

FOREWORD

This pamphlet consists of a collection of reprints of two debates in the House of Lords and of several articles, contributions and notes that appeared from time to time during the last year in newspapers and magazines both in India and England regarding the grievances of mediatised Feudatory States. Although they hold guarantees from the British Government for maintenance of their rights and privileges, yet it will appear from a perusal of the following pages, that there are numerous instances of encroachments on their ancient cherished rights by the suzerain States under whom they have been placed.

Once the guarantees were given, the British Government looked upon them as inviolable and no breach of the guarantees was ever permitted. Hence whenever there was any encroachment on the guaranteed rights of the Feudatories, the British Government used to intervene on their behalf to set matters right.

This was the policy of the British Government until very recently. But unfortunately for the Feudatories, lately there has been

a change in the policy. In recognition of steadfast loyalty and valuable services of the Indian States during the Great War, the British Government seem to be anxious to enhance the prestige and honour of the princes, as a result of which, the British Government have adopted the policy of non-intervention in the affairs of the States. This is as it should be. But this change in the policy of the British Government is indirectly having a detrimental effect on the Feudatories. The non-intervention policy has given the Princes rather a free hand and they are endeavouring to reduce the Feudatories to the position of mere landlords and it has become extremely difficult for them to get their grievances redressed at the hands of the Paramount Power with whom alone rests the ultimate responsibility of maintaining the guarantees intact.

It will however appear that the plea for non-interference in their administrations made out by the princes is too narrow and one sided. When the question at issue is between a Provincial Government and a Prince or when it is between one Chief and another, of whatever degree of importance, or even a Suzerain and one of his feudatories,

the intervention of the Paramount Power is sought, nay welcomed, when it is on behalf of a Suzerain or a Chief. But when Government seek to intercede on behalf of a mediatised feudatory, then only the doctrine of non-in-terference is conveniently brought in with the result that the interests of the mediatised feudatories have seriously suffered diminution and are threatened with total extinction. Is it not the duty of the Paramount Power to uphold the interests of these people to whom their word is pledged as a guarantee? But the Princes do not want the Government to interfere in their domestic affairs till there is open rupture. The case of a certain Chief besieged by his infuriated subjects, when he sought the open and direct intervention and protection, at the hands of the British political officers is well known. So when the intervention is in the interest of the princes, themselves, it is not unwelcome. After all, this looks like "heads I win and tails you lose".

The present position of the Feudatories is very deplorable indeed. They are shut out from the Princes' Chamber nor is there a similar organisation for them to come together and discuss matters of common interest.

Being themselves rulers, though small in their own domains, they cannot join the political agitators in British India, or the States. Under these circumstances whom else can they look up to than the Paramount Power to protect their rights and privileges, as in the past, against the aggression of their suzerains? It is high time the Paramount Power gave up its attitude of stolid indifference towards the Feudatories.

As stated above the articles and contributions etc. in this pamphlet are taken from several newspapers and journals to the editors of which I must express my most grateful thanks. My thanks are also due to the Manager, Arya Bhushan Press, for seeing the work through the press.

ICHALKARANJI, }
 12th October 1929. } V. V. RAJWADE.

Feudatory States Under Indian Princes.

INDIAN STATES INQUIRY.

The Position of the Feudatories.

London Times, 26th October 1928.

The Indian States inquiry Committee, under the chairmanship of Sir Harcourt Butler, sat yesterday afternoon at Montague House, Whitehall. For the seventh successive sitting Sir Leslie Scott, K. C. drew the attention of the Committee to points raised in the printed material submitted on behalf of the large group of princes he is representing.

Though the questionnaire of the Committee was issued only to those princes who are members of the Chamber of Princes or who are represented on that body, representations have been received from a number of other Chiefs exercising rulership under large parent states and known by various names in

different parts of India, but who may conveniently be described as Feudatories. The variations in the measure of their independence from the parent states and the degree to which, by engagement or custom, it is safeguarded by the Government of India, are so great that it would be hard to give a definition of them both comprehensive and accurate. They are not included in the officially published list of ruling princes and chiefs, comprising more than 660 names, and no complete list is available.

The premier Indian State, Hyderabad, includes an important relic of ancient Hindu sovereignty in the non-mediatised State of Gadwal, 1,864 square miles in extent, with a population of close upon a million. A big wedge of Kashmir territory is ruled by the Rajah of Poonch. It is however, in Western and Central India and to a less extent in Rajputana where these States tributary to larger principalities are mostly found. Gwalior, Baroda and Indore are the recipients of fixed tributes from various rulers, and the first named—state has ranged under it 15 guaranteed feudatories. Under Kolhapur whose rulers trace their descent from Shivaji

the Great, there are nine feudatories, headed by the Chief of Ichalkaranji.

The Statement forwarded to the Harcourt Butler Committee by the Chief of Ichalkaranji is typical of the arguments submitted by a number of the feudatories in the claim to be heard. The feudatories ask for the maintenance of existing guarantees and are apprehensive lest present checks upon curtailment of their rights and responsibilities should be weakened or withdrawn by readjustment of the relations of the parent states with the Paramount power. It is urged that in any fresh arrangement due regard must be paid to the rights and obligations of third parties created and in some cases guaranteed, by the treaties and engagements which form the subject of the Inquiry.

