18,467	2,92,770;		
21	Miraj (Junior)	210	35,806	25,770!	...	—
22	Kurundwad ( Senior )	185	42,474	1,59,131	...	
23	Do. (Junior)	114	34,003	1,69,300	...	
24	Mudhol	368	63,001	3,14,922	9	...
				1		



**A DRAFT CONSTITUTION**

**D-contd.**

Serial No.	Name of State.	Area.	Popula- tion.	Revenue.	Sailites.		Votes.
					<i>a</i>	<i>oi</i>	
	<b>Bihar and Orisa.</b>			<b>Rs.</b>			
37	Mayurbhanj	4,213	729,848	16,53,294	9	...	
38	Kalahandi	37,45	419,413	3,75,898	9		
39	Patna	2,399	408,821	4,36,763	9		
40	Sonpur	906	215,716	2,07,802	9		
			<b>1,773,798</b>				<b>4</b>
	<b>Assam.</b>						
41	Manipur	8,000	346,222	4,42,201	11		<b>1</b>
	<b>Central Provinces.</b>						
	<i>Nil</i>						
	<b>Central India.</b>						
42	Ratlam	743	75,291	9,00,000	13		
43	Sailana	279	26,885	3,89,268	11	...	
44	Sitamaa	185	26,484	3,00,000	11	...	
45	Narsingarh	734	109,854	6,05,309	11		
46	Bajgarh	962	127,297	6,01,305	11		
47	Khilchipur	273	40,075	1,63,630		...	<b>1</b>
48	Jhabua	1,336	111,292	2,53,400	11	...	
49	Barwani	1,178	108,583	6,00,000	9	11	
			<b>1</b>				

## D-contd.

Name of State.	Area.	Popula- tion.	Revenue, Rs.	Salutes.	
				5 a u Pi	6 a 4)
50] Alirajpur	836	72,454	3,18,200	i	9
51: Ajaigarh	802	87,093	3,25,000	11	{
52] BaonL	121	20,121	1,30,000	i	11
53] Bijawar	973	125,202	2,40,000	11	'
54] Oharkhari	880	132,030	6,00,000		ii
55 Ohhatarpur	1,118	166,985	5,00,000		ii ;
56j Paona	2,596	(228,880	6,60,000	{	11 :
o7 Baraundha	218	16,982	17,173	]	9
58 Maihar	407	73,155	1,97,078		9 '
59 Nagod	501	74,592	1,98,000	i	9 I
		1,623,755,			!'
		,6.425,244			il5



Statement.	No.	Votes.
I. Sovereign States having population above three lacs each.	34	83
II. Sovereign States having population below three lacs each.	27	12
III. States included in the doubtful list.	59	15
IV. All smaller States not included in any of the above 3 categories.		12
		122

## POPULATION.

Population of States included in list A.	48,045,835
Population of States included in list 13.	3,442,096
Population of States included in doubtful list.	6,425,244
	57,913 175
Nearly	58,000,000
Population of all the remaining smaller States approximately	12,000,000
	70,000,00p

## CHAPTER VI.

### **\*fn Imperial Judicature for the Native States-**

The well-known personality of F. C. O. B. has contributed a very interesting series of articles to the Times of India on the subject of Reforms and Ruling Princes. The suggestions contained in the other part of the Montagu-Chelmsford Report have absolutely nothing in common with the suggestions bearing on Native States. "The few clauses of the scheme dealing with the Ruling Chiefs have nothing in common either theoretically or practically with the rest of it". This observation of the learned writer is very pertinent and sums up the whole situation in a nut shell so far as the Native States are concerned. The talented authors of the Report have treated this important subject of Native States in a most perfunctory manner. They did not hold any inquiry as they did about British India. They did not try to acquaint themselves with the intricacies of this problem. They did not examine the utility or the purpose of the British system of supervision and control exercised through its political Department. They did not give any thought to the antiquated institution of the Politicals. They wanted to thrust in the Native States somewhere in the Report. It was impossible to leave them (The Ruling Chiefs) out of the Montagu-Chelmsford Scheme. We therefore find loose, one-sided and imperfect generalisations huddled together in one chapter of this Report which so far as it relates to British India discloses minute enquiry thorough grasp, warm interest and genuine sympathy for the subjects of the British Raj. It is therefore no wonder that the suggestions about Native States are very **vague** and defective in many respects.

\* This appeared in the form of articles in the *Servant of India* in the year 1919. P. C. B. O. li Sir Frank Beaman longtime puime Judge of the P«sb»r Srgb Court.

The writer of the articles has dealt mainly with the suggestion about Commissions of inquiry into disputes made in Para. 308 of the Report. It is suggested that Commissions should be appointed to settle disputes (1) between two or more States (2) between a State and a Local Government (3) between a State and the Government of India (4) and to dispose off judicially a situation caused when a State is dissatisfied with the Ruling of the Government of India or the advice of any of its local representatives. These Commissions shall have to deal mainly with civil or quasi-civil disputes. The authors of the Report have vaguely expressed their idea about these commissions. They have not however given any details without which this remedy would be of no avail. They have not suggested when a reference is to be made for the appointment of a Commission in interstatal disputes. Whether a party can ask for the appointment of a Commission as soon as a dispute arises or when it has been decided one way or the other by the Political Department. The nature of disputes between a State and a local Government and that between a State and the Government of India ought to have been described with greater detail so as to enable one to understand the jurisdiction in such cases with a view to avoid any overlapping. Every dispute between a State and a local Government passes through the Government of India and ultimately reaches the Secretary of State before final disposal. It is therefore necessary to define the limits of cases against the local Government and the Government of India. Similarly when a State is dissatisfied with the ruling of the Government of India or with the advice of any of its local representatives the report provides for the appointment of a Commission in such cases. But at what stage the Commission is to be resorted to is not at all made clear. There are generally three stages through which a disputed claim of a Native State has to pass before it is set at rest. The Political Agent or the Resident decides a case as a man on the spot. Then it is taken to the local Government and then either to the Government of India or to the Secretary of State. At what stage a State can ask for a Commission is not at all defined in the Report. If after all the "worry and" troubles have been undergone in carrying out

the litigation to the Secretary of State through the Political Department and if after the litigant is put to an enormous expenditure in the course of these Political proceedings, this remedy of a Commission is to be resorted to, as a second line of defence to be pierced through to get justice, it will not at all be of any practical value to the parties concerned. This machinery will exhaust all the resources of even the richest and the best State and would be too costly, a luxury for a poor State to indulge in.

These Commissions of inquiry are to be ushered into existence only at the sweet will and pleasure of the Viceroy. They cannot be demanded as a matter of right by any parties concerned. The distinguished authors of the Report seem to have great fascination for the issue of certificates throughout their policies adumbrated in their report. Their fondness for certificated legislation in the Province and in the centre is too well known to need mention here. The same unctiousness for issuing certificates seems to characterise their policy as regards Native States also. If the Commissions are to be more or less of a judicial character why should they depend merely on the certificate of the Viceroy? The granting of a certificate would lead to all the evils which favouritism in every Department of Government is prone to beget. They should not be open to any insinuation of favouritism, or intrigue, in the remotest degree. If the right of asking for a Commission is conceded to any litigant at the outset this suggestion contained in the Report would be free from the heaviest drawback in the shape of the certificate which is sure to stultify it in actual practice.

The writer has very graphically described how a political appeal descends to the lowest member of the hierarchy of the Political Department and how ultimately the destinies of a litigant are shaped by the head clerk or the registrar who draws up the precis of the case. The head of the Political Department either in the province or in the Centre is generally the head of the administration namely the Governor or the Viceroy. His hands are too full with other important work and he can not afford to devote any minute attention to the intricacies

cies of law and facts of each case. Naturally therefore the work is relegated to the Chief Secretary. He in his turn hands it over to the under Secretary and he in his own way transmits it to his office and there it is taken up by a clerk. There is no right of audience except by written argument and the decision is in a large majority of cases contained in a sentence 'Government decline to interfere'. The procedure is wrapped up in impenetrable mystery. From the moment the papers pass the portals of the Political Department everything connected with them becomes secret and confidential. One thing at least which might be confidently predicated *a priori* and sad experience verifies the same and that is that the detailed, the more elaborate, the more thorough and convincing a written memorial of an appeal is the less chance it has of being favourably considered, fully mastered or even read. The truth of these statements which have a grim humour about them is every day realised by hundreds of Native States who have to approach the Political Department for redress of their grievances. The Native States undoubtedly feel greatly relieved that a jurist of F. C. O. B's. position and standing has expressed these views from bitter personal experience. If they lead to the improvement of this anomalous and detestable system of administering justice they will not have been made in vain.

But this is not the first time when such a strong protest against this method of disposing of Political appeals has been raised. Ever since the transfer of the Government from the East India Company to the Crown of England which then assumed the *defacto* sovereignty of India this unjust high handed and uncivilised system has been attacked by eminent men. But there has been a cry in the wilderness and there has not been the slightest change in this respect. The policy of annexation and lapse pursued by Lord Dalhousie led to various disputes of claimants of Native States who had to resort to Parliament for the redress of their wrongs in the absence of any court of justice. Mr. John Dickinson fought very strenuously and earnestly for the many unhappy representatives of the annexed Native States in the fifties and sixties of the last century. He strongly deplored the want of a highest tribunal in the Empire for the disposal of Political cases. Major

Evans Bell in his preface to the work of John Dickinson called "last Counsels of an unknown Counsellor" observes as follows- " In the course of the Indian Political appeals Mr. Dickinson became fully acquainted with the abuses and scandals caused by the absence of any judicial authority or any code of principle or procedure for the guidance of the Calcutta Foreign Office and the Viceregal Government in the interpretation of treaties, in settling matters of disputes with any of the protected States or the families of mediatised Princes and in arranging the differences of two or more Darbars bound to abide by our arbitration. Froai the practice that had grown up of deciding all political cases in secret conclave without reference to any jurist or law officer and frequently on ex-parte statements the most inconsistent and iniquitous decrees had been frequently passed chiefly during Lord Dal Housie's incumbancy stuffed with legal terms the very misuse of which is enough to expose the imperfect and perverted acquaintance of the writers with the inter-national Hindu or Mussalman Law on which they profess to be relying. To judgment of this description evincing an utter want of the judicial mind and method apparently capricious and insincere, defiant of history, of existing contracts, and of innumerable precedents, it was impossible for the aggrieved parties to submit. Yet there was no tribunal before which they could be heard, and where they could be sure at least of ascertaining what adverse case had been setup against them."

Sir Bartle Frere then a member of the Governor General's Council in a minute dated 13th August 1860 has made the following remarks about such a tribunal " I trust I may not be misunderstood as saying a word against the right of appeal which every Native of India ought to possess against any Act of any Government functionary however exalted. The exercise of such a right of appeal will never, I am convinced, impair the true power of any Government of India, such as we for generations passsed, and I trust the day is not far distant when the Sovereign may have at hand a tribunal forming a part of His Majesty's Privy Council or possessing the same relation to the crown which may at command sit in judgment on 'questions of executive administration whether appealed from or referred by the 'Government of India and

which may decide such questions with an authority which shall be conclusive with parliament and the public as well as against any possible appellants. I believe that such a tribunal advising the crown on the exercise of its sovereign prerogative on Indian matters and of necessity excluding all irregular interference would greatly strengthen the Government of India; but I am convinced that the present absence of system in dealing with Indian claims or Indian grievances in England is fraught with great immediate danger to the authority of Government far beyond the admission of inconvenient burdens on our exhausted treasury."

Major Evans Bell in his pamphlet 'the Great Parliamentary Bore' has remarked as below. "It is not merely a denial of redress that is complained of but the positive denial of a hearing before an open court in a purely judicial matter. No possible remedy can be devised for the flagrant failure of justice in this and other similar cases still occasionally recurring and always liable to recur except the institution by law of some such tribunal. The establishment of an Imperial Judicature for the settlement of cases of disputed succession, of the doubtful interpretation of treaties and of other questions connected with the princes of India beyond the province of Municipal Law is the only cure for the well intended inequities of the council room. The inevitable scandals and abuses of parliamentary agency or of agency still more irregular, the despairing intrigues of ruined royalty, the puzzled exasperation of faithful feudatories."

Another eminent English Barrister Mr. John Malcom Ludlow in his "Thoughts on the policy of the Crown towards India" makes very cogent remarks on the subject. The next step I take will be the appointing some judicial tribunal to decide on all future cases involving relations between the Indian prince and the British Government such as between individuals would form the subject of a Judicial trial. It has been overlooked by the annexationists that the further they push the doctrine of the paramount authority of the British Government over all native princes the more they took the mutual relations between the parties out of the realm of

politics and brought them into that of law. Where two states are each absolutely sovereign there is no tribunal which they can appeal to. They may consent to submit their differences to arbitration. They may consent to obey the arbiter ; yet after all force is the only authority which they acknowledge. But as soon as one claims the authority over the other the other party has a right to claim that authority should be not one of force only but of law. Until now the pretext that acts of the Indian Government towards Indian Princes are matters of state policy has been used as we have seen with perfectly ludicrous shamelessness. Self Governed Satara is annexed one day because it is independent. The eyesquirts of the late pensioner Raja of Tanjore are detained the next because he was independent. How the new tribunal should be constituted, whether it should be the supreme court in India or the privy council at Home, or some new body will deserve ulterior consideration; but I suspect that native feeling would run in favour at all events of a final appeal to England. Native assessors would probably be required in any case and the Indian princes should have a voice in their selection. ( Page 177 ).

The Indian news in 1857 very strongly urged the establishment of a court of appeal for Indian grievances. It enumerated that during the last ten years the suffering party had in person or by Attorney pleaded fruitlessly to the Home Authority. It mentioned 18 cases the names of which will convey the idea of the magnitude and the importance of the interests involved.

- 1 The case of the Emperor of Delhi.
- 2 The case of the Deposed Raja of Satara,
- 3 The case of the Ameers of Scinde.
- 4 The case of Lala Joti Prasad.
- 5 The case of Raja of Marwar.
- 6 The case of Parsee Merchant in Hyderabad.
- 7 The case of the Carnatic Stipendiaries.
- 8 The Arcot case.
- 9 The Nawab of Surat case.



- 10 Mirza Alii Akbar's case.
- 11 Bajirao ex peshwa's case.
- 12 The Nagpur case.
- 13 The case of Gulam Mohamad, son of Tipu Sultan.
- 14 The case of Laxmibai of Jhansee.
- 15 The case of His Holiness Alii Muradkhan of Scinde.
- 16 The Nawab of Bampur's case.
- 17 Oudh Dynasty case.
- 18 The case of the Raja of coorga.

All these cases were from the native state-- . The subject matter of dispute was of immense value. They had arisen out of the usurpation policy of Government. The redress which the parties had to seek at the hands of Government was for the wrongs which they complained were committed by the officers of the Government who had brought about utter ruin and destitution on these members of the ruling class. They had to knock their heads against the dead wall of the executive government and had them broken in **the end**. They had not even the satisfaction of getting justice in an open forum with the opportunity of stating their cases and the satisfaction of knowing what was alleged and proved against them. They would undoubtedly have been pleased if they had been allowed the privilege of a hearing before a judicial court possessing all the sanctity of a fair and impartial trial.

Colonel Sykes the last chairman of the East India Company had proposed the constitution of a tribunal independent of the government of India. The Queen Empress had **in 1877 created** the institution of the Counsellors of the Empress. A writer **in India in 1897** described the objects of this institution **in** the following words. " The more practical form of the institution would include some special judicial procedure quite apart from High Courts or judicial committee to deal with exigencies as those in the recent case of the Raja of Zalwar or with disputed succession as that of Manipur which through **failure** in the ordinary secret executive action by the political department resulted so **disastrously**." Sir David Wedderburn

also very strongly advocated the constitution of a special tribunal for the political cases. He insisted on the substitution of the judicial for the diplomatic system in dealing with native states. He condemned the secret system as it affords opportunity for intrigue corruption and chicanery (Nineteenth Century 1878.) It will thus appear that for the last 61 years the creation of independent judicial tribunal for the disposal of political cases affecting native states has been continuously urged by eminent statesmen. Hundreds of litigants have suffered from the want of such a tribunal. A great wrong has been done to them by denying them the ordinary privileges which even the humblest of His Majesty's British Indian Subjects enjoys in his right to get justice in the highest court of judicature in the empire. It must therefore be considered a matter of very great importance that the Secretary of State for India and the Viceroy have unanimously accepted the justice of this demand and have promised to give some relief in this respect.

One redeeming feature of the whole situation during the sixties of the last century was that parliament was taking very keen interest in Indian affairs and more especially with those connected with the Native States. This was no doubt due to a revulsion of feelings caused by the grasping policy of annexation followed by Lord Dalhousie. Kingdom after Kingdom was on one pretext or another forfeited to the British Crown. The Punjab had already fallen. Satara was annexed. Jhansi and Nagpur met the same fate. Tanjore was turned into a British Province. The helpless cry of the rulers of these states and exasperated princes awakened a deep sense of indignation in England. Mr. Bright on one occasion described "that after the annexation of Nagpur the dresses and wardrobes of the ladies of the court had been exposed to sale like a bankrupt's stock—a thing likely to horrify and insult the people of India who witnessed it." Mr. Dickinson in one place describes these acts of Lord Dalhousie in the following words. "It was as much an act of robbery for us to appropriate the principalities of Satara, Kolaba, and Mandvi in defiance of all the heirs as it would be for the Lord Chancellor to pocket a legacy because it was litigated in his court. We are improving upon a prece-

dent set by Caligula in our violation of the right of adoption. When Caligula was invited to the nuptial feast he carried away his friend's wife. When the British resident is invited to the death bed of a native prince, he turns his friend's widow and orphans out of doors and confiscates their inheritance. (Government of India under a bureaucracy page 166) The horrifying accounts of these confiscations induced many righteous English men to bring this scandalous state of affairs before the public and before Parliament. Mr. Dickinson took a prominent part in this movement.

On Saturday, the 12th March 1853, at a meeting held at Mr. Dickinson's apartment in Charles Street, St James' Square, "with a view of bringing public opinion to bear on the Imperial Parliament, so as to obtain due attention to the complaints and claims of the inhabitants of India"—Henry Danby Seymour, Esq., M.P., in the chair,—it was resolved that "this Meeting constitutes itself an 'India Reform Society,' and names the undermentioned gentlemen as a committee."

T. Barnes, Esq., M.P.	J. Dickinson, JUD., Esq.
J. Bell, Esq., M.P.	M. Q. Fielden, Esq., M.P.
W. Biggs, Esq., M.P.	Gen.Sit J. F. Fitzgerald, K.C.B., MP.
J. F. B. Blakett, Esq., M.P.	W R. S. Fitzgerald, Esq., M. P. t
Q. B wyar, Esq., M. P. *	M, Forster, Esq.
J. Bright, Esq , M.P.	F. French Esq.
F. C. Brown, Esq.	R. Gardner, Esq., M.P.
H. A. Bruoe, Esq., M.P.t	I Right Hon. T. M. Gibson, M.P.
Lieut. Co). J. M. Caulfield, M.P.	i Viscount Goderich, M.P. §
J. Cheetham, Esq., M.P.	j G. Hadfield, Esq., M.P.
W. H. Clarke, Esq.	j W. V'. Harcourt, Esq., ij
R. Cobden, Esq., M.P.	! L. Heyworth, Esq., M.P.
J. Crook, Esq., M.P.	i C. Hindley, Esq., M.P.

\* Now Sir G. Bowyer, Bart., M.P. T Now Lord Aberdare.  
t Now Sir W. R. Seymour Fitzgerald, K.C.S.I. late Governor of Bombay  
§ Now Marquis of Ripon. \*  
M Now Sir W. Vernon Harcour\*, M.P., late Solicitor-General.

T. Hunt, Esq.	Apsley Pellatt, Esq., M.P.
E. J. Hutches, Esq., M.P.	J. Pilkington, Esq., M.P.
P. F. C. Johnstone, Esq.	J. G. Phillimore, Esq., M.P.
F. Kennedy, Esq., M.P.	T. Phinn, Esq., M.P.
M. Lewin, Esq.,	H. Reeve, Esq.
F. Lucas, Esq., M.P.	W. Schoiefield, Esq., M.P.
•3. Magan, Esq., M.P.	Henry Danby Seymour, Esq. M.P.
W. T. McCuUagh, Esq. i	W. Dig-by Seymour, Esq., M.P.
E. Miall, Esq., M.P.	J. B. Smith, Esq., M.P.
Q. H. Moore, Esq., M.P.	John Sullivan, Esq.
B. OHveira, Esq., M.P.	G. Thompson, Esq., M.P.
A. J. Otway, Esq., M.P.	F. Warren, Esq.
G. M. W. Peaoooke, Esq., M.P.	J. A. Wise Esq., M.P.

Nearly sixty Members joined the society forty of whom were members of Parliament. The Marquis of Ripon then viscount Goderich was one of the members, Mr. Henry Danby Seymour M.P. was the chairman and Mr. Dickinson was the Hon. Secretary. For over sixteen years the Indian reform Society endeavoured to bring to the notice of Parliament by means of leaflets and pamphlets, by means of lectures of persons who visited India and tried to obtain first hand information of the actual situation, like Mr. Layard and by raising debates in the house of commons in connection with the rightful claims of the unfortunate Princes who were deprived of their principalities and their properties by the ruthless hand of Lord Dalhousie.

The breaking of Indian Mutiny led to a commotion in Parliament about India. It was through the Indian Reform Society and its able and vigilant advocacy that Dhar was restored and Kerwoli was saved from an exation. The claims of Prince Azeem the descendant of the Nawab of Karnatic were so constantly pressed on the attention of Parliament that he was termed 'The great Parliamentary bore.' The attention which Parliament bestowed in those days upon the affairs of India and more especially on doings of the political department has been a matter of history at the present movement. Questions pertaining to Native states do not receive any attention in Parliament in our time. It is only with a view to institute

\$ Now W. T. McCullagha Tonvns, Esq., M.P.

a ludicrous comparison with British India that a reference is made to Native states in Parliamentary debates. Native states cannot send any champion to espouse their cause before the bar of public opinion in Parliament as they did before. The necessity therefore for the disposal of political cases of a supreme court of judicature has become all the more imperative at the present juncture.

The task of taking a case to parliament was not an easy matter in those days. There were not the facilities of travel which exist now. The delay involved in going to England was considerable. There were very few people who could assist litigants in the preparations of their briefs. Great waste of money was thus caused and often times they fell into the clutches of unscrupulous people who almost ruined them before they could get any redress. In the absence of a regular court of appeal the only remedy lay in a petition to the crown or a representation to parliament. For this there was no recognised form of procedure, no decisive process. There was no certainty in any case and in most cases very little chance of a conclusive settlement even if the great object of a motion and a debate in Parliament could be obtained. But before the appellant arrived, if he ever did arrive by the close and costly vehicle called parliamentary agency at this comparatively open stage, in his probably fruitless journey, he was pretty sure to have been misled for a season by false guides into some obscure path and to have fallen among thieves. Before the licensed practitioner got hold of him he became a prey of the quack who bled him to depletion. The dangers and the risks of this course have been very vividly described above. And many litigants had to pass through this ordeal. But those who could surmount these obstacles had at least the satisfaction of a thorough discussion of their cases by a motion or a debate in parliament. But as this chance also does not exist at the present moment and the parliament is too busy to devote its time and attention to such cases as they did in the sixties of the last century the demand for the establishment of a supreme court of judicature for native states has become very imperative,

The general policy which is observable in all political cases is one of supporting the man on the spot. This also proceeds from the mistaken notion of maintaining the prestige of the officers of the department. This policy of upholding the decision of the man on the spot is the evil genius of every bureaucrat. This policy is quite the reverse of that which is pursued in judicial courts, "All the High Courts in India spend a large part of their time in reversing the man on the spot and on the whole to the satisfaction of the public and all who are concerned." How different is the policy of the executive government and how this fetish of prestige is worshipped by the political department is too well known to need any recapitulation. It has been urged that the reversal of decision deliberately and repeatedly promulgated by the Viceroy of India in Council and approved by the Secretary of State would ruin the prestige of Government and would shake the very foundations of British Power. This argument appears not only to be devoid of all moral principles but to be directly opposed to sound political common-sense of an imperial Government. The awe and respect by which order and obedience are preserved amongst the subjects of a state are based partly on a belief in its martial resources and partly on the faith in its moral superiority. The obstinate maintenance of an unjust decree after its injustice has been publicly exposed cannot augment material strength and must destroy all moral influence. So persistent wrong does even tend to strike terror. It rather inspires disdain. Such is the condemnation of this policy of prestige levelled against it by eminent statesmen who have struggled to get justice in these political cases. The Political Department may no doubt be manned by the pick of the service but the system by which work is conducted is so shrouded in mystery and is so arbitrary in procedure that even the best men in this service are unable to do adequate justice or to inspire any confidence or to secure the approbation or the satisfaction of those who approach them. The cry is not so much against any individual but against the system as a whole, and it is a matter of satisfaction that the justice of the cry in this connection has been now recognised by Government.

These commissions of inquiry are to be resorted to even after the certificate of the viceroy only in the case of states who enjoy full sovereign powers of internal administration. Such states according to any liberal calculation, are not more than hundred. The report does not make any provision for the disposal of cases pertaining to the remaining six hundred native states. Their lot seems to be indissolubly wedded to the political department. Why this right of asking for commissions has been withheld from the six hundred smaller states it is very difficult to understand. In the disputes of these smaller states like those of the bigger state\*, the interests involved are equally great. The nature of the disputes is of a civil character. The Privy Council does not close its doors against the poor litigants- It is not reserved for the rich only. The humblest subject of His Majesty is entitled to get redress at the hands of the highest tribunal in the empire.

If one state more than another needs this concession of Commission of inquiry it is, we believe, the smaller native state in India. The smaller native states have no means of redress when their litigation is decided by the 'no reason to interfere' formula of the political department. They for ever can not hope to get any relief. In the case of higher states they have so many opportunities of meeting the representatives of the Crown, of laying before them their own complaints and of agitating for the redress of their own wrongs that they can hope to get justice many a time by the sheer force of their position and the wider opportunities which they are privileged to enjoy of coming in contact with the heads of Government. These opportunities and these privileges are not open to the smaller states, and the withholding of this concession would be regarded as a great wrong by these states who have been so unjustly treated in other respects also in this report.

F. C. O. B. seems to be labouring under a wrong apprehension when he says that the political department has been handed over to the head of Government since the Morley-Minto reforms. The Morley Minto Reforms did not introduce any such change. They only added one more executive councillor to the four provinces. 'As a matter of fact so far as

Bombay is concerned one of the two counsellors-and they were two up to 1910-was generally selected from the judicial department. This tradition was kept up upto 1897. After the retirement of the Hon'ble Mr. Birdwood Sir Edward Ollivant succeeded him from the Executive department. There was again the old precedent followed when Mr. Justice Fulton was appointed to the Council. Since 1907 there have been continuously executive counsellors from the revenue department only. The departure of appointing both the executive counsellors from the revenue department has been made prior to the introduction of the Morley-Minto reforms. Why the Executive Government has declined to admit judicial experience into its council is not made known to the public. But the result has been very deplorable. It is no doubt a matter of very great importance that H. E. Sir George Llyod has revived this practice of selecting one of his executive counsellors from the judicial department.. Since the Morley-Minto reforms there has been an addition to the executive council. Instead of two there have been three counsellors. The Indian Member of the Council is often times selected from the legal profession. F. C. O. B. very briefly observes that for obvious reasons it would be inexpedient for the Indian member to hold the political portfolio. What these reasons are they are not patent to the ordinary reader. We wish the learned writer had detailed them at some length. The argument of expediency to exclude the indian member from the Political portfolio would sound well in the mouth of a Bureaucrat. But that a Jurist of his position and the author of these articles should raise such a preposterous objection passes all comprehension. Indian members have sat on the bench along with F. C. O. B. and their reputation as judges has been unrivalled. If there is one department more than another in which Indians have won their Laurels it is the Judicial department of government. An Indian has even graced the privy Council with credit to himself and to that august body. We therefore fail to see why an Indian member is disqualified to hold the political portfolio. Whatever may be said about handing over other departments of government to the Indian member this department of disposing of the political cases



can be safely handed over to the Indian member. The safety of the empire would in no way be endangered by such a step. As a member of *this* legal profession he possesses the requisite knowledge of law. By his familiarity with the usages and customs of the country, by his intimacy with the sentiments and prejudices of the people and by his knowledge of the traditions and historical associations of the parties concerned an Indian member would decidedly be in a better position to appreciate facts of these political cases than his colleague. And if the smaller states are to remain outside the pale of these commissions the political cases affecting these states should at least be handed over to the Indian member of the executive council if he is selected from the legal profession. Such a change would undoubtedly lead to a vast improvement of the existing state of things.

F. C. O. B. raises three objections against the suggestion of commissions. Firstly that if commissions are to be given for each and every state the country would be dotted with these special courts, and that the supply of High Court judges would speedily run out. Secondly if the decisions of these tribunals are to be submitted to the political department they may not accept them. And thirdly the appointment of such commissions would be looked upon with jealousy and they would be treated with scant courtesy. These three objections are no doubt sound. But the remedy suggested is not free from difficulties. He suggests that the appeal should be not to the secretary of state but to the Judicial committee of the Privy Council. For every state to approach the Privy Council for redress would be very costly and prohibitive. It is therefore necessary to have provincial courts in India under the supervision of the Privy Council to dispose of these cases. For every High Court if there are two judges attached to dispose of all political cases such a tribunal would be within the easy reach of many litigants. A permanent court of two high court judges constituting a bench would satisfactorily give relief to all the parties concerned, It would not cause the dearth of High Court judges. It would obviate the difficulty of the whole country being studded with these commissions. One bench in a province would have sufficient work to "occupy its whole time. It would not

be necessary to fritter away the energies of various judges engaged in various commissions promiscuously spread all over the country. Such a court would bring justice within easy reach of all. It would be necessary to extend the territorial limits of some High Courts to bring some native states under their jurisdiction which are situated in provinces which are not subject to the jurisdiction of provincial high courts. But this can be very easily accomplished. Of course this bench of a High Court should have nothing to do with the other work of the High Court. The judges of this bench should never be appointed or promoted to the executive council of the province or that of the centre. With this safeguard the constitution of a provincial court for the disposal of political cases would be a great blessing. The big states now directly in relations with the Government of India should have their disputes settled by a bench of the judicial committee of the Privy Council. Such a procedure would be entirely in consonance with their dignity and they should not be subject to any provincial High Court Bench of political appeals. Such a machinery if provided for the disposal of political cases would be regarded as a great blessing and would remove once for all the great hardship, which is being suffered for the last sixty years. Another objection taken to the constitution of such a court is that the Ruling Princes and Chiefs should not be subjected to the jurisdiction of Municipal Courts in British India. The Native States are subject to their own laws and their internal sovereignty has been assured to them by the paramount power. By referring the disputes of the Native States to the judicial committee of the Privy Council it is apprehended by some people that this step will interfere with the sovereign rights of States and subject them to the jurisdiction of Municipal Courts in British India. But there is no substratum of truth in this objection. Although the Native States have their own laws and their own courts so far as their subjects are concerned, in their corporate capacity they are subject to the ultimate control of the Paramount Power. The Executive Government through its political Department is every day disposing of cases affecting their interests. No State has questioned the right of the

Paramount power to decide these cases. The Native States by their feudatory position are subject to the authority of their overlord. No changes are contemplated either in the rights of the Native States or those of the British Government. It is only the mode of exercising the right of political supervision or the machinery through which this supervision is enforced that is now under consideration. Instead of the Executive Government deciding these disputes pertaining to the Native States what is suggested is that a judicial tribunal should adjudicate such cases. The change of Departments makes no inherent difference in the respective rights of the parties. The Government retains the same power of supreme control as before. Instead of doing the work through the machinery of its Executive Department it is suggested that it should be transacted through the judicial Department. This arrangement therefore does not derogate from the rights either of the native states or of the Paramount Power. The Paramount power retains all the highest power of disposing finally such cases. So far as the Native States are concerned by their Treaty rights and by their feudatory position they have accepted the status of subordinate union and have acquiesced in the submission to the final authority of Government in the disposal of their own claims. Through what instrumentality Government execute this function is not a matter of any consequence to the States themselves. The constitution of the machinery does not in any way prejudice any rights of these states. Whether one agency of the paramount power disposes of a case or whether another agency does the same it makes hardly any difference in the position of an Indian State which has accepted the situation which has submitted to this jurisdiction. The creation therefore of a Supreme Court does not in any way conflict with the *inter se* rights of the Native States and the British Government. The proposed change is sure to increase the efficiency of the machinery employed for the disposal of these cases. The Native States would therefore welcome such a change. By the suggestion in the Report they are promised an open forum a right to represent their own cases and the right to know what the other side has got to say against them. These are great privileges as compared with the secret ways in which\* the political

appeals are disposed of at the present time. Government also would not suffer in their prestige or in their influence by this change. Government do subject themselves to the jurisdiction of the provincial civil courts and to that of the Privy Council. The creation of a highest court of appeal would be an act of condescension on the part of the Paramount Power. This would undoubtedly add to its credit and enhance its reputation for fair and impartial treatment of the Native States. The creation of an imperial judicature would have a deterring effect upon the high-handedness of the Political Department. The knowledge that an appeal might be made to a competent court would at once put our Governors and Counsellors into a judicial frame of mind so that very little room would be left for appeals and very few occasions would arise requiring a reversal of the original decisions. In the appointment of such a tribunal there would be no loss of authority and there would be a decided gain of infinite moral power. F. C. O. B. also thinks that any of the reasons which have been deemed sufficient for excluding Native States from the jurisdiction of Municipal Courts of India would not apply to a final appeal to the Privy Council.