The view taken by the Harcourt Butler Committee is that the claims and interests of third parties do not come within its terms of reference, which are confined to investigation and report on the relations between the Paramount Power and the States with which it has direct political contact. As a matter of courtesy, Mr. Rajwade who has been representing the Chief of Ichal-

karanji here, has been present at sittings of the Committee, but no oral representations can be made on behalf of the Chief of Ichal-karanji or other Feudatories.

The Chiefs concerned however, cherish the confidence that Government will give them opportunity to state their views on any contemplated changes in the relations with the princes. When the establishment of the Chamber of Princes was under consideration the feudatory states were given opportunity to represent their views; and they hold that the outcome of the present inquiry may affect their interests more directly than the creation of the Chamber.

Chamber of Princes.

Feudatory Chiefs' Position under Examination.

London, October 26.

It is learned that the Chamber of Princes and its Standing Committee very carefully considered the position of Indian feudatory chiefs *vis-a-vis* Princes. Although the Butler Committee had held that the position of feudatory chiefs fell outside its terms of

reference, no objection was raised to the presence at the meetings of the Committee of the representative of the only feudatory Chief of Ichalkaranji, who thought it worth while to send a representative to London.

It is pointed out as a significant fact that the other feudatories in the same position have not sent representatives to England which is explained by the unqualified declaration of sympathy and support made by the Chancellor of the Chamber of Princes in April last—Reuter.

—*Times of India 29th October 1928.*

Representation to the Butler Committee.

With reference to the recent cable from London stating that the Chief of Ichalkaranji was the only Feudatory Chief, who had thought it worth while to send a representative to London in connection with the sittings of the Butler Committee, the Associated Press of India is informed by a reliable authority that almost all guaranteed Feudatory Estates in the Deccan and Kathiawar have sent in representations to the Butler

Committee for its consideration. It cannot, therefore, be said that the Feudatories are silent over the position that is likely to be assigned to them in the future reconstruction of the relations of the Princes with the Paramount Power.

—*Times of India* 7-9-28.

The Case of Feudatory States.

Recent news about the activities of the Butler Committee calls attention to the problem of the feudatories of certain major States. Without attempting now to delve into the disputes that occasionally arise between parent States and their subsidiary Jaha-girdars, it is clear there are one or two principles at stake which deserve consideration. The Butler Committee has ruled that the question of feudatories is entirely outside its terms of reference, but the news that the representative of the Chief of Ichalkaranji, one of the Kolhapur feudatories, has been permitted to be present at the meetings of the Committee will be received with considerable interest, especially when it is learned

that this Jahagirdar has submitted an elaborate statement to the Committee. The principal feudatories of Kolhapur occupy a peculiar position, inasmuch as their rights and privileges have been guaranteed by treaties between the Kolhapur State and the British Government and by Government resolutions. The *Thaillis* of investiture of these feudatories are issued under the orders of the Government and sometimes even by the Political Representative of the Government, and guarantee to the feudatories the exercise of their respective jurisdiction and the enjoyment of all their rights. History shows that in cases where the major State has abused or reduced those privileges and ignored the rights of the feudatories, the British Government has intervened and insisted on the rights and on compensation for trouble caused. This is because the Government have given their assurance to the feudatories that so long as they remain loyal those rights and privileges will remain to them in tact.

There was a move on foot by some of the Kolhapur feudatories, at least, to obtain a hearing before the Butler Committee, based on the grounds that although the feudatories

are not direct parties to the treaties concluded between the British Government and the Kolhapur Darbar, they will nevertheless be prejudicially affected should the existing treaties and engagements be overhauled and revised without an opportunity being given of presenting the feudatories' side of the case. It was also pointed out that interests of the feudatories were not the same as those of the parent State, and that in many cases the measures which safeguard the financial interests of the parent State often work to the detriment of the subsidiary Jahagirs. Further evidence was informally adduced in an effort to prove to the Butler Committee that the change in the Government policy towards the Indian States made the position of many of the mediatised Chiefs very precarious; democracy was having its effect mainly on the rights of such Chiefs; and with the policy of non-intervention by the British Government in the internal affairs of the parent States established, the opportunities for redress for the feudatories were materially diminished.

It would not be desirable for us to discuss here the various matters of contention that have arisen at different times between

Kolhapur State and its feudatories. In a detailed statement presented by one of those Chiefs, a long list of grievances and examples of "unnecessary and illegal interference with rights and privileges" is given. No doubt there is much to be said on both sides. But the feudatories are very emphatic on the point that they do not impugn the sovereign rights of the Kolhapur Darbar. At the same time they maintain that the present policy is one which does not permit the growth or progress of the mediatised State. Whatever the merits or demerits of the various questions which have caused disputes in the Southern Maratha Country, the fact remains that there is not that peace between the parent State and her feudatory sons which there should be. For that reason there is a case for the suggestion made by one of the principal feudatories that a permanent Commission or Tribunal should be established to hear and decide all justiciable cases of disputes between Kolhapur and its feudatories. Such an impartial tribunal, it is believed, would have no room for either party to complain and would not lead to the lowering of the prestige of either side. No question of administrative policy would come before

such a tribunal for disposal, but only those relating to vested rights and claims based on treaties or prescription, usage or custom, and quasi-civil rights. Although the feudatories have apparently not been accepted as within the scope of enquiry by the Butler Committee it is possible that this Committee may be able to make suggestions which will lead to better relations between parent States and their feudatories.

—*Times of India 31 October 1929.*

Indian Feudatory States.

By Mr. F.H. BROWN, C.I.E.

Of the "Times" and Hon. Secretary, East India Association, London.