The suggestion contained in the Report applies only to the Native States enjoying full sovereign powers in their internal administration. It does not take account of the rights of the subjects of Native States. The subjects of Native States have a right to get fair and impartial justice. Native States are bound to protect the rights of their own subjects, and to secure good administration to them. Whenever it is said that the Native States enjoy sovereign power this power is always subject to the right of the Paramount Power to interfere in the interest of wise, just and liberal administration in the States. Whenever there is a case of gross injustice or flagrant abuse of power the Paramount Power interferes by its advice. The subjects of Native States generally approach the British Government whenever they are dissatisfied with the decrees of the Native States. Undoubtedly Government interferes very sparingly and in cases of gross injustice. But the point involved **here** is not one of numbers — not in how many cases Government interfere — but whether they have a right to interfere at all and so far as this abstract principle is concerned no Native

State can complain that the British Government interfere with its decisions in cases where Government think that the ends of justice require such interference. Taking therefore this position that the British Government have a right to interfere **with** the decisions of Native States affecting their subjects the question which naturally suggests itself is the propriety of the method by which this right of interference **is** exercised. Generally aggrieved subjects of Native States apply to the Political Agent or Resident for the redress of their wrongs. This official decides these cases in the **same** manner in which political appeals of Native States are disposed of with the most laconic formula that 'Government **see** no reason to interfere.' What we complain on behalf of the subjects is that instead of applying to the Political Department of Government for revision of the decrees passed by Native States it would be in consonance with the spirit of the times if this work of revision is handed over to some judicial machinery. The subjects of Native States complain about these political courts exactly in the manner in which the States themselves in their corporate character complain of this very department. The reasons which justify the creation of an Imperial judicature for **the** disposal of **the** political cases of Native States apply *mutatis mutandis* to the cases of the subjects of Native States.

Of the seven hundred Native States nearly hundred enjoy full powers of internal sovereignty. In their case the interference of the political department with their decisions is very rare. They are not however immune theoretically from the revising authority of the political department. But the cases of interference are few and far between. But in the case of the remaining six hundred States Government exercises through its political department the powers of revision both as a matter of right and practice. In the case of these six hundred Native States the necessity of a court of revision is quite apparent and the reasons which we have given above for the constitution of a court of appeal apply with the same force so far as the subjects these smaller Native States are concerned.

If as we have suggested above provincial high court **benches** are created **the** powers of revision of the decrees of the Native

States should be taken away from the political department and should be entrusted to these very benches. They would provide sufficient work for the Bench created in each province to dispose of political cases of Native States. A distinction may be drawn if necessary that the cases of revision of the decisions of sovereign States enjoying the privilege of direct relations with the Government of India should be referred to the committee of the Privy Council to be created for this purpose. The cases of revision of decisions of all other States should be disposed of by the provincial high court benches. The work which is being done by military officers and by under Secretaries and Secretaries of the political department can with great advantage be handed over to these provincial courts. The constitution of these courts therefore will give entire satisfaction both to the Native States and to their subjects and the Paramount Power in creating them will be doing merely an Act of bare justice which has been overdue during this long span of sixty years.

## CHAPTER VII.

### **Direct Relations with the Government of India.**

The control over the Indian States by the British Indian Government was till now exercised in the following manner. Only four large States and one small State directly corresponded with the Government of India through their Residents. There were three agencies under Agents to the Governor—General. The Central Indian Agency Controlled 150 States. The Rajputana Agency some 20 States and the Baluchisthan Agency two States. The remaining States were in Political relations with Local Governments. Madras dealt with 5 States. Bombay with over 350, Bengal with 2, the United Provinces with 3, the Punjab with 34, Burma with 52, Behar and Orisa with 26, the Central Provinces with 15 and Assam with 16. In the case of these nine local Governments the States concerned were under the immediate supervision of a Political Agent or his Assistant and this officer communicated with the Political Department of each local Government and each local Government corresponded with the Central Government. Thus there were two intermediaries between an Indian State and the Central Government. The illustrious authors of the report recommend that as a general principle all important states should be placed in direct political relations with the Government of India. " We feel that the necessity of communicating with the central Government through two or even more intermediaries is an obstruction to good understanding and a great obstacle to business . . . . We have already laid stress in our report upon the need in domestic affairs for dividing matters of all-India from those of provincial concern. Now on general grounds the relatiopf

between the states and government are clearly a matter for the central government; and where this principle has been departed from it has been on grounds of history and convenience. It seems to us that the changing conditions of the time afford strong reason for affirming this principle both because the institution of a council of princes will give greater solidarity to the views of the states and also because the growth of responsibility in provincial governments will to some extent unfit them to act in political matters as mere agents of the government of India. "

This is no doubt in consonance with the practice which prevails in all federal constitutions. The foreign relations or relations with other states are always entrusted to the central government of every federation. The constitution which is intended for India and which is foreshadowed in the last clause of the preamble of the government of India act of 1919 is one of federation. Such a policy of bringing all native states under direct control of the central government namely the government of India is wise and according to constitutional practice. How these direct relations are to be brought about is described by the authors of the Montford report in the following manner. " There will we recognise be difficulty in some cases where the territories of the states and British provinces intersect, but such obstacles are not insurmountable. As a general principle therefore we recommend that all important states should be placed in direct political relations with the central government. We do not intend of course that the Darbars should write direct to the political secretary, but that there should wherever possible be only one political officer through whom the state would correspond with the government of India. This is already the case with the states of Hyderabad, Baroda, Mysore and Kashmir. In other cases it will be necessary to revise the existing arrangements by which correspondence passes through local political agent or resident to an agent to the governor general or a local government and thence to the government of India. Were the authority immediately subordinate to the government of India is an agent to the governor general the choice lies generally between abolishing these offices of local political



agents or residents while transferring their functions to the agent to the governor general with an increased staff of assistants, and abolishing the post of agent to the governor general while retaining residents accredited to states or groups of states. In other cases instead of abolishing either the agent to the governor general or the resident where both officers exist, the residents of particular states might be allowed to communicate direct with the government of India sending a copy of such communications to the agent to the governor general for his information." The scheme of the Montford Report therefore was that there should be only one political officer through whom a State should correspond with the Government of India. The authors suggest that this system should be substituted for the dual system of control which at present prevails so far as the other States are concerned. The report proposes that steps should be taken to inaugurate this system in the case of all important States. It however, is apparent that this system was intended for administrative convenience and not for the importance of any State. As regards states in political relations with the local governments the report suggested as below. " The future position of other states which are now in relation with provincial governments cannot be determined immediately since both the wishes of the Darbars and also the administrative advantages must be considered. It may be that the government of India will assume direct relations with these States or that they may be left for the time being in relation with the provincial governments ; but in the latter case it seems to us that the head of the province should in each case act in his relations with the states as agent for the central government and that relations with the native states should not be matters of provincial concern in the sense that they are intended ever to be transferred to the control of the legislative council. "

" The Government of India, brought about direct relations of the States in the Punjab two year ago irrespective of their relative importance. They followed the same policy as regards the Madras Presidency in last October.

\* This appeared in the issues of the Bombay chronicle\* of 7-12-1923 and 25-12-1923. "

#### PROBLEMS OF INDIAN STATES

And even such **small States as** Baganapalle **and Sondur** were taken under direct relations along with Travancore, Cochin and Padukota. The same policy also has been followed with regard to the States situated in the Kathiawar, Cutch and Palanpur Agencies under the Government of Bombay. The Central Government have given two reasons for the partial introduction of this system of direct relations in this Presidency namely, the large number of States and the interlacing of their territories with neighbouring British districts, with a view to secure administrative convenience. The present arrangement is confined only to three Agencies and Government do not propose to extend this system to the other States of this Presidency for a period of five years. As a matter of fact there is absolutely no desire to make any invidious distinction between the individual status of any of these States. There is a considerable flutter in the Indian rulers who, are not honoured with direct relations in this Presidency. One fails to see why the Princes and Chiefs of these States, who are not fortunate enough in being directly connected with the Government of India should be so nervous and fidgety as to lead an agitation on this score. The Central Government have assured them that in due course of time the remaining States would be taken over; that they wish to try this experiment and benefit by its operation and that the arrangement of taking all the States directly under the Central Government involves great difficulties of administrative convenience. The Bombay Government, it is stated, was opposed to this measure of direct relations from the beginning. Sir George Lloyd did not view this change with approval. His Excellency was to rule over this Presidency for nearly four years since this proposal was made. If this policy had then been immediately carried out His Excellency would have sadly missed the gubernatorial trips which afforded him opportunities to enjoy sumptuous hospitality of Indian Rulers, and pleasant shikar in their forests. Dame rumour has it that His Excellency is now disposed to recommend favourably the transfer of the excluded States on the eve of his retirement from this high office. What weight the Government of India will attach to this view of Sir George Lloyd who can change opinions so dexterously remains yet to be seen.

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The Government of India have adopted this policy of direct relations with very great foresight and in view of the constitutional development which is adumbrated in the Report. The frame-work of the Reforms clearly suggests that the Provinces are to be autonomous within a measurable distance of time and are to be the units of the federal government of the future Dyarchy is to disappear and has to make room for full Provincial autonomy. If this consummation is soon reached the supervision of the Indian States would be a matter of some difficulty. It is intended that the Provincial Governments should be entirely divested of any control over the States. The Report distinctly states that the relations with the Indian States should not be matters of Provincial concern in the sense that they are intended to be transferred to the control of Legislative councils. It is also asserted by the authors of the Report that the growth of responsibility in Provincial Governments will to some extent unfit them to act in political matters as mere agents for the Government of India. The Government hope that after the development of responsibility in the Provincial Governments all the Indian States should be under the control of the Central Government alone. The Indian princes we are afraid have not seen through the full implication of this change. They foresee only a State of things which terminates with Provincial autonomy. They have not anticipated a period of time when the Central Government would be responsible to the people and when full dominion Status would be enjoyed by the Indian Government. Who will control the Indian States when this eventually happens? Is the alien bureaucracy still going to hold the reins tight through the Foreign and Political Department, even after all the departments of the Central Government become responsible to the wishes of the people? It is undoubtedly a vain hope either of the princes or of the alien bureaucrats. When the Central Government becomes responsible to the people, the political relations of the Indian States *would'paripassu'* be under the control of the future commonwealth. The real improvement of the Indian States would be effectively brought about only when self-Government or Swaraj is established in British India. The salvation, therefore, of the subjects of the Indian Empire depends

entirely on the attainment of Swaraj in British India. This is the logical sequence of this policy of direct relations based on the foundation of constitutional practice. One however doubts how many of the Indian Princes, who are so anxious about direct relations at this moment, will view with complacency, this fulfilment of the ideal of Swaraj in the near future.

So far as the change of direct relations with the government of India is concerned the attitude of the central Government seems to be to reduce the machinery of supervision. It is unnecessarily reduplicated at present; and if this policy is rigidly carried out it will bring about considerable reduction in the expenditure of the Political Department. And this seems to be the direct gain. With a view to appreciate the result of this change it is necessary to understand the quadrangular character of the problem of Indian States.

#### THE BRITISH GOVERNMENT

The British Government want to exploit all the resources of the Indian States for advancing Imperial interests. They want to humour the Indian Princes by conferring honours on them and by giving them prominence in matters where their vital interests are not at stake. They want to use them so far as they can promote the solidarity of this Empire. They do not wish to interfere in their internal affairs. They do not care for the interests of the subjects of the Indian States. The advancement of the Indian States is left solely to luck and time. They avow their conviction that the process at work in British India cannot leave the States untouched and must in time affect even those whose ideas and institutions are of the most conservative and feudal character. But Government are determined not to accelerate the growth of Constitutional reform in Indian States by taking any initiative in this matter.

#### THE WHITE BRAHMINS

The political officers who form the second important element in the solution of this problem desire the perpetuation of the present system as it provides fertile pastures for their kith and kin. They are averse to any ideas of constitutional progress and are only too willing to stamp out any agitation

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in Indian States in this respect. They, however, **do** not want any interference with the orders which they issue to the **Princes** in the name of advice. The Provincial Governments till now did interfere with the orders issued **by** the political officers to the Indian Rulers. The Department is manned almost **by** military officers and they chafe under any control exercised over them. By reason of direct relations this impediment of the local Governments would be removed. By the present arrangements they would **be** directly under the Political Department of the Central Government. The politicals in India have formed a caste **of** white Brahmins **as** rigid as that of the brown Brahmins of ancient India. In **the eye** of this Department the man on the spot reigns supreme. Each one of them is anxious to uphold the prestige of his brother officer in the Department and a member **of** this **service** feels quite secure in all his doings and in all his vagaries so far as they are connected with the Indian States. Mr. Thompson the political Secretary **to** the Government of India in the course of the debate on Indian States **act**, clearly admitted that it is too true that Government cannot always intervene even in cases which come to its notice. He also conceded that he could not deny the charge that there is good deal of oppression and misrule in some **of** the Indian States. If the supreme Government feels **this** helplessness and is not ashamed to own **it**, what hope there is for the betterment of the subjects of Indian States? With the consciousness of the helpless condition of the Government of India why should not the political officers behave in a high handed and overbearing manner? Imbued with the ideas **of** upholding the prestige of their class, they are autocratic in their behaviour towards the States. This change therefore **is** looked upon with great satisfaction by the political officers.

### THE RULERS OF INDIAN STATES

The third factor in this problem is that of the Rulers **of** Indian States. They want to be free from the domination **of** the political officers. They hope that the system **of** direct relations will bring them closer to the Government of India **and** will thus indirectly lessen the rigour **of** the Political

Department. In this as shown above they would be sadly disappointed. The pinpricks of the politicals would be still more irritating and exasperating when this change is effected. Their representations would receive no heed in the event of this change. In the face of the avowed policy of the Political Department very few of the Indian Princes will muster courage to oppose the wishes of their immediate political superiors. It is, however, a matter of great pity that these results are not anticipated by the Princes who are very solicitous about direct relations. The second object of the Indian Rulers in coveting this honour of direct relations is the desire to rule in an autocratic manner in their own States. Autocracy is really contagious in its effects. An autocratic political would allow an Indian Prince to be still more autocratic in his own territory. He would encourage an Indian Ruler in his attempts to put down constitutional agitation in his State; he would be supremely indifferent if a Ruler imprisons his subjects without trial; he would not exact very high standards of justice and efficiency in the administration of a State and would never encourage the growth of democratic institutions in the State. The princes therefore hope that direct relations will strengthen their hold upon their own subjects and offer no impediments to their despotic rule. This is the sole reason why the Indian Princes are yearning for this change- The present system of supervision by a local Government interferes with the autocratic powers both of the political and the Ruler of an Indian State. Many Princes of the Southern Maratha States will bear out the truth that the Bombay Government have on many occasions set aside the advice given by the political officers. The head of a Provincial Government like the Governor occupies a position entirely different from that of a Political Officer. In the first place the Governor is not easily accessible to the Princes as the political officer is. The Governor has manifold duties and his time and attention are occupied by various other subjects. The political department engages him for a very short time. In the case of a political officer he has no other duties. His sole business is his relations with the rulers of the States. He is accessible at any time. Secondly the Governor cannot be

easily propitiated. Princes are required to dance attendance, on him at various places of his capital as for instance Poona Bombay and Mahabaleshwar in our Presidency. They have to respect the hobbies of an individual Governor. They have to contribute to and show sympathy with the various movements which a Provincial satrap starts in his own regime, with a view to ingratiate themselves into the good graces of His Excellency. The Governor cannot every time visit each State as the political officer does. The Governor during his quinquennium scarcely visits the more important States more than once; and the smaller states, he never condescends to see at all. The occasions, therefore, of personal contact with the head of a Provincial Government, are few and far between and the chances of keeping him mightily pleased are very limited and entail extraordinary expenditure on the Rulers. In the case of a political officer he visits every State at least once a year. A Chief can see him at any moment. And being a comparatively smaller fry on the wheel of this large administration he can be easily propitiated. The Princes, therefore, consider that the process of keeping their immediate superiors contented would be easy and economically cheap if direct relations are established. There is a still stronger reason why the Princes seek this change. The head of a Presidency like Bombay is ordinarily a gentleman usually conversant with English public life. He has some amount of education and culture and is generally endowed with ideas of constitutional liberty. Of course the range of his vision varies with his political culture but it can be said without fear of contradiction that the heads of the Presidency Governments, are far more progressive and advanced in their views than the politicals. They are amenable to the criticism of the Press. They are influenced by their colleagues of the Executive Council and they generally bear in mind the responsibility of their office and their position as the representatives of the Crown. They are not hide bound by the prestige of a department and they can bring to bear their mind on any question affecting the Indian State in a rational, just and sensible manner. Although technically they do not interfere in every affair of an Indian Ruler, they give him gentle hints to check his rule and administer sound advice

in the interests of the people. This advantage would be entirely lost if direct relations without other changes in the Political Department are established.

The following observations of the times of India in its editorial of 14-12-25 are very relevant in this connection. "When the Kathiawar States were in relation with the Government of Bombay, it used to be the practice for most of them to publish annual administration reports. Since their dignity has been enhanced and they are now in direct relation with the Government of India, the practice of issuing annual reports for each State appears to have been suspended. In consequence, the public are not kept as closely in touch with affairs in Kathiawar as they once were and it often happens that only an accident or some unusual event brings to their notice the manner in which affairs are being conducted in that part of the country." It is needless to say that the discontinuance of the practice is due to the efforts of these autocratic princes to conceal the state of their administration from public gaze which is generally not very creditable and cannot stand any comparison with British India. The annual reports some time expose them to severe public criticism and they want to avoid this as far as possible. It only shows their solicitude to maintain their autocracy unimpaired.

#### THE SUBJECTS OF INDIAN STATES

And this is the reason why the fourth factor, namely, the subjects of Indian States look upon with dissatisfaction this contemplated change. The subjects would be deprived of even this distant hope of redress at the hands of local Government. It would be beyond their power to approach the Central Government. Distance itself will make it almost impossible. "Hanoz Delhi Dur a6t" would be realised by them every moment of their life. The Press in British India as it is, gagged by the Protection of Princes' Act of 1922 would not be of any help to them. There is no Press worth the name in any Indian State. The political officer would turn a deaf ear to any complaint made by them against the Ruler. They shall have to submit patiently to the despotic character of their Ruler without any hope of redress,



With mortification of subjection burning inside and with God above, they shall have to live miserable existence with an oblique eye to the progress in British India and the anxious hope of witnessing the dawn of responsible government or Swaraj established in British India on which alone will depend their ultimate redemption. The Government of India if they are introducing these relations in view of the progressive development of constitution :1 reforms in British India cannot keep the political department in the present irresponsible position. They shall have to reform the political department by making it responsible to the central legislature, by Indianizing the service of this department and by establishing an advisory Council composed of the representatives of the **ruleTs** and the ruled in Indian States, to guide the policy of this department. They shall have also to create a Senatorial institution representing Indian India and British India to discuss Matters of Common Concern and to direct and control the departments in British India relating to them. Without these necessary safeguards the system of direct relations would be sheerly meaningless and would be fraught with dangerous consequences to the liberties of the subjects of Indian States.

\* Lord Reading missed a very great opportunity while inaugurating a momentous change in the policy to be pursued by the Imperial Government towards the Indian States in tune with the scheme of reforms. " Direct relations " without the fundamental change in the policy hitherto pursued towards Indian states are in their nature most trivial. So far as the rights and liabilities of the Indian States are concerned there is absolutely no difference. Some important States in Kathiawar, such as those which enjoy the privilege of the membership to the Chamber of Princes, may feel elated and may think that their dignity is enhanced by this procedure. The cost however of this dignity would undoubtedly tax their resources. They will not have to suffer the humiliation of dancing attendance on provincial satraps. They will be free from the prin-pricks of the provincial bureaucracy. They will

\* This appeared in the Bombay Chronicle of 3-12-24.

have to propitiate only the politicals whose outlook is very limited. The political cares to waste his thought on the affairs of an Indian State only when there is a cause for political interference—which means pure *bando'xisi*; but such an emergency is not possible in these days of peace, order and good government all round. The policy pursued towards Indian States has demoralised, all the turbulent elements and the territories of Indian States are much more peaceful and docile than the adjoining British Indian territories. So far as the smaller fiefs of this illustrious order are concerned the cost would be prohibitive in the matter of any redress of their grievances. They cannot afford to visit Delhi so often as they used to visit provincial headquarters till now to wait upon provincial excellencies, small and big. They would, therefore, be placed in a more disadvantageous position by this change. But they will repent of it very soon.

So far as the subjects of the Indian States are concerned their lot would be decidedly more unbearable under this change than it was before. Although the Political Departments of the Provincial Governments always resorted to the formula of non-intervention they invariably impressed their moral pressure upon the Darbars concerned. The civil bureaucrat, however imperious he may be, is wedded to the policy of good government, of refinement, and of orderly progress. He would feel ashamed of injustice done to the subjects and his innerself would revolt at the whims and caprices of autocratic rulers. He would gently advise the Indian Rulers and bring home to them the necessity of good government and enlightened rule. As self-government is not ingrained in the nature of a bureaucrat it is not possible to expect any tendency in him to exert his pressure to bring about responsible government. This feature, therefore, distinguishes the civil bureaucrat from the political bureaucrat who is generally a military officer and whose sole concern is not good government and enlightened rule but peace and order at any cost. The subjects of the States, therefore, have to deplore, this move as it is not accompanied by its redeeming feature, viz, the declaration on the part of His Majesty's government to advise the Indian rulers to adopt the goal described in the

announcement of 1917, and a corresponding change in the policy of the political department to achieve this aim.

**CART BEFORE THE HORSE.**

We ask his Excellency the justification of **the** change. If it **is** in obedience to the recommendations of **the** Montford Report, is it not necessary that a change in the angle of vision of the future of these states must precede this? What is the propriety of introducing a mere change in the procedure or in the machinery of exercising control over these States? The main purpose of the Reform scheme is to radically alter the tone of the administration in India and the form of the same from bureaucracy to responsible government. Unless the ideal laid down in the proclamation of August, 1917, is dictated to the Indian rulers what is the good of merely resorting to **the** procedure which is ancillary to such a policy? Without a change in the policy mere change in the procedure **is** as ridiculous as placing the cart before the horse. We expected Lord Reading that he would bring home to his illustrious hearers that the days of autocracy have irrevocably gone and that the Indian Rulers must accept the recognised principle of responsible government upon which the whole fabric of the Reform scheme is based. He ought to have extorted the Indian Princes to become constitutional Rulers and to inaugurate the era of reforms in their own states similar to that introduced in British India. This advice would no doubt have been unpalatable to the hosts of his Excellency whose hospitality he was so anxious to enjoy. But as the visit of a Viceroy was a rare event in the annals of Kathiawad during a period of nearly a century, it was invested with great interest, great speciality and very great enthusiasm. Every one, small and great, expected to hear something rich, strange and new from the august presence of his Excellency in Kathiawad. But instead of **this** his Excellency harped on, the time-worn war services of Indian Princes, forgetting all the while the contributions of the subjects of the States, on the discredited policy of non-intervention, on the placid assurance of keeping the treaties intact, on the virtues of peace and good-will, on the benefits following from an attitude of non-quarrelsome temper and such other trivial matters that no sane man was impressed by such a rambling speech.

## WASTE OF PEOPLE'S MONEY.

We fail to see why the insignificant announcement of a change in the machinery of communications with Indian States was accompanied by such *eclat* and pomp. It could have been effected by a publication in the Gazette and would have saved trouble and worry to his Excellency and an enormous cost to the Indian Princes who have lavishly spent for the reception of his Excellency. Was there the slightest excuse to squander the money belonging to the subjects of the States for a purpose which did not advance their interests in the least? If the Viceroy had made use of this occasion to invite the Indian Princes to subscribe to the principle laid down in the gracious proclamation of the reforms there would have been some return for the waste of public money incurred on this occasion. But one fails to see any rhyme or reason in this ostentatious show and *tamasha*,

## A DANGEROUS SUGGESTION.

There is a sinister suggestion in this connection made in a local paper against which we have to enter an emphatic protest. \* It is presumed that the Viceroy is solely responsible for

\* The Times of India in its issue of 24 November of 1924 referring to the visit of Lord Reding to Kathiawar under the heading 'Another Land-mark, observed as below " It is imperative that the supreme responsibility of the Viceroy for the relations with Indian states should be retained unimpaired. But what happens under the present practice. The Viceroy and Governor General is one of the hardest worked men in the British Empire. He is oppressed day by day with problems of the greatest importance affecting the governance of British India with the consequence that the time he can personally devote to the affairs of the Indian States grows less and less. It necessarily follows that an increased degree of authority falls on his political department and this department is not subject to the control which in the case of other departments devolves on the member who has to justify his policies to legislatures nor does it necessarily follow that the political department is under the direction of men with an intimate knowledge of the states and their problems. But as the Maharaja of Bikaner hinted in the London interview of which a Summary was telegraphed to India, the question stands in need of inquiry not in relation to the present but to the future now that this important *Hep ha.< heen taken of matcimj the Viceroy solely responsible to the relations of the paramount power with the Indian States* the exclusion of the important share of responsibility hitherto borne by several provincial governments."

#### DIRECT RELATIONS WITH THE GOVERNMENT OF INDIA 371

the relations of the Paramount Power with the Indian States; that the Viceroy is an overworked officer; that the increasing work which the Political Department is called upon to discharge overtaxes, its energies and that the Department is not under the direction of men with an intimate knowledge of the States and their problems. The Viceroy as such has nothing to do with Imperial policy. This title was created simply for ceremony and is used in connection with social functions of the Sovereign's Representative. The treaties and engagements considered so sacred by the Indian Princes are made with and by the Governor-General and not with or by the Viceroy. If there is any idea lurking behind the minds of those who are anxious to perpetuate autocracy that there should be a Viceroy apart from the Governor-General to look after the Indian States and receive his instructions from the Sovereign in the obsolete and unconstitutional mode of "Orders in Council"! there cannot be a more dangerous insinuation against the interests of the Indian State subjects. The fact that the Governor-General is one of the hardest worked men in the British Empire does not lead obviously to the inference that there should be another person to share this burden irresponsible in character and in power. There is a loose talk in certain quarters that it is necessary to bifurcate the duties of the Governor-General so far as they relate to the Political Department and that these duties should be entrusted to a Prince of the royal blood who would be more in sympathy with the autocratic rulers of Indian States and who would govern under the instructions contained in the orders in Council. But such a suggestion is extremely-mischievous and is fraught with serious consequences to the advancement of the Indian States. The Viceroy has got no constitutional position; he has no statutory authority—the Governor-General in Council is responsible for the entire administration of British India and for the control exercised in varying degrees over the Indian States. If the duties of the Governor-General have increased during these years there is a very convenient way out. A new post of a member in charge of the Political Department so far as it relates to the Indian States can be created in the Executive Council of the Governor-General. Instead of the work being virtually relegated to the

Political Secretary thoroughly irresponsible, **the** work would **be** in the hands of a member of the Executive Council who should be **made** responsible to the Legislature. As regards the **per-**sonnel of the Political Department the solution is **veTy** simple. If the Department is not manned **by** officers having intimate knowledge of the States and their people and their problems this defect can be radically cured **by** Indianization of this Department at an early date. It would be a strange revelation to our readers to know that the Indian Princes themselves so accustomed to proclaim their patriotism in season and out of season, are thoroughly opposed to the Indianization of the Political Department. But to a statesman imbued with the honest desire to bring about reforms in this direction, and brought up in the traditions of English public life there are no insuperable obstacles. If there is a will the way is quiet open. The insistence on the Princes of the acceptance of **the** ideal contained in the Royal proclamation of 1917, the creation of a new post of a member in the Cabinet of **the** Governor-General's executive council responsible for the States and to the Legislature, the establishment of an advisory Council consisting of the representatives of the princes and of the subjects of Indian States, the Indianization of the Political Department and the inauguration of a senatorial institution composed of the representatives of the Indian States and those of British India to discuss and consider policies and control departments relating to matters of common concern—all these will bring about the necessary reform in the Indian States and place the Indian States in a line with **the** administration in British India. Lord Reading has not shown that he is capable of this bold statesmanship and his tour in Kathiawar has proved thoroughly infructuous.

## C H A P T E R VIII.

### **Bikaner at Geneva-**

in the year 1924 the Maharaja of Bikaner who was the chancellor of the chamber of princes was selected to represent India at the League of Nations. His Highness made the following speech at the fifth session of the League of Nations held at Geneva on Saturday September 6th. During the general debate on the reduction of armaments, initiated by Mr. Ramsay Mac-Donald and M. Herriot, he said :

"May I preface my remarks by stating that I deem it a high privilege to take part in the deliberations of the Assembly of the League of Nations. Although this is the first occasion at which it has been my good fortune to attend this Assembly I do not come as a total stranger, for my association with the League of Nations, at least indirectly, goes back to the Peace Conference, when it fell to my lot to conduct negotiations for the inclusion of India in the membership of the League. It is therefore a matter of special gratification to me to be present on this occasion, and, on behalf of the Princes of India, whose interests I have the honour to represent, I would also take the opportunity of expressing their high regard for this association of the peoples of the world and their ardent interest in its great work to secure permanently a reign of peace and justice.

"On behalf of India, I desire to express our entire concurrence with the letter of the Prime Minister of Great Britain on the subject of the proposed Treaty of Mutual Assistance and his powerful advocacy of the principle of arbitration. Soldiers, I submit, are the best judges of the horrors of war. The fire eaters are not always found in the ranks of the soldiers, who bear the burden of the fight, but sometimes in those of the civilians who stand and wait. I have seen much of war in three continents, and I would give my right hand in support of any effective scheme to reduce both the dangers of war and the armed peace which is the precursor of war.

'This appeared in the form of articles published in the Bombay chronicle of 15 - Sept.-24-and 15-December 1924.

But we have to be jealous lest in our anxiety to reduce the pressure of armaments without effective guarantees for security, we produce amongst the nations that sense of uneasy fear which is the seed bed of war. Whilst therefore, we associate ourselves with the ideals of those who framed the proposed Treaty of Mutual Assistance, we associate ourselves no less with the Government of the British Empire in rejecting it, because we feel that the guarantees are so illusory that effective disarmament would leave a sense of insecurity which might revive the spirit of aggression.

THE INDIAN FRONTIER PROBLEM.

"To the general arguments advanced in the letter of the Prime Minister, to which we subscribe, there are to be added the special forces arising from the geographical position of India. I state them now because they must govern our attitude, not only toward the proposed Treaty but to any amended proposal for disarmament which may come before this Assembly. In India, we have a frontier problem of exceptional difficulty and complexity. Our border line stretches from the Indian Ocean, near Karachi, to the confines of China and Siam. Much of that frontier is peopled by hardy and turbulent tribes, owning no law but the blood feud, no higher ambition than to raid the peaceful dwellers in the plains. These tribes are saturated with arms and ammunition imported from Europe and despite costly preventive measures, this illicit traffic has as Mr. Ramsay MacDonald told us, not yet been brought fully under control. They contain within their clans some of the finest fighting material in the world. Other sections of the frontier consist of dense and almost pathless jungles, occupied by restless tribes who, if they have not the exceptional military qualities of those on the north-west are nevertheless a considerable military preoccupation. Not in our time can the serious menace to the security of India, contained in the frontier position, be mitigated by the use of economic sanctions or the spread of the principle of arbitration. We are bound to take account of it in fixing our standard of military strength at a minimum point which will ensure the safety of India.

"There is a further consideration to which I must invite the attention of the Assembly. Whilst we hope that the present cordial relations with our neighbours may long continue, yet the fact remains that all are not members of the League of Nations and all are not consequently susceptible to the moral and economic pressure which the League may be in a position to exercise. Again, the nations of Asia who are members of the League are so situated geographically that, even if they accepted the responsibilities proposed under the draft Treaty, commanded means to give India assistance, and had the will promptly to use them, they are not in a position to render to India that immediate effective assistance which would be essential to her security with a reduced military establishment. *The immediate effect of a reduction of armaments in India would therefore be to weaken the guarantees for the security of the Indian people.* On these gene



ral and specific grounds therefore, we have been driven to follow the action of the Government of the British Empire in rejecting the proposed Treaty of Mutual Assistance.

'But because we do so, we would not have this Assembly, or any member of this Assembly, conclude that we are behind any nation in the world in our desire for peace. We harbour aggressive designs towards none. We desire nothing more than to be allowed to work out our destiny undisturbed by the shock of war or the threat of war. By instinct and tradition we are a pacific people. I have stated our position frankly because of my conviction that if we ignore facts we shall not ensure peace but rather induce the feeling of insecurity which may lead to war. But subject to the recognition of the conditions which I have sketched, a recognition essential to the discharge of our responsibilities for the security of 319 millions of people, or one-fifth of the entire human race, we associate ourselves whole heartedly with the principle of arbitration and with any measure which this Assembly may take for the reduction of armaments, for the establishment of the rule of law and for guaranteeing to the nations of the world the untold blessings of a secured peace." *2nd October, 1924, Bombay Chronicle.*

The Maharaja of Bikaner seems to be the year's prizeboy of the Indian bureaucracy. The indiscreet speech which he delivered at the Assembly of the League of Nations at Geneva reflects neither credit on his statesmanship nor upon his patriotism. An Indian autocrat, an irresponsible ruler in his own State, sitting side by side with the representatives of the self-governing countries is a sight incongruous in the extreme. Perhaps the resplendent jewellery and the costume of an Indian Prince may add to the picturesqueness of the view and the spectacular glory of the scene. But otherwise what is there common between an Indian Prince and the representatives of self-governing nations? The Indian Prince is an embodiment of a bygone stage of civilization representing the worst type of personal and autocratic rule while the other members of the League represent self-governing countries pulsating with sentiments of liberty and anxious to advance the interests of their own countrymen. The Indian Prince has no international existence and as such he cannot take any authoritative and effective part in the deliberations of the League. He is there by sufferance only. He is not chosen by the people of India. Neither is he elected by the free and unfettered votes of the subjects of Lidian States. If he is in the s^ood'books of the Foreign and Political Department and has the ppportui\ity to

frequent Government House at Delhi he is chosen by the sweet will of the bureaucracy. He therefore naturally feels obliged to echo the sentiments of the politicals in season and out of season.

#### A POLICY OF DISTRUST.

We fail to see the mentality of the High Chancellor of the Chamber of Princes when he was advocating the reduction of armaments and also insisting in the same breath upon maintaining vast garrisons on the Northern Frontier of India. When pretending to pose as a great statesman of international status he had an oblique eye to please the military autocrats of India. He said that the Princes in India had an ardent interest in securing peace. This has been demonstrated by the enthusiastic response which the Indian Princes gave during the time of the Great war. The vast assistance in men, money and ammunitions and other stores which the Princes gave spontaneously and ungrudgingly during the crisis of Imperial magnitude, has proved beyond a shadow of doubt the unshakable loyalty of the Indian Princes. But we ask the Maharaja of Bikaner to bear testimony to the fact whether the British Government has fully reciprocated this feeling by placing implicit confidence in the loyalty and allegiance of the Indian Princes. Is not His Highness aware of the righteous indignation of many distinguished and exalted Princes in Central India at the want of trust and confidence displayed by military authorities in the matter of equipment and efficient training of the Indian State Forces? Many Indian Princes who were privileged to take part on the field during the Great War were entrusted with trivial duties and many times posted as A.D.C.s to the Commanding Officer, merely to do the duties of errandboys and orderleys. Has the Maharaja never heard of the galling mortifications which many scions of Indian princely families bitterly experienced during the Great War? Did the Maharaja of Bikaner lend his support warmly and zealously to a scheme of a Military College solely for the use of Indian States and proposed by a distinguished Prince of his order? The Indian Princes would very willingly undertake the duties of defending the frontier and lightening the task of the British Govern-

merit and relaxing the burden on the Indian tax-payer if only the British Government abandons its present policy and places trust and confidence in the gallant and loyal Indian Princes.