The Indian States Inquiry Committee having been directed to investigate and report on the relations between the Paramount Power and the States has not considered that the claims and interests of third parties come directly within the terms of its reference. For this reason, a delegation to

London from an organisation known as the Indian States People Conference has not been heard, nor have the views of another class whose interests may be affected by proposed changes in the relations of States with the Paramount Power, been submitted by way of oral argument to the Harcourt Butler Committee, though a number of written communications have been sent in from this quarter. I refer to the Chiefs exercising rulership under large parent States, and known by various names in different parts of India. In a number of instances, their maintenance as separate entities is guaranteed by treaties and engagements between the parent State and the British authorities. In some respects, they have less facility for making their views known than the ordinary subjects of the States. They have no access to the Courts of British India and no representation in the Chamber of Princes. Their existence further complicates the perplexing issues which the Inquiry of the Butler Committee has brought into prominence.

The variations in the measure of the independence of these Jahagirdars from the parent State and the degree to which, by

engagement or custom, it is safe-guarded by the Government of India, are so great that it would be hard to give a definition of these feudatories which is at once comprehensive and accurate. None of them, whether mediatised or not, are included in the official published list of Ruling Princes and Chiefs comprising more than 660 names, and no complete list of them is available. Much information regarding some of them is scattered over Aitchison's *Treaties and Engagements*, but many of them are not so much as mentioned in that important work of reference. In the aggregate, the territory under their charge is a substantial portion of the part of the Indian Empire, one-third of the total area, usually coloured yellow on the maps.

The two largest States in India have such satellites within their borders. Hyderabad has an important relic of ancient Hindu sovereignty in the non-mediatised State of Godwal, 1864 sq. miles in extent, with a population close upon a million. It will be recalled that its affairs came into prominence a few years ago in connection with the views taken by H. E. H. the Nizam on the question of the succession following on the death of the

late ruler. Within the limits of Kashmir is a big wedge of territory ruled by the Rajah of Poonch, who was able to supply in the Great War almost as large a number of troops as the whole of the rest of Kashmir.

It is however, in Western and Central India, and to less degree in Rajputana where the States within State, or tributary to one or other of the larger principalities are mostly found. Gwalior, Baroda and Indore are the recipients of fixed tributes from various Princes, some of them in direct relation with the Paramount Power—tributes, which have their origin in the *mulk giri* or payments exacted under Maratta rule. In 1820, under an engagement contracted by Mountstuart Elphinstone, the exclusive management of Baroda was transferred to the British Government. Under Gwalior, there are some fifteen guaranteed feudatories, the largest of them, Khilchipur, with an area of 280 sq. miles. Altogether, they cover 862 square miles and have a population of about 400,000. The Gwalior Durbar cannot interfere in the internal administration of five of the States, while the remaining ten exercise civil and criminal jurisdiction under certain limitations.

Under Kolhapur, whose rulers trace their descent from Shivaji the Great, there are nine feudatories administering an area of some 1,100 sq. miles, with a population approaching 300,000. The most important of them is Ichalkaranji, whose Jahagirdar rules a territory of 240 square miles with a net annual revenue of Rs. 4½ lakhs (£33,750). In the words of Sir William Lee Warner (*The Native States of India*) the residuary jurisdiction of these feudatories, under a treaty made in 1862, was "removed from the Suzerain State of Kolhapur and taken into the safe keeping of the British."

The States of Indore, Dhar, Jawra, Jodhpur and Idar, to mention only a few, also have their Thakors. These do not all hold guarantees in the same sense as the Jaghirdars of Gwalior and Kolhapur: but it is safe to say of all of them that friction with parent States respecting their rights and dignities is a frequent occurrence. In the welter of confusion and constant warfare which the establishment of the Pax Britannica brought to a close, the bulk of the feudatories would have been swallowed up by powerful neighbours; but it is conceivable that some of them might

have come to the front and carved out fresh dominion by the sword. British overlordship left them like flies in amber ; it has intervened on occasion for their protection ; in many cases, it is expressly pledged to see they are maintained.

The submissions of the Chief of Ichalkaranji, a Chitpavan Brahman of cultivated tastes, and the author of an observant book of *Impressions of British Life and Character*, are typical of the arguments of feudatories when they urged that their cases should be heard by the Butler Committee. He claimed that in any rearrangements with the Ruling Princes, due regard must be paid to the rights and obligations of third parties created, and, in some cases, guaranteed by the very treaties and engagements which form the subject of the main inquiry. He pointed out that when the institution of the Chamber of Princes was under consideration, the Feudatory States were given opportunity to represent their views. The present inquiry, he wrote, affects their interests more directly than the creation of the Chamber.

The Thakors complain that while they are responsible for administering and govern-

ing their territories, the parent States seek to withhold from them the necessary powers for the due discharge of such responsibilities. No doubt the standard of efficiency reached or aimed at by the feudatories differs widely. Political officers, weary of their complaints, may be tempted to regard them as a great bar to progress ; but it is for the Princes, in whose territories the guaranteed chiefs are situated, to inspire them with some confidence in their intention duly to respect their rights. The feudatories have no such confidence, and are apprehensive lest present checks upon curtailment of these rights should be weakened or withdrawn by readjustment of relations of the parent States with the Paramount Power.