#### WHAT HE SHOULD HAVE SAID

When the Maharaja of Bikaner was echoing the commonplace platitudes of the complex problem of the frontier and the discharge of responsibilities for the security of 310 millions of people who form one-fifth of the human race we fail to see how he conveniently forgot the fact that the Government did not give any facilities either to the people of British India or to the people of Indian States in the matter of self-defence. The British Government has woefully failed in giving military education to the people. It has deliberately withheld all positions of trust and confidence initiative and direction from the Indian people. It has shown lamentable disregard for Indianizing the official rank in the Indian Army. These facts are too well known. We expected the Maharaja of Bikaner to state these facts plainly to his hearers and use the great opportunity which he got in being invited to this League, to narrate the disabilities under which one-fifth of the human race was labouring in this country and the manner in which the manhood of the nation was being stunted everyday by a policy of distrust systematically maintained by the bureaucracy. If the Maharaja of Bikaner had discharged his duties as a true son of India and a real representative of the Indian aristocracy he would have won admiration of the 300 millions of people who inhabit this vast country. We are extremely sorry to find that with his anxiety to please the Indian politicals and the Indian bureaucracy but for whom he would not have got entrance to the Assembly, he has betrayed the cause of the Indian people and brought discredit on the Indian aristocracy. The members of the League of Nations did not require to be enlightened by the autocratic Maharaja that security was to be previously assured before reduction of armaments could be thought of. The representatives of self governing countries must be presumed to possess this elementary knowledge and the Maharaja need not have gone all the way, from here to Geneva to reiterate this commonplace. He was blessed with

a glorious opportunity and instead of making a noble use of it in ventilating the wrong which is done to his countrymen and the insuperable difficulties which are placed in the way of self-defence by the bureaucracy he miserably failed, in the discharge of his duties to his mother country and harped on the **6ayings of** the military authorities who are clamouring for increased expenditure. If in future the Indian Princes are to play this humiliating role of singing to the tune of the military authorities, it is high time that any further selection of the Indian Princes to the League of Nations is strenuously opposed and universally condemned.

The principal reason why a subject of an Indian State has to enter an emphatic protest against the utterances of the Maharaja of Bikaner at Geneva is that he has utterly ignored the disabilities under which the Indian States are labouring for over three quarters of a century by reason of the deliberate policy of distrust adopted by the British Government and by reason of their efforts calculated to annihilate the armies belonging to the Indian States. The British Government have looked upon Indian State forces as a menace to the safety of British India. They have prevented these forces from being trained and equipped and from being turned into efficient fighting units. They have brought pressure to bear for the effective reduction of their strength. They have conveyed their wishes to the Indian Princes that they should disband these forces and keep only so many as may satisfy their vanity and pride and as may be required for ceremonial purposes. They have refused to supply them with arms of precision and long range. They have withdrawn effective weapons supplied to the state forces when employed in the service of the empire for one reason or another and have never restored them although strenuously demanded. They have turned a deaf ear to well thought out schemes for training these forces. They have maintained troops to overawe the Indian State forces and have stationed them in the close proximity of capitals of Indian States in places like Mhow, Sikandarabad, Morar so as to reconnoitre the movements of the state forces in the adjoining state territories and all this has been systematically done to render the state forces effete and thoroughly inefficient in spite

of the professions of trust and confidence and comradeship in arms so eloquently expressed at postparandal speeches by British Statesmen. We cannot believe that the Maharaja is not aware of this studied policy of the paramount Government. His brother princes have resented this policy and have voiced their feelings on various occasions. The Maharaja was present at the informal meeting held for the discussion of the question of future organisation of the Imperial Service troops. He must have been cognisant of the feeling of injured pride which many eminent princes have experienced towards this policy of distrust pursued by the British Government and the mortification which they feel at the actual treatment meted out to the Indian Princes in the reorganising of their forces and in raising their efficiency from a military point of view. The loyalty of the Indian Princes has been tried and has been proved unshakeable even under crisis of great importance. They had small and great ail alike, as a matter of fact placed all their resources at the disposal of the British Government during the time of the late war. Here was an occasion when the Maharaja of Bikaner could have successfully pleaded for a policy of trust and confidence and could have whole-heartedly condemned the vast armaments kept up by the British Indian Government. He could have authoritatively urged that there was a strong case for reduction of armaments in India. He could have lent his unqualified support to the resolution before the league. He should have asserted in his own name and in the name of all his brother Princes that if the British Government reposed trust and confidence in them and in their loyalty, the Indian Princes would be foremost in taking up the responsibility for guarding the frontier and for warding off any enemy from this quarter. Such a task was in ancient times undertaken by Indian Princes like Jaypal and Chandragupta of glorious memory. **But** alas? Instead of this the Maharaja was bewailing of the difficulties of the frontier forgetting all the while the want of any justification for the unnecessarily vast armies maintained by the British Government and the Great injury which was done to the Indian princes in thwarting them in all their endeavours to reform and reorganise their forces ; and last but not least in.

importance the great injustice which is done to the British Indian tax-payer as he has to bear unbearable burden for the upkeep of the army wilfully kept and not at all required for purposes of internal safety. We ask any admirer of His Highness to say whether this did not amount to the betrayal of the interests of the Indian states? The apologist of the Maharaja may perhaps urge that Geneva was not the place for washing this dirty linen and for raking up domestic quarrels. We would gladly concede this position if it were true. Under these Circumstances it was open to the Maharaja to observe the golden rule of silence. He had no business to make a speech which contained a travestory of truth. It was most humiliating to observe a Prince of his high standing and position making a reckless statement opposed to the facts of the situation and damaging to the cause so often advocated by spirited Indian Princes. We have no personal axe to grind. On the contrary the present writer had publicly made a suggestion in the columns of the Bombay Chronicle urging the name of His Highness the Maharaja of Bikaner for inclusion in the army requirements Committee to safeguard the interests of the Indian States. No allegation of any malice could be alleged by any admirer of His Highness however displeased he may be for the remarks made above. It is the interest of the Indian States which compels us to expose hollow cant wherever it exists.

Colonel Hanna in his '*backwards and forward*'\* observed in 1895 that fourteen thousand British troops and eighteen thousand Native troops and 114 guns were employed by the Government for watching the armies of Indian States. What addition has been made to this number during the last 30 years we have no authoritative figures to quote. Col. Hanna however has definitely stated that by abandoning the forward frontier policy the Government would be in a position to reduce the army kept for overawing the Indian State forces and to bring moral pressure to bear upon the Indian Princes to induce them to cut down their over-grown and utterly useless armies. A writer in the London Times—in 1884 strongly advocated the total destruction of these forces and urged that these forces have no right to continue in existence. A commis-

sion on army system in 1889 advocated the same view. And even the Army Committee in 1910 is reported to have held the view that the state forces should gradually dwindle away. The writer in the London Times had given the strength of these forces in the year 1884 as 349853 men and artillery composed of 4237 guns. It is a great pity that recent official publications do not contain the figures of the regular and the irregular forces maintained by the Indian States and the cost which these states bear on their account. The irregular forces of the Indian States even now are equal to the native army of British India. There is so much good fighting material at the disposal of the Indian Princes. Money has been lavishly spent on these forces by the Indian Princes out of their attachment and military pride from times immemorial. For no fault of theirs they are in a moribund condition. It is the deliberate policy of the Foreign and Political Department which has kept them in a state of stagnation and moral decay. If this fighting material is properly utilised would it not inevitably lead to the reduction of the standing army of the British Government? In spite of these telling facts the high Chancellor of the Chamber of Princes has the audacity to advocate the maintenance in tact of the British Indian army and pretends to feel nervous at the mere thought of any reduction in their strength. Such of the Indian Princes as sent this luminary to enlighten the representatives of various states in Geneva have to thank themselves for this woeful result.

Past British Indian history unmistakably points out that the Indian States and their armies have been scrupulously faithful to the British Raj. In the darkest annals of British India during the days of the mutiny "the few patches of native Governments, have proved break waters to the storm which would otherwise have swept over the whole country in one great wave". Lord Canning dreaded to think what the consequences would have been if the native Chiefs had not been on the side of the English. They gave whole-hearted assistance in the Afgan-War during the viceroyalty of Lord Lytton. The state forces were employed in Somali-land and China under General Gascolec and they acquitted themselves very creditably in these campaigns. Lord Minto paid a glow-

ing tribute at Udepur to the valour of the State forces. And British Statesmen of great eminence and of all shades of opinion have unequivocally expressed their sense of obligation for the services rendered by the Indian States during the world wide War. Are these credentials not sufficient to abandon the time-worn policy of distrust and suspicion and to adopt the policy of trust and confidence befitting the relations towards friends and allies whom responsible British Statesmen are pleased to call as pillars of State. Who else but the high C'ancellor can advocate strenuously and authoritatively this cause of the Indian Princes? And was not this moment at Geneva most opportune when reduction of armaments was being seriously considered? The Maharaja of Bikaner had a splendid opportunity to represent the views of patriotic, loyal and ardent spirits of the Indian Aristocracy. Instead of making use of this splendid occasion he has utterly abused it by misleading the members of the League and by wantonly insisting on the present strength of the British Indian army which is not at all required for the safety of the mother-land if only the sons of the soil and the ancient aristocracy of the Princes are trusted by the British Government.

His Highness the Maharaja of Bikaner on his return from Geneva gave an interview to a Press representative and has tried to justify the speech which he made before the League of Nations. But the explanation given by the Maharaja, more than justifies the criticism levelled against him in the Press. The Maharaja states that he was not opposed to the reduction of the Garrison in India and that he was enunciating the principles which should govern the limitation of armaments. As pertinently pointed out by Mr. Baptista, the Maharaja was merely repeating article eighth which laid down all the principles essential to the limitation of armaments. The Maharaja, therefore, was not propounding any new principles but merely echoing those already recognized. But even in this\* the Maharaja has made serious mistakes in the application of these principles to the problem in India. Now taking the geographical situation, the Maharaja used the language of hyperbole in stating that the difficulties of the frontier extended from Karachi to the confines of China and Siam. He un-



necessarily exaggerated the evil which was confined to the North-West Frontier only. As observed by Professor Gulshan Rai in his lucid exposition of this problem, the long frontier line can be divided into three almost equal parts namely, the Eastern, the Northern and the North-Western. The Eastern may be divided into three sections, the Siamese border for about 1,000 miles, the French border along the river Mekong of 150 miles and Chinese border of 1,000 miles. The communications between Siam and Burma are at present difficult. Military Siam cannot be of any danger. French-Indo China is separated from us by the natural barrier of the great river Mekong passing through high mountain walls. Under the present international situation the danger from the Chinese border is yet far remote. The Northern frontier may be divided into three sections. The one along the Northern sides of Burma and Assam is of 550 miles. The Tibetan border is of 1,250 miles and the Chinese Turkestan border is of 400 miles. As this frontier is situated on the externally snowclad natural walls of the Hymalayas this frontier is quiet safe. The North-West frontier may be divided into two sections, the Persian border of 500 miles and the Afghan border of 400 miles. The Persian frontier passes through the impassable and inhospitable deserts of Seistan and Mekran. The extreme barrenness of land, the utter scarcity of water, the practical absence of all communications and the excessive heat for the greater part of the year render this unfit for purposes of invading India. Seldom has India been penetrated from this side. The Afghan border may be divided into three sections. The Hindukush line of about 300 miles, the Afghan-Baluch border in Seistan for about 400 miles and the Chitral-Chaman line of 700 miles. The Hindukush line runs along lofty mountain barriers and there is no military danger from across it. The Afghan-Baluch boundary passes through the deserts of Seistan and is not of great significance from military point. The Chitral-Chaman line of 700 miles' length is the only source of danger which has agitated the Foreign and Political Department of the Government of India for over 75 years.

## IGNORANT STATEMENT.

It is not, therefore, wise to frighten foreigners by stating that the Indian frontier is vulnerable from Karachi to Siam—a distance covering nearly six thousand miles when as a matter of fact the questions of strategy are confined only to a portion of nearly 700 miles. No patriotic statesman should represent to the outside world that this country is open to foreign invasion over an area extending over nearly 6,000 miles. The Maharaja of Bikaner before drawing a dreadful picture in very glowing terms, of the immense difficulties confronting this problem, and when he was posing as a great military expert ought to have well-posted himself about the real situation, and the magnitude of the danger which he was so tragically narrating, under the nervousness engendered by the thought of the possible reduction of armaments affecting the security of this vast country as if the whole responsibility for the safety of this continent rested on his shoulders. However, strongly we may resent the forward policy so aggressively recklessly pursued by the military autocrats in India, no patriotic Indian should do anything by his speech or actions, which may convey an impression to strangers that this country is open to foreign invasion on a very vast and extensive border. We have, therefore, to take strong exception to this ignorant statement about the geographical aspect of the frontier problems.

## A CANDID ADVICE REJECTED.

As regards the susceptibility to the moral and economic pressure which can be exercised on our neighbours, His Highness, did not possess a correct grasp of the situation. "The Frontier problem on which the Maharaja, briefed by the bureaucracy in India, laid stress is at bottom not a military but an economic problem and the best weapon against the Frontier raids is not the bullet but bread." This view of the Indian statesmen has been borne out by such an eminent military authority as Colonel H. B. Hanna in his work published so far back as 1893. In his *Backwards and Forwards*, Col *Hanna* observed, "the Government of India has chosen to draw the Frontier where nature never intended it to be. Let us

then reclaim our freedom of action whilst there is yet time-freedom to do our full duty by the people of India, freedom to showt ourselves firm but kindly neighbours to the independent tribes, freedom to keep out oft-repeated promises **to** respect the independence and integrity of Afghanistan, freedom to smile a Russia's threats, freedom to guide our policy all the world over by our **Bense** of right and justice," Thirty years have made absolut dy no difference in the value of this advice so candidly given. This advice has been continuously reiterated by Viceroys like Canning, Lawrence, Mayo and Lord Northbrook, by Commander-in-Chiefs like Lord Sandhurst and Lord Napier and British statesmen like Durand, Norman, Muir, Pollock, Telyor and a host of others during **tbe** last fifty years. But the tin-gods of the military department have been heedlessly following their forward move. Has the Maharaja ever given a thought to these utterances ? If the Government ungrudgingly will **do** its full duty to the people of British India by conferring on them responsible government and by sincerely interesting them in this problem of their own safety, by treating kindly the independent tribes, ces-border and transborder, by respecting the independance of our Afghan ally, by gauging the real situation of the bogey of Russian invasion and by adopting a policy of right and justice and by conceding the right of self-determination to the subject people of this country is it not possible that the safety of this country can be permanently assured by a much smaller force than is maintained at present ? If the Maharaja thinks in the **manner** of the military jingoes let him frankly say so.

Mr. Baptista who had gone to Geneva to represent Indian labour simultaneously with the Maharaja of Bikaner has shrewdly remarked as below "The Maharaja displayed his concern for the safety of India by maintaining **in** tact the armaments of India. The Domions maintain no armaments capable of self defence. India maintains no navy worth the name. Why should the forces of India be maintained beyond the requirements of India to come to the rescue of great Britain in an European war. India was largely denuded of army owing to the war. Now that the armies of potential enemies formerly existing in the imagination of the Indian army have

been Crippled, what is the necessity of maintaining an array beyond what was left in India at the most critical moment in the history of India? Neither neighbours nor inhabitants waged war. Upon all equitable consideration great Britain and the dominions ought to contribute their quota upon any foreign invasion of India and to the extent the forces of India ought to be reduced. But this aspect of the safety of India did not enter the mind of the Maharaja."

#### NOT INDIA'S VOICE.

The Maharaja emphasises that he was not opposed to the reduction of the garrison in India and that he did nothing of this sort and he referred to a statement which he has made while talking about the general principles of reducing the armament and maintaining the standard of military strength at a minimum point. But we draw attention to the following statement in his speech, namely, "The immediate effect of a reduction of armaments in India would therefore be to weaken the guarantees for the security of the Indian people." Could language be more unequivocal to state that the reduction of armaments in India is fraught with danger? This statement clearly shows that the Maharaja is of opinion that the present military strength in India is absolutely indispensable and that he views with dismay and consternation any immediate reduction in the strength. In voicing this sentiment he has gone against the trend of public opinion in India. Time after time during the last forty years from the Congress platform and through the Indian Press, Indian statesmen of glorious memory and sound knowledge have been expounding that the military strength in this country is kept unnecessarily at a very high level entailing heavy cost and saddling the Indian tax-payer with unbearable burden. The aim of the Army Department in India has not been as it ought to be to maintain the internal safety of this country **from** within and **from** without. A shrewd observer once stated that "the cardinal feature in the military policy of India should be that the Indian army must be maintained in India, **for** India and by India. What is wanted is a clear-cut plan to obtain the greatest military efficiency out of the smallest number **of** men with which India can be

secured against enemies from within and from without." Can any apologist of the military policy of the Government of India maintain for a moment that this principle is scrupulously observed by them in running after a scientific frontier which is receding as swiftly to the horizon as it is zealously tried to be reached? Enormous expenditure on a colossal scale has been incurred upto now and huge sums have been thrown into the infinite abyss of the North-West Frontier. Is the Maharaja not aware of the recommendations of the Inchcape Committee and the reluctance of the Government of India to carry them out? There is a solid belief in the mind of the Indian people that the army in India is larger than the requirements of the country and is maintained for Imperial purposes. If the Maharaja agrees with the opinion expressed by Indian statesmen for over 50 years and with the advice of military experts like Col. Hanna is there the slightest justification for him to feel nervous at the mere thought of a reduction of these armaments? If the Indian people are really trusted, are given the necessary training and are honestly associated with the work of defence will any patriotic Indian for a moment doubt that the country will not withstand any foreign invasion and specially one from the direction of the North-west Frontier. The reformed Legislative Assembly has suggested many reforms in the military organisation and administration in the shape of reduction of the strength of the Indian army-the replacement of British units by Indian units-the Indianisation of the Army and the providing of facilities for the training of Indians. The Government, with all their professions of sympathy for the people have turned a deaf ear to all these proposals out of a policy of sheer distrust. So cautious a statesman as Sir Shivaswami Iyer observed that "the concession of these reforms will make Indians feel a pride in the army and more readily agree to the burden of military expenditure. A united and powerful India able to hold a upper hand in the councils of the Empire will not merely be the fulfilment of national aspirations but will be a source of strength to the British Commonwealth of Nations. Discontented India will be a source of weakness to herself and to Britain." Was it not the duty of the Maharaja to endorse these views? Was it not necessary for him to expose

the inherent defects in the military policy of the British Government towards India and the distrust and suspicion of the Indian people which permeate it? The Maharaja ought to have assured the members of the League that with an honest sincere policy of training the Indian people in the military craft and military service with the righteous desire to grant responsible government to the people and with the generous gift of the right of self-determination, India can whole-heartedly subscribe to the proposal of reduction of armaments without any qualifying clause or any limitation. But instead of this the Maharaja affirmed the necessity of maintaining the present army in India and thus indirectly suggested that it was indispensable for the safety of the country.

"UNDER INSTRUCTION."

We regret that the Maharaja has been used as a mouth-piece by the military autocrats. He had no business to make such an egregious speech in complete ignorance of the views of eminent Indian statesmen who loved their country as much or rather more than the Maharaja does. If he did so under the pressure of "instructions" it is still more amazing. The approbation of the Prime Minister would not save him from the sin of having betrayed the interests of his country. He was sent there as a representative of the people and at least in this respect his representation to use the **word** of Pandit Madan Mohan Malaviya was 'a fraud on the civilized world.' The Maharaja's Private-Secretary who was a dominant mentor voluntarily chosen by the Maharaja was conversant with the views which Indian statesmen have been strenuously advocating for over fifty years. He at least ought to have prepared His Highness's speech as an Indian representative thoroughly in conformity with the consensus of Indian opinion. But perhaps, the Maharaja would have forfeited the warm congratulations of the **british** Prime Minister by this. The Maharaja seems to be aware of the questions of internal policy and internal affairs of states. He maintains that for fear of suffering the humiliation of being sharply called to order by the President he desisted **from** this task. The Maharaja however, **beems to be** quite ignorant of article 12 and of his rights **aB** a

member of the League. Mr. Joseph Baptista has pertinently remarked about this as below 'the Maharaja must be devoid of resourcefulness if he can not force questions of India's internal policy before the league in so far as it perpetuates subjection. Japan has shown the way how internal questions **can** affect the relation **of** distinct states. Is the continued subjection of India not **a** matter of dispute between India **and** great Britain likely to lead to **rupture**, someday as evidenced by the Bengal conspiracy to overthrow British rule? Is this not a sufficient cause for inquiry by the council under article 12? If **the** Maharaja were to study the covenant as well as his critics do, he will **find** no provision which would enable the president to humiliate him by ruling him out of order. In fact article 15 provides that the council shall so report if the dispute between the parties is found by the council to **arise** out of **a** matter which by international law is solely within the domestic jurisdiction of the party. A little acquaintance with international **law** would be a desirable qualification for the representative of India upon the assembly of the league of nations." He could have consistently with his patriotism and selfrespect brought before the League **the** real situation **as** it existed in India. He could have enthusiastically supported the proposition of reduction of armaments, could have stated that it **was** thoroughly practicable **to** reduce the strength of the armaments in India immediately, if only the people and Princes were trusted, and the Indian Princes were encouraged and assisted in reorganising their forces **as** fighting units. In avoiding the humiliation of being called **to** order the Maharaja has brought humiliation upon the Indian people by an incorrect, ignorant and misleading statement **of** the situation. He owed a duty to his countrymen and should have discharged it not **at** all caring for official favours or **frownB**. The Maharaja has stated that he went to Geneva under the pressing invitation of the Government of India. We do not know why the Government was **so** unkind to him and inconvenienced him **when** he was deeply engrossed in domestic problems **of** the State. The Maharaja of Baroda was in Europe and could have attended the session of the League without much inconveniencj and extra cost. We do not think

that His Highness the Maharaja Scindia would have displeased His Majesty's Government by declining to accept the invitation if equally pressed. This honour has generally fallen to the lot of the members of the Mutual Adoration Society of the Chamber of Princes. It has never gone to a Muslim ruling Prince. No other ruling Prince than the member of this illustrious clique has been fortunate in receiving this invitation. As high Chancellor of the Chamber did the Maharaja ever try to induce any other Prince to go to Geneva? Did he exert his influence to bring about such a nomination? So long as the Maharaja does not say of any efforts on his part to see that the nomination was made from among the best of the Indian Princes, irrespective of personal considerations his grievance that he went at great personal sacrifice to Geneva loses all its grace.



## CHAPTER IX

### \* Education of Indian Princes.

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The conference held in March 1914 of the ruling princes and chiefs of India under the auspices of His Excellency the Viceroy, Lord Hardinge at Delhi relates to a subject which is of vital importance to the people in Indian States. The Native States comprise an area equal in extent to a third of British India and contain a population equal to a fourth of the British Indian Empire. The education of princes who, in their after life would be called upon to control the destinies of such a large population, is a subject of vital concern and as was remarked by Lord Hardinge in his opening address "it is on the education and enlightenment of the Ruling Chiefs and their Sirdars that the moral and material progress of India, in no small measure depends." The history of this question, viz, the education of the Indian Princes is an interesting one. It was in the year 1870 that the Rajkumar College was started at Rajkot for the education of the Chiefs and noble families of Kathiawar. This was the first Institution of its kind and though styled with the appellation of a College it was merely a school intended to teach up to the entrance or matriculation standard of any University. This College has been practically recognized as the Chiefs' College for the Chiefs and Sardars of the entire Bombay Presidency. The Mayo College was established at Ajmer in 1872. It was intended to provide education for the youths of Rajput titled Houses. The Daly College at Indore was founded for the families of Chiefs in Central India in 1881. Next in date followed the Aitchison College at Lahore in 1886 for the education of the nobility of the Punjab. These are the only four principal Rajkumar Colleges or rather schools for the education of the would-be

\* This appeared in the India! review of Madras.

Chiefs and Sardars of the Native States in India. All these have been established and maintained by the liberality of the Indian Princes. They teach up to a standard which is little short of the entrance test of any University. It is only the Punjab University of all the Universities in India that has recognised the final examination of the Rajkumar College as equivalent to entrance test. It will thus be evident that the existing Rajkumar Colleges are as good as High Schools with hostels attached to them. They serve more or less the function of a public school in England like Eton or Harrow.

The public School system which prevails in England was not in existence in India in the early eighties and nineties when these schools were founded. The idea of attaching hostels to the existing High Schools with spacious boarding houses and play-grounds is of recent growth and is not yet developed to any satisfactory extent. The Rajkumar Colleges have, therefore, supplied a desideratum in the educational activities in the country for the aristocracy and the nobility of the land. In addition to the four Colleges mentioned above there are smaller schools at Lucknow, Raipur, Gondal and Wadhwan but they are of smaller importance and useful only for the loc.il Sardars and noble men, and it is not necessary to consider the question of their expansion as they are admittedly of secondary importance. The four principal Colleges are entirely controlled by Government and the curriculum of studies, is also prescribed by Government.

For sometime past the want of an institution for the higher education of the Chiefs and Sardars has been felt, both by the Ruling Princes and the Government. With a view to enlarge the utility and widen the scope of the Rajkumar Colleges, a Conference was held in Calcutta in 1902 under the presidency of Lord Curzon, who was then the Viceroy of India. There was another Conference held at Ajmer in 1904. At the session of this Conference, it was proposed to start a post-diploma course extending over three years as a medium of higher education at a Rajkumar College, and grant a diploma of that institution. A post-diploma Course was started in 1907 at one of the Rajkumar Colleges, viz, in

Mayo College at Ajmer. This course consisted of English, History Administration, Revenue settlement and Judicial work. The Government of India and the Local Governments recognised by their resolutions, the post-diploma Course as equivalent to a University degree so far as Government service was concerned. This course never inspired any confidence in the public mind nor has it been endorsed as equivalent to a University degree. The dissatisfaction with this post-diploma Course found expression in a scheme adumbrated by Her Highness the Begum of Bhopal for the establishment of a special University in connection with the Chiefs' Colleges in India. The subject of a higher Chiefs' College has been engaging the attention of Government since then. A Conference of the Ruling Chiefs was held at Delhi last year and His Excellency the Viceroy mentioned the object of this Conference in the following words.—

"The question is how to meet the growing need of the Ruling Chiefs and aristocracy of this country for higher education which will fit their sons for the positions which they may be, one day, called upon to occupy". The deliberations of this Conference have not been published. What transpired at this conference and what views were held by the Ruling Princes, no one knows. It is indeed passing strange, why such secrecy should be observed in connection with the discussion of a subject which affects the well-being of millions of Indian subjects. The deliberations of this year's Conference also, were not open to the public and one has to be satisfied with what the Viceroy was pleased to disclose in his opening speech. The Viceroy declared:—

- (1) that it was decided at the last Conference to establish an institution for the higher education of boys from the Chiefs' Colleges,
- (2) that a separate College will be founded to be called King George College,
- (3) that the College would seek the privileges of a degree giving institution,
- (4) that the College would be located at Delhi,

- (i) that the cost of establishing and maintaining this College required an out-lay of 64 lacks of rupees and 7414 lacks if a science course is provided,
- (6) that the Government of India granted an annual subvention of half a lac of rupees which when capitalised, amounted to nearly 13 lacs of rupees and that the remaining amount was to be raised solely by the Ruling Chiefs of India.

A superficial reading will instantly show that a sum of nearly 50 lacs of rupees is to be raised from the resources of the Indian Princes for the sole object of establishing a single Arts College decidedly inferior in calibre to any similar College affiliated to any existing University. A sum of 50 lacs is considered sufficient to bring into existence a private University like the Hindoo University or the Moslem University. The propriety, therefore of spending such an enormous amount on the proposed object deserves careful scrutiny. It is necessary to see what purpose this proposed higher College of Chiefs will serve, whether it will bring about a betterment of the intellectual and moral culture of the Indian Princes, and whether there is a justification for a separate institution unconnected with any University so far as the sardars are concerned.

The higher Chiefs' College is intended for the students of the present Rajkumar Colleges, who desire to prosecute their studies after completing their course at these Colleges. The students of the present Rajkumar Colleges, consist of two classes : one class which is called the 'Prince' class consists of minor princes, eldest sons of Ruling Princes who by the rule of primogeniture would succeed to the Gads of Native State; and younger sons and relations of the Ruling Princes who do not want higher education for bread winning purposes. The number of this class of students in all the four Colleges is extremely limited and would not exceed more than 25 every year. The other class consists of Sardars, Bhayads, Darakdars and persons who by reason of their birth, wealth and social status, are considered as belonging to the aristocracy of the land. The number of this

class is considerable. The class which is called the Sardars' class wants education for sheer maintenance. It is necessary to see how the wants of this class will be fulfilled by the proposed higher Chiefs' College. The proposed College is going to be an ordinary Arts College. It does not like the University include the faculties of Science, Medicine, Engineering Agriculture, and Commerce. The avenues of professions which a University education generally opens, will be closed to this class and the field of employment would necessarily be very limited. Even as an Arts College, the proposed Chiefs' College would be inferior in quality so far as the nature of education and the curriculum are concerned. This proposed College is not going to be affiliated to any University. This College would not keep pace with the advance of knowledge which a University affiliation generally ensures. Its efficiency will not be tested by the healthy rivalry and competition of University Examinations. Its curriculum will not have the sanction of the Intellectual aristocracy of brains which command the University. Its management will not be controlled by the influence of the accumulated experience which a senate and a syndicate of a University generally provide. The curriculum of this College, will be prescribed by the political officers and sanctioned by the Departmental authorities of Government. The education, therefore, which this institution will provide will not come up to the liberal standards of an ordinary Arts College. The quality, therefore, of the education which this proposed College will impart to its students is not such as to attract the Sardars to this College, to the exclusion of all other existing Colleges. As regards the market value of the education provided by this institution it will be equally discouraging. As the College is not being affiliated to any University (it appears from the speech of His Excellency that Government is going to bestow the privilege of giving degrees to its students on this College), the self-constituted degrees of this College will hardly command any respect or public confidence. Government, no doubt, recognise the degrees of this College as equivalent to University degrees so far as appointments are concerned. But officers of Government, who have to fill vacancies and who are anxious for the efficiency of their De-

partments, will not voluntarily prefer the Government-constituted degree-holders of this favourite class to the open competition-wallas possessing University degrees of approved merits and ability. Experience must have convinced many people of the truth of this observation. Government do not intend reserving any appointments to the degree-holders of this proposed College. Even the hope which Lord Curzon held out of "recruiting the imperial Cadet-Corps in the main, from the Chiefs' Colleges " does not seem to find favour with the present authorities. The degree holders of this College also, have no chances of service in the Native States. The Ruling Prince of a Native State will entertain considerable hesitation before appointing a degree-holder of this privileged College as it would be extremely inconvenient for him to turn out these aristocratic incompetents without compromising his position in case they prove failures. The general public will not care to employ the degree-holders of this College by reason of their apparent inferiority of education. The students, therefore of the Sardars' class will not willingly join this College as it will not guarantee any prospect of profitable employment. If students of this class are still required under persuasion of the Political Department to join this proposed College, they will simply add to the number of the present discontented unemployed educated Indians for want of decent means of livelihood. Besides this proposed College will entail heavy expenditure on the resources of the Sardars for the education of their sons. The association of the Sardars' sons with Rajkumars and minor princes, in play, pastimes, on polo, cricket and tennis grounds will inflate their heads with ideas of ostentation and costly luxuries of life and will never encourage in them any habits of thrift and industry which are essential for those who have to earn their bread by sheer education. The proposed higher College, therefore, entirely fails in one of its objects in providing useful education to the sons of Sardars when as a matter of fact, these very scions of aristocracy would get better education of greater intrinsic value at decidedly cheaper cost at the existing Colleges. His Excellency the Viceroy in his speech referred to an alternative scheme suggested by the Government of India of providing instructions to Sardars

in hostels attached to selected Colleges at present affiliated to the Universities. This was indeed a very wise suggestion and what the views of the four College Councils to whom this scheme was sent for consideration were-it not made known to the public. His Excellency studiously omitted any reference to the opinion of these Councils regarding the alternative scheme. Lord Hardinge brushed aside this alternative scheme on the ground that it did not commend itself to the majority of the princes. If as a matter of fact the scheme was primarily sent to these four College Councils who could have authoritatively expressed an opinion about the advisability of the alternative scheme, their views ought to have weighed with the Government of India rather than the views of the majority of the princes. The ignoring of the views of the College Councils irresistably leads to the inference that they must have been opposed to the proposed scheme of a single institution like the higher Chiefs' College and must have favoured the alternative scheme of founding residential hotels attached to the existing recognised Colleges. Under these circumstances the waste of expenditure about the proposed higher Chiefs' College is unjustifiable and uncalled for so far as the interests of the Sardar class are concerned.