The specific prayer of the Ichalkaranji representation is typical. In addition to the maintenance of existing guarantees, it is asked that the Jaghirdars should be granted a proportionate share of revenue from customs dues and other sources to which, on revision of existing fiscal arrangements, the Kolhapur Durbar may be found entitled. A further submission is that there should be a permanent tribunal for the settlement of all dis-

putes between the Darbar and the higher Jahagirdars. No question of administrative policy should come before the tribunal, which would adjudicate on disputes relating to vested rights and claims based on treaties or prescription, usage or custom.

Whatever may be thought of the specific proposals made, it is clear that in any large readjustment of governmental relations with the Indian States, the existence and rights of the feudatories, and especially those who are mediatised, must be kept in view. It is reasonable too that they should be heard on any plan of readjustment of political relation with the Government which may arise from present investigations. A useful step would be to undertake a systematic survey of all the feudatory States and their classification according to the degree of independence appertaining to them on an impartial investigation of the widely scattered documentary material available for the purpose.

—*Indian Review, November 1928.*

A Feudatory State of Western India.

By V. V. RAJWADE

The subject of Indian States and their people has, of late, been much discussed in the Press. But there is an intermediate class between the Princes and the people namely, the States, under other major States commonly known as the superior States also makes an interesting study.

The rights which the feudatories enjoyed at the time of the British occupation were guaranteed to them by the British Government, subject, of course, to the suzerainty of the major States that claimed supremacy over them. The degree of subordination of a feudatory to its suzerain differs very much in each case, depending, as it does, upon the tenure, tradition and antiquity of a feudatory.

All the feudatory States are under the political control of the British Government, who, for the proper enforcement of the guarantees, has reserved to itself the right of deciding certain important questions concerning them, such as recognition of succession and granting of permission to adopt. In ex-

exercise of its right of paramountcy, Government has also to adjudicate disputes between a suzerain and its feudatories.

The feudatories include States with varying degree of sovereignty from almost full-powered Chiefs to those with very limited powers. Because the feudatories of one State are not entitled to certain powers, it does not necessarily follow that the feudatories of any other State are not also entitled to exercise those rights. No general rule can be laid down in this respect. Each case must be decided on its merits. The question depends upon the tenure, origin, past history, and also perhaps upon the size and importance of a feudatory. Take, for instance, the case of the feudatories of Kolhapur, a State in the Deccan, Bombay Presidency.

The feudatories of Kolhapur occupy a peculiar position. Some of them are the descendants of the ministers of the state created by Shivaji, the founder of the Maratha Empire. They had a great and glorious past. They came into existence even before the establishment of Kolhapur as a separate principality. They exercise independent civil and criminal jurisdiction, though recently

limited, in their domains. Nowhere can an analogy of their relations with Kolhapur be found except in the relations which subsisted between Satara* (lapsed in 1848) and its feudatories, who have consequently come directly under the British Government.

Furthermore, the feudatories of the same State are not all alike. But the tendency of the British political officers has been to make them all conform to one type, and certain distinguishing features of individual cases are often ignored. This is, well illustrated by the case of Ichalkaranji also a feudatory of Kolhapur. Government has recognized two main classes of feudatories : first, those from whose internal affairs the superior state is excluded by the terms of the guarantee ; and, secondly, those in whose case there is no such stipulation. Ichalkaranji, really speaking, comes under the

* It is necessary to mention here that Kolhapur represents the junior branch of Shivaji the Great ; and Satara represented the senior. In the beginning of the eighteenth century, there was a struggle for supremacy for about two decades between the two branches, which ended in a peace treaty in 1730. During the troublous times of the civil war, some of the old ministers of the State remained under Kolhapur, while others joined Satara.

former class ; but it has been treated as if belonging to the latter.

Ichalkaranji is a guaranteed feudatory under Kolhapur, with an area of 240 square miles and a population of 60,366 according to the census of 1921. The average annual revenue for the past five years is Rs. 4,53,251 (£34,000). The Chief, who is also a first class Sardar in the Deccan, is an educated and enlightened ruler.

One of the most important features of Ichalkaranji Estate is that it did not originate by a grant from Kolhapur, under whom it has now been placed. With the exception of only one small village out of about ninety villages belonging to Ichalkaranji, all its possessions are grants from Shahu Raja of Satara and others.

Another distinguishing feature of Ichalkaranji is that it holds all its territory under a special tenure known as *Inam* (free grant), without any obligation of service. All other feudatories of Kolhapur hold their estates under a military tenure known as *Saranjam* with incidence of service attached to it. On a thorough investigation of Ichalkaranji's

tenure, Government passed the following order in 1848, recognizing the special feature of Ichalkaranji Estate :

The documents now laid before Government sufficiently define the tenure under which the Chief of Ichalkaranji holds his Estates, as simple Inam. No conditions of service are attached, and the sanads (instruments of grants) are in the ordinary form of Inam grant.

Thirdly, Ichalkaranji has never rendered any service under Kolhapur, which is a very important test in determining the subordination or otherwise of one State to another, but which was ignored in Ichalkaranji's case. Though Ichalkaranji owed its origin and rise to Ghorpades of Kapshi, who are subordinate to Kolhapur, the relations of master and servant between Kapshi and Ichalkaranji practically ceased since Ichalkaranji's alliance by marriage with the family of the Peshwa (Prime Minister of Satara) in 1713. Thereafter, through the Peshwa's influence Ichalkaranji took up service under Shahu and, consequently also under the Peshwa. The question whether Ichalkaranji served under Kolhapur or not has been dealt with by Captain Graham, Political Agent at Kolhapur, in his Report No. 470 of 1848,

where he admirably summarizes the position thus :

...But in all the conflicts and struggles for dominion and independence, there is no mention made of the Ichalkaranjkar fighting under the banners of Kolhapur, though often enough to be found arranged in the opposite ranks.

The dispute between Kolhapur and Ichalkaranji is of very long standing. During the time of the Peshwas, Ichalkaranji was under their protection, being in their service and that of Satara, and they used to intervene on its behalf against Kolhapur's aggressions whenever necessary. And the British Government, who succeeded the Peshwas, also extended the same protection to Ichalkaranji guaranteeing its rights and possessions against molestation from Kolhapur. The relevant article of the treaty of 1826 between the British Government and Kolhapur giving a guarantee to Ichalkaranji runs :

The Raja of Kolhapur engages never to molest... Narain Rao Ghorpuday, Echulkurunjeekar, in the enjoyment of (his) lands and rights according to ancient custom (Aitchison, vol. vii., p. 289).

The engagement not only guarantees Ichalkaranji's possessions, but is, in effect, an undertaking by Kolhapur not to interfere

with the rights of Ichalkaranji according to "ancient custom". To use Aitchison's terminology, the superior State is excluded by the terms of guarantee from interference in the internal affairs of its feudatory. And in fact, until very recently, Ichalkaranji exercised full civil, criminal and revenue jurisdiction in its territory independently of and without any interference from Kolhapur.

During the next few years after the treaty of 1826, the question whether Ichalkaranji was at all subordinate to Kolhapur was much discussed. Ichalkaranji contended that, owing to its special features, it was not dependent on Kolhapur. On the other hand, Kolhapur urged that Ichalkaranji owed its origin to Ghorpades who were subordinate to it, and that most of Ichalkaranji's possessions were situated in the territory assigned to Kolhapur by the treaty of 1730. In 1835, Government decided that Ichalkaranji was independent of Kolhapur. But in a subsequent inquiry instituted at Kolhapur's request, it was held that Ichalkaranji was subordinate to Kolhapur.

Government enforced its decision under threat of sequestration. The then Chief of

Ichalkaranji protested, but had to submit to Government orders, and reluctantly accepted Kolhapur's supremacy in 1847, under certain conditions agreed to by Government, which secured to Ichalkaranji full internal autonomy and the right of direct correspondence with the Political Agent at Kolhapur. Thus, even after the adverse decision, Kolhapur's supremacy over Ichalkaranji was but nominal. Ichalkaranji enjoyed, as before, full revenue, civil and criminal powers, including also the power of life and death without interference from Kolhapur, and subject only, like all other Southern Maratha Country States to the general supervision of the Political Agent at Kolhapur. Though the agreement was afterwards unjustly abrogated, its conditions indicate with sufficient clearness that Kolhapur had no right to interfere in the internal administration of Ichalkaranji. As regards Ichalkaranji's power, the following order of Government passed in 1848 is worth quoting :

The Right Honourable the Governor in Council (of Bombay) is not disposed, as you (the Political Agent at Kolhapur) would seem to recommend, to limit the power of civil and criminal jurisdiction exercised by the Chief of Ichalkaranji, but is pleased to confirm it altogether as long as the Estate is held in *Inam*.

The arrangement under the agreement referred to above continued for some time. Later on, in 1862, a fresh treaty between the British Government and Kolhapur was concluded, by which, *inter alia*, Government's right of supervision over the higher feudatories of Kolhapur was reaffirmed; but the criminal powers of the feudatories were limited to offences involving imprisonment of seven years, more serious offences being required to be committed for trial to the Political Agent at Kolhapur.

Ichalkaranji was mentioned in this treaty, evidently through oversight, along with other feudatories. Really speaking, Ichalkaranji ought not to have been included in this treaty, because its relations with Kolhapur had already been regulated by the agreement previously mentioned. Ichalkaranji being then under a minority, no protest could be made on its behalf.

At the time of investiture of the present Chief's father in 1874, it was brought to the notice of Government that the provisions of the treaty of 1862, so far as they affected Ichalkaranji, were inconsistent with its previous agreement, and that Ichalkaranji's

inclusion in the treaty must have been through some mistake. Thereupon Government decided that the treaty of 1862 was to be interpreted, with regard to Ichalkaranji, subject to its then existing agreement. But one effect of the treaty of 1862 was that the father of the present Chief was invested with only limited criminal powers as defined therein. It should be remembered that the higher criminal powers were retained by Government to itself in exercise of its right of paramountcy, and not on behalf of Kolhapur, to whom they never belonged.

During the last half-century Ichalkaranji has suffered a great diminution in its powers. At the time of the present Chief's adoption in 1876, Government, without any justification, abrogated Ichalkaranji's agreement under which it enjoyed special rights and privileges, apart from other feudatories of Kolhapur. Though the agreement was cancelled, the guarantee given to Ichalkaranji by the treaty of 1826, it is to be noted, was and is still in force.

But in spite of this, Government sanctioned in 1893, under certain conditions, Kolhapur's proposal for transfer of High

Court powers in civil cases, and subsequently also of residuary jurisdiction in criminal cases over Ichalkaranji along with other feudatories. Separate stamps and State seals—insignia of separate entity—which were in use in Ichalkaranji since its establishment, were a few years ago, abolished; and new ones with Kolhapur marks were substituted. In 1906, the official designation of “Chief,” which Ichalkaranji rulers enjoyed for more than a century, was changed to “Jahagirdar” a change not only detrimental to the prestige and dignity of Ichalkaranji, but also providing an incorrect description of its tenure, which is simple *Inam*, unlike a *Jahagir*, which is held on military tenure. His late Highness the Maharaja of Kolhapur set up a rival candidate to dispute an adoption made by the present Chief in 1917 with Government’s previous sanction. The right of holding succession inquiries of Inamdars (alienees) under Ichalkaranji is challenged by Kolhapur, a right which Ichalkaranji has been exercising for centuries, and which is a part of the general revenue administration over which Ichalkaranji has even now absolute powers. Kolhapur has also made a proposal to Government for transfer of general

supervision over its feudatories, including Ichalkaranji, which at present vests in Government under the treaty of 1862.