We shall now consider whether the proposed Chiefs' College will be of any use to the students of the first class, viz the class of princes. A consideration of this question leads us to think what are the essentials of a Chief's education. A Chief must get a sound and liberal education which alone will develop his intellectual faculties, broaden his mind, enlarge his sympathies and widen his outlook of life. The days are gone forever when the ignorant and the backward, can sit in the seat of authority. The passionate cry of the 20th century which is re-echoing through the western world, is that it will not suffer dunces gladly. What is good for Europe is equally good for Asia and what is preached in England will not suffer by being practised here. The education, therefore, which will equip a minor prince to hold the exalted position as a leader of his subjects must at least be as high as that of an ordinary Arts' Course. This means that after completing the diploma course at the Rajkumar College, he shall have to

spend at least 4 years at this proposed higher College to complete his education. How many Ruling Princes will consent to such a course, is highly problematical. The syllabus of the course intended for Princes is not yet made public. Lord Curzon speaking in this connection, has sketched the outline in these words "He (Ruling Chief) should obviously be a master of the vernacular of his country. He ought to be acquainted with a classical language so that he may not be shut off from the literature of the East. If he is to learn English and English is the only gate way through which he can attain to the full benefit of his teaching, then he should acquire not a perfunctory but a solid command on English tongue. If he is a future ruler that is being shaped for the responsibilities of his life, then let him be given that all round education in History, Geography Mathematics, Political Economy and Political science which will save him from degenerating into either a dilettante or a sluggard ". This, no doubt, is a good standard but whether this is being followed is highly doubtful. Besides much depends on the way in which instructions are imparted in the various subjects. From the huge expenditure which is estimated to found this single institution, it will not be improper to suppose that it shall have the paraphernalia of a full-fledged European staff consisting of a principal, a Viceprincipal and 4 or 5 other European professors assisted by few Native teachers. All these European professors shall no doubt be indentured fresh from England. What frame of mind these professors will bring to bear on their work is highly conjectural.

Administration may form part of the syllabus which is intended for the minor Princes as it is already included in the postdiploma course at the Mayo College. If we suppose, a civilian to lecture on administration to these young Princes and it is very likely that a member of the heaven-born service would be selected for this purpose, the result which he would produce upon the susceptible minds of young princes, would not be difficult to imagine. The evidence of one member after another before the Public Service Commission has abundantly proved what the views of these civilians are about administration. The young Chiefs will be (ought, that the Indian has no



initiative, no grit, no power of organisation, no capacity to control and hold independent charge of a district. How baneful such instructions would be to produce a sense of self-reliance in these students it is not necessary to dilate. If any Anglo-Indian is chosen to lecture on Political Economy or Political Science, what views he will impress upon his younger wards? The Anglo Indian theories of protection, free-trade, unearned increment, taxation drain and other kindred subjects are too well-known to need recapitulation here. With such theories engrafted on their minds, how far these young Princes, in their afterlives would be able to discharge their duties towards their subjects, we leave it to our readers to judge. The education, therefore, of the young Princes, depends entirely upon the manner in which and the means by which, it is imparted. The present prospects of this proposed institution do not warrant any hope that the ideal of Lord Curzon would be realised. Lord Curzon has laid down this ideal in very plain words and it deserves to be kept in view by those who are concerned with this subject. "We desire to raise up a vigorous and intelligent race of young men who will be in touch with modern progress but not; out of touch with old traditions; who will be liberally educated but not educated out of sympathy with their own families and people; who will be manly and not effeminate, strong minded but not strong-willed, acknowledging a duty to others instead of a law unto themselves and will be fit to do something in the world instead of settling down into fops or spendthrifts or drones". The proposed College is not going to be affiliated to any University. It shall not, therefore, be in touch with the seat of learning. The princes shall not have any real love of knowledge instilled into them which University Association alone is capable of doing. This self-centred College will therefore fail in its primary object of providing real liberal education to the younger princes.

The second requisite which completes the education of a young Prince is the cultivation of a desire to win the approbation of his subjects in his afterlife. The real ideal of a Native Prince should be to deserve the confidence of his subjects. The land of his birth and rule should have a

superior claim upon his attention. The goal of **his** ambition should **be** to keep his subjects contented and happy. The seclusion in which the young Princes are brought up, either in the Raj-kumar College or they will be brought up in the proposed Institution makes it almost impossible for these Princes to know their subjects to be familiar with their traditions, and to be conversant with their hopes, aspirations, sympathies and susceptibilities. In the Raj-Kumar College, they never come in touch with the commoners. The limited number of the Raj-Kumar College students does not permit the perpetual play of one character upon another, that follows from participation in a crowded society. The comparison of a Raj-Kumar College with a public school like Eton or Harrow in England is utterly fallacious. There, in a public school the intercourse between high and low, titled and untitled, rich and poor, is quite free, easy and promiscuous. There the comradeship in studies, games, and re-creations is fully developed and the seeds of life-long friendships are sown during this period. All these advantages are pre-eminently lacking in the Raj-Kumar College. The students are scrupulously guarded from any contamination with commoners of any degree. They do **not** know the habits, sentiments, feelings and aspirations of **any** class other than their own. No identity of interests is likely to be created between the would-be rulers and the ruled. In fact **the** present Raj-Kumar Colleges, are forcing houses **where** the Indian Aristocracy is deliberately divorced from its public life. The proposed Institution, by its exclusive character and its disassociation from any University seems to perpetuate the same studied policy of estranging Indian Princes from their people. Small wonder then, if such an Institution would produce alien rulers] The Civil Service in India is no doubt alien but the members of the service are brought up until the age of maturity in the **free** Institutions of democratic England and **they** receive education of a very high order. The Indian Princes with their alien up-bringing and devoid of liberal knowledge and culture will under these circumstances, prove far more unpopular than alien bureaucrats of **the** present day type. The proposed Institution, therefore, **failB** to **supply the** second requisite of a Prince's education. If

at least this College is affiliated to any University the inmates of this College may have the chance of rubbing shoulders with commoners. Such an affiliation may enable the Princes to form friendships with brilliant commoners which may endure during their lives. It is only in early youth and before the responsibilities of powers are thrust upon them that young Princes may hope to cultivate friendship of a disinterested and affectionate character. The gulf between the Princes and the commoners widens year after year and when they become Ruling Princes the points of contact are few and far between. In English public life, this association of the rich and the poor in the school is not considered derogatory or pernicious. Even in Japan there are special schools for the Peers and Peeresses. "In the Peer school it is decided to admit sons of scholars and other commoners in order to provide some competition for the young nobles and an incentive to work". In the Peeresses school there are nearly six hundred girls one-third of them however are commoners. *Educational System of Japan by Hon. Mr. Sharp.*

The residence of the heir-apparent at Oxford is not considered derogatory to the interests of the Empire? either by the King Emperor or by his advisers, or by the public at large. Why the Indian Government alone, is so solicitous about keeping aloof the Indian Aristocracy from the commoners and through them from the public life we fail to perceive. The instincts of the Political Department perhaps may smell danger in this association, to the solidarity of British Rule. But we sincerely hope that the true British Instinct of liberal statesmen like Lord Hardinge will rise above these narrow considerations and will try to emulate the English Policy of uniting the Aristocracy and the gentry in a co-ordinate system by affiliating this College with some recognised University.

The third requisite of a Prince's education is the development of an impulse to assimilate the inwardness of the progress of British Rule in India. He should learn to appreciate all that is passing around him for the moral and material progress of the people living in British India. He should try to bring his state in administrative efficiency up to the level of British In-

dia. The District Boards and the Municipalities, the District Durbars or (the Advisory Councils), the Legislative Councils, the Imperial Council, the Executive Councils and the admission of the Indian members into the Council of the Secretary of State for India-all adorn a tale and point a moral to an Indian Prince. The Association of the people at various stages and the broadening the basis of administration, deserve recognition and assimilation by ruling Princes in India. How many even amongst the so-called enlightened Native States, will come up to the standard of the present day administration in British India? How many are trying to associate the people with their administrations? How many suffer their budgets to be criticised by the exponents of public opinion? How many would bear the fearless attack on their administration by the chosen representatives of their own subjects? "The Native States can not afford to lag behind. The Native Chief must realise that he and the British Government are rowing in the same boat. He is a Ruler of the part of the country and the British Government of the rest and he must bear in mind that there is a principle of co-operation with each other." Does the proposed College provide any means by which the vision of the young Prince is likely to be widened in the manner described above? Will the education enable him to appreciate the best side of British rule and assimilate it in his own State? The exclusive character of the proposed Institution leaves no room whatsoever to cherish any such hope! Why should then the Native Princes be made to suffer the loss of 50 lacs of rupees to establish an Institution which will do good to no-body?

To sum up, therefore, the proposed higher Chiefs' College will not benefit the Sardar Class; it will not provide them with any decent means of livelihood and none of them will think of availing himself of this Institution for bread-winning purposes; that the object can be accomplished by providing hostels at recognised Colleges which will provide necessary instructions in a more efficient manner and at a cheaper cost; that the proposed College is not needed for the Princes; it will not impart that sort of education which is necessary for them in life: it is uncalled for looking to the small number\* who will take advantage of

it In the case of higher states like Hyderabad, Baroda, Mysore, they will like to send their Princes either to England or to educate them by providing independent staff at their own costs. It is the smaller Native States that will send their Princes to the proposed College. But their number annually is too small to justify an outlay of such a heavy amount. The Princes can as well be educated at a comparatively trifling cost at recognised Colleges now existing in the Country. To saddle the Native Princes with 50 lacs of rupees for an Institution which holds out no hopes of good for any class is indeed very disappointing and that the name of His Majesty should be associated with such a futile project is still more deplorable. A sum of Rs. 50 thousand is going to be spent annually on this project from the British Indian exchequer. Is it unreasonable to ask that the scheme with all its details should be published for general information and public opinion ascertained before it is submitted to the Secretary of State for approval? Native Princes are consulted on problems affecting British India. Is it not therefore, just and equitable that the question of the education of these Princes which will enable them to formulate opinions on such problems be referred to the Indian People who are called upon to bear a portion of the cost necessary to provide this education.

## C H A P T E R X

### **Martial law in Alwar**

On the 15th May 1925 a massacre was committed of the helpless and poor cultivators of Nemuchana, a village in the Alwar State. A refugee who had fled from this scene of horrible tragedy described in the Pratap of Cawnpore that nearly 500 to 600 people were slaughtered, hundreds of cattle were destroyed, thousands of Mahajans were rendered penniless and immense loss was caused by the burning of the village. This news was circulated far and wide and published in all the Hindi papers. The "Tej" also gave a mild version of this on the 19th May in its issue. This matter called instantaneous inquiry. The Delhi Congress Committee and the Rajasthan Seva Sangh sent telegrams of inquiry to the Alwar Darbar but they received no replies. The representative of the Pratap who desired to make inquiry on the spot was refused admission into the affected area. This harrowing tale sent a thrill of consternation into the subjects of Indian States. The fugitive who published the happenings at Nemuchana challenged the Maharaja to disprove them on pain of his suffering death. The Government of H1B Highness the Maharaja of Alwar imitating the bureaucratic method of the British Government has issued a belated Press Note giving a halting version of what took place in Nemuchana. This communique of the Alwar Darbar dated 10th June was published in the "Times of India" of 12 June 1925. The communique states the facts as below:—

"For some months past persistent attempts had been made by agitators to stir up disaffection among the Rajput cultivators of Banrfur and Thanaghazi Tehsils of the State. The

ostensible cause of the agitation was the dissatisfaction at some of the terms of the recent settlement, but there is reason to suppose that it was in reality instigated by some agency outside the State. Meetings of an inflammatory nature were held contrary to the State regulations, but these were not prevented by the State in the hope that the malcontents would eventually ventilate their grievances, real or imaginary in a constitutional manner. Not a single application has, however been received by His Highness to this day and when two brief telegrams were received purporting to emanate from the so-called Raiput committees in two affected Tehsils. His Highness deputed a Commission to make inquiries on the spot.

" Two attempts were made by sending a State official to summon the agitators before the Commission, but they declined to appear and avail themselves of the opportunity so afforded of submitting any representation they desired to make to the State authorities. They persisted in their attitude of open defiance and continued to collect arms and to hold disloyal meetings. On the return of the Commission from their fruitless errand, the leaders of the movement were summoned to Alwar. but they refused to come. Every attempt was again made to persuade them to desist from their undesirable attitude but to no effect. Subsequently news was received that they were convening another meeting to be held on the border of Alwar and Jaipur States. The cultivators were enjoined to come in large numbers with arms and were threatened with caste excommunication and the 'use of force if they failed to attend.

" His Highness' Government immediately issued notices forbidding the meeting and warning the cultivators not to take part in this or other disloyal meetings but to ventilate their grievances in a constitutional way. In spite of these instructions, a meeting was held at Nemuchana where a quantity of arms and stores had been collected. It was openly declared that any action on the part of the State would be resisted by force of arms. At this stage His Highness' Government was reluctantly compelled to take steps to arrest the leaders. The Sessions Judge and the Inspector-General of Police were in-

structed to proceed to the scene of the trouble, and a detachment of State Troops was sent with them.

" On arrival at Nemuchana, where the disaffected cultivators, armed with guns, swords and other weapons, had gathered in force, prolonged and repeated efforts were made to bring these persons to their senses by reason and persuasion. Finally the Sessions Judge definitely ordered the men to disperse and warned them that if they failed to do so force would be used. The men refused to comply with the order and declared that they were prepared to kill or be killed. The Sessions Judge then instructed the troops to surround the village. Still further attempts at persuasion were made but the cultivators advanced to within proximity of the troops and some of the mob fired. There was then no alternative but to give the order to return the fire.

" A few rounds were fired, resulting in *two* being killed and *four* wounded, of whom one more died subsequently. Thirty-three persons were arrested and possession was taken of a quantity of arms and ammunition. Before the troops entered the village a few huts caught fire, probably from the powder of the muzzle-loading guns used by the mob, but certainly from no deliberate action on the part of State officers or men to set fire to the huts, as suggested in some of the reports spread by malicious persons. Prompt help was rendered to the wounded and compensation was ordered to be paid to the village whose huts were destroyed. An inquiry is now being instituted to ascertain the origin and cause of the agitation and a further opportunity is being given to the loyal cultivators who may consider that they have grievances, to make representations before the officers conducting the inquiry."

\*Two important factors militate against the *bonafides* of this official statement. The occurrences at Nemuchana took place on the 15th May. Serious allegations in an unequivocal manner were made against the State authorities, and yet

\* This appeared in the Chronicle of 17th May 1925.



#### MARTIAL LAW IN ALWAR

it took clearly twenty seven days for the State to give its own story. Secondly, the refusal of His Highness the Maharaja of Alwar to allow representatives of the Provincial Congress Committee of Delhi and the Rajasthana Seva Sangh to visit the scene of the tragedy and to hold a thorough and impartial investigation, clearly proves that the Maharaja's Government have not the courage to stand the scrutiny of open and independent inquiry on the spot. The Maharaja maintains in the Press Note that an official inquiry is being instituted about the origin and cause of the agitation. But this is thoroughly irrelevant as firing on the mob has taken place. This power of the authorities to maintain public order at whatever cost of blood or property is called martial law. " The term martial law is sometimes employed as a name for the common law right of the crown and its servants to repeal force by force in the case of invasion, insurrection, riot or generally any violent resistance to the law ". The only inquiry relevant to the purpose as stated by Sir James Mackintosh, " is the existence of the necessity for such an extraordinary step. The only principle on which Martial Law is tolerated is necessity. Its introduction can be justified only by necessity. Its continuance requires precisely the same justification of necessity. And if it survives the necessity, on which it alone rests for a single minute it becomes instantly a mere excess of lawless violence. Martial Law in truth, as observed by Lord Hale is no law at all; but something rather indulged than allowed as a law and it can only be tolerated because by reason of open rebellion the enforcing of any other law has become impossible. The question, therefore, in this case is purely one of fact whether there was such a necessity and the burden of proving it lies entirely on the Maharaja's Government and they have utterly failed to make out any case. In British India although Government often times hazards to whitewash a tale, this attempt is successfully exposed by public opinion. There is a vigorous press which tears to pieces all garbled versions of any misdeed- Public resentment against any unjust act is ventilated in meetings openly held in British India. In British Indian Councils, questions are asked, resolutions are

moved and tremendous agitation is set on foot in the press and on the public platform to compel Government to institute an inquiry about any public grievance of such a magnitude. The Jallianwalla Bag affair and the agitation in connection with the same, the passing of an act of indemnity and the appointment of the Hunter Committee, clearly prove what is possible to be achieved under such circumstances in British India.

There is absolutely no chance of redress of this kind to the people of Alwar. They have no councils, they cannot agitate the question and bring the pressure of indignant public opinion to bear on their Ruler. The case of the Maharaja of Alwar as it is that of a despotic Ruler bears no analogy whatsoever with that of any constitutional Government. In Alwar the Government is purely autocratic. There is no constitution, there is no parliament, there is no power to check the vagaries of the executive. There is no independent judiciary, there is no press, no freedom of meeting or discussion; public meetings are not permitted, public opinion is feeble and cowed down by repression and is thoroughly incapable of self expression. The Maharaja sanctioned Martial Law in the State and he alone has the power to grant indemnity. This is, therefore, a most anomalous situation. The Press Note, under these circumstances, entirely fails in its effect and the responsibility of the Maharaja of Alwar is not a whit lessened by this makeshift.

There is an important consideration which seems to have been overlooked by the paramount Power. The subjects of an Indian State owe double allegiance, one to their ruler and one to the King-Emperor. They are, therefore, entitled to claim double protection from the Ruler of Alwar and from His Majesty's Government in British India. When such grave allegations have been made affecting the lives of so many people in an Indian State, is it not the duty of the Foreign and the Political Department to hold a prompt, thorough and impartial investigation and to ascertain the truth? There seems to be an ominous silence at the headquarters of the Government of India about this deplorable incident. One fails to see why the Govern-

ment should be callous about the lives of the subjects of an Indian State. Most serious allegations have been made in the Press. There is no constitutional Government in Alwar. The Government of India are, therefore, bound to hold an inquiry and to satisfy themselves and through them the Indian people outside, that the proclamation of Martial Law was justified by the circumstances of the case, that no excesses were committed, and that the situation was one which necessitated the firing on the mob. If the Government fail to do this and postpone this consideration even for a moment they would be guilty of a serious dereliction of duty as protectors of Indian States.

The Maharaja poses as an enlightened Ruler and has waxed eloquent on many an occasion about his love for the motherland and about his attachment to his subjects. If he has a clean conscience and a high sense of duty and real affection for his subjects, why should he burke an inquiry by impartial and independent leaders of public opinion in British India? If not with the instinct of justice, at least with a sense of honour, he should on his own initiative invite trusted leaders of the people, afford them all facilities of a public investigation of facts on the spot, and get themselves satisfied about the truth or otherwise of the allegations made against his officials. If the Maharaja's Government comes out triumphant and untarnished out of this ordeal every wellwisher of an Indian State will honour him as a just Ruler and the Maharaja will raise himself in the estimation of the thinking public. Will the Maharaja consent to an inquiry by veteran leaders like Mahatma Gandhi, Pandit Madan Mohan Malaviya, Shrijut Jaykar, Mr. Jinnah, the Rt. Hon. Shrinivas Sastri or any members of the Servants of India Society, Shrijut N. C. Kelkar, Shrijut Gokhale, Shrijut V. J. Patel or any distinguished leader of the Swaraja party? The Maharaja can make a selection of any three or five out of this pannel and appoint a commission and thus vindicate his honour and save himself from this most serious and damaging insinuation. If the Maharaja declines to consider this proposal his administration will stand thoroughly condemned at the bar of public opinion.

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A meeting was held in Bombay on the 18 of June at the Maravadi Vidyalaya with Mr. V. J. Patel in the chair to protest against the atrocities in Alwar.

Mr. Patel said they did not know the full facts about the happenings at Alwar but they had two versions of them, one from the State and one from its subjects. The "Pratap" published a version which was to say the least, somewhat startling. A representative of the paper went to Alwar to investigate into the affair, but he was prohibited from going to Nemuchana by the officials and at Alwar he was told that he would be allowed to proceed further if he agreed to publish the version furnished to him by the State officials. The representative, however, had interviewed several wounded persons in hospital, and they all confirmed the reports published in the "Pratap." The allegation on the one hand was that five to six hundred persons were fired on and killed, whereas, on the other hand the official version put down the casualties at only three or four. The official version further alleged that the ryots were armed and fired on the troops, and that the latter only fired in self-defence. In any case, said Mr. Patel, a thorough investigation was imperative so that the world might know how the Indian States were being governed by their "deshi" princes.

Mr. Jamnadas Dwarkadas moved the following resolution which was passed unanimously.

"This public meeting of the citizens of Bombay expresses its consternation at the news of the atrocities reported to have been committed at Nemuchana in the Alwar State, considers the press note of the State on the subject as unsatisfactory, and urges that an independent committee of inquiry should be appointed without delay to investigate fully into the whole affair, with a view to finding out the truth and to bringing to book those guilty, and compensating those that have suffered in consequence of the atrocities."

The Maharaja however did not condescend to appoint an independent committee which would inspire confidence in the public mind. He, however, appointed a commission consisting of

some of his state officials and two sardars who were merely the nominees of the Maharaja and were helpless dependents on the Maharaja. It is, however, necessary to bear in mind, the great difference which exists in the inquiry which is held by an autocrat under pressure of public criticism and with a view to satisfy the supervising authority of the Paramount Power and a Commission appointed<sup>^</sup> in a country where constitutional Government exists. In the case of an autocrat if firing takes place under instruction or under the authority of his Government, the lawless Acts are committed by the officers of the Ruler concerned. As these Acts are done under the supreme authority of the Ruler, they are quite immune. The outrage strikes such a terror into the helpless population and brings about such a demoralization amongst them that it is impossible to inspire any confidence in any subject to take courage into both of his hands and appear before such an inquiry. The fear of a similar fate thrills him with horror and he would not be persuaded to come and depose any thing against such a tyrant for fear of his life and property. There is absolutely no free press, not even any press which could take up such a cause and bring to bear vigorous criticism on the administration and expose the illegalities committed by the officers and the cruelty inflicted by them on the suffering people. The servants or the officials of such a highhanded autocrat hold office during the pleasure of such a mighty potentate and could never afford to incur his displeasure or his wrath. Public life is absolutely nonexistent in the Indian States and it is difficult even amongst non-officials to secure any public spirited gentleman to sit on such a committee of inquiry and exercise independent judgment. The farce of a commission of inquiry is a huge fraud upon ignorant public outside. The people in the state know full well the make-believe efforts of such an inquiry and are never hoodwinked by the same. In the case of a country having constitutional Government whenever firing takes place, whenever Martial Law is proclaimed it is always considered a lawless Act; and if such an Act is deemed indispensable for the maintenance of peace and order or for public safety and tranquillity, Parliament comes to the rescue of the Government which is responsibly for this law-

lessness, makes legal what is illegal by passing an Act of indemnity. But the passing of an Act of indemnity is not an easy matter. Firing is ordered on the populace under instructions of the Executive Government. The Executive Government is responsible to the people. As soon as firing is ordered it is the duty of the Ministry to introduce a Bill of Indemnity in Parliament. The Ministry has to make out a clear and a very strong case to justify the illegal Act committed in ordering firing upon the people. With a view to carry the whole House with them they have to endeavour their best to secure fullest support to their measures by establishing indispensable necessity and convincing justification for such a measure. Unless the House is satisfied that this illegal Act of the Executive was absolutely necessary no such Act of Indemnity is likely to be passed, and if such an Act is not passed the members of the Executive Government cannot escape their liability in Civil and Criminal Courts for their illegal actions. This remedy therefore of an act of indemnity weighs heavily with the Executive before they can resort to such a highhanded and illegal measure as firing on the people. The act of indemnity is not always unqualified and does not give entire exemption for all that is done under the name of Martial Law. The Indemnity Act gives a very limited amount of protection to officials and wrong doers. Reckless cruelty to a political prisoner or any act done out of spite or extortion is not often times justified and officials guilty of such conduct are liable to punishment even though an Act of Indemnity may be passed. The press in a self-governing country is perpetually vigilant and would never allow such inroads on the liberties of the people to go unnoticed or unpunished. It will thus appear that the inquiry of an autocrat to justify his lawlessness can not stand any comparison with the remedies which are open to the people, enjoying constitutional liberty under a democracy.

The inquiry therefore of the Maharaja of Alwar and the grandiloquent speech which he delivered in vindication of his officers is a mere eye-wash and does not stand a moment's scrutiny. The whole conduct of the Maharaja is indefensible **and** shows the worst evils to which the subjects of Indian

States are exposed under such an autocratic ruler and that this should be possible under the protection of the British Government is simply intolerable.

The Maharaja on the occasion of his birth day Durbar held in his city-palace on the 23 July 1925 made a public pronouncement about the Nemuchana tragedy. He disclosed the findings of this commission. His speech was a specimen of special pleading intended to whitewash the black deeds of his officials. The Maharaja however had to admit the following facts (1) that a squadron of Rajput Lancers was sent to Nemuchana to arrest the leaders of the cultivators, (2) that the leaders opened fire on the troops, (3) that the fire was returned by the Maharaja's troops for 15 to 20 minutes, (4) that the casualties amounted to 13 killed and 12 wounded including two women and 3 missing, (5) that the fire in the village originated with a gun shot having fallen on a thatched hut and a hedge of dry grass and thereafter spread and a number of huts were burnt. (6) that the total loss by fire was estimated at Rs. 11000, (7) that 60 heads of cattle were destroyed, (8) that the report of the commission appointed to make the inquiry was returned twice as it was not satisfactory, (9) that the Maharaja personally made searching attempts to discover the truth, (10) that the Maharaja invited Mr. Gibson the political agent (without any suggestion made by Mr. Gibson to that effect) to accompany him to Nemuchana during his visit when the Maharaja made the personal inquiries from the people.

The Commission appointed by the Maharaja holds that persistent defiance of authority was encouraged among the cultivators for months by the agitators and when troops were sent to Nemuchana to arrest the leaders they (the cultivators and their leaders) opened fire on the troops. The firing over the mob is thus tried to be justified on the ground of self defence. We put it to the Maharaja how many casualties occurred amongst his troops as a result of this initial firing by the mob? Neither this commission nor the personal inquiries of the Maharaja have brought to light any casualty amongst the troops or any wounds inflicted on any one of them; for there is not the slightest mention of this in the pompous

and lengthy speech delivered by the Maharaja. There is no evidence that any inquest was held about such hurts or casualties. This circumstance alone negatives the preposterous theory of the Maharaja that fire was opened by the mob to resist the arrest of their leaders. There is also no evidence that any arms or ammunition were seized from these poor cultivators. There is also nothing to indicate that any judicial inquiry was held before the troops were sent to arrest the leaders. It appears that the despatch of the troops and the order to arrest the leaders was under the executive order of His Highness's government. We also do not find that the Government of His Highness had issued instructions to the troops to arrest any definite persons as the so called leaders of the cultivators. And does not this highhanded act of His Highness amount to the proclamation of martial law in Nemuchana? It is equally very pertinent to note the serious discrepancies which have been manifested in the press communique and the findings of this commission. The first information deliberately supplied to the public by the Maharaja's Government stated that only two persons were killed and four were wounded. The Commission finds that 13 persons were killed, 12 wounded including two women and 3 missing. The first statement says that fire was caused from probably the powder of the muzzle loading guns used by the mob. The Commission finds that it originated with a gun shot having fallen on a thatched roof and a hedge of dry grass and thereafter spread. The total loss from fire is assessed by the Commission at 11000 Rupees and the Maharaja's Government has ordered the payment of this sum to the poor cultivators for the damage caused to them. This clearly shows that the fire was not due to the acts of the mob. The first statement says that possession was taken of a quantity of arms and ammunition. The Maharaja does not refer to this incident nor does he mention that any arms or ammunition were found with the cultivators or any reliable evidence was recorded by the commission on this point. These three glaring inconsistencies would show how perverse the first official statement of the Government of the Maharaja was and how it deliberately attempted to fasten all the blame and guilt on the poor and undefended cultivators".



The Maharaja of Alwar in his laboured speech bestowed penegyric upon his troops and Lancers and upon his officers for their conduct at the Nimuchana outrage. The Maharaja assures that he made best endeavours sincerely to discover 'God's own truth' and his conscience is satisfied that no wrong was done to the people at Nimuchana. The claim of the Maharaja for impartial investigation is very astounding. This affair was not one between his subjects *interse*. It was a dispute between the subjects of the Maharaja on the one hand and the Maharaja himself on the other. Allegations of barbarous atrocities were made against the troops and their officers who were acting under the orders of His Highness. The aggrieved parties are the subjects of Alwar. The aggressors and assailants are the Maharaja's agents viz. his officers and his troops. The Maharaja was in a sense an accused person and that he should assume the role of a judge and jury is extremely ridiculous. If the Maharaja thinks that his hearers are ignorant of the first principles of jurisprudence he is sadly mistaken. The ostentatious speech which he delivered reiterating with considerable emphasis the searching inquiries which he made to find out the truth is mere camouflage. The Maharaja could have learnt much to his advantage from the composition of the Hunter Commission. The mighty British Government thought it necessary under similar circumstances to send for an independent president as Lord Hunter of Scotland unconnected with Indian politics and associated with him men of high rectitude, integrity and esteem such as Sir Chimanlal Setalwad, Pundit, Jagat Narayan and Sardar Sahibzada Sultan Ahmadkhan. We put it to the Maharaja whether his commission was similarly constituted. Was there one man who enjoyed the confidence of his aggrieved subjects? Was there one recognised leader of the people associated with the commission? Was not the commission composed of his own creatures whose jahagirs can be confiscated or whose services can be dispensed with at the sweet will of the Maharaja at any moment he liked and without assigning any reason whatsoever. This ludicrous show of the commission is extremely execrable and is a direct insult to the intelligence of his subjects. The

Commission says that persistent defiance of authority was encouraged among the cultivators for months by the agitators. What was His Highness' Government doing during these months when defiance of authority was deliberately encouraged amongst his subjects? Were any prosecutions undertaken to put a stop to this agitation during these months? And if so with what result? How did His Highness' Government allow the collection of weapons and fire arms and ammunition without any scent of the same reaching His Highness' police Department? Has the Commission found the causes which led to this dangerous act of resistance and what made the people so desperate to risk their lives? It is not alleged that the Nimuchana outrage was the outcome of any revolutionary propaganda. If for the simple fact of enhanced taxation or oppressive burden, the subjects of His Highness are forced to raise the standard of revolt, there is something fundamentally wrong in the Government of Alwar and it proves thorough incapacity of the Maharaja to rule over his subjects. That the poor cultivators of Nimuchana should be goaded to this length of desperation is proof positive of the misrule prevailing in Alwar. And the Maharaja does not deserve to wield the destinies of his subjects unless he offers a satisfactory explanation of this deplorable incident. The speech which the Maharaja delivered is thoroughly unconvincing and redounds to the discredit of the Maharaja in an amazing manner. The conduct of His Highness' officers in not supplying correct information at the outset also shows their guilty conscience and the admitted facts that 13 innocent lives were sacrificed, 60 cattle-heads were lost and property worth Rs. 11000 was destroyed unravel a story of extreme cruelty which throws the burden upon the Maharaja to explain the situation which justified this whole-sale massacre. The inclusion of two women in the list of casualties is an enigma. Were they also among the front line and taking part in the assault on the troops of His Highness? Are women in Alwar so aggressive and heroic when as a matter of fact their Ruler the Maharaja was impotent to nip in the bud the agitation which fomented dangerous and refractory attitude amongst the poor cultivators at its very inception? If the geographical situation

at Nimuchana was most unfavourable to keep peace and order was it not the duty of His Highness to have taken care to protect these vantage points from any possible danger. The crying over the difficult situation after the perpetration of the massacre of 13 people is simply adding insult to injury. The Maharaja cannot be deemed to be unaware of the local situation when agitation was going on for some months. Was it not imperative to take precautionary measures to avert strategic use of this situation? This by itself shows the thorough incapacity of the Maharaja to administer over such a territory.

In the course of his speech the Maharaja made the following remarks. "I must say I have been somewhat surprised by the numerous telegrams and requests. I have received, from different bodies and individuals, many strange and unknown to myself or my Government, some making the request courteously and others putting it in the shape of a demand, that they should depute persons from British India to come and investigate matters independently in my state. I could not be expected to make an indirect admission by accepting this suggestion that I or my Government were incapable of conducting an impartial inquiry. It seemed strange that outside bodies should deem it their right to interfere in the Government of a territory with which by treaty or law, they have no concern. I hope that therefore, it will be realised that it was entirely as a matter of principle, which not only affects my state, but all others of my order, that I felt constrained to refuse the requests made to me, which apart from setting the authority of my Government and myself at naught, would certainly make it appear to my people, that they should in future look to these non-official bodies from outside to come and administer impartial justice. Moreover, it would be a pitiable admission of the fact that these bodies had greater solicitude and interest for my people than myself."

Nothing could be a stronger exhibition of the feintish of official prestige expressed in a pontifical manner.

The Maharaja in his overzeal of defending himself and justifying his own measure has overstepped the bonds of decorum

## PROBLEMS OF INDIAN STATES

and has made uncharitable and insulting imputations against outside British Indian subjects. The Maharaja maintains that **by** treaty or law the outside bodies are not concerned to interfere in the affairs of his State. We put it to His Highness if the reverse had been the case, and if instead of poor helpless cultivators being done to death His Highness had been shot **by** the agitators would it have been deemed a matter of vexatious interference if the outside bodies in British India had set up an agitation for inquiry and for justice ? If the agitators had threatened the life of His Highness would he have kept quiet on the support of his Lancers and troops and not invoked the aid of the mighty British Empire for his own protection like the Nawab of Tonk. If the Maharaja wants perfect non-interference, would he accept it and religiously follow it in all disputes between himself and his subjects. The Indian State subjects can square their accounts with their respective Rulers in no time notwithstanding the so-called military resources of the respective States. They are not afraid of their Rulers or their troops but they are afraid of the Mighty British Government with all their unlimited resources. If the British Government would not interfere either for the Ruler or for his subjects we take the liberty of telling His Highness that his life would be simply unbearable if he persists in playing the role of a tyrant and all his boast of his lancers and troops would be simply evanescent. Do not the subjects of an Indian State owe an allegiance to a common sovereign along with their brethren in British India ? Are not the State subjects treated as British Indians outside India ? Why then should His Highness chafe at the solicitude shown by outside British Indians for the safety and well-being of the State subjects who owe allegiance to their common sovereign. One touch of nature makes the whole world kin. Why should not this catastrophe of the Nimuchana people evoke feelings of sympathy and concern in British Indian subjects as they are associated with the State subjects by ties of common allegiance, blood relations business connections, common language and religion and historical traditions. If the helpless people of Nimuchana suffer from vis-major or accidents due to fire or flood would not the outside British Indians run to their

help ? Would the Maharaja explain by what treaty or law he pretended to represent India at the Conference in Geneva ? Can he cite any authority by which a feudatory State like his is granted international status ? Is it not by mere courtesy and sufferance that he is allowed to sit with representatives of British India ? What right has he under the circumstances to complain if British Indian subjects extend their sympathy to the unfortunate cultivators of Nimuchana and show their anxiety to see that they are not tyrannically ruled or outrageously injured ? If the Maharaja's line of argument is to prevail, all the agitation of the British Indian people for the grievances of the Indians overseas including subjects of Indian States would be simply mendacious. By no treaty or law can British Indians demand as a matter of right the redress of wrongs of their overseas brethren. The appeal to the Colonial and Imperial Government is based on the ground of fellow feeling common allegiance and on the higher ground of humanity. The overseas Indians are connected with British Indians by ties of nationality, common allegiance to the same Sovereign and by the common right of citizenship of this vast Empire. If the agitation of British Indians is not only not resented as officious by Colonial and Imperial Governments, but **is** respected, considered and is utilised to find out a solution of this most intricate problem, should a petty feudatory Ruler like the Maharaja of Alwar pretend to be offended by outside British agitation which is actuated by the same sentiments and by the same impulse towards his helpless subjects.

The Maharaja has tried to deliberately misunderstand the view point of those who wanted to come and personally satisfy themselves about the open allegation made in connection with the outrage. No body ever made any suggestion 'to set at naught the authority' of His Highness or to usurp the right of His Highness to do justice as he liked in his own State. No sane man would make such a preposterous demand and none did make it. The Maharaja can credit men like Messrs Jannadas Dwarkadas and V. J. Patel of Bombay with ordinary intelligence when they exhorted in public, His Highness the Maharaja to hold an independent, inquiry to investigate fully into the affairs with a view to find out the

truth and bring to book those guilty of excesses. They would be the last persons to arrogate to themselves the power of His Highness to hold the inquiry and to administer justice as they found proper. This has been no body's idea and this has never been suggested by any rational being in British India. What was suggested was that the Maharaja himself should appoint a Commission consisting of members of independent position and standing and enjoying the confidence of the people just like the composition of the Hunter Committee and we respectfully ask the Maharaja what was there in the nature of an admission of incapacity, humiliating to His Highness? We take the liberty of stating candidly to His Highness that he himself and his officials as they were the persons against whom very serious allegations were made were incapable of conducting an impartial inquiry? If the Maharaja had such a supreme and robust self-confidence, of himself doing justice to his subjects, why did he go out of his way to invite Mr. Gibson when he went to Nimuchana to make personal inquiries. By what treaty or law we respectfully ask His Highness, was he bound to invite the political officer. As a matter of fact in such a grave and serious matter it was the duty of the political officer to go and hold inquiry on the spot of an impartial character and independently of the Maharaja whose conduct was the subject-matter of the inquiry. Had the Maharaja asked the sanction of the foreign and political department for this course? This sneakish way of approaching a superior is thoroughly unfair and deserves serious condemnation. It was as it were an attempt to prepossess the political officer in the Maharaja's favour. If the Maharaja was so anxious to be impartial in the personal inquiry he made, why was he unwilling to invite men like Pandit Madanmohan or Mr. Kunjaru or Mr. Tivari or Mr. V. J. Patel or any responsible leader of public opinion in British India to accompany him and to satisfy himself on the spot that the allegations were unfounded. Did the Maharaja think that the association of any of these leaders was derogatory to his exalted position and the company of a political officer much more edifying and creditable? We can clearly understand the anxiety of the Maharaja to secure

the backing and support of a political to whitewash his character by taking him under his auspices. We all know what a political is, and when enjoying the sumptuous hospitality of such an over-solicitous prince he is likely to forget himself. If the Maharaja had not taken the political under his wing and forearmed himself he knew that his position was perilous, and his fate in a political inquiry independently held would have trembled in the balance. This clearly accounts for his intense solicitude in asking the Political Agent to accompany him. The Maharaja did not care a straw for the displeasure or for the good opinion of any respected leader in British India. Persistent requests have been made to simply allow people to visit Nimuchana find to satisfy themselves and their conscience about the truth or otherwise of the allegations made against the Maharaja's Government. Bare permission was sought to visit the place. No further assistance of the Maharaja was craved for. No one prevented him from holding his own inquiry. No one wanted to administer justice, much less to give advice of any kind to His Highness and yet the Maharaja has the audacity to say that in allowing the people to find the truth for themselves there would have been the admission of his incapacity and the possible danger of making his people believe that they can find redress elsewhere outside the State and independent of himself. This is sheer travesty of facts and no sane man will attach the slightest value to these effusions. But the machinations of the Maharaja in inviting the political are simply despicable and clearly point out the spirit in which the Maharaja is finding out God's truth or Satan's falsehood.

The Maharaja in his explanation has given vent to effeminate wrath and petulant bias against the so-called agitators. We do not know whether these agitators who have mustered courage to expose the atrocities were eating his salt, or were receiving gratuitous payment to sing the praises of His Highness. If they were paid for their labour what claim has the Maharaja for their eternal gratitude. These recantations would have looked proper in a woman fretting and chafing with wrath. But in this august Maharaja they

appear simply unmanly. This outburst of feeling in the Maharaja unmistakably demonstrate the Maharaja's incapacity to hold an impartial and independent inquiry. This would have been a fit ground for transfer of any case before him in a judicial capacity. In spite of this the Maharaja should pretend to have held an impartial and searching inquiry is passing comprehension. The Maharaja offers a free pardon to the correspondent of the *Pratap* and even offers to reward him if he proves his allegations. Nothing so heroic is needed in the present case. Outsiders are clamouring for simple permission to visit the place, to move amongst the people and to find out the unvarnished truth,—Gods truth according to their own light and conscience. If the conscience of the Maharaja is not even yet prepared to grant this request, people all over the country, would rightly understand " where lies are concocted and shamelessly and assiduously published in the inspired newspapers."

The Maharaja has been talking on a high style throughout his speech, not only for his own State but as a matter of principle on behalf of all other States of his illustrious order. It is for this very reason that we have entered a very strong protest against this thoroughly unconvincing belated and carefully manufactured version of His Highness about this horrible incident and the effects which he has engineered to soften the tone of this incident by the artifice of a so-called commission. On behalf of the Indian States we have to repudiate the composition of the commission and vehemently denounce the reluctance of the Maharaja to admit outside light on this affair. The subjects of the Indian States owe double allegiance one to the Ruler and one to His Majesty. Lord Burkenhead in his recent speech has insisted on studying the preamble very carefully of the Royal proclamation. We have studied it and found that it includes the word India including British India and Indian States. The allegiance which the subjects of Indian States owe to His Majesty entitles them to protection at the hands of the sovereign power. We put it to the Paramount Power that if 13 cultivators had been killed like flies would the British Government have



kept quiet? Was **it** not the duty of the foreign and political department to make a searching and impartial inquiry about these allegations? Is this not gross misrule which justifies the interference into the affairs of an Indian State? Accepting the Maharaja's version that only thirteen lives have been done to death in an agitation which originated from heavy taxation, is this a situation **to** be looked with equanimity by the politicals? Instead of making prompt inquiries the Government is not supplying any information to a question pointedly asked in the British Parliament. Is it not the duty of the political department to supply information and to allay public anxiety on this score. It is to be noted with intense regret that when serious allegations were publicly made against the Maharaja the politicals small and great were vieing with one another to extol the glories **of** the Maharaja on the cool heights of Mount Abu surfeited with the sumptuous hospitality of the Maharaja **on** the occasion **of** his birth day banquet. Decency if not judicial decorum required the politicals to abstain from such an occasion when there were serious allegations against the Maharaja's government publicly and solemnly made **in** the Press. Did the department authorize Mr. Gibson to go and hold an inquiry? If so why did he not go alone? Why did he not hold the inquiry himself? Why did he go under the auspices of the Maharaja? All this clearly shows that the situation **is** not being tackled in a judicious impartial and fair manner. In the interest of all the States this incident deserves serious consideration. If a Prince can with impunity commit such outrages as are alleged against Alwar, there is no hope of redemption for the Indian States subjects. And **if** such a thing is tolerated and if the wrong goes unpunished under the so-called protection of the Paramount Government, **it** must be confessed with poignant grief that the evils **of** double despotism are in full swing **in** Indian India.

The Maharaja has been trying to propitiate the high functionaries of the Government of India since this time by offering them **Bhikar** and by inviting them to xamas carnival. He also celebrated his birth day at Hotel Cecil in London to which a large number of **British** Statesmen and retired officials

were invited. None of his hosts however seems to have any recollection of the grim tragedy of Nimuchana. Until this stigma on the career of this ruler was washed away by subsequent good and benevolent administration every one expected the paramount power to show their positive disapprobation of this autocrat who was guilty of such royal lawlessness. It is however amazing to find that the Government of India seem to be totally indifferent to the unfortunate happenings at Nimuchana. They have not taken any serious public notice of this outrage. They have not held any independent inquiry to find out the truth to satisfy the public conscience. No wonder therefore that with such infamy disfiguring his rule, the Maharaja is aspiring to be the chancellor of the Chamber of Princes. What a grotesque sight it would be to see this autocrat elevated to this high position as the official head representing the princely order in India. The discontent and the fear which this incident has generated has paralysed all public life in this State and has rendered it as the darkest spot of absolute despotism.

## CHAPTER XI

### The Indore Abdication

#### MALABAR HILL TRAGEDY.

On the morning of 13 January 1925 Bombay was startled by the news of a most dastardly, audacious and heinous crime committed on the previous night on **the** Malabar Hill in Bombay. A Merchant by name Mr. Abdul Kader Bawala was driving in his car with his Mistress Mumtaz and with his friend Mr. K. F. Mathew. A red Maxwell car containing the perpetrators of this crime dashed on this Motor car and the gang of people who were in this red Maxwell began to attack the inmates of Mr. Bawala's car and began to fire shots from their pistols. In the scuffle thus ensued Mr. Bawala was shot and severely wounded. Mumtaz was stabbed and a grievous hurt was inflicted on her face and Mr. Matthew was also hurt by a pistol shot. Some European gentlemen by name Lieutenants Saegert, Batley and Stephen were driving in their car **at** this juncture and seeing this outrage they went to the rescue of the helpless victims. The assailants also **V>**id their hands on these gentlemen and they were about to cause the death of Lieutenant Saegert by firing on him. Lieutenant Saegert seized one Shafi Ahmed and he was caught in the thick of the fight with a knife in his hand. The assailants then gave up their efforts of kidnapping Mumtaz and fled away ia the **Ted** Maxwell car. The injured persons were removed **to** the Hospital by Lieutenant Saegert where Mr. Bawala expired after some time, owing to the deadly wound caused by the pistol shot. Mumtaz was treated in the Hospital and her wounds were attended to. The story of this tragedy spread a thrill of horror into the whole city and the daring character of this offence created a tremendous sensation throughout the country. Investigations were set on foot and

the vigilant Bombay Police placed nine persons as involved in the crime before the Chief Presidency Magistrate who committed them to take their trial before the Sessions Court of the Bombay High Court. The Sessions Court was presided over by the Hon. Mr. Justice Crump who tried the case with the assistance of a special Jury. The following were the accused persons involved. (1) Shan Ahmed 26 years age Risaldar mounted Police Indore (2) Pushpashel Balavantrao Ponde 23 years Mankari Indore, (3) Bahadursha Mahamadshah. 25 years Motor-driver Indore (4) Akbarshah Mahamadshah 23 years Indore (5) Shamrao Rewaji Dighe 28 years Captain Air Forces Indore, (6) Mumtaz Mahamad Saiyad 25 years Sub Inspector C. I. D. Indore. (7) Abdul Latiff Moyuddin 25 years Motor-driver Indore. (8) Kurmatkhan Nizamkhan 28 years Pay Sergeant Imperial Lancers Indore (9) Anandarrao Gangaram Phanse 32 years Adjutant General Indore State Forces.

No. 2 Ponde and No. 9 Phanse were relations; No. 3 and No. 4 were brothers and No. 1 Shafi had on his person currency notes of Rupees two thousand when he was caught in the act.

The Advocate General Mr. J. B. Kanga appeared for the Crown. Mr. K. F. Nariman appeared for Mumtaz and watched the proceedings on behalf of his client. Mr. Sen Gupta of the Calcutta Bar with Mr. Nadkarni defended the first accused Shafi Ahmed. Mr. S. G. Velinkar defended accused two to eight. Mr. M. A. Jinnah with Mr. Gupta defened the 9th accused Phanse.

#### THE CHARGES

read out to the accused by the Clerk of the Crown were as under:—

(1) That accused Nos. 1 to 9, betveen the middle of October 1924 and the middle of January, 1925, at Bombay, Poona and other places, were parties, to a criminal conspiracy to commit the offence of kidnapping Mumtaz Begum from British India;

(2) That accused Nos 1 to 9 between the middle of October, 1924, and January, 1925, were parties to a criminal

conspiracy to kidnap Mumtaz in order that she might be forced or knowing that she was likely to be forced to illicit intercourse ;

(3) That accused Nos. 1 to 8 on or about January 12, 1925, at Bombay did attempt to kidnap the said Mumtaz Begum ;

(4) That accused Nos. 1 to 8 on the same date did attempt to kidnap Mumtaz that she might be forced to illicit intercourse;

(5) That accused Nos. 1 to 8 did commit the murder by intentionally causing the death of A. K, Bawala by shooting him with a pistol and did aid and abet each other in the commission of the said murder which was committed in pursuance of the said conspiracy and as a probable consequence thereof;

(6) That accused Nos. 1 to 8 on or about 12th January did attempt to commit the murder of Lt. Saegert and did aid and abet each other in the commission of the said offence ;

(7) That accused Nos, 1 to 8 did cause grievous hurt to Mumtaz by a dangerous weapon namely a jack knife and did aid and abet each other in the commission of the offence which was committed in pursuance of the said offence ;

(8) That accused Nos. 1 to 8 did cause hurt to Lt. Saegert by means of a pistol and knife and did aid and abet each other,

(9) That accused Nos. 1 to 8 did cause hurt to K. E. Mathew by means of a pistol and did aid and abet each other;

(10) That accused Nos. 1 to 8 were members of an unlawful assembly whose common object was to kidnap from British India Mumtaz and at the time the murder was committed in prosecution of the said common object the members thereof knew that it was likely to be committed in prosecution of the said common object;

(11) That accused No. 9 did abet the commission of the murder of A. K. Bawla in pursuance of the said conspiracy to which he was a party;

(12) That accused No. 9 abetted the commission of the attempt to murder Lt. Saegert.

The story of the prosecution was that Mumtaz who was of 22 years of age and who was a singing girl was in the service of the Maharaja of Indore for 11 or 12 years. She became the Mistress of the Maharaja and was in his keep for over 10 years. She went to England with the Maharaja in the year 1921 and her name was changed to Kamalabai Saheb. She returned in 1921 and remained as the Mistress of the Maharaja. She had a daughter born of her who it is alleged was done to death by the orders of the Maharaja. Mumtaz became disgusted with her life and wanted to leave Indore. She was being taken to Mussoorie to the Maharaja and while on her way to that place Mumtaz got down at Delhi and refused to proceed to Masserie. She went to Amritsar with the assistance of the Commissioner of Police of Amritsar and stayed there. Attempts were made to persuade her to go back to Indore to the Maharaja. Mumtaz flatly declined to go to Indore. Extradition proceedings were launched against her to secure her attendance at Indore on a charge of misappropriation of state jewellery but even they proved unfruitful. She ultimately came to Bombay where she was introduced to Mr. Bawala under whose protection she continued to live till the occurrence of this crime. Since October 1924 all these persons were making preparations to kidnap Mumtaz to Indore. They shadowed the movements of Bawala and Mumtaz and were hovering round them till at last they attempted to accomplish their object on the fatal night of 12th January.

The trial lasted for close upon a month. The Judge's summing up took six hours and the jury deliberated for an hour and quarter. The jury returned their verdict as below :—

#### THE VERDICT.

In respect of accused No. 1, Shafi Ahmed Nabi Ahmed they returned a unanimous verdict of guilty on charges Nos 1, 3, 5, 6, 7, 8, 9, 10 and 11.

In respect of accused No. 2, Pushpasheel Balwantro Ponde, they returned a unanimous verdict of guilty, on the same charges.

In respect of accused No. 3 Bahadurshah Mahomodshah they returned a unanimous verdict of guilty on the same charges.

In respect of accused No. 4 Akabarshah Mahomedshah, they returned a majority (8 to 1) verdict of guilty on the same charges.

In respect of accused No. 5, Shamrao Rewaji Dighe, they returned a unanimous verdict of guilty on the same charges.

In respect of accused No. 6 Mumtaz Mahomed Syed Mahomed, they returned a unanimous verdict of not guilty on all the charges.

In respect of accused No. 7, Abdul Latif Moyuddin they returned a majority (7 to 2) verdict of guilty on the same charges as No. 1

In respect of accused No. 8, Karamatkhan Nizamatkhan, they returned a unanimous verdict of not guilty on all the charges.

In respect of accused No. 9, Anandrao Gangaram Phanse they returned a unanimous verdict of guilty on charges Nos. 1, 12 and 13.

The charges therefore, on which none had been found guilty were those that referred to the kidnapping of Mumtaz for illicit intercourse. The unanimous verdict of guilty was against accused Nos. 1, 2, 3, 5 and 9 and the unanimous verdict of not guilty against accused Nos. 6 and 8. A majority verdict of guilty was returned against Nos. 4 and 7. All those who have been found guilty, save Phanse it will be seen have been found guilty among other things of murder.

**THE SENTENCES.**

His Lordship in passing sentence recapitulated the verdict of the Jury, which he declared he accepted. He then ordered in the first place that accused Nos. 6 and 8 be acquitted and discharged. (Here the two accused were permitted to leave the dock forthwith.) As regards the remaining accused His Lordship said: Accused Nos. 1, 2, 3, 4, 5 and 7 have been held guilty of the offence of murder covered by charges Nos. 5, 10

and **11**. Those three charges really deal with one single offence of murder and merely express the different legal aspect of the facts that have been proved. In the first instance therefore I have to decide what is the proper penalty in the cases of accused Nos. **1, 2, 3, 4, 5** and **7** for this offence of murder. The law lays down the sentence in cases of this nature as death or transportation for life, and naturally the Court gives a more lenient sentence consistent with the ends of justice. Considering the part played by these persons in the commission of this offence it is clear that accused Nos. **3, 4** and **7** stand upon a different footing from accused Nos. **1, 2** and **5** and in their case the minor penalty is adequate. I therefore direct that accused Nos- **3, 4** and **7** do undergo the sentence of transportation for life.

Now there remain the cases of accused Nos. **1, 2** and **5**. I regret that in the case of these persons, having regard to the heinous nature of the crime, the persistence that these persons manifested in resisting the attempts to rescue the victims, I cannot see my way to pass the minor sentence in their case. I therefore direct that accused Nos. **1, 2** and **5** be hanged by the neck until they are dead.

As regards accused No. **9** the Jury have found that he is guilty, firstly of the offence of conspiracy to kidnap Mumtaz from British India, and secondly of charges Nos. **12** and **13**, namely, abetment of murder and of attempt to murder. I am not concerned, and it is not my province to indicate any opinion on that verdict, but I am entitled to take this into consideration, that accused No. **9** was not on the scene in which the actual murder was committed and that it is only by the application of Section III of the Penal Code that the Jury have found him guilty of the offence of abetment of murder. In this case therefore I consider the minor sentence which the law permits me to impose is appropriate. I therefore direct that accused No. **9** do undergo the sentence of transportation for life. As regards the remaining charges I do not consider it necessary in view of what I said to pass separate sentences. I shall therefore content myself with **passing a nominal sentence, namely one year's rigorous**



imprisonment on each of the remaining charges against the accused, that is to say, on those charges on which there is a verdict of guilty against him, and I further direct that such sentences do run concurrently.

It was difficult to fathom

#### THE MOTIVE

of this diabolical crime. Lust or passion could not be at the back of this conspiracy. Those who saw Mumtaz in the court during the course of the trial were not much impressed with her beauty or personal charm. She had a very stern appearance and her features had no feminine elegance. She was the Mistress of the Maharaja ever since her youth for ten years and a child was born to her. None of the accused was personally enamoured of her and they were declared to be purely mercenaries. She had escaped from the clutches of the Maharaja and he was mightily displeased with her and felt his dignity offended. She had baffled all efforts to bring her into the jurisdiction of Indore and this incensed the mighty despot who was all wrath. Revenge seems to be the motive of this crime. This led to the belief that the conspiracy originated from Indore and the fact that all the accused were in the service of the Maharaja of Indore confirmed this belief. This heightened the sensational character of the trial and evoked considerable interest. The fact that the lives of some British and Indian citizens were attempted under such horrible circumstances and in the very heart of the *urbus prima* in India and especially in a locality which is deemed safest for any human being to live and more aggravated public feeling about this case.

The *Times of India* on the conclusion of the trial before the High Court Session wrote very graphically about this sensational case which engaged public attention and created intense excitement over a period of nearly five months. The *Times* observed in its issue of 25 May to the following effect.

#### THE END OF A CRIME.

For more than four months the interest of people over a large area of India has been engaged in the developments of the crime which took place on Malabar Hill on the evening of January 12 last. The interest culminated on Saturday when the last scene of the long drama was

played in the Bombay High Court. After a trial which lasted for twenty-four days, a trial in which several counsel of the highest eminence were engaged, in which forensic ingenuity and skill were exhibited in a conspicuous degree, in which the most exhaustive evidence of the movements and identities of the nine accused was led, which culminated in a summing-up from the bench marked by the utmost judicial detachment and a telling exposition of facts and evidence, after a trial, in short, which was in every respect free, fair, and thorough, six of the accused persons were found guilty of various charges, which included murder, a seventh was found guilty of charges, which included one of abetment of murder, and two were acquitted. None who has followed the evidence with regularity and care can have the least doubt that the jury has delivered a true and just verdict. Nor can there be much commiseration for the wretches who are about to expiate their crimes on the scaffold or within prison walls. A just fate has overtaken them. Terribly they offended against the laws of society, and in their punishment they feel only the unflinching and terrible hand of unswerving justice. They have been found guilty of a dreadful and sinister conspiracy which had as its aim the kidnapping of a woman from British India. They engaged in that conspiracy with a brutal and reckless disregard of life which ended in the murder of one man and the serious hurt of two others, as well as the mutilation of the woman they had set out to kidnap. At least three of them were so determined to bring their criminal conspiracy to a successful issue that they remained on the scene of the crime for some moments after they may have had a chance of escaping. Throughout, the crime bore on its face the marks of the most careful preparation and, in its execution, an almost maniac fury and determination. Men who are willing to act, for whatever motives, in the way that these condemned men have done, are, by living, a grave danger to the lives of individuals and a menace to that respect for the laws and for life which is the first premiss of civilisation. In sum, they are "better dead" and if four of them have been spared the last rigour of the Law it is only that they may experience that other living death, confinement in a prison for the rest of their lives.

No comment on the case could be complete without some reference to the magnificent work of the police. Starting with some hypothetical knowledge of the probable origin of the conspiracy, founded on an acquaintance with the past life of the woman in the case, and with a knowledge of the identity of a man caught, as it then seemed, in the actual commission of the crime, they worked up a case which the utmost

ingenuity of the defence was unable to impair. Patiently and exhaustively they followed up every clue, explored every nook and cranny which might reveal fresh valuable evidence, traced the pertinent movements of suspects and adduced evidence therefor until, in the end, they were able to show their completed work—a masterpiece of constructive investigation. They did their duty, nothing more. Yet the public owes them a debt of gratitude for the masterly efficiency with which they carried it out. Their work is finished and is crowned by the condemnation of the men primarily concerned in the commission of the crime last January. We venture, however, to say that the public is not fully satisfied that all who ought to be punished will be punished. A passage in the Hon. Mr. Justice Crump's charge to the jury contained the following words : —"There may be other persons who were interested in kidnapping Mumtaz. We know nothing of them. Indeed, we know from the accused themselves that there was a wish to take her back to Indore in the interests of Shankarrao Gawde. But whether it was in the interests of Shankarrao or some other person, who desired to have her or who desired to do away with her, when you consider the materials placed before you, they indicate that Indore is the place from where this attack emanated". The attack *did* emanate from Indore. It was there that the whole vile conspiracy was hatched. It was there that the directing ability was centred. It was from there that the evidently unlimited sums of money to further the object came. The source is identified with Phanse, the Adjutant-General of the Indore Forces. But is he the ultimate source ! Naturally the Court which tried the accused had nothing whatsoever to do with that question. But having regard to the evidence and the circumstances of the crime one finds it difficult to believe that the whole plot grew in Phanse's mind without anybody else having suggested the desirability of the end he and his fellow conspirators sought to achieve. Probability is against the belief that those who planned the coup did so merely on the off chance of its being acceptable to some "other persons" who may have been interested in the kidnapping of Mumtaz". It seems indeed far more credible that left to themselves, they would not have planned and executed the crime. As far as the police of Bombay and the Criminal Court of Bombay is concerned the case is over. *But ten known we are voicing a wide-spread belief that there has yet to be revealed in "ill its shldtuy shamefulness, an ultimate source or sources which encourmjed. inspired and bribed the condemned wretches to undertake the sinister crime for which punishment hat been meted out td them.*

The convicted accused lodged petitions to the Privy Council for special leave to appeal. Sir John Simon who was engaged on behalf of Phanse opened the case and argued at considerable length for special leave on 26th October. Their lordships found themselves unable to recommend to His Majesty to give leave to appeal in the case but they thought it better to put their views in writing. On November 5th the Privy Council delivered reasons for their Judgment refusing the prayer of all the petitioners for the leave asked for and they rejected the petitions.

The *Times of India* in its issue of 29 October 25. made the following observations about this case,

The appeal of those convicted of the murder of Abdul Kador Bawla last January has ended as most people expected it would end in the confirmation of the sentences passed by the Bombay High Court. So flimsy were the grounds of appeal considered by the Privy Council that the only man on behalf of whom a case could be argued was Phanse. He was convicted at Bombay of being an accessory and the evidence adduced plainly showed him to have been the chief agent in the attempted abduction which ended in murder. The violent act which he was directing from Iudore he must have recognised as likely to lead whither it did and so it was that the Bombay High Court found him guilty. Sir John Simon pleaded in his case that there had been, in the Bombay trial, misdirection to the jury for whom greater emphasis ought to have been laid on the fact that Phanse was not only absent from Bombay but was most probably ignorant of most of what was going on. That plea has been rejected by the Privy Council as invalid, Lord Dunedin pointing out that Phanse was not only in communication with the criminals up to the last moment before the crime but must be supposed to have been aware of the possible consequences of the abduction he had planned. In other words, his instructions to his agents were probably "stick at nothing." In a few days therefore the last scenes of this very ugly affair will be enacted. The three men condemned to death will suffer the last penalty of the law. The others, found guilty in lesser degree of participation in the crime, will spend most of the rest of their lives in prison. Justice, though delayed, will be finally vindicated.

That an appeal in this case to the Privy Council should have been admitted is a fact which has been the subject of wide criticism. The case seemed so clearly proven up to the hilt that an appeal appeared to

be a waste of time and money. But, if the appeal has had no other good result, it has at least had the effect of demonstrating that delay and the lavish outpouring of money can do nothing to shake the evenhanded justice of the British Courts. We have heard the notion freely expressed that after the appeal had been allowed, the Privy Council must of necessity change the verdict and sentences of the Bombay High Court. Speculation acquitted this or that condemned man and commuted all the capital sentences to penal servitude. A sufficient answer has now been returned, to these theorists. Has the final answer, however yet been given to all questionings on this case? Phacse and those condemned along with him are plainly the primary agents of the crime. But who has stood behind them? Who has lavished funds upon them for their defence in Bombay and again for the presentation of their case before the Privy Council? Only a very wealthy man or men could afford to do for men caught in the act of crime what has been done for the condemned men in the Bawla case. Only a man or men deeply interested, possibly deeply compromised, in the crime would consent to spend money as freely as has been done. When the verdict of the Bombay High Court was announced we wrote that the public throughout India would not rest satisfied until the crime had been traced to its ultimate source. These words are still true and we know that India expects to hear from the Government of India either that there is no evidence whatsoever to connect any other party with the crime or that, evidence being in existence and proof possible, the steps which justice demands shall be taken.

#### WHAT JUSTICE DEMANDS.\*

By the execution of Shafi Ahmed and Dighe, the curtain has fallen on the Bawla case. Ponde after the end of the trial developed signs of insanity and has been saved from the gallows. This case has adorned a tale of a most tragic character and points certain morals worth reflecting on.

In the first place the high character for impartial justice enjoyed by the High Courts of Judicature and the highest tribunal in the Empire, viz the Privy Council, has been vividly brought home to the people. The eminent judge who presided over the Criminal Sessions, Mr. Justice Crump, has earned a

"This appeared in the form of an article in the Servant of India of 26 November 1925."

great name for impartiality, a high standard of rectitude, integrity, and judicial acumen. The members of the special jury in this case have also lived up to the traditional standard of unbiassed verdict, amidst influences tending to corruption and intimidation. Even the presiding Judge was not spared these influences; he was anonymously addressed **by** busybodies pointing out to him the manner in which the case ought to be tried. But the jury, dismissing everything except the intrinsic merits of the case from their minds, and cutting themselves free from all external influences, returned a verdict which is just, intelligent and level-headed. The Malabar Hill tragedy was also instrumental in exhibiting to the world the gallant conduct of three Military Officers who rushed to the scene of offence at the risk of their own lives and tried to rescue the victims of this nefarious outrage in a most heroic, selfless and admirable manner. Their subsequent conduct also shows their grit and the high sense of honour which they possess. Their evidence proves their transparent veracity. Indeed they have done much to enhance the Englishman's reputation for devotion to duty, self-effacement, and chivalrous spirit. We wonder how many Indians would have rushed into the scuffle and faced death to save helpless creatures of another race, religion and country.

Now that the trial is over and the seal of the highest court has been indelibly stamped on it, the question is, what next? The responsibility for conducting a thorough investigation rests entirely on the political department of the Government of India, of which the Viceroy is himself the head. Lord Reading has made "justice" the motto of his Indian career as it was his motto when on the bench, and the Indian public has therefore a right to expect that in this case, which is such as to tax the capacity for justice of even the late Lord Chief Justice of England, stern justice will **be** meted out. Mr. Justice Crump in his admirable charge to the jury stated: "It is possible, whoever the assailants were, that there were persons behind them, whom we cannot precisely indicate. But where an attempt is made to kidnap a woman who was for ten years the mistress of the Maharaja, is it not at least reasonable to look to Indore as the quarter from which this attack may have emanated? There may be other persons who were interested

in kidnapping Mumtaz. We know nothing of them. Indeed we know from the accused themselves that there was a wish to take her back to Indore in the interest of Shankar Rao Gawde. But whether it was in the interests of Shankar Rao or some other person, who desired to have her or who desired to do away with her, when you consider the materials placed before you, they indicate that Indore is the place from where this attack emanated."

*It* is the duty of Lord Reading's Government to discover this hidden hand and to drag him before the Court of Justice. Although the trying Judge made no mention of the Maharaja of Indore, there are abundant circumstances in this case which go dangerously near implicating him. They are : (1) the sworn testimony of Mumtaz ; (2) her allegation about the murder of her child by the Maharaja; (3) her petitions and telegrams, sent to the Commissioner of police at Amritsar ; (4) the getting down of Mumtaz at Delhi on her way to Mussoorie and her refusal to proceed further, and her statement that she was pursued and harassed by the Maharaja's officials; (5) the proceedings to secure an extradition warrant against her and the miserable failure of this attempt; (6) the fact that all the accused were in the service of the Indore Durbar, some of them holding high offices and one a Mankari; (7) the free use they made of the Indore Durbar estates at Bombay, viz. the Aurora House and the Somerset House for hatching the plot; (8) the keeping of the Red Maxwell in the garage in one of these houses ; (9) the presence of Mr. Sharma, the Financial Secretary of the State, in Bombay and the mysterious telegrams he sent; (10) the spiriting away of the mali by Messrs. Mulgaokar and Khasgiwalla, both Indore official?, for the apparent reason that the mali knew something which they did not wish him to divulge ; (11) the facilities of leave of absence from Indore which these mercenaries secured to perpetrate this dastardly act; (12) the huge expenditure of money incurred in engaging eminent counsel far beyond the means of these wretched accused persons ; (13) the presence of the Legal Adviser of the Indore Durbar in England to instruct the counsel; and on the top of this all (14) the candid admission of Mr. Sen Gupta that Shafi Ahmed was after all a hireling and the appeal for

mercy of Mr. Velinkar for Ponde to the effect that exceedingly powerful influences were brought to bear on him with a view to draw him into the conspiracy and the plea that Ponde and Dighe did not desire to take Mumtaz away for their own sake. We are far from contending that the circumstances mentioned above establish the guilt of H. H. the Maharaja Holkar. We would be the last to prejudge the result of the inquiry for which we press. All that we maintain is that the facts we have gathered above are of such a grave character as to demand a thorough inquiry into the Maharaja's part, if any, in this scandalous affair.

**PUT HIM ON HIS TRIAL.\***

There are some further points which arise out of the demand for an inquiry. One of course quite agrees that in the interests of justice, with a view to safeguard the liberty and safety of British Indian subjects, and in order to vindicate the good name of the Maharaja of Indore, the matter must be probed to its utmost depth, a thorough investigation must be conducted, and the real offender must be brought to book. But as the person or persons behind the curtain is or are in the Indian State of Indore, it is imperative that the Political Department must take the initiative boldly in this matter and try to maintain the high character of the administration of justice in British India. The law clearly lays down that where a foreigner initiates in a foreign territory an offence which is completed within British territory, he is if found in British territory liable to be tried by the British court within whose jurisdiction the offence is completed. If the Maharaja is really involved, we fail to see any reason why he should not be tried in British Indian courts. The law is no respecter of persons and if really there are *prima facie* grounds for believing that an offence has been committed, we fail to see why the Political Department should hesitate to start an immediate enquiry in this connection. If necessary, the procedure of a special tribunal may be resorted to in this case. This case involves a very great principle. The liberties of British Indian subjects have been dangerously and defiantly

\*This appeared as an article in the *Servant of India* on 10-12-1925.