The moral is clear. Ichalkaranji has been losing its ancient cherished rights one by one, and if the transfer of supervision is effected, as proposed by Kolhapur, Ichalkaranji will be reduced from a position of practical independence to that of entire subjection to Kolhapur. It would be a small consolation to argue that the guarantee of the British Government still continues in tact when the rights as recounted above have been curtailed and further reduction is threatened. Cases like this really deserve sympathy and consideration, and call for a special treatment which their peculiar features demand.

—*Asiatic Review April 1929.*

HOUSE OF LORDS.

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Lord Lamington:—My Lords, if the Princes of India can feel at all aggrieved by any of the remarks made by the noble Lord who put down this Motion, they certainly ought to feel well satisfied with the terms in which they have been alluded to by the two noble Lords who have just spoken, both ex-Viceroy of India, as to the attitude of the Princes, and as to the general excellency of their administration. The subject-matter of the question raised by the noble Lord, Lord Olivier, is very far-reaching, but there is one point which he is quite justified in raising and that is in regard to the subordinate States in India. I understood the noble Marquess who has just sat down to say it was essential in carrying out the reforms adumbrated, that any class of people in India who might think themselves adversely affected should be listened to.

I have given the noble Viscount (Lord Peel) private notice of a question which I am

going to mention relating to the many hundreds of subsidiary States scattered throughout India. Of course, I am not going to refer to all of them. What I am concerned with are the feudatory States which exist in the Bombay Presidency, and which, when I had the privilege of being the Governor of Bombay, directly came under the control of the Government of Bombay. These subsidiary, or feudatory States, chiefly lie in the State of Kolhapur. Rightly or wrongly, they think that of late they have suffered some degree of injustice at the hands of their Paramount State. These feudatories, I may say, all have their *sanads* or agreements, recognised by the Paramount Power, and they are very much afraid that in the readjustment of the various constitutional rights of the people of India they may be neglected. They are not allowed to appear before the Simon Commission—they have no *locus* there; and they were not able to be represented before the Committee presided over by Sir Harcourt Butler. I, therefore, wrote to the noble Viscount to ask whether their position is being considered by the Government of India. They feel that they may be harmed if their position is not now taken

stock of, and they would be glad to think that no definite change will be made in regard to the Indian Princes generally and their relation to the Government of India without a recognition of these various agreements and guarantees which have been given by the Paramount Power to the feudatory States. It is a most complicated question; there are always differences of opinion between the Kolhapur State and these feudatories, and they require very nice adjustment; and therefore I think I am quite entitled to ask whether, or how, these feudatories are to be given some chance of having their views attended to. Not for a moment do I say whether they are justified in thinking that they are being ill-treated, but I think it is quite reasonable for them to ask that their views should be ascertained before any decisions are come to as to the future government of India.

There is only one question that was raised by the noble Lord, Lord Lamington, who has changed his place though not his point of view, as I understand, in the House. He was good enough to give me private notice of it, though perhaps he will excuse my

saying that the notice was received a very short time before this discussion, and so I must answer him rather more briefly than I might otherwise have done. I am not sure that the Government, I am not in fact aware that the Government of India have received any recommendations from the feudatory nobles of the Indian States. I thought possibly the noble Lord was referring to the case of the guaranteed Thakurs in the Gwalior State. As regards that case, I may say, that the British Government at the beginning of the nineteenth century, in effecting a settlement in Central India, mediated and guaranteed the relations between the Rulers and the petty chieftains under them. In view of improvements gradually effected in the Gwalior administration there no longer existed the same justification for intervention between the Durbar and the chiefs; and in 1921 the Government of India made new arrangements under which the Political Department of the Government of India withdrew from direct interference between the Durbar and the Thakurs, and fresh *sanads* in perpetuity were issued to the Chiefs in question by the Gwalior Darbar. It was, however, explicitly laid down that the pledges originally given by the British

Government must remain inviolable. Representations from some of the feudatories in connection with this new arrangement came before me as Secretary of State for India in 1924, and questions raised by others are, I believe, at present before the Government of India.

Then, as regards the question whether the feudatories would have an opportunity to make representations during the discussion on reforms, if any feudatory is apprehensive as to how changes in British India may react upon his own position he could no doubt express his feelings to his Ruler. If the reference is to any grievance which a feudatory might have against his Ruler, it is open to the feudatory who may consider himself unjustly treated, as to other subjects of an Indian State, to seek redress from the Government of India. Perhaps the noble Lord will content himself with that rather brief answer to the question which he asked. As to the noble Lord opposite (Lord Olivier), though I do not charge him with wishing to air his knowledge on the subject—he has raised very important questions—I am sure he will agree that they are so speculative and depending upon such hypothetical considerations in the

future that he will be satisfied if I have not given him a more definite answer than I have been able to do to-day.

Lord Lamington : I should like to ask the noble Viscount whether he will consider how these feudatory chiefs may make a representation.