1 See XIV *Bombay Law Reporter* *oa. ee* 143 *Emperor vs Chhotalal Babar*.



attacked. The life of a British Indian subject has been destroyed ; and an attempt has been made to commit the murder of another British subject in British India. If this violent action remains unpunished, it will menace the liberty of all law-abiding subjects of His Majesty's Government in British India. If a tyrant of an Indian State with unlimited resources at his disposal can wreak his vengeance with impunity on a subject residing in British India, the protection of the mighty British Government would not be worth a day's purchase. The Government of Lord Reading is therefore under a great responsibility to the people in British India to vindicate their honour, to protect their persons and to safeguard their liberty. No statecraft, no diplomacy, no political considerations should deter **the** Government from pursuing this inquiry to its logical consequence. The dignity, position and status of the persons involved should on no account weigh with the Political Department. I cannot say whether the Maharaja is guilty or innocent. But circumstantial evidence leads to dangerous insinuations against him, and he must **be** put on his trial. If he is really anxious for his reputation and good name, he should *sua motu* **Bolicit** a public inquiry and have his character cleared and his good name and honour vindicated. If he comes triumphantly out of this ordeal, every lover of Indian States would immensely rejoice and would honour the Maharaja all the more for his courage, **his** manliness and his keen sense of justice. He will have for this sake voluntarily to abdicate his throne and **seek** an open trial before a tribunal. If he shirks doing this, it will leave room for people to suspect that conscience has made a coward **of** him.

There are some people who have a soft corner in their hearts for the Indian States and their rulers. However diabolical their deeds, however tyrannical their acts, they will observe reticence about them and try to shelter them from public criticisms for fear that the State may be in danger and may be annexed to the British territory. But there is absolutely no reason to entertain any apprehension on this score. The policy of the British Government has undergone a radical change since 1858. Annexation, lapse or forfeiture **is** no longer the policy of the Government. For the misdeeds of a tyrannical ruler,

the State is not vicariously punished and is not confiscated and escheated to the British Crown. The State will remain intact, whether the ruler abdicates willingly or is deposed by a higher authority. The instance of Nabha is **in** point. It is therefore not right to entertain any doubt on the score of the safety of the State of Indore and the Maharaja may safely be left to his destiny. If the Maharaja is really guilty he should be deposed and be awarded such other punishment as he deserves. The State in this event too would remain intact and the claims of the legitimate heirs would be duly considered by the paramount power. But on no account would the State lapse even in this eventuality. If the Maharaja comes out unscathed from the trial, he certainly deserves to rule over the State. And every one will honour him for his glorious and courageous conduct. The clouds of insinuations are thickening over his head and he must be prepared to stand his trial.

It is pertinent to note the difference between a voluntary abdication and a forced dethronement. A voluntary abdication may ensure the succession of the legitimate heirs of a ruling Prince ; but if in the open inquiry and trial, a Prince who is forcibly dethroned is found guilty of misdemeanour or of any offence, not only would he lose his *gadi* but his heirs also would be deprived of their otherwise legitimate rights. The instance of Aundh is very significant. For the misdeeds of the late ruler of Aundh the legitimate heirs were divested of their rights and a protege of Government was placed on the *gadi*. in spite of the protests of the rightful claimants.

The Maharaja of Indore has been making frantic efforts to enlist public sympathy on his side during these troublous times. The selection of Mr. Sen Gupta, the leader of the Swaraj party **in** Bengal, to conduct the defence of Shafi Ahmad ..seems to have been a move in this direction. The strenuous efforts which Mr, Sen Gupta made during the course of the trial to protest against any reference to the Maharaja were hardly edifying. And he made the damaging admission that his client was a mere hireling ! Like Rip Van Winkle the Maharaja awoke one day from the sleepy hollow of his palace and issued his annual administration report after nearly a decade.

He seems to have developed suddenly, an instinct for representative institutions and has created a pompous legislative council with hardly an iota of responsibility given to the people. He issued an edict for free primary education as though he was unaware of the utility of this measure for over twenty years since Mr. Gokhale made his supreme effort in its favour in the Imperial Council. The idea of celebrating the anniversary of the founder of his dynasty, the great Malharrao Holkar seems to have dawned upon the Maharaja during the anxious time of this great trial. He has begun to make amends for his past cruel treatment of innocent people. Her Highness Maharani Chandravati Bai Saheb the Senior Wife of the Maharaja and the Mother of the heir—apparent was reinstated as the ruler of Maheshwar State from her enforced retirement in seclusion. Dr Deo who was unjustly convicted was acquitted and liberated. The Maharaja's munificence and his philanthropy are paraded world-wide with a view to elicit public admiration. However dexterously these tactics may be engineered, they are too thin to disguise the real character of the present regime at Indore, when it is remembered that most disgraceful scandals about women reported in influential newspapers were allowed to go unchallenged and unheeded before the Bawla tragedy. \* It is not therefore possible to beguile the

\* The following explanation was sent by the pleader of Indore Mr. Pant Vaidya about this Statement to the Servant of India.

"The facts are that the existence of certain rumours about the kidnapping of women was brought to the notice of the Indore Government which took prompt action and ordered a thorough inquiry. The result of this inquiry showed that there was no real foundation for the rumours which appeared to have been set on foot by interested persons.

His Highness, however, thought that an inquiry by the Police was not all that he wanted and desired that any apprehension that might have been created even by false rumours should not remain in the minds of his subjects and he, therefore, commanded his Chief Minister to take personal interest in the matter and invite the public to co-operate with him in getting at the bottom of the whole affair. The Chief Minister accordingly published a notice in the local paper called *Malhari Martand* on 23rd September 1920, communicating to the public His Highness' solicitude in the matter and asking everyone who may have any information to give about any case of kidnapping, to

( Continue' } on next page )

credulous public by the overdoings of the supporters of the Indore *Raj* of the present day. It is to be regretted that there has been a sudden somersault in the attitude of a certain section of the press which was virulent in the beginning when the case was *sub judice*. Some of the newspapers went the length of publishing the photos of the present Maharaja of Indore in juxtaposition to that of the unhappy victim, Mr. Bawla. A feeble protest against this had been made after the trial was over. As the case has now been decided and when the press should insist in the interest of justice to find out the

(Continued from last page)

See him personally so that it might be inquired into. He also gave the assurance that if any information led to the discovery of an offence, the person supplying it would be rewarded, and that if any information failed to lead to any such discovery, the person giving it would incur no liability.

Since no one came forward to give any information of any kind, it was clear that nobody had any to give. The sensation soon afterwards subsided.

A similar attempt to circulate similar rumours was again made early this year ; but it failed in its very initial stages. A similar notice in the *Holkar Sarkar Gazette* soon put a stop to the contemplated mischief. Some intriguers who wished to injure the reputation of His Highness' Government were no doubt responsible for this attempt.—Yours, etc.

Indore, December 1925.

V. G. PANTVAIDYA.

The above letter was showed to Mr. Abhyankar who has furnished us with the rejoinder, which we publish below. Ed., S. 0. 1.

I am indebted to the courtesy of the Editor for being allowed to reply to Mr. Pantvaidya's letter in this issue. My statement that rumours about women published in newspapers were allowed by the Indore authorities to go unchallenged is dismissed by the correspondent as one " which people in Indore know to be untrue." Does it mean that such stories were given > public denial by the Durbar to the knowledge of the Indore public, or that the Indore public believed theBe rumours to have no foundation of truth in them? U the former meaning is intended, I must ask the correspondent to refer roe to these denials, and to the action taken by the authorities oo ;cerjed to prove the falsity of the rumours, for I have not seen any one of the several rumours contradicted by the Duabar, nor were the papers giving publicity to them challenged either to substantiate the stories or to retract them as having no basis of truth. If, however, it is meant that the people of Indore are already convinced that there could be no truth in them aud do not require any outsiby\* evidence in the matter, loan well

real offender, it is amazing to find an influential daily giving a long surmon on the moral side of the late Mr. Bawla's conduct. The graver issues involved in this case have been studiously blinked over. The reason of this apathy and deliberate omission are too obvious to need any mention. Whatever the attitude of the press and whatever the causes of the same, it is the bounden duty of the Government and especially of the Political Department to pursue this inquiry seriously and to unearth the hidden hand.

believe that there must be a section of the Indore public of this mentality. The more the scandals buzz outside, the greater becomes the faith of this type of mind in the implacable morals of the Indore Durbar. The faith perhaps becomes all the keener, I suppose, when one has received a sound drumming, as the correspondent did on a recent occasion, since when we may perhaps date the rise of this conviction.

I am astounded at the writer's audacity in referring to the inquiry which a former Chief Minister was asked to conduct in regard to some of these scandals. For no one interested in whitewashing the Durbar would have been so indiscreet as to refer to things, which, to say the least about them, have such an uncanny look of suspicion about them. Mr. Pantvaidya tells us about H. H. the Maharaja entrusting the investigation to Mr. Baburao Walawalkar to give the Minister his name. But why does the story stop short at that point? What did the Chief Minister report? Did he say that there was no *prima facie* case for pursuing the inquiry? Or did he say that certain persons connected with the palace must be removed temporarily from their places of power before a real inquiry could be made? Was the inquiry dropped because no person came forward with evidence or for any other reason? It would throw a flood of light on the matter if Mr. Pantvaidya would tell the public if it is true that Mr. Walawalkar had to leave the State on the very day he completed a preliminary inquiry into the scandals and privately disclosed some clues to His Highness. An answer to the question as to why Mr. Walawalkar instead of returning home after working till a late hour in the evening proceeded straight to Indore Station to shake off the dust of his feet from the State is required. If Mr. Pantvaidya can obtain an accurate account of these mysterious proceedings, I daresay he will no longer speak with such confidence of the Maharaja Holkar's enquiry into the scandals. Apart from all this, however, has Mr. Pantvaidya never heard of the valid objection one can take to the same person being the accused and the judge and the executioner all rolled in one? Perhaps in Indore these nice questions trouble him as little as they trouble the Maharaja.

G. R. ABHYANKAR.

## A REPLY BY THE INDORE DURBAR.

The Indore Durbar sent the following reply to the article in the Servant of India and it was published in its issue of 17-12-26.

"What Justice demands" is the heading of an article published in the Servant of India (26th Nov.). The writer has attempted to collect all such materials as would, in his opinion, justify a further inquiry into the conspiracy brought to light in the Bawala Murder Case. «

He starts by complimenting the Judge who tried the accused and showers praise on the members of the Jury who, to use his own words, "lived up to the traditional standard of unbiassed verdict, amid influences tending to corruption and intimidation." As to what those influences were, the writer of the article has nothing to say. The next sentence in the article is, however, very significant, as it makes it quite clear that the statement quoted above was suggested by a remark by the Judge in his charge to the Jury. That next sentence runs thus:—"Even the presiding Judge was not spared these influences", he was anonymously addressed by 'busy bodies' pointing out to him the manner in which the case ought to be tried." The Judge's remarks were, however, these "Another thing I would say, and that again has been said to you already, and I would repeat it. You may have heard expressions of opinion as regards this case outside this Court. You may have already received, for ought I know, communications upon the facts of this case. I say this advisedly, for certain busy bodies have addressed me upon this matter anonymous letters and have pointed out to me the manner in which this case ought to be tried. Dismiss all that from your minds." Considering the Judge is merely repeating the warning given to the Jury by the defence Counsel, it would seem quite clear that it was intended to be one against their taking into consideration that which they might have heard said outside the Court or told in writing by "busy bodies" against the accused, so that their case might not be prejudiced by such information. Indeed the accused had already petitioned the Viceroy for the transfer of their case, on the ground that they expected no justice in an atmosphere such as prevailed in Bombay before and during their trial. How the writer of *this* article makes out that the Judge was referring to such "busy bodies" as were working in the interests of the accused, passes one's comprehension. The Judge's remarks lead one to the conclusion that if there were any "influences tending to corruption and intimidation" they were the creation of the

" busy bodies " working not in the interest, but to the prejudice, of the accused. The writer next quotes a long passage from the Judge's charge to the Jury to show " that Indore is the place from where this attack emanated. " What he seeks to make out of it would merely be a conjecture. It may, however, be stated that nobody contends that Indore was not the place from where the attack emanated. Whether this fact can be used as a foundation for building wild theories, and whether they would be entertained by any fair-minded person are questions which need not be discussed here.

Lastly the writer gives fourteen " circumstances " which, in his opinion, " go dangerously near implicating " His Highness the Maharaja of Indore. Let us see what they amount to.

The first circumstance is " the sworn testimony of Mumtaz. " One should have thought that this was a circumstance which no one anxious to make out a case against another would choose to rely upon. Whatever weight may be attached to that part of Mumtaz's statement which referred to the incident on the Malabar Hill, the rest of her statement clearly bears, on the very face of it, marks of intentional falsehood. It is not necessary to examine this statement very minutely, for a reference to only a few circumstances is all that is required to show that every petition and every part of her statement were made with a definite motive and a definite object in view.

She and her parents planned to leave Indore with a large quantity of State jewels and in anticipation of the trouble that was expected to arise, and to meet the charge of misappropriating State jewels, they invented the story which was incorporated in Mumtaz's petition to the Commissioner of Police, Bombay, that the jewels given by Maharaja Ranjitsingh to her ancestors had been taken away from them before they left Indore, and that they were worth nearly fifty lakhs of rupees. First of all, it is incredible that Wazir Jan, whose extraordinary attitude towards her daughter was even commented upon by the presiding Judge, could ever even dream of leaving any valuable jewellery with her daughter Mumtaz. But apart from Wazir Jan's conduct there are circumstances which demonstrate beyond doubt that the story about Maharaja Ranjit Singh's jewels was invented with a definite object and repeated in Court by Mumtaz with a definite motive. The petition to the Commissioner of Police in which this jewellery is mentioned is dated 18th March, 1924. Within three days of this date she left for Delhi on her way to Mussorie and made a statement to the Police on the 22nd of that month, but

mentioned nothing about these jewels. Again she petitioned the Deputy Commissioner, Amritsar, on the 14th April, and again there was no mention of the jewels. On the 20th of May she had a letter written by her father to one of the officers at Indore asking for her warm clothes, etc., but nothing was said about the jewellery alleged to have been taken away from her. These are the documents which are on the record of the High Court and proved by the evidence of Mumtaz and Mohammad Ali—her step-father. In addition to these there are several other letters and telegrams on record containing no reference to the jewels. Is it conceivable that a woman who has been deprived of her jewels of\* the value of fifty lakhs and her parents would keep quiet after this loss and not do everything in their power to recover them? Can it be doubted that this story about the jewels was invented merely to meet the charge which, they anticipated, would be brought against them as soon as they should leave with the State jewels?

Let us take another instance. On the 24th of September, 1924, Mumtaz made two declarations before the Chief Presidency Magistrate and the 2nd Presidency Magistrate. They are *Ess. No. 1* and *1-a* and contain the following statement:—

As I am not on good terms with my mother and step-father and as I could not pull on well with them, I left their house at Sleater Road, Grant Road, on the evening of the 22nd instant I, therefore, pray that this declaration be kept on record so that if my mother or step father try to harass me in any way and apply to your worship for any process, Your Worship may take this declaration into consideration and may not issue any harsh process.

With reference to this declaration, her statement in the High Court was as follows :—

I made a declaration before the Magistrate. Mathews went with me on both occasions. I had a pleader whose name I have forgotten. It is not true that at that time I was not on good terms with my mother and my step-father. I made this declaration under Mr. Bawala's advice. I was not afraid that my parents will take out any harsh process against me. I made this statement at Mr. Bawala's advice.

Here is a woman who admits having made false statements on oath just because she is advised to do so, and because it suits her purpose; yet the writer of the article referred to above would like people to regard " the sworn testimony of Mumtaz " as the gospel truth ! If



space was no consideration, nothing would be easier than to show from her own evidence that she made an absolutely false statement in the High Court.

The second circumstance mentioned by the writer is 'her allegation about the murder of her child by the Maharaja.' We have Mumtaz's statement in the High Court before us and she has nowhere stated that His Highness the Maharaja was in any way interested in or brought about the murder of the child. The writer alone is responsible for the introduction of His Highness' name. All that Mumtaz stated was that nurses killed her child ; and this was done at the end of the re-examination by the Advocate-General. The Counsel for the defence asked for an opportunity to cross-examine her on this point, but on the Advocate-General's statement that he did not intend to use that piece of evidence, the defence Counsel's request for cross-examination was rejected by the Judge with the remark: " We are not concerned with it at all. " If we were to examine the conduct of Mumtaz and her parents after this event, it would be quite clear that her child could not possibly have been murdered. In fact, her statement in the Bombay High Court is quite sufficient to enable any fair-minded person to come to this conclusion. Moreover no one had any interest in causing the disappearance of the child. Everybody acquainted with the manners and customs of Indian Courts, knows that natural children are not considered a stigma on the ruler.

As regards circumstances Nos. 3 and 4, i. e. " ( 3 ) her petitions and telegrams sent to the Commissioner of Polios at Amritsar and ( 4 ) the getting down of Mumtaz at Delhi on her way to Mussoorie and her refusal to proceed farther and her statement that she was pursued and harassed by the Maharaja's officials, " nothing much need be said. Her petitions and statements to the Police were only precautionary measures intended to meet charges that might legitimately be brought against her. In the High Court she admitted having sent false telegraphic messages under the advice of her lawyers so that the people interested in taking action against her might be misled, and some benefit might thus accrue to her. Who can say that the allegations made in her petitions and telegrams were not a part of the same game ?

With reference to the " circumstance " No. o, though extradition proceedings w<sup>^</sup>re under contemplation, no application was actually made to the British authorities.

"Circumstances " 6 to 11 may be dealt with together. There is nothing new in the fact that a conspiracy was hatched in a State by a number of its officials. Such conspiracies have been known to all parts of the world. It would be a very strange proposition to lay down that if in a State some of its officials were found implicated in some kind of conspiracy, the ruler of that State should be held to be responsible for it.

To fix responsibility it is necessary to refer to some evidence that anyone except the accused themselves had knowledge of their activities. Some of the accused were entitled to stay at the Indore State houses in Bombay and they had done so on scores of occasions even before Mumtaz left Indore. They had even kept their cars in those houses. But what was there to arouse suspicion that the Red Maxwell, if it was ever kept in one of the State garages, was taken there for any illegitimate purpose? Just as the conspirators used the State garage for keeping the so-called Red Maxwell, so too did they use the telegraph wires and offices of the British Government for transmitting their messages now on the record of the Bombay High Court. But can it be said that British authorities knew anything about the nature of those messages or that they should be regarded as having abetted the offences?

As regards the "circumstance" No. 11 the writer does not even *judicio* how the facilities of leave of absence were given to the accused or what their nature was. All these accused who were on leave on January 1st held more or less unimportant posts and their absence could not have been noticed by any important official of the State. A number of State servants are always on leave, and unless something extraordinary takes place, nobody cares to inquire about the absence of anyone on leave. When leave is due, it is granted as a matter of course, unless it has to be refused for special reasons.

"Circumstance" No. 12 refers to the expenses of the defence. The writer of the article ought to try and find out the sources of the income of accused No. 2, Sardar Phanse. According to his own statement he had organised a party for a particular purpose which he disclosed in his statement in the High Court, and he made arrangements for an adequate defence of his friends.

The "circumstance" No. 13 is the presence of the Legal Adviser of the Indore Durbar in England to instruct the Counsel—presumably the Counsel engaged by the accused. This statement is purely an invention by interested persons. A similar statement was\* contradicted

as long ago as 10th July, 1925, -when it was communicated to the press by the Publicity Officer, Indore, that "Mr. Abdul Rashid's visit to England has absolutely nothing to do with the prisoners in the Bawala Murder Case or their appeal to the Privy Council." It has now been ascertained that of the four Counsel engaged by the accused, Mr. Bashid does not know three of them even by sight. Nor did he see Solicitors retained by the accused. In fact he did not speak about the case of the accused to anyone in England, whether a Counsel or a Solicitor.

With reference to circumstance No. 14, the writer of the article ought to read the letters written by Mr. Sen Gupta and published in the *Daily Telegraph* dated the 19th June, 1925, the *Bombay Chronicle* dated the 12th June, 1925, and so on. Referring to interpretation put upon his words by the writers in the press, he wrote :

It clearly indicates that while describing my client as a hireling, I was suggesting that the hirer or hirers were not before the Court as the accused. On the contrary, the evidence that was led by the prosecution and the statements that were made by some of the accused who were officials of the Indore State showed clearly that my client was engaged by them. One of those officials was sentenced to death and the other to transportation for life. I never said or even remotely suggested that my client was engaged by any one, who was not present in Court as an accused person.

Any further comment on the article referred to above is unnecessary. Facts speak for themselves.

The Servant of India observed in the issue of 24-December 1924 about this explanation of the Indore Darbar as below\*

#### THE WAYS OF INDORE.

We are requested by the Prime Minister of Indore State to announce that the article that we published last week as a "Reply by the Indore Darbar" to our leader of November 26, does not bear the Darbar's imprimatur. We do not profess to be learned in the ways of India's States, but one would have thought that a communication purporting to answer the points in our leader from the stand joint of H. H. the Maharaja Holkar might reasonably be regarded as the Darbar's authorised reply, when it came from the quarter from which it did come. If only we could disclose the identity of the writer who holds a very eminent position in the official hierarchy of Indore, most men would think with us that the views expressed in the article are the

views of those who have the authority to speak on behalf of His Highness. But apparently the Indore officials wish to make the best of both the worlds: they are anxious to give to the public the official version of things and yet to be able to repudiate its official character when it is published. Now we know what to make of the Indore Darbar's denials. When, e. g., we are informed that the fees of the counsel of the defence were not paid by the State, we must confess that such a contradiction is not enough for us. For it is possible, we feel, that the money may have come from the Indore treasury right enough and still the Indore Darbar may be in a position to protest that it had nothing to do with it—and be technically quite right too in so protesting. The contradiction must be supported by outside evidence before it can be regarded as the final word on the subject. In the absence of such evidence, statements of the counsel purporting to ward off suspicion from the Maharaja, it need hardly be said, cannot be regarded as conclusive.

#### A LAME EXPLANATION.

The writer of the Indore reply would have us believe that no further inquiry into the conspiracy brought to light in the Bawla murder case is called for. He admits "that nobody contends that Indore was not the place from where the attack emanated." The presiding Judge has found that the hidden hand— who planned this conspiracy, hatched it, inspired it, and so audaciously carried it out, was in Indore. Can the Indore Durbar decently brush aside this finding and coolly sleep over it, in spite of the moral and legal obligations which the feudatory state of Indore owes to the British Indian Administration in furtherance of the ends of justice? The observations of the learned Judge about 'the hidden hand' were in fact an oblique reflection upon the State. If Indore can conceal such an offender, and sit with folded hands without doing its level best to hunt him out and to drag him before the court of justice, Indore stands condemned either on the ground of inefficiency or on the ground of complicity in the affair. As the explanation states that the Maharaja of Indore had nothing to do with this conspiracy, we challenge the writer of the reply or any one interested in the Maharaja of Indore to state categorically what efforts have been made to find out this hidden hand in the city of Indore, during the eight months since the judgment was

pronounced. Is it possible to believe that the Maharaja of Indore with his unlimited resources and with his despotic powers, would have failed in his efforts to unearth this hidden hand if only there was an earnest desire and a clear conscience to strain every nerve. No account has been vouchsafed to us of such efforts, if any, in this reply, which is not only extremely apologetic but thoroughly unconvincing.

The writer has tried to answer *seriatim* the several circumstances which go dangerously near implicating the Maharaja of Indore in this conspiracy. No one ever stated that the sworn testimony of Mumtaz is gospel truth and should be implicitly believed. Whatever the writer may have to say about Mumtaz. Justice Crump in his charge to the Jury clearly stated that this woman, though obviously with rudimentary education, had very considerable natural acuteness and possessed a clear head. He asked the gentlemen of the special jury that so far as the events of the night of January 12 were concerned whether there was any reason why her statements should not be accepted as substantially true? The gentlemen of the Jury unanimously believed her and the verdict was pronounced against the accused. Does it now lie in the mouth of any apologist of the Maharaja of Indore to call this woman a liar so far as her evidence in the Bawla case was concerned and which was relevant to the issues before the Court? Mumtaz from the beginning has been making allegations that the Maharaja had kept her almost a prisoner in Indore: that after she had succeeded in running away from the State, the Maharaja and his officers were harassing her to return to Indore that she was afraid that if she went back her death was certain; that the Maharaja of Indore was concerned in the conspiracy and that her child was murdered in the Indore Palace. These allegations had nothing to do with the Malabar Hill tragedy. All evidence bearing upon them was treated, and rightly, as irrelevant by the presiding Judge. But then the question remains that these allegations are openly made and on oath. Mumtaz is the accuser and these accusations are made against the Maharaja. I do not hold any brief for any party. I do not wish to rely upon *ex-parle* statements until their veracity is tested before a properly constituted tribunal.' As I **cannot**

regard Mumtaz' statements as proven, so also I must reject any explanation on behalf of the Maharaja made behind the back of the accuser and offered without the solemnity of an oath. Any conscientious and just-minded person would have zealously courted an opportunity to prove the falsity of these imputations so damaging to the character of the Maharaja of Indore before a court of law. Reading between the lines there is not only a complete absence of any desire to seek **Buch** an opportunity but a determined effort to delude the world into the belief that the whole incident was trifling and deserved **no** consideration at all. None but an avowed partizan of the Maharaja could take such a view.

The most astounding part of the explanation is about the complicity of some Indore officials and Mankaris in this dastardly affair. The writer says that there is nothing new in the fact that a conspiracy was hatched in a State by a number of its officials as such conspiracies have been known in **all** parts of the world. Special pleading could go no further. To plead **that** the officers involved in the conspiracy have been dealt with rigorously by law and that there remains nothing to be done shows only a callousness of mind which cannot be appreciated anywhere except in Indore. The hold-up of the mortal remains of Shafi Ahmed is simply queer. If only they had been blessed with the power of speech, they would have reiterated with emphasis the saying of a notorious character. "If I had served my God as zealously and fearlessly as I have done my master, he would never have forsaken me in my last moment." The connection of the Indore officials with the conspiracy cannot be explained away with mere bluff on the ground that **it** is an every-day incident. In the first place, we emphatically deny the correctness of this statement. If the author of the explanation **had** cited any similar instances in which responsible officers of a State were engaged in a diabolical conspiracy for no personal end, it would have been relevant and worth consideration. In the second place, we maintain that there **is a** heavy responsibility upon the Maharaja of Indore to prove that he had no part or lot in this conspiracy and that he was perfectly ignorant of it. Thirdly, it is most pertinent to consider what motive these officers **had in** engaging

in such a conspiracy, in running such great risks in carrying it out even at the sacrifice of their own lives. It is nobody's case, neither is there any allegation, that any of the accused was personally enamoured of Mumtaz. Even Phanse, the principal organiser of this conspiracy, does not say that he had any personal motive and his counsel, Sir John Simon, admitted before the Privy Council that his client was guilty of an attempt to abduct Mumtaz and that the punishment on this count would not have been improper.

Was there any mighty person at Indore other than the Maharaja at whose beck and call those high officials were and who could have used them as instruments for committing a dangerous crime? Breathes there any soul in Indore who would dare to carry away the Maharaja's mistress against the wishes of the Maharaja, whose officers were harassing Mumtaz to go back to Indore and who were planning to secure her presence by the initiation of extradition proceedings? Has the Indore Durbar with its Criminal Intelligence Department been impotent to find out this puissant personality who could command the agency of the State service to carry out such dastardly designs? This only leads one to the inference that there is either something radically wrong with the administration of justice in Indore or that the Maharaja is privy to this affair. If the former supposition is true, the Maharaja does not deserve to occupy the throne for his gross misrule and utmost incompetency in managing the State affairs. The sooner he abdicates under these circumstances, the better would it be in the interests of all concerned. In the latter alternative, there should be an open trial and the Maharaja be given the fullest opportunity to clear his character and to vindicate his honour. The writer of the explanation in his officious overzeal and his special pleading has asked us to try and find out the sources of the income of Phanse. How in this matter the onus has been thrown upon the wrong party is too patent to need any comment. It is to be regretted that the writer of the reply has not enlightened the public by publishing facts to prove the fabulous wealth of Phanse and his capacity to bear the burden of the colossal expenditure involved in the defence of this case. We, however, know one fact brought to light in the course of the trial, viz.

that Phanse actually borrowed Rs. 14,000 for the purchase of the Bed Maxwell. If in the face of this the writer of the article still keeps back facts within his knowledge in regard to the clear and unencumbered income of Phanse, the inference is obvious that it was not convenient to make this disclosure. The mentality of the writer is in keeping with his argument that the British Government is also responsible for aiding and abetting the conspiracy owing to the free use it allowed for the transmission of the wires by the accused, deliberately ignoring the fact that these arch-conspirators used code language prepared by themselves and difficult to decipher. Equally flimsy is the defence about the presence in England of Mr. Rashid, the Public Prosecutor of Indore, at the time when the appeals were about to be preferred by the accused to the Privy Council. The whole attempt of the writer of this reply only goes to confirm one's suspicions. If this is the lame and halting explanation about the clouds which are thickening round the head of the Maharaja the conclusion becomes irresistible that there *are prima facie* grounds for further investigation into this matter without a moment's delay. The London *Times* unaffected by any excitement or sensation which the Bawla Murder case created and living in the serene atmosphere of England, has observed thus: "There is a growth in the public opinion to modify the attitude of the control of Government towards future cases of serious lawlessness and misrule. The scandal of the Malabar Hill murder committed by the henchmen of the Maharaja of Indore has moved enlightened Indian opinion to a greater extent than has been recognised here." I have made it abundantly clear that I do not hold any pre-conceived idea or entertain any prejudice against the Maharaja. I have an open mind; but the facts disclosed in the trial and the sins of omission and commission of the Maharaja of Indore since the date of the Malabar Hill tragedy confirm me in my belief that an open trial is imperative both in the interests of the Maharaja and the good name of the State as also in the ends of justice. This affair has been hanging fire for over a year and it is scandalous enough in all conscience. We, therefore, appeal to Lord Reading to take up this question seriously and to dispose of it in the thoroughly independent, impartial, and



judicious manner characteristic of him. We only hope that Lord Reading would not leave this unhappy legacy to his successor. ( 21-1-26 *Servant of India* ).

**SOME CRITICISM.**

The United India and Indian States in its issues of 2 January, 1926 commented on the article in the *Servant of India* of 10-12-22 as below :—

There has been no lack of mentors to remind the Political Department of its duty with regard to the Bawla affair. Mr. G. R. Abhyankar, one of the latest among them, says in the course of an article in the *Servant of India* 'the dignity, position and status of the persons involved should on no account weigh with the Political Department'. Now if the Political Department is at all likely to take up the affair it will be precisely because of 'the dignity, position and status of the persons involved'. There is no reason why the Government of India should have a soft corner in their heart particularly for the Ruler of Indore, for he has always shown a spirit of self-respect and independence in his dealings with that Government. And if all the bad things Mr. Abhyankar has elsewhere said of that Government are true we may very well guess that the British Government would not have stood in need of any mentors, had it really believed that any steps suggested by Mr. Abhyankar and others were necessary or justifiable. But apart from its application to Indore, Mr. Abhyankar's article raises one or two issues that require some consideration. He points to the example of Nabha to prove that even if a Ruler is deposed, there is no fear of annexation. Here Mr. Abhyankar appears in the somewhat unfamiliar role of allaying popular fears against the arbitrariness of the Government of India. The people of Nabha did not want that their Ruler should be deposed and it can not certainly be sufficient consolation for them to know that when their young Prince comes of age, he will be invested with powers and that meanwhile the State will continue in the charge of a British administrator. We have nothing to say here to those who would welcome annexation. But those who are against that policy most surely object to this temporary annexation, in which the State is in the unenviable position of being neither a State, nor actually and directly a part of British India. Then Mr. Abhyankar makes a distinction between the effects of a voluntary abdication and a forced dethronement. He cites the case of Aundh where because of the misdeeds of a ruler not only was he deprived of authority but his direct heirs also were set aside. It is really to be regretted that a serious and well-meaning student of the affairs of India's States like Mr.

Abhyankar should uphold this inequitable principle and on the strength of it ask the Ruler of Indore to abdicate voluntarily. Whatever be the justification for the use made by the British Government of its authority to depose an Indian Ruler, to punish vicariously his direct heirs can hardly be regarded as just or reasonable. It is nothing short of vindictiveness.

This was replied to in the following letter published in that paper.

I am surprised to read your note about my articles in the *Servant of India* about Indore conspiracy. If you held the view that there was nothing strange and surprising in the Bawla murder case, if you did not believe that the presiding Judge was right in holding that the hidden hand of this diabolical conspiracy was at Indore and that the accused had intended to abduct Mumtaz at any cost, I would have appreciated your difference of opinion. But the tone of your letter does not show that you hold this view. A serious crime has been perpetrated; that the arch fiend who planned and manoeuvred it is held to be at Indore; that Mumtaz the heroine of this despicable tragedy was in the keep of the Maharaja of Indore for many years; that none of the accused is even alleged to be enamoured of this woman; that no motive is apparent as to why these officials of Indore conspired to abduct this woman if it was not for their ruler; that the Maharaja had attempted to keep Mumtaz in his custody but he was frustrated by her cunning; that his dignity was mortally offended as he had openly absorbed Mumtaz into his family and had dubbed her with a Hindu name—these circumstances inevitably lead to a serious insinuation against the Maharaja of Indore. As a result of the conspiracy, the life of one British Indian subject has been taken away, the life of another British subject was seriously in danger and the person of another British Indian subject was brutally assaulted. These facts make the whole situation most serious and every right minded person should insist upon the real offender or offenders being brought to justice. What is improper in this? I put it to you, if this is not a case deserving the righteous indignation of every rational-being what else could be? I am therefore pained to see your self-complacent attitude that the public at large has nothing to do with this affair and that it is solely the business

of the Political Department which is not in need of self-appointed mentors like me. I can however draw your attention to a passage in a recognised work on jurisprudence. "Indignation against injustice is moreover one of the chief constituents of the moral sense of the community and positive morality is no less dependent on it than is the law itself. It is good therefore that such instincts and emotions should be encouraged and strengthened by their satisfaction." I need not quote the wise adage of Solan\* who when asked how men might most effectually be restrained from committing injustice, answered "If those who are not injured feel as much indignation as those who are." I know it is not a rare phenomenon that many people have a soft corner for the Indian Princes whatever their actions may be. There is also a general tendency to glance over such delinquencies but the remarks of the same jurist are very relevant even in this connection. "There can be little question that at the present day the sentiment of retributive indignation is deficient rather than excessive and requires stimulation rather than restraint. Unquestionable as have been the benefits of that growth of altruistic sentiment which characterises modern society, it cannot be denied that in some respects it has taken a perverted course and has interfered unduly with the sterner virtues. We have too much forgotten that the mental attitude which best becomes us when fitting justice is done upon the evil doer, is not pity, but solemn exultation." I am therefore glad to err in the company of Sir John Salmond for my mental attitude rather than take any offence for your epithet of a self appointed mentor.

I cannot however agree with your dictum that as the Political Department is well able to take care of itself it is no business of any public man to demand justice. If this be really your own view of the matter I fail to see the propriety of conducting any newspaper and any agitation through its medium. It is no doubt true that the Political Department is all powerful and needs no adventitious help. But is there any reason which deters any man from bringing any grievance to the notice of the Department, from seeking redress and from insisting on the ends of justice being satisfied. You know that of all the departments under the Government of India the

Political Department is irresponsible and irresponsive to the people concerned. Responsible members of the service are not ashamed to own on the floor of the Legislative Assembly \*' that it is too true that Government cannot always intervene even in the cases which come to its notice.\*' The honourable Jogendar Singh once asked the honourable Mr. Thomson to lift the veil and reveal some of the facts which are in the faithful custody of the confidential files of the Political Department and which would make an interesting revelation to the world at large. The Political Department with eyes wide open is reluctant to see facts squarely in the face. It is not inclined to raise its little finger. It will be always sitting on the fence and will not be moved to interfere unless extreme pressure is brought up on it. It is therefore the imperative duty of every one interested in the welfare of the people to hammer about cases of gross-misrule and lawlessness whenever they are apparent just like the present one in which "the henchmen of the Maharaja of Indore" as the "London Times" was pleased to characterise, are involved. Whatever therefore the strength of Government and whatever their mood or gesture, the Political Department of the British Government is badly in need of mentors to make the Government resort to such steps as decency requires and as the ends of justice sternly demand.

You seem to be equally under some misapprehensions about my quoting the instances of Nabha and Aundh. I have never been satisfied about the justice of the Government's case against the Maharaja of Nabha. I have publicly demanded, that the papers of the inquiry held by Government should be published. I have maintained that the Government has prejudiced the Maharaja of Nabha by withholding these papers from the public and thus preventing them to form their judgment. Great wrong has been done to the helpless ruler of Nabha and the outrageous manner in which his private affairs and property are dealt with, excites public indignation against Government and commiseration for the Maharaja Sahib. As regards Aundh also great injustice has been vicariously done to the innocent and legitimate heirs of the dethroned ruler. In citing the two instances I have never said that I approved of the decisions of the Political Department. It is not what I think

of any one else thinks about the propriety of the decisions of Government in these two cases that counts. Omnipotent as the Political Department is and irresponsible as its structure is we have got to obey the decrees of this department. The Penal Code of the Political Department has invented **two** modes of punishment for unfortunate and erring rulers—the so-called voluntary abdication and dethronement. The difference between the two is analogous to the difference between the compoundable and non-compoundable offences existing under the adjective law of the criminal procedure Code. Misrule in the eyes of the Political Department is allowed to be compounded by voluntary abdication and the accused seems to retain intact the succession of his heirs to his estate. What however amounts to misrule depends entirely on the sweet will of the Political Department. Its proceedings are confidential and no one has the opportunity to judge whether their findings are just or otherwise and there is no appeal against them. There are no definitions of the Political offences authoritatively published. In the case of gross misrule the offence seems to be non-compoundable and is visited by dethronement and forfeiture which means the exclusion of the legitimate heirs. Vicarious punishment though a relic of barbarism is never commendable and does not find its place only in Plato's Utopia. But it has existed in the jurisprudence of every European nation. Even sentence of death or imprisonment acts vicariously to some extent. The removal whether temporary or for good of the principal wage earner of the family for his misdeed acts vicariously on those dependent on him. I do not therefore wish to lay down **any** rationale of punishment but I cannot help taking into account facts as they are. The rulei of a State is like a hereditary vatandar. The powers retained by Government **to** forfeit any Vatan **for** the offence of a Vatandar supplies the justification for the 'forfeiture of the gadi of an Indian **ruler**. The Bombay Hereditary Offices Act has a distinct provision to this effect **in** section 60. The importance of this provision is that it secures the collective responsibility and co-operation of persons interested in the usufruct of any Vatan. In the case **of** an autocrat the fear of confiscation would deter him **from** diabolical **acts**. The **interest of** those who **are** dear and **near to him** may **retard**

him from his evil ways and may induce those dependent on him to bring pressure to bear upon such a despot to restrain him from barbarous cruelties. So long as the people of any State have no voice in the administration, so long as they are powerless to administer correction to a prince, so long as their ruler acts defiantly like a little Czar, so long as the political department is playing fast and loose with the [vagaries of the Indian Princes on the mistaken policy of non intervention;-this sword of Damocles, this fear of losing his gadi and the possible deprivation of the succession of his legitimate heirs would undoubtedly have a salutary effect. This is the academical view of the punishment which the political department has prescribed for gross misrule of an Indian ruler. If a ruler has the misfortune to make a choice between these two fates it is needless to say that any mortal would prefer the former fate, namely, voluntary abdication.

In my contribution I have not said that the Maharaja is guilty. There are strong prima facie grounds which raise the suspicion that the Maharaja is involved in this conspiracy. In the interest of good government and fairness to the Maharaja an open inquiry is indispensable. If the Maharaja comes out successful every one will honour and respect him. If he is found guilty he does not deserve a better fate. If the hidden hand cannot be traced, the inquiry would enable the public to locate the incompetency of those who are bound to detect the same. The finding, of Mr. Justice Crump that the hidden hand is at Indore cannot be lightly brushed aside. The Government of Lord Reading is bound to pursue this investigation further and to drop the hidden hand before a Court of Justice.

On February first the following Communique was issued by the Government of India.

His Excellency the Governor-General has decided that a commission of Enquiry should be appointed to investigate the alleged connection of His Highness the Maharaja Holkar of Indore with the attempted abduction of Mamta; Begum and the murder of the late- Mr. Bawla in Bombay on January 12th 1925. The Commission, if appointed will consist of two High Court Judges, two Ruling Princes and a senior Officer of the Political Department.

The procedure which will be followed is that which was laid down as a result of the recommendation made in paragraph \* 309 of the Moitagu-Chelmsford Report for cases where the question arises of depriving a ruler temporarily or permanently of any of his powers or privileges. The function of the committee is to investigate the facts of the case and to offer advice to the Government of India. Whenever the Governor-General decides that a case has arisen for the appointment of a Court of inquiry the Ruler concerned has the option of intimating that "he does not desire that a Commission should be appointed.

His Highness the Maharaja Holkar has been informed of the conclusion at which His Excellency the Governor-General has arrived.—Associated Press.

Rumours were afloat about the appointment of such a commission nearly a fortnight before this announcement. A period of anxiety and suspense prevailed. The Maharaja was consulting eminent lawyers and his legal advisers about his own position after the decision of the Privy Council was passed in the case. The special correspondent of the Times of India wrote about this in the following manner.

As is well-known money has been spent like water in financing the defence in the Bawala murder case although even now it is not admitted that the Durbar had anything to do with the expenditure. The trial cost a few lakhs and the people of Indore not in the know of things have given up speculating as to where the money came from to pay the lawyers engaged in the Sessions trial at Bombay and the eminent K. C's briefed to fight the case before the Privy Council.

\* Paragraph 309 reads : " In another class of cases we have a similar proposal to make. It has happened, and we conceive that it may happen though rarely in the future, that the question arises of depriving the ruler of a State of his rights, dignities and powers, or of debarring from succession a member of his family. If such cases occur in the future we think that they should be always referred to a commission to be appointed by the Viceroy to advise him. It should consist of five members, including ordinarily a High Court Judge and two Ruling Princes. The names of the commissioners should be intimated in advance to the defendant before they were appointed; and the proceedings of the commission should be made public only if the defendant so desired."

It is, however, an open secret that big sums of money have been spent by the Maharaja after the result of the Privy Council appeal in the Bawala case became known, in order to test his own position. Lawyers like Sir John Simon, Sir Edward Marshall—Ball and Sir Patrick Hastings who were consulted recently with regard to the Maharaja's position could not have expressed their opinion for a long. I have it on good authority that Sir Tej Bahadur's frequent visits to Indore have cost the Durbar a huge sum. It is understood that he is paid Rs. 2,000 per day whenever he is called in by the Durbar for consultation. And Sir Sivaswami Iyer, the legal Adviser of the Durbar whose name and salary figure in the State Civil List is paid Rs. 6,000 per month and possibly travelling expenses. Some day, it may be possible to work out correctly as to how much the tragedy of the Mumtaz romance has cost the Holkar Maharaja in all. The figures will amaze the public—even at Indore.

The Evening News of India had published that the Princes assembled in Delhi about the session of the Chamber of Princes had decided in their conference to request the new chancellor His Highness the Maharaja of Patiala to approach the Viceroy and place before him the views of the Princes and to elicit Government's intentions. But nothing of this kind happened and the Princes do not seem to have mustered courage to approach the Viceroy. The Princes Chamber did not discuss the matter officially although it had its sitting in Delhi about the 30th January. The Bengalee published that the personnel of the Commission would consist of Sir Grimwood Meyers chief Justice of Allahabad, Mr. Justice Rankine of the Calcutta High Court Mr. J. P. Thomson and the Maharajas of Patiala and Bikaner. It was also whispered that His Highness the Maharaja of Baroda was approached to sit on the commission and that he had declined the invitation. Soon after the announcement the preparations to send the Maharaja's son who was to sail for England on the 10th February were suspended. The Maharaja was consulting eminent legal luminaries like Lord Sinha and administrators like Sir Prabha Sankar Pattani of Bhavnagar and Sir Manubhai Metha of Baroda. Indore was seething with excitement. Sir Hukmichand and others of his bent of mind were thinking of holding a public meeting of protest against the order of Government and wanted to send a



deputation to wait upon the Viceroy and if necessary to send a deputation to the King Emperor to leave the Maharaja of Indore severely alone. But this idea fizzled out at the intervention of the Darbar authorities. The Diwan of Indore issued an order, prohibiting public meetings or other kinds of demonstrations in the city to protest against the action of the Viceroy in setting up a commission of inquiry, as such meetings and demonstrations would be prejudicial to the interest of the Darbar and inconsistent with the treaty relations of the State with the British Government.

#### PUBLIC OPINION

was expressed in the following manner. The Bombay Chronicle in its issue of 2 February 1926 observed as below:—

Lord Reading has at last thought fit to bestir himself about the Bawla murder scandal. He has appointed a Commission consisting of two High Court Judges, two Ruling Princes and a senior officer of the Political Department to investigate, as the communique issued by him says, the alleged connection of His Highness the Maharajah Holkar of Indore with the attempted murder of the late Mr. Bawla. The announcement of the decision had evidently been postponed pending Lord Reading's secret confabulations with the Chamber of Princes. From the contents of the communique it is permissible to infer that the Maharajah Holkar has raised no objection to the enquiry as obviously, it is to his own interest and that of his State to welcome such enquiry and secure exoneration if the allegations made regarding him are proved to be false. We welcome the Commission; but we have this criticism to make about its personnel (that it is not such as to command the complete confidence of the public. This is not a Commission of Enquiry into a matter which affects merely the subjects of an Indian State but a vital issue involving the safety of persons in British India. Its personnel and procedure should not, therefore, be necessarily the same as were proposed in respect of a commission contemplated by the authors of the Joint Report. If the proceedings and recommendations of the Commission are to inspire the confidence of the public in British India, who are intimately concerned in the matter, it is absolutely necessary that an independent non-official Indian should be included in it. There should be no difficulty in appointing a non-official Indian to the Commission as even the Montford Report recommended the inclusion of not more than one, High Court Judge.

" THE INDIAN DAILY MAIL " ( BOMBAY ).

When the High Court of Bombay pronounced judgment in the trial of the murderers of Mr. Bawla, we pointed out that the convicted men were only agents and hirelings and that in the interests of justice an enquiry should be made to ascertain whether there were others behind the men who were convicted. The Government did not make any open investigations but enquiries must have been proceeding secretly for the Governor General has now made the announcement that a Commission will be appointed to investigate the alleged connection of His Highness the Maharajah Holkar of Indore with the plot to abduct Mumtaz Begum from Bombay and the murder of Mr. Bawla. The Commission, if it is appointed—the Maharaja has the option of deciding whether to have it or not—will consist of two Ruling Princes, two High Court Judges and a high officer of the Political Department of the Government of India. We are glad that Lord Reading has decided to appoint a Commission. His Lordship's action shows that Government is anxious to trace offences against the lives and freedom of citizens to its deepest roots. The Maharaja Holkar of Indore also has reason to welcome the appointment of the Commission. His name has been, rightly or wrongly connected in the public mind and in the columns of newspapers with the plot to abduct Mumtaz Begum. The Commission, the status of whose members promises the fairest of trials to the Maharaja, offers to him a splendid opportunity of clearing his name. We hope that the personnel of the Commission will be announced without delay. From the wording of the communique, which is published on page 1, it would appear that the Maharaja if he likes may avoid the Commission—presumably by abdication. Even if he chooses this alternative, we hope the Commission will not be given up. It should investigate how it was possible for a plot to be hatched in an open manner without the police being aware of it. The police are only too ready to shadow harmless men and suspected revolutionaries. How did the conspirators in this case escape their vigilance?

" NEW INDIA " ( MADRAS ).

The end of the Bawla murder trial in the High Court, Bombay, was regarded by every one as far from terminating the whole disgraceful and atrocious affair. It is unthinkable that civil and military officials and subjects of an Indian State should dare, on their own initiative, and depending on their own resources, to plot and carry out a conspiracy in

the heart of the very centre of British power and Indian culture such as Bombay is. Everybody believed that those who deservedly enough suffered the penalty of the law for the dastardly act were only the overt instruments of a will acting covertly, and the Viceroy has responded to an Indian demand when he decided that a Commission of Enquiry should be appointed to investigate the alleged connection of His Highness the Maharaja Holkar of Indore with the attempted abduction of Mumtaz Begum, and the murder of the late Mr. Bawla in Bombay on the 12th January, 1925.

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The composition of the Commission will we are sure be such as to ensure an impartial and careful decision on the issues involved, and the eventual action of the Government of India, taken on its advice will be such as fully to vindicate *this* claim<sup>3</sup> of justice and the rights of Indian citizens. We hope the Maharaja concerned will submit to the investigation, ( which has been dwelt upon by the authorities in India, we are glad to say, after sufficient preliminary enquiry and deliberation) with good grace, after, of course, raising any points as to jurisdiction that he may be advised or feel inclined to raise.

" FORWARD " ( CALCUTTA ).

There is little doubt that a considerable section of the public feel very strongly as regards the murder of Mr. Bawla by some officers in the service of the Indore State. Some of them have almost made up their minds that the Maharaja himself was behind the conspiracy. It is not for us to pass any opinion or even to make any suggestion on the question of his guilt or otherwise. What we feel most concerned about at the present moment is the order which has been issued by the Government of India as regard the Maharaja, which in substance amounts to this : Either you submit to a trial by a tribunal appointed by us or abdicate.. It is extremely questionable whether the treaties and agreements as well as the usages and conventions which govern the relations, between the paramount power and the Native States have conferred on the former the right to adjudicate on the guilt or otherwise of a Native State ruler. The issue which has been raised by the Government of India affects not only Indore, but other Native States as well.

" TRIBUNE " ( LAHORE ).

Judging from the Delhi telegram about the Holkar's reported abdication, the choice left to the Holkar in the official ' communique ' is not between accepting the offer of a commission and rejecting it, but between accepting the offer and voluntary abdication. In other words, it is only in the event of his voluntarily abdicating the throne of Indore that the Government of India will consider the position afresh and arrive at a new decision.

" SERVANT " ( CALCUTTA ).

So a Commission of Enquiry is going to be appointed to enquire into the alleged connection of Indore with the Bawla Case. The incident roused great public indignation and an enquiry was demanded. But who knows what lies behind this enquiry ? With the Nabha case still fresh in the mind of the public, the Delhi announcement is not likely to be received with much enthusiasm.

THE " SIND OBSERVER " ( KARACHI )

The veil which has enveloped this mysterious " some other person " ought to be lifted in the interests of the Maharaja of Indore himself whose name figured prominently in the case, the echoes of which are still ringing in our ears. Though the actual perpetrators of the crime have got their deserts, *the inspirer of the foul deed* ought to be brought to book however highly placed he might be. The scandal of the Munitions Board case against some wealthy merchants of Calcutta which was unceremoniously withdrawn, had already prejudiced the reputation of Lord Reading as upholder of justice and his Excellency could not have slept over the serious revelations in the Bawla Murder Case, without marring his reputation further. It is to be hoped that the Maharaja of Indore will not burke an open inquiry but will face it manfully. In the event of his refusal to accept the Viceroy's Commission the course to be adopted by Government is not difficult to forecast. Let us hope that justice will triumph at last.

THE "MUSLIM OUTLOOK" (LAHOBJS)

A commission of enquiry is hardly the course which has been urged by the leading Indian newspapers. What was needed to establish the fact that there is one law in India for the rich and for the poor, for the prince and for the peasant, was the impeachment of the Maharaja before a court of law. And if such a tribunal had found that Holkar was guilty, it should have had the power to sentence him either to death or to penal servitude for life. As things are, the Viceroy is himself to be Holkar's judge after the commission of enquiry has reported on the matter and the indications are that if he is found guilty Holkar will merely be deposed and will then immediately be termed a martyr and a patriot by the Hindu newspapers. The activities of the Chamber of Princes in connection with Indore are apparently against the ends of justice being served; and if this is the case, his Excellency should plainly apprise those Princes who would like the *affair hushed up that they should mind their own business*. The deposition of the Maharaja Holkar of Indore or even the annexation of his State to British India would not in the least affect the prestige and security of other ruling chiefs.

"THU A. B. PATRIKA" (CALCUTTA).

Doubt has been expressed whether the Commission is going to be appointed at all. The official communique states that "whenever the Governor-General decides that a case has arisen for the appointment of a court of enquiry, the ruler concerned has the option of intimating that he does not desire that a commission should be appointed." We do not believe that the Maharaja will be so ill-advised as to shirk investigation. He maintains that he had nothing to do with the plot to abduct Mumtaz. Here is an opportunity to vindicate his innocence. *There cannot be any doubt that the disclosures in the case have laid a thick veil of suspicion on him*. If he refuses to have any investigation, the suspicion in the public mind will be confirmed. The Maharaja will not however save himself from trouble. For, the Government of India will then have their own inquiry which will not improve the chances of the Maharaja to prove his innocence.

In spite of the public opinion expressed as above stray attempts were made by the partisans and admirers of the Maharaja to protest against this announcement of a commission of inquiry. A meeting was held in Jalgaon (East Khandesh) protesting against the news paper demand of a public and open trial. The meeting was not however attended by any leading public men of the place. A similar meeting was held in Bombay. A meeting was held by the non-Brahmins of Poona under the chairmanship of Mr. V. R. Shinde of the depressed classes mission of that place on 4 February 1924. The meeting passed seven resolutions which speak for themselves. They were as below.

- (1) That the Commission be cancelled by his Excellency the Viceroy;
- (2) That his Highness should not voluntarily abdicate under any pressure ;
- (3) That the British Government should ask the help of his Highness to trace culprits of any kind still untried ;
- (4) Protesting against the action of the Dewan of Indore prohibiting the Indore public from defending their Sovereign and curbing their freedom of speech 5
- (5) Inviting All India leaders to go in deputation to his Excellency the Viceroy;
- (6) Urging the Princes of India jealously to watch this movement and guard their own common interests ; and
- (7) Authorising the President to forward the resolutions to the proper authorities.

The whole agitation was very feeble and did not evoke any public enthusiasm or sympathy for this Maharaja.

The united India and Indian States in its issue of 6th February 1926 criticised the action of the present writer and the servant of India in demanding an open trial of the Maharaja about his alleged complicity in the Bawla case. It questioned the motives of the present writer. It stated inter alia (1) that this attitude was sure to land Indore and its subjects into a quagmire through which it does not, lie in any

body's hands to extricate them (2) that we were merely playing into the hands of the political department if that department had any designs upon Indore (3) that the nonbrahmin party is solidly against attaching any guilt to His Highness and that (4) the Maharaja's own subjects have not been convinced of the arguments advanced for an open trial. The following reply to this criticism was published in the united India and Indian State?.

"Your article anent my contribution on Indore conspiracy published in your issue of 6th February 1926 raises some controvertial points which it is necessary to answer. I therefore crave the indulgence of your columns to refute some of the fallacies contained in your article. To begin with, you suspect the motives which inspire me in handling this subject. I can assure you that I have no axe to grind. I have never seen the Maharaja with my own eyes. I was never concerned with Indore State or its administration. My desire in interesting myself in this subject is solely due to the constitutional aspect of this important case. I bear absolutely no ill will or malice towards the Maharaja and there is no personal element in this controversy. I can however make one point clear at this stage and which in my opinion is very vital. Many people entertain soft corner for the Indian States and their rulers. They think that the States are the remnants of a glorious past and that they deserve to be preserved as specimen of antiquity in spite of their present deplorable condition. They think that they should in no way accelerate the speed of the natural decay which is overshadowing these States. They would connive at any fault of their rulers and would observe complete reticence even though their maladministration is highly provoking. Their love of these States does not even inspire in them any desire to advise the India Rulers to improve their condition and to bring their states in a line with the British Administration. Their patriotism forbids them from championing the cause of the subjects of these States for fear of offending the susceptibilities of the Indian Rulers. Such friends of the Indian States are in evidence only when some prince is under a cloud or is involved in some nefarious intrigue or has incurred the displeasure of the aHen paramount

power or is on the verge of dethronement or the so-called voluntary abdication. I confess I do not belong to this worthy class. My attachment to the Indian States is equally genuine and equally profuse provided they are not the medium of oppression and injustice to the subjects living in them. My loyalty to the Princes is unbounded provided they rule as constitutional monarchs. I hate those who are ruling as despots. I am not ashamed to call them Satans. My aim is that the Indian Rulers should so adapt themselves to the circumstances as to be constitutional monarchs imitating in every respect their sovereign His Majesty, the King of England. In the evolution of responsible-Government in British India, the rulers of Indian States, if they cherish the hope of occupying an honourable position in the ideal of sisterhood of nations, would never be tolerated if they want to perpetuate unmitigated-autocracy and if they want to keep their subjects in abject ignorance, utter helplessness and complete dotage. The Indian Princes if they want to play the role of *terre irridente* they could expect no countenance from their subjects however deeply attached they may be to the cause of-Indian States. It is necessary to bear one central fact in mind in considering the old and orthodox view set out above. Since the Proclamation of 1858 the British Government have laid down in an unequivocal manner their determined policy of no annexation at any cost. We have noticed this policy during the last 50 years. The instance of Manipur, of Baroda when a Commission of inquiry was appointed about Malharrao Gaikwar, of Indore when the later ruler Shivajirao Holkar was forced to abdicate, Nabha and Aundh-all prove the same fact. Government would have forfeited and annexed these States to British India as the foundation of British rule were well and truly laid in this land. The policy of the British Govt, on the other hand has been one of rendition just as in the case of Mysore and Benares. There is therefore absolutely no ground to entertain fear that any State would lapse for the so-called evil doings of its ruler. No matter whether a ruler really deserves to be dethroned or is forced to abdicate in the opinion of the forum of the great public and whatever the punishment inflicted on him by the paramount-power, the fact remains that the State is kept in tact and is not



annexed. In view of this policy so abundantly made clear we do not see any valid reason for the mentality of our countrymen whose ideas of crime and misdeeds vary with the pigment of the sinner as it is black, brown or white. When the corporate existence and continuance of a State is thus vouchsafed and when it is not likely to lapse for the sins of omission and commission of its ruler, we fail to understand the justification for a sense of partiality towards the delinquencies of any ruler. If he is good and virtuous and sympathetic towards his subjects it is our duty to honour him but if he otherwise is hopelessly immoral, corrupt and highly despotic what necessity there is to show any consideration or deference for his failings. Why not call a spade a spade. By not doing so, by conniving, sheltering and espousing the cause, of such a miserable ruler we are not only doing a highly immoral thing but a positive mischief to the cause of Indian States and their advancement. With such ideas I am unable to appreciate your remark that we are playing into the hands of the Political Department. I cannot understand what you mean by this. Do you mean that we are intentionally helping the political department to run down the Maharaja? What is the gain to us in this and with my avowed opinion of the political department and its machinations could any sane man believe that we are acting at its behest. And as you are observing that the political department is not in need of the assistance of mentors like me do you believe that we will officiously go out of our way to help it in its so-called evil designs. Playing into the hands of an adversary is the last argument in the armoury of an opponent. No body is deceived by it and this would never deter men like me from exposing the misdeeds of autocratic rulers wherever they exist. I firmly believe that no State for that matter is in danger. I do not believe in conniving at the frailties of an Indian ruler. If he goes or if he is made to go the State would never suffer. It would remain in tact and perhaps be better governed. It is absolutely necessary in this connection to bear in mind the distinction between the State in its corporate capacity and the ruler of a State in his individual capacity. These two are quite different things. The king is dead, long live the king. This applies as truly to every individual Indian State as it

did to the British Constitution. We cannot logically stand for autocracy of any individual. We have got to stand firmly for a State. But as there is no occasion to champion the cause of any State *qua* State I entirely fail to appreciate the unctious displayed by many misguided people as supporters of Indian rulers. They are not supporters of any State but are zealous advocates of personalities only.

Your questions whether we had clamoured about the injustice to Nabha, I have only to draw your attention to my articles in the *Hindusthan Times* at the time of the sitting of the Chamber of Princes in 1924.

Whether the clamour of the *Servant of India* and of myself was justified or not it is superfluous for me to say any thing in view of the announcement of the Government for the Commission of inquiry. The *Times of India*, and it must be said to the credit of that paper, immediately after the decision of the Privy Council had suggested such an inquiry- We also find that the *Bombay Chronicle* has endorsed the same view and has shown satisfaction at the appointment though belated of this commission. *New India*, the organ of Dr. Besant whose association with Indore as the president of the theosophical movements and the stronghold which theosophy has in the capital of Indore has observed " that the Viceroy has responded to Indian demand when he decided that a Commission of Inquiry should be appointed to investigate the alleged connection of His Highness the Maharaja Holkar of Indore with the attempted abduction of Mumtaz Begum." *New India* has further added that " the end of the Bawla murder trial was regarded by every one as far from terminating the whole disgraceful and atrocious affair. It is unthinkable that civil and military officials and subjects of an Indian State should dare on their own initiative and depending on their own resources to plan and carry out a conspiracy in the heart of the very centre of British power and Indian culture such as Bombay is. Every body believed that those who deservedly enough suffer the penalty of the law for the dastardly act were only the overt instruments of a will acting covertly." The *Indian Daily Mail*, The *Bind Observer* and the *Muslim Outlook* have also expressed

#### THE INDORE ABDICATION

satisfaction at the appointment of the Commission. The *A. B. Patrika*, Calcutta has also remarked that there cannot be any doubt that the disclosures in the case have laid a thick veil of suspicion on the Maharaja of Indore. It is not therefore now necessary to criticise your selfcomplacent attitude that there remained nothing to be done in the Bawla case. The appointment of the Commission has now silenced the captious objections raised against the demand for the same. It is however significant to note that none except the *Servant of India* had the courage to publioly demand such an inquiry. It is always convenient to be wise after the event."

A press communique was issued on 27 February by the foreign and the political department from Delhi to the following effect.

In the *communique* issued by this Department ( Foreign and Political) on the 1st February, 1926, it was stated that His Excellency the Governor-General had decided that a Commission of Inquiry should be appointed to investigate the alleged connection of His Highness the Maharaja Holkar of Indore with the attempted abduction of Mumtaz Begum and the murder of the late Mr. Bawla in Bombay on the 12th January, 1925.

It was added that the Maharaja had the option of intimating that he did not desire the appointment of a Commission. The Maharaja was informed of this decision on the 27th January, 1926, and the period of 15 days which was allowed for a reply was subsequently, at the Maharaja's personal request, extended up to the end of February.

Intimation has now been received from the Maharaja that he wishes to avail himself of the above-mentioned option and objects to the appointment of a Commission, and that he has decided to abdicate in favour of his son.

The abdication has been accepted by the Governor-General in Council, and no further inquiry into the Maharaja's alleged connection with the Bawla murder case will now be made.

A further communication on the subject will be issued in due course.—Associated Press.

## PROBLEMS OF INDIAN STATES

A Foreign and Political Department communique issued to-day at Delhi (3-March) regarding the Maharaja of Indore's abdication **stateB**:—

In a communique issued by this Department on the 27th of February, it was stated that the abdication of the Maharaja Holkar of Indore had been accepted by the Governor-General in Council, and that a further communication on the subject would be issued in due course. The letter received from the Maharaja formally abdicating, and the reply sent to him by the Agent to the Governor-General in Council, India, accepting the abdication are now published for general information :—

### LETTER OF ABDICATION.

Camp Bijasani 26th February.

To the Hon'ble Mr. Glancy, Agent to the Governor-General  
in Central India.

My honoured and valued friend ;

On behalf of His Excellency the "Viceroy you offered me the option of either a commission of inquiry under the terms of the Government of India Resolution No. 426-R., dated 29th October, 1920, Foreign and Political Department, or a committee of inquiry composed of two members in regard to the Malabar Hill tragedy. Rightly or wrongly I have all along adhered to the belief that neither on the analogy of international law, nor as a matter resting upon treaty, is a Prince of my position liable to be tried I would refer you to Paras 29 to 31 of the letter of the Chief Minister to the Central India Agency, dated the 16th of Deoemember, 1919, in connection with the recommendations made in Chapter X of the Montagu-Chelmsford report, a copy of which is annexed for ready reference. (*This letter is not published.*) It is not my purpose to enter into argument on this point any further, but holding strongly as I do the views set forth in the letter referred to as early as eight years ago as to the status, rights, and privileges of a ruler of my position, I cannot persuade myself to act contrary to my convictions and to accept a commission or a Committee of inquiry. Rather than sacrifice the principle for

which I have stood throughout my career as a ruler, it would be more dignified to sacrifice my own self by abdication. I fully realize that the world from the mere fact of my not facing an inquiry may wrongly draw its own conclusions as to my guilt, and may never realize that it was not consciousness of guilt but adherence to principle which had determined my action. Hence, I abdicate my throne in favour of my son on the understanding that no further inquiry into my alleged connection with the Malabar Hill tragedy will be made. I have authorised Mr. D. M. Narasinga Rao to place before you my wishes in regard to the future arrangements for my State, my family and myself, and I feel confident His Excellency the Viceroy will be pleased to consider them sympathetically. I desire to express the high consideration which I entertain for you and to subscribe myself as your sincere friend.

Sd. TUKOJI RAO HOLKAR.

A. G. G. 'S REPLY TO MAHARJA.

From the Central India Agency, Indore, dated 26th  
February, 1926.

To the Maharaja of Indore,

My honoured and valued friend,

I beg to acknowledge Your Highness's letter dated the 26th of February 1926, in which Your Highness informs me of your objection to the appointment of a commission of inquiry in connection with the Bawla case. It is not for me in this letter to discuss the reasons which have led Your Highness to come to this decision. In the next place Your Highness expressed the intention of abdicating at once on the understanding that no further inquiry will be made into the alleged connection of Your Highness with the Bawla case. I am authorised on behalf of the Governor-General in Council to accept this Your Highness's formal abdication, and to give at the same time the undertaking for which Your Highness asks in regard to any further inquiries in the Bawla case. Your Highness's abdication in favour of your son must, therefore, be considered complete in every respect. I observe

that all other matters are left for the "sympathetic consideration" of His Excellency the Viceroy. As to these I shall await a visit from Mr. Narasinga Rao whom you have authorised to act on your behalf and communicate to Your Highness in due course the decisions of the Government of India. I desire to express the high consideration which I entertain for you, and to subscribe myself as your sincere friend.

(Sd.) R. L. R. GLANCY,

—Associated Press.

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The feelings of relief of the people in Indore on hearing the news of the voluntary abdication are very graphically expressed by a correspondent of the Times of India in a message dated 6th March sent to that paper.

A few days before his abdication on 26th February 1926, His Highness the Maharaja Holkar, Tukoji Rao III is reported to have summoned his most trusted friends and favourites, and asked for their frank opinion about his case going up before the Commission. One of the members is said to have given the following advice :—

If you are innocent you must boldly face the Commission :

"If you are guilty and appear before the Commission, and are convicted, there is nothing in law from preventing the fate of Phanse overtaking you :

"If you are not free from blame in connection with the Bawla outrage, admit your fault, and throw yourself on the mercy of the British Government."

It was shortly after this alleged advice was given to him that it transpired that he had decided to abdicate.

When it became clear that His Highness had determined to abdicate, he was one day besieged at his Bijasani residence, by his favourites. They did not go to him to condole with him, or to offer to perform some great act of self-sacrifice on his behalf ; but they went for some parting favour. One officer in particular was able to induce His Highness to write off his debt of Rs. 55,000 ; other favourites also got off paying back the money they had borrowed from the State ( It was reported in the Bombay chronicle that Mr. Bapna and sardar Babe were excused large sums of money exceeding 50000 ) some secured pensions—D. M. Narsing Rao th« Dewan got a pension of Rs. 1,500 per mensem ; »ome

received rewards, and one officer got the gift of a building belonging to the State.

An Extraordinary Gazette was issued last Friday announcing His Highness the Maharaja Holkar's abdication, A suppressed feeling of relief must have passed throughout the State ; because the people of this State have been kept for nearly five years in a state of constant fear, not knowing who would be the next victim of the Gulam Mahomed tyranny a3 some of his and Narsing Rao's victims are still in jail. The abdication of His Highness the Maharaja Holkar puts an end to Gulam Mahomed's power, and promises to usher in, under the supervision of the British Government justice, peace and security of life and property.

On the 11th March the Heir apparent Yeshavant Rao was installed on the Holker gadi as Maharaja ShriSawai Yeshavant Rao Holker the ruler of Indore. The ex-maharaja Seated the heir apparent on the gadi. Next morning on the 12th the agent to the Governor-General in Central India the Hon. Mr. R. I. R. Glancey read the Khairata of his Excellency the Viceroy in a public D\*rbar, informing the Maharaja with great pleasure that the King Emperor had been graciously pleased to recognise him as the ruler of the Indole State and adding " I welcome you at this juncture Your Highnesses' assurance of loyalty to His Majesty and friendship with my government and it is my sincere prayer that Your Highness' career may be a long and prosperous one, worthy of the traditions of your State."