Viscount Peel : Yes, certainly.

Indian Feudatory Chiefs.

LORD PEEL'S ASSURANCE.

London, 20 March 1929.

In the House of Lords, Lord Lamington drew attention to the situation of Feudatory Chiefs, who he said, should be given an opportunity to appear before somebody to secure their position, seeing that they have been unable to get representation before the Statutory Commission and have been debarred from appearing before the Butler Committee.

Lord Peel replying said that he had an opportunity of consulting the Government of India in that connection and if the Government of India had any reason to believe that any change contemplated as the result of the Butler Report would react upon the position

of the Jagirdars, they would consult the Durbars, especially on the point and arrangements would be made to enable the Jagirdars who have acquired the right of intervention by the Government to submit representations. Moreover if the Jagirdars make representations to their Durbars, the Government of India's political officers would take note of them and keep the Government of India informed of the progress of such representations.—Reuter.

—*Times of India 22nd March 1929.*

Government, the Suzerain States, and the Feudatories.

A DIFFICULT PROBLEM AND A SUGGESTED SOLUTION.

The Indian States Inquiry Committee has attracted considerable public attention towards the problems of Indian States. The inquiry, however, does not seem to be an exhaustive one. It was limited to only 235 States out of 611 States in India, thus leaving out of consideration 376 States. Besides these, there are many sub-States called the feudatory States under major States, holding guarantees from the British Government,

which have also been excluded from this inquiry. Nor did the Committee grant a hearing to the States people. It is really very unfortunate that so many small States, including the feudatory States, as well as the States subjects, should have been excluded from an inquiry that affects them both so vitally.

Different Classes.

The question of feudatory States under Indian rulers forms an important aspect of the Indian States problem ; but it has not received as much public attention as it deserves. These mediatised feudatories may be described as those chiefs who are subordinate to other Indian rulers but whose rights have been guaranteed by the British Government. Although they differ very widely in their powers, privileges and tenures, they may be divided into two classes, namely, those from whose internal affairs, the superior State is excluded by the terms of the guarantee ; and secondly, those in whose case there is no such stipulation.

The Chiefs of the former class enjoy higher powers than those of the latter ; but originally they did not differ much in their

status. The present distinction is more or less due merely to historical or accidental causes. Thus the Kathiawar Chiefs who were subordinate to Gaikwar were taken over directly under the British Government and a fixed tribute was assigned to him; whereas the tributaries of many other States such as Gwalior, Indore, and Udaipur were continued under their suzerains, with guarantees from the British Government.

It will thus be seen that no fixed principle was followed by the British Government in the settlements then made, as Government were rather anxious to pacify the country after the fall of the Maratha Power and cases were dealt with as they arose. The summary investigations then held have also resulted in injustice in certain cases owing to the absence of any uniform policy.

States Subjects.

The position of the feudatories from whose internal affairs the suzerain State has not been excluded, is very precarious. Since the establishment of the Chamber of Princes the States that have a right of representation on that body have attained a new status and have gained the right of discussing questions of common concern. The Government

of India also consult the Chamber of Princes in matters affecting India as a whole and their voice naturally carries great weight. On the other hand, there are signs of growing political consciousness in the States' subjects.

They are agitating for the introduction of a responsible form of government in the States and they are ventilating their grievances in the press and on the platform. But the feudatories under suzerain States, on account of certain restrictions placed upon them, cannot voice their grievances. They have to submit almost with a feeling of resignation to all encroachments on their guaranteed rights. They are denied even the elementary rights of citizenship of coming together and freely discussing their problems. Being scattered all over India and distributed under various States, joint action among them is very difficult almost impossible.

Certain feudatory States that have passed under British control, owing to lapse or annexation of the parent State, have been treated with trust and generosity by the British Government who have even enhanced their powers in certain cases. But the feudatories

under the States have not only got no accession to their powers but even their limited guaranteed rights are not quite safe, which are encroached upon by the suzerain States either with the sufferance or connivance of the British Government.

Varying Treatment.

Lately the guarantees of the feudatories of Gwalior and Dewas were practically withdrawn, though not in form. The same is the case of the feudatories under Udaipur, Kolhapur and Kutch. The feudatory of Amran under Nawanagar has been deprived of his Jahagir and driven from his estates but he has not been able to get any redress from the Paramount Power.

In the early period of British rule in India, Government were anxious to protect the feudatory chiefs against the aggressions of the superior States and they used to intervene whenever the rights of the feudatories were in danger. No departure from the guarantees given was ever permitted. Sir John Malcolm outlining the policy of the British Government in this matter observes in his settlement report on Malwa thus :—"Whenever any circumstances call for the intervention of the British Government and an engage-

ment of guarantee is given, no departure from that is permitted.....It is above all others, a point upon which we can never with safety admit the slightest evasion, much less deviation.

Change of Policy.

But there has recently been a change in the policy of Government which is detrimental to the interests of the feudatories. In recognition of the valuable services rendered by the Princes in the Great War, Government are anxious to enhance their prestige, position and dignity. This has led to the adoption of a policy of non-intervention towards them and relaxation of the control which Government exercise over feudatories under the Princes. But the pendulum has swung too far in the opposite direction.