On 30th March Tukoji Rao Holker the Ex-maharaja sailed for Europe via Karachi. The Hon. Mr. Glancy agent to the Governor-General had come to see him off in his private capacity. Why the maharaja chose the longer route of Karachi instead of Bombay was a mystery. A Correspondent from Indore wrote to the *Santhani sivaraja* as below.

" A Bombay daily remarks why the ex-Maharaja of Indore chose the longer route of Karachi instead of Bombay and considers this as mysterious. But the explanation is obvious. Whatever undertaking the Government of India may have given to the ex-Maha-rajah about not putting him on his trial, this did not amount to any order having the force of law, so

far as the Municipal courts were concerned. Those interested in the late Mr. Bawla or in Mumtaz might have set in motion the machinery of the criminal Courts and perhaps would have initiated Criminal proceedings against the Maharaja about the attempt to abduct Mumtaz or the conspiracy to murder the late Mr. Bawla. The advocate general no doubt has the power under sect 333 of the criminal procedure code to stay prosecution by entering *nolleprosequi* or the public prosecutor may withdraw from the prosecution of any person under sect 494 of the cri. pro. code. But these provisions do not prevent the institution of criminal proceeding by any private person. The undertaking of the Government of India would not have prevented this. If any foreigner plans conspiracy from outside British India and if any offence in consequence is perpetrated within British India, all those who are concerned in such a conspiracy if found in British India, are amenable to British India Courts. If therefore an attempt of this kind had been made it would have placed the ex-maharaja in an awkward predicament; whether the ex-Maharaja was liable to the jurisdiction of a Criminal Court would have been a debatable point. But for a time it would certainly have created a great sensation and would have caused great worry to the Maharaja. With a view to avoid all these unforeseen troubles it is rumoured that the ex-Maharaja resorted to this circuitous route. Appearances were kept up that the ex-Maharaja was sailing from Bombay. Booking was done in Bombay and no body knew when the Maharaja was arriving there. The Maharaja went all the way to Karachi and immediately boarded the steamer at 10 O'clock at night. He did leave his boat in Bombay and the junior Maharani joined him on board the ship. This will explain the whole mystery. "

Another explanation suggested was that he was anxious to avoid a city which has proved to him to be the Waterloo of his career as a ruler.

The departure of the Ex-maharaja to Europe closed this unhappy episode

How the abdication was regarded by the public at large may be gathered from the following comment in the prase.



## THE INDORE ABDICATION

### The **Bombay** Chronicle

The Maharaja Holkar of Indore has availed himself of the option of intimating that he does not desire the appointment of a Commission of Enquiry to investigate the alleged connection of His Highness with the abduction of Mumtaz Begum and the murder of the late Mr. Bawla. He has accompanied the intimation with the announcement of his intention to abdicate. The public are left to draw their own conclusion and there is only one conclusion to be drawn. We shall no doubt be told by his friends that he has abdicated because, though he has nothing to fear from an investigation, he refuses to submit to the humiliation of a trial, which would be derogatory to his princely prestige. He has, no doubt, given the Governor-General his own justification for his action, though it has not been communicated to the public. But, whatever it may be, we can only conclude that the Maharaja refused the Commission because, for obvious reasons, he was unable to face it. Few people have had such a multiplicity of distinguished legal advisers and so much expensive advice and it is to be assumed that the Commission would not have been refused if there had been any prospect of putting up a good case. The inference is that there was not and His Highness prefers to retire into obscurity.

A further communique it is announced will be issued in due course, whatever that may mean. These bureaucratic communiques revel in official tags. But in the mean-while we are informed that there will be no further enquiry into the Maharaja's alleged connection with the Bawla murder case. We regret and condemn this decision. Princes we know are above the law, an immunity which nobody ought to enjoy except as legal fiction, but even the most ardent upholder of princely prestige must realise that there is a limit, and it is reached when we come to murder and abduction. Those who sent forth the ruffians on the mission that ended in the Malabar Hill crime may never have anticipated its tragic result. We do not know. But they are responsible for it and they should be brought to book. There are others besides the Maharaja whose alleged connection with the crime should be investigated and it is an outrage on public morals and a menace to public safety to drop the further investigation. The days when princely personages could be immune from the consequences which overtake ordinary individuals against whom connection with murders is alleged, should be over. Whatever may be the prerogatives and treaty rights of princea, the British Government makes itself responsible for their good conduct and is also

responsible for the protection of its own subjects. The decision to drop all further investigation of the circumstances of the Bawla murder is an abdication of its responsibility in both respects for which we feel more concern than the abdication of the Maharaja Holkar. It is something very like condoning if not abetting a flight from justice, and we adhere to the opinion we expressed a few days ago when the report of the Maharaja's request for temporary abdication was published, that to avoid a full and proper investigation would be "not merely a miscarriage of justice but something very like compounding a crime."

People have felt all along that much that ought to be revealed was prevented from coming out in the original investigation. We do not question the correctness of the judicial conduct of the trial. But it is the fact, unfortunately, that it left a part, and, to our mind, the graver part of a hideous story unrevealed. Two wretches have been hanged, whose fate might perhaps have been mitigated had the jury had the full story before them. However that may be, it is an odious thought that the tools have gone to the gallows and to the Andamans, while those who employed them are to be left undiscovered, because the Governor-General has decided upon abdication from his responsibility.

The Times of India (BOMBAY).

Since the Maharaja of Indore has chosen to abdicate rather than to face a Commission, the full circumstances regarding his alleged connection with the Bawla murder case may never be known. That is regrettable because when a number of officials and others from an Indian State set out to kidnap a British subject in British territory, and in making that attempt murder a British subject, the crime should be investigated in its every aspect. In the interest of Indore State quite as much as in the interest of British India a full investigation was necessary, and that was evidently what the Governor-General had in mind when the Maharaja was offered the opportunity of clearing his character by submitting to the appointment of a Commission. Before that tribunal of his peers and of impartial judges he would have had the chance of establishing his innocence—not only his innocence of direct complicity with the crime but his freedom from any moral responsibility for it. The Maharaja has preferred not to take that risk, which involved also the risk, in the event of the Commission arriving at a hostile finding of his being compelled to abdicate. But the voluntary abdication of a ruling Prince in circumstances such as these can be only a degree less

in the scale of punishment, and the Maharaja must have known full well that, in choosing what seemed to him the lesser evil, he would not clear his character in the eyes of the world and that he would be regarded as having some moral responsibility for the crime.

Indore is not the only State concerned in this affair. In a sense every Indian State is intimately concerned in it for the honour of the whole order of ruling Princes is affected when the honour of one of them is questioned ; and that honour would have been permanently besmirched if Lord Reading had not decided as he did on a definite line of action in this case. We are amazed to see that his action has of late been criticised by publicists who might in such a case have been expected to show some sense of responsibility and some appreciation of the gravity of the issues involved. Mrs. Besant, for example, has denounced the proposal of a Commission "as though Britain had issued a Commission in obedience to newspaper clamour to try the Kaiser." Her analogy is wholly irrelevant, and the kindest interpretation we can put on her strange advocacy of the rights of Indore is that she has not troubled to study the treaty with that State. Others may credit her with far less pleasant motives for championing the cause of a ruler whose alleged connexion with the Bawla murder case had stirred the whole of India, and been echoed throughout the Empire. But, since the Maharaja has chosen to abdicate, we do not expect to hear much more of his case being championed either by interested or disinterested persons. Mrs. Besant may lavish her pity on him ; it would be kinder to sympathise with the Maharaja's son who will be called upon to rule a State which has suffered much from misrule in the past and which needs to be reformed in almost every branch of its administration.

#### Madras Press Comments

Commenting on the abdication of the Maharaja of Indore the " Madras Mail " says that it is possible that the matter will not end there and that the Chamber of Princes will be asked to consider the possibility of some form of constitutional supervision over the conduct of the constituent Princes.

The " **Hindu** " says :—The abdication is perhaps the only easy way out of the difficulty. His refusal to accept the Commission has incidental advantage of keeping the whole subject of procedure followed by the Government of India open for discussion with a view to the establishment of a wholesome practice.

## PROBLEMS OP INDIAN STATES

" **New India** " says :—This conclusion of the affair cannot be said to be in any way satisfactory whether from the point of view of the charges in connection with the murder or from that of the constitutional relations of the Indian States to the British power in India.

The " **Swarajya** " describes the abdication as a warning to the Baling Princes in India who still look upon their states as instruments **for** their pleasure and profligacy.

The " **Daily Express** " expresses regret that the Maharaja should **have** arrived at this decision because though it has satisfied him and the Viceroy there is a third party interested in the affair, namely the public in India, who, in their solicitude for the honour of the Indian Princes, will ever remain unsatisfied until they get from the Maharaja **an** unequivocal statement regarding the whole affair.—A. P.

The unusual excitement caused by the Bawla murder case has been allayed by the abdication of the Maharaja of Indore. But the condition on which this abdication was consented to and which was accepted by the Governor-General has not been creditable to either party. The Maharaja stated : " I abdicate my throne in favour of my son on the understanding that no further inquiry into my alleged connection with the Malabar Hill tragedy will be made." The agent to the Governor-General replied: " I am authorized on behalf of the Governor-General-in-Council to accept this Your Highness' formal abdication and to give at the same time the undertaking for which Your Highness asked in regard to any further inquiries in the Bawla case." This simply means, as observed by the *Chronicle*, the compounding of a crime of a non-compoundable character. We had expressed our opinion that self interest, pure and simple, dictated this course so far as the Maharaja was concerned. And he could have done it long before the communique about the appointment of a Commission was issued- The Maharaja was sitting on the fence and did not realise the gravity of the situation disclosed by the events following the death of the unfortunate Mr. Bawla. After consultations and cogitations the Maharaja has sent a reply which forfeits his claim to any sympathy. The reply is a mixture of arrogance and cowardice strangely blended together-

The Maharaja has also put up a preposterous, claim of sovereignty } the validity of which wiji have to be seriously

examined, as it raises a most important question of the relations *inter se* of the Government of India on the one hand and the Indian States on the other. Assuming for a moment that the Maharaja's view is correct and the Government of India were not prepared to accept the same, the only self-respecting and manly attitude which the Maharaja could have taken was to ignore the Commission altogether and to allow the Government to do what it liked. He should not have submitted himself to its jurisdiction, if really he was innocent and was not prepared to sacrifice his principles, without in any way insisting on the abandonment of the proposed inquiry. We put it to the ex-Maharaja why this condition was necessary. One might appreciate his conscientious objection to the constitution of the Commission: but the inquiry which the Commission was going to hold would in no way have affected this question of jurisdiction. The Commission would have purely dealt with the evidence about the complicity of the Maharaja in this diabolical tragedy. The world would have drawn its own conclusions and would not have been placed in a false position as the action of the Maharaja has placed it at present. The Maharaja also makes at the end of his letter an appeal *ad misericordiam*, as regards future arrangements for the State, for the Maharaja's family and for his personal self. He asks that the Viceroy will be pleased to consider them sympathetically. The abject tone of this request and the high-sounding claim for international status which he asserts are incongruous in the extreme. He should have either left all reference to these matters entirely untouched and ought to have taken his stand upon the great principle for which he says he was prepared to sacrifice every thing. This could have really placed the Government in a most embarrassing predicament: the reply of the Maharaja to the Government communique is a piece of sheer bluff and does not redound to his credit or to the honour of his so-called advisers. By quietly submitting to the inevitable without unnecessary fuss he would have undoubtedly excited public commiseration with his unfortunate fate.

The Political Department has committed a still greater indiscretion in giving the undertaking sought by the Maharaja. What necessity was there to give this undertaking and fous^o

cause a serious miscarriage of justice? The whole attitude of the Political Department since the beginning of this case has been anything but creditable. Their dilatoriness in issuing the press communique for the appointment of the Commission nine months after the verdict of the High Court and nearly four months after the decision of the Privy Council is simply amazing. Why were the Government waiting for the clamour of the public press before taking further action? Was any new evidence being collected? Was any further investigation conducted by the Political Department in addition to the investigations in the case which were completed when the trial before the High Court commenced? Was not the inquiry till then instituted sufficient for the purpose of informing the mind of His Excellency the Governor-General-in-Council? If the precedent of the first Commission which was appointed to inquire into the general maladministration of Baroda in 1873 under the chairmanship of Sir Richard Mead had been followed, it would have been most useful at this juncture. The jurisdiction of the paramount power to inquire into and to punish for misconduct a feudatory has been asserted and acquiesced in by the Indian Princes since the time of the great Commission which tried Malharrao Holkar of Baroda in 1875.

The manner in which the ex-Maharaja has been conducting himself during many years past, the reason why he was not accorded audience by His Majesty when he visited England in 1921, the experience which Lord Reading himself had when he last visited Indore publicly, the cruel treatment accorded to the senior Maharani since 1918, the outrageous conduct in absorbing a Mahomedan prostitute into the Hindu royal household, the unjust and illegal incarceration of his brother the high-handed manner in which the Maharaja's sister and her daughter were rendered virtually exiles of the State, the confiscations of the estates of the Dube family, the grievance of the Palsikar lady, the strange and tragic death of the Parsi lady enticed to Indore, and other scandals about women ventilated in the press - were they not enough to inform the mind and to awaken the conscience of the Political Department? An investigation by an independent Commission was absolutely

necessary with a view to find out the wretched wire-pullers and sycophants who were perpetrating nefarious deeds behind the scene. The hidden hand ought to have been traced and the evidence before such a Commission would have immensely helped to purge the administration of all the impurities and to rehabilitate it on sound, just and honourable lines. The action of the Political Department has stultified this object. There is no justification whatsoever for the halting attitude which Government have adopted. Government had nothing to lose in holding the inquiry through a properly constituted tribunal. If nothing had come out, the Government and its policy till then pursued would have been justified and the Maharaja's character also would have been exonerated.

This would have left no room for attributing motives to Government as has been done publicly by Dr. Besant than whom the ex-Maharaja can command no more zealous apologist. If the Commission had brought out the maladministration at Indore this would have strengthened the hands of Government and satisfied the public for any step the Government would have been required to take in such a contingency. The Political Department have to thank themselves if they are now assailed by publicists like Dr. Besant and if the Maharaja is represented as a helpless victim to the machinations of this department. This incident has drawn out apologists of the Maharaja of Indore whose attitude has been most perplexing. We can leave aside in contempt the cry against the Commission raised by some great unemployed anxious for some patronage from the Maharaja or by some busy bodies eager to profit by the Maharaja's goodwill or by the large circle of those who have exploited the Maharaja and who have been weighed down by the underserved gifts recklessly and profusely given to them. We equally do not attach any importance to the blind partisanship of the Maharaja's cause by Mrs. Besant. She has been indignant about the appointment of the Commission, has been attributing motives to the Government and has resorted to fantastic arguments and amazing maxims. To those who know the strong hold the cult of theosophy has over Indore, the patronage which her lieutenants and disciples are enjoying at the expense of the Indore Durbar, there is nothing surprising in the outburst

**of Mrs. Besant.** But there is nothing moral in the support which Mrs. Besant has been giving to unadulterated autocracy as in the present case. She has never espoused the cause of the Indian State subjects. Her Commonwealth of India Bill has left the question of Indian States and their subjects as one beneath her notice. She supported the protection of Indian Princes Act which was denounced by all British Indian statesmen. She has not dared to give unpleasant advice or preach the value of responsible government to the Indian Princes for fear of offending their susceptibilities or for fear of losing their patronage. It is, however, passing comprehension that she should make such an astounding and humiliating statement as that most non-Westernised Indians prefer the occasional tyranny of a Prince, of their own blood to the condescending protection of a foreigner. May we take the liberty of telling Mrs. Besant that in spite of all her boast of knowing the oriental mind she has not understood Indian mentality. A crime committed by any sinner is equally execrable in the eyes of us Indians, no matter whether the pigment of his skin is white, black or brown. In her over-zeal to defend the Maharaja, she justifies his polygamy and even the keeping of a mistress in the Royal palace and asseverates that this is perfectly in keeping with a man of high ideals. If this is the honest belief of Mrs. Besant, the great apostle of Theosophy in this country, we have only to request the Political Department that the young Maharaja should be immediately withdrawn from the corroding influence of Dr. Besant and her disciples. There is another reason why the young Maharaja must be quite free from the pernicious grip of courtiers like Mrs. Besant who are maintaining that the ex-Maharaja was innocent, that he was a man of high ideals and was a victim to the intrigue of the Political Department. If such an idea lingers in the mind of the impressionable young chief, he would be labouring under a misapprehension and would hardly profit by the history of his father's abdication. It is really most unfortunate that the past two successive generations of the Indore dynasty had to suffer the misfortune of abdication. It is therefore imperative that the young Maharaja should be brought up in a thoroughly pure and untainted atmosphere free from the domination of such personages who



extol the glories of non-Westernised tyranny of Indian Princes and who quote or rather misquote the authority of "the Hindu Shastras, the Hebrew Bible, the Al-Quran and the New Testament" to justify polygamy and who audaciously stoop to openly acknowledged concubinage.

The gesture of the Princes has been equally inexplicable. Just before the communique was issued by Lord Reading and when the Princes had assembled for the session of the Chamber of Princes, the *Times of India* reported that the Princes wanted to approach the Viceroy in favour of the Maharaja. In what way this idea materialised no one knows. The Princes and even their High Chancellor have not cared to contradict this news. We are however credibly informed that after a secret conclave the Princes did not muster courage to approach the Viceroy. This only shows that the Princes were unable to support and put forth any plausible case in favour of the Maharaja. We do not know whether the Princes retreated for fear of being confronted by the Viceroy as to what they were doing all these years, as to why they did not bring their collective restraining influence to bear on the Maharaja and pull him up as a brother Prince when he was running headlong to destruction. Some of the apologists of the ex-Maharaja are exhorting the members of the Chamber of Princes to exert their influence in favour of the ex-Maharaja. They perhaps do not know that the ex-Maharaja Holkar stoutly opposed the creation of the Chamber and did not condescend to become a member of this august body. Why therefore during his last hour he expected the Princes to run to his succour we do not know. We are however glad that they did not rush in where angels feared to tread. (The Guardian of Calcutta 18-3-26.)

#### MIKORITY ADMINISTRATION.

The Government of India made the following arrangement for the administration of the Holkar State during the minority of His Highness the present Maharaja :

(1) The administration will be carried on by the Prime Minister and the Cabinet according to the existing rules and practice under the supervision and with the advice of the Hon'ble the Agent to the Governor-General in Central India.

(2) The Cabinet will be constituted as follows :—Aitmad-ud-Dowlah S. N. Bapna, B. A., Sc., LL. B., Rai Bahadur, Prime Minister ; Diwani Khas Bahadur Sardar M. V.- Kibe, M. A., M. R. A. S., F. R. S. A., Rao Bahadur, Deputy Prime Minister ; Mr. Motilal Bijawargi, M.A., LL.B.; Mr. K. G. Reshimwale, and Muntazim-i-Khas Bahadur Shreeman Singh, M.A., Honorary Minister without portfolio. In addition to these regular members there are four ex-officio members. These are Commander-in-Chief, the Chief Engineer, the Commissioner of Abkari and Excise, and the Director of Commerce and Industries.

The following suggestion was made through the Columns of the *Sansthani Swaraja* about the future administration. " The old administration at Indore is in a melting pot. and the new council has been ushered in to existence only yesterday. Indore of today furnishes a parallel to Baroda of fifty years ago, when the present ruler of Baroda was installed on the gadi, Sir Richard Meade was the resident of Baroda then. It is however pertinent to note the statesmanlike advice which Lord Northbrook, the then Governor-General of India gave to Sir Richard Meade about the reorganisation of the Baroda administration.

" One of the first matters which will have to be dealt with, is the education of the young prince. The second thing will be to establish the popularity of the new government and to show that we are caring for the real interests of the people. Some-unpopularity must necessarily follow from the sweeping out of the old, corrupted and debauched hangers on the late regime."

We commend these observations, to the agent to the Governor General, who is entrusted with the supervision of the new administration. Sir T. Madhava Rao was appointed the minister of the State. He laid down the following programme before himself. (1) To maintain public order and tranquility with firmness and moderation, (2) to redress accumulated complaints arising out of the past mal-administration whether of Sirdars, bankers, rayats; or others (3) to establish proper and sufficient machinery for the dispensation of justice, in all the branches, (4) to provide necessary police, to carry out execution of irrefutable public works, to promote popular education,

to reduce the burden of taxation, to provide suitable medical agencies, (5) to enforce economy in expenditure, restrain waste, reduce extravagance and prevent losses resulting from corruption and malversation, (6) and quietly to strengthen the executive establishment. " For the first time " Sir, Madhavrao 'added, " in the annals of the state, the fundamental principle has obtained recognition, that the object of Government is to promote the happiness of all classes alike. "

How imperative all these directions are at the present juncture in Indore, it is superfluous for us to mention. Sir. T. Madhavrao has given a very humorous description of the finances of Baroda at the time. "It was an exchequer where extortion was the assessor, fraud the cashier, confusion the accountant, concealment the report ;r and oblivion the remembrancer. " Every one acquainted with the colossal expenditure incurred by the ex-Maharaja and the reckless manner in which he had squandered the vast resources of the State will certainly realise that the present state of Indore treasury exactly tallies with the description of Sir. T. Madhavrao of the Baroda treasury of those days.

The young Maharaja must be entirely-immune from the old corrupting influence and should be brought in an atmosphere uncontaminated by the detestable surroundings in which he uptill now lived. If he is educated at a place like Dehradun or in any public school similar to an English public school, either in India or in England and is entirely liberated from the domination of those who were entrusted with his education and his management till now, it would be a great blessing to the Maharaja, who would thus grow up in a healthy atmosphere and would develop virtuous character, vigorous mentality, patriotic impulses and a sense of responsibility.

The ex-Maharaja has made alienations in anticipation of his abdication. He has written off debts, conferred pensions on most undeserving persons and has gifted away large sums to his favourites and henchmen. These are all in the nature of fraudulent transfers or transfers made in contemplation of an insolvency. They should not be binding on the new administration as they have absolutely no moral support behind them.

The new administration shall have to examine all those auspicious and shady transactions very minutely and shall have to incur the odium of repudiating them in the interest of the State. All persons who were recipients of those questionable gifts or unfair concessions shall have to be removed from the administration if thought necessary.

Unpopularity has got to be faced, vigorous action and initiative is indispensable and everything requires to be done with tact, justice and moderation. We earnestly wish that Indore would be blessed with administrators of Sir. T. Madhav-rao's type, who would restore order out of chaos, sweep away all intriguing factions and make the wheels of administration run smoothly and swiftly. They shall have to purify the administration, confirm the blessings of good Government on the people, lay down the foundations of responsible Government in Indore and bring up the young ruler in the traditions of a constitutional monarch."

This advice proved of no avail. Lord Reading's Government did not follow the bold line of policy which was adopted by Lord Northbrook's government nearly 50 years before under similar circumstances. The same persons associated with the past regime are continued in office. There is no change in the spirit of the administration.

It is pertinent to note that in the case of Baroda after the deposition of Malhar Rao and during the minority of the present ruler of Baroda Lord Northbrook the then Governor General showed utmost solicitude for the welfare of the people. He wrote to the resident Col. Meade as below—"the first thing will be to establish the popularity of the new Government and to show that we are caring for the real interests of the people. If Sir T. Madhav Rao is the man I take him for he ought to be able to put the conduct of the British Government in such a light as will ere long remove the unfavourable impression which from whatever cause it has been derived has "been circulated through the press in Western India and partially elsewhere." Lord Reading's Government did not show the same anxiety and did not display the same sagacity as was evident in the case of Baroda.

## CONCLUSION

It is however a matter of intense regret that there have been two abdications of the Rulers of Indore within a space of 22 years. The late Shivajirao Holkar was forced to abdicate in 1903 in Lord Curzon's time for his eccentricity, erratic temper, cruelty, and high handed acts of barbarous despotism. His son Tukojirao is obliged to voluntarily abdicate for the incident of **Such** utter depravity. If one scans the whole situation is there anything which in the remotest degree justified such huge waste of public money, sacrifice of human lives, misuse of human energy in this attempt to abduct a mere prostitute who could change masters with such rapidity and whose charms were fully enjoyed by this Maharaja? She was not even worthy of the indignation of such a great Ruler and deserved only contempt if the circumstances alleged in the Indore Durbar's reply were true. The whole story unmistakably points out the reckless and unbridled conduct of an irresponsible ruler. Is it not, therefore, necessary that those interested in the advancement of Indian States must think of the remedies which may prevent the recurrence of a similar episode in any other Indian State. The only remedy rests in the hands of the Political Department. If the suzerain power abandons its stolid indifference and the mistaken policy of nonintervention such happenings would be rare in Indian States. The Maharaja of Indore was ruling in a most high-handed manner. The manner in which he turned down his minister Major Dube, confiscated the estates of the Dube family without any justification, the unfortunate grievance of the Palshikar lady, the scandals about women freely ventilated in the Press? the intrigues in connection with the enticement of a Parsi lady and her sudden death, the cruel treatment\* of the senior Maharanisaheb, the incarceration of poor and helpless Yeshwantrao Holkar, the attachment of the properties of his sister and other intimate relations, the prosecution and conviction of Dr. Deo and on the top of all this the romantic tale of Mumtaz and the attempt to kidnap her-all reveal a despicable state of maladministration which had reached its climax and which had become almost intolerable.

The Malabar hill tragedy saved Mumtaz and saved the people of Indore from misrule and tyrannical zulum.

But the relevant question is what was the Agent to the Governor General who was posted in the Cantonment at Indore doing all this time? Any one acquainted with the ways of the Political Department would never for a moment believe that the Agent was not apprised of what was taking place in Indore and what was freely criticised in the public Press. If only the Agent to the Governor General had pulled up the Ruler of Indore a time he would have been saved from the unhappy predicament in which he ultimately found himself. If the Agent is not to take any prompt action, warn the Ruler in time, remonstrate with him for his vagaries and bring him to his senses we entirely fail to see the propriety of posting these highly paid political officers in the neighbourhood of the capitals in the Indian States. Are they only to watch and pursue a fabian policy and allow the Ruler to go to perdition and complete ruin? The conduct of the Agent to the Governor General is undoubtedly open to serious objection. Is there not contributory negligence in this whole affair? Gross misrule was tending in this direction and culminated in the event of 12 January 1925. On 25th May the trial ended in the High Court. On 26th October the Privy Council dismissed the applications and yet the Government of India awoke to its sense of duty on 1st February 1926. Tardy justice was done when agitation in a certain section of the Press openly and vigorously carried on, forced the hands of Government to announce the appointment of a commission. If on the other hand prompt measures had been taken from the clue-provided by the trial abundant evidence would have been available to bring home the charge to the persons concerned.

And after all what was the punishment awarded to the principal wirepuller in this case? The Maharaja was given the option of voluntary abdication. But so far as the particular circumstances at Indore are concerned this punishment was in no way deterrent or retributive. The Maharaja had played the role of a despot for nearly 12 years. His son was almost of an age and was sure to occupy the throne within, some 3

years. The instruments of his mal-administration were still retained in power even though he was made to retire. The same political officer who even was anxious to see **him** off on the eve of his exit to England after the voluntary abdication and who was practically the guide "friend and philosopher of the Maharaja during the closing period of his reign was still entrusted with the supervision of the administration. The influence of the Maharaja seems to pervade in Indore even now. The same policies are pursued and stagnation and deterioration mark the general trend of the administration. [The Maharaja until the day of his departure seems to have exploited all the resources of the State and he is even now possessed of immense wealth and jewellery which have been the principal source of attraction for all who are in pursuit of wealth and in American slang can be called 'the gold diggers'. The Maharaja has married an American girl although he had two legally married wives and although he had lived married life in this country and had begotten children on them. Mr. Philip Whitwell Wilson in the June Number of the North American Review commenting on this marriage says " For the sake of 330000 Dollars a year and her palace, guards and servants Miss. Miller has endorsed the cruelties of conservatism in the East. To her it made no difference. Her Prince was possessed of his purse but not of his power." The writer further comments " But to dig for gold in the thin soil of the East, to take for luxuries what should be spent on Hospitals and Schools this is surely the last word in the acquisitive art. However if one is to win the jewels or the Rupees one must not be too particular in one's feminine susceptibilities." Whatever this may be the real point at issue is was it not imperative upon the suzerain power when they announced the appointment of a Commission to take possession of the state treasury and jewellery, temporarily suspend the powers of the Maharaja as was done in the case of Malharrao Gaikwad and to assume control of the administration till this matter was finally disposed of. Absolutely nothing was done in this direction and the Maharaja left Indore with his pockets full of gold to empty them in the West as if he had gone on a holiday trip- Who is responsible for all this ? The Political Department did not act

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justly and properly in the indulgence shown to the Maharaja, in the allowances provided for him and in the facilities which he was allowed to enjoy in providing himself with such **Tiches** as he desired? This voluntary abdication therefore had no effect to bring about any remorse in the Maharaja for his past conduct or in awakening in him a sense of humiliation for being divested of his powers. He deserved undoubtedly deterrent punishment and the whole thing failed to convey any warning to delinquents of his type. Voluntary abdication in this case proved an awkward mitigation of an undoubted evil. It did not prove to be any punishment at all. The political Department therefore comes in for a large share of blame for the handling of the situation so far as the closing period of the rule of the Ex-Maharaja is concerned.

This case raises two points, one legal and the other constitutional. If the Maharaja had been an ordinary person he would have been required to face the trial in the ordinary Courts and the wrongs of the Maharaja would have been avenged in his condign punishment. The Muslim outlojk pertinently observed, "A Commission of inquiry is hardly the course which has been urged by the leading Indian newspapers. What was needed to establish the fact that there is one law in India for the rich and for the poor, for the Prince and for the peasant, was the impeachment of the Maharaja before a court of law. And if such a court had found that Holkar was guilty it should have had the power to sentence him either to death or to penal servitude for life. As things are, the Viceroy is to be himself Holkar's judge after the Commission of inquiry has reported on the matters." These observations differentiate the case of an ordinary man from one who belongs to a privileged class. In the case of an ordinary man when guilty of an offence ends of justice are fully satisfied by an open impartial and fair trial. This is not so in the case of a political trial by a commission. The commission has no power to award any sentence but only to report and the action is taken by the executive head of Government when all the political considerations weigh with such an authority. It is however relevant to bear in mind the observations of Lord Salisbury contained in the despatch on the Malhar Rao Gaekwar case. "If Malhar Rao



had been found guilty by the commission of the heinous offence imputed to him there would have been no ground for inflicting on him any milder punishment than that which would have been thought just if he had occupied a humble position. His crime would have been aggravated by the character of the office held by the person against whom it was directed and it would not have been extenuated by his own exalted station". This legal point would have been solved if the commission had completed the inquiry and had found about the guilt of the Maharaja. Some partisans of the Maharaja raised the other point whether the Government of India was competent to hold such an inquiry and whether the Maharaja as an independent sovereign Ruler was subject to the plenary jurisdiction of the Government of India. But all these questions were shelved out as the Maharaja avoided the opportunity to face the situation and accepted the lesser evil of voluntary abdication which had decidedly better advantages. This case therefore, did not decide the constitutional issue raised by the partisans of the Maharaja although their contention had no foundation in law or in political practice applied to such cases. One thing was quite certain that the offer of this voluntary abdication was so meekly accepted that it was incomplete derogation of the undoubted rights which vest in the Governor General as the representative of the suzerain power. Another and the most important aspect of the case is that the acquiescence in the voluntary abdication attended with all facilities failed to inspire any fear in the minds of autocratic Rulers if ever similar fate would overtake them. In the interests of justice, in the interest of good Government, in vindication of the oppressed people and for the satisfaction of the emotion of retributive indignation the Maharaja ought to have been treated in a manner which should have brought home the serious consequences of his misdeeds, which should have awakened in him a sense of repentance and which should have proved a severe warning to any miscreant. The voluntary abdication of the Maharaja of Indore ignominiously failed in these objects.

As regard this case the conduct of the other Indian Princes and the Chamber of Princes was equally unsatisfactory. The Princes did not act properly and courageously at this juncture.

They did not take up this question and agitate for the same in the Chamber of Princes. Before the announcement of the Commission the Princes had assembled in Delhi for the session of the Chamber. They ought to have raised a debate about this case in the Chamber and tried to ascertain the exact position from Government. If they felt that the Maharaja was unjustly treated they ought to have protested against the treatment accorded to a prominent member of their order. If they were convinced that the action of Government was just, proper and considerate they ought to have lent their moral support to Government and saved them from the odium which they incurred. The Indian Princes have been clamouring for their rights, their privileges and their *izat*. Was this not therefore a case which justified them in taking an initiative in this matter? It is also relevant to note that many people have a soft corner for the Indian Princes. When these Princes are going astray and on the downward path of moral degradation and are carrying on mal-administration these sympathisers have not the courage to publicly express disapprobation of such rulers and to bring them to their senses by timely warning and sympathetic advice. But when a Prince by his own misdeeds is on the brink of dissolution and is about to be punished a cry of sympathy and commiseration is raised by these irresponsible supporters of autocracy. Neither the Indian Princes nor the supporters of this order behaved in a manner worthy of their position in this crisis. If the Chamber of Princes had taken up the right attitude it would have raised itself in the estimation of the people and would have inspired public confidence for its utility. The utter silence of the Chamber and of its shining lights about this case has stultified the Chamber discredited its leaders for their cowardly behaviour.

This case most strongly proves the necessity of devising means to counteract the evils of unchecked autocracy in the Indian States. When oppression and misrule become rampant in any State the subjects by reason of their utter helplessness are unable to protest and bring correction to such a misbehaved Ruler. It is the Political Department which alone can eradicate maladministration and bring the Ruler to his senses. If

however this Department connives at the \_\_\_\_\_ of the Ruler or is indifferent about mal-administrt. \_\_\_\_\_ - it fails to take remedial measures things which hav \_\_\_\_\_ /pened in Indore are bound to happen everywhere else, **Tiw'r**'aramount Power must abandon its mistaken policy of non-intervention and must exercise vigilance about the welfare of the people. If the suzerain power does not want to shoulder this unpleasant responsibility it must force the Ruler to establish represents - tjve institutions, responsible Government and the rule of Law in every State. This is the inevitable conclusion which is forced on every one who has seriously studied the various phases of the Indore administration which ended in this deplorable abdication.