The feudatories will certainly rejoice at the enhancement of the powers of their suzerains but they only urge that this should not be to their detriment or prejudice as is unfortunately the case. One can appreciate the anxiety of Government to enhance the rights, dignity and honour of the Princes, but one cannot understand why the feudatories should unnecessarily suffer, why they should be entirely handed over to the control of their

suzerains who are always on the alert to augment their strength at the expense of the former. Government seem to be oblivious of the fact that the feudatories also in proportion to their means, did every thing they could, to help the Empire in its hour of greatest need.

Loyalty to Crown.

They are not less loyal and devoted to the Crown and Empire than their suzerains. Really speaking it is this humbler order of mediatised feudatories that more than any other requires protection from the Paramount Power and they deserve to be treated with the same consideration that is shown to their suzerains.

It is sometimes argued that the Paramount Power has no right to interfere in the relations between a parent State and its feudatories. Whatever may be the theoretical basis for such a contention in the case of first class States like Hyderabad and Gwalior, it cannot hold good in the case of States in which Government have expressly reserved the right of intervention. On the other hand, it may also be contended that the moment the suzerain States agreed to the guarantees,

being given to their feudatories, the former ceased to have absolute and complete control over the latter. Their relations, therefore, come under what may be termed quasi-foreign and since the States have completely surrendered all their foreign relations to the British Government, the intervention of the latter, on behalf of the feudatories, is not only legal and justifiable but also necessary.

But this is after all a mere academic discussion. As a matter of fact, even in the case of first class States, the British Government have asserted their right of intervention. The very fact that Government have had to intervene on behalf of the feudatories on many occasions, unmistakably shows that their interests are not safe in the hands of the parent States. In fact, it is to the protecting arm of the British Government that the feudatories owe their present existence as separate entities, otherwise their estates might have long ago, been absorbed by their suzerains.

Kolhapur Case.

In this connection Sir William Lee Warner in his valuable work on Indian States, observes that the feudatory States under Kolha-

pur exist because of the British guarantee and because the residuary jurisdiction over them has been retained by the Paramount Power.

The result of this policy of non-intervention and relaxation of control over the feudatories has been disastrous to the latter. The suzerain States have begun to advance claims to which they were never entitled. Take, for instance, the case of feudatories under Kolhapur. The general supervision and control over them is vested by treaty in the British Government. The Sanads issued to them reaffirm that they are to continue to be under the supervision of the British Government and the system has been satisfactorily working for nearly three quarters of a century.

The Kolhapur State, however, has, it is understood, recently made a proposal to Government for a transfer of this general supervision over its feudatories to itself. It is needless to say that general supervision implies an unrestricted right of interference in the internal affairs of the feudatories, a right which Kolhapur has never before exercised and which if transferred would re-

duce the feudatories to a position of mere subordinate officers of Kolhapur.

Unequal Fight.

This is a typical illustration of how suzerain States try to strengthen their hold on the feudatories and thus practically whittle down the guarantees. Protests to the Paramount Power are often unavailing because owing to the change in policy, Government is disinclined to intervene. But it would seem that the Paramount Power ought to change this attitude of apathy and indifference towards the feudatories. It is the duty of Government to see that the guarantees given to the feudatories are not violated or whittled down by the suzerain States.

Moreover, a fight between a feudatory and his suzerain is always unequal. The odds are very heavy against the former. With a very limited purse and with little or no influence in higher quarters, a feudatory finds it hard to carry on a struggle with his parent State; whereas on account of its higher position and prestige and with greater resources at its command, a suzerain State has such a decided advantage over its feudatory that the latter is ultimately forced into

submission. In pre-British days, there used to be a sort of automatic check on the arbitrary powers of an overlord. He derived his strength and support from his feudatories and he dared not molest them.



Independent Tribunal for Feudatory States' Disputes.

If, however, he tried to ride roughshod over them, they would rise against him and bring him round. But now, secure in his sheltered position under British protection, he thinks that he can reduce them into entire submission, but forgets that his claims over them have been established and maintained by a power stronger than his own.

However expedient it may be to adopt the policy of non-intervention so far as the relations of a ruler and his subjects are concerned, it is manifestly unjustifiable in regard to the relations of a suzerain with his feudatories. In disputes among his subjects, a ruler is supposed to administer justice evenly and impartially. But the interests of a suzerain and his feudatories being often conflict-

ing, one cannot reasonably expect perfect justice.

Guarantees Nullified.

That a suzerain should be permitted to adjudicate in cases of dispute between himself and his feudatories seems to be opposed to the very first principles of justice, but that is where the recent policy of Government leads. In fact, it practically nullifies the guarantees given to the feudatories. It amounts to giving with one hand and taking away with the other.

A really satisfactory solution of the problem seems to be the establishment of an independent tribunal for adjudication of disputes between a suzerain and his feudatories as well as inter-feudatory disputes. The Political Officers who are entrusted with adjudication of such disputes are already too engrossed with their other duties to devote adequate time and attention to such questions and they would be only too glad if they were relieved of this not very pleasant work.

Further, an independent tribunal would inspire confidence both in the suzerain States and the feudatories and none would have any ground for complaint. None would feel a sense of injustice or of being aggrieved and

the Paramount Power would incur no odium as unfortunately it does at present rightly or wrongly, because, it would be merely carrying out the decisions of the tribunal. An analogy for such a forum is supplied by a similar demand by the Princes before the Butler Committee.

No General Rule.

It may also be remembered that the feudatories differ very widely in their powers and privileges. Each case must be decided on its merits. Because the feudatories of one State are not entitled to certain rights, it does not necessarily follow that the feudatories of another State cannot have those powers. Practice appropriate in one case cannot inadvertently be applied in another.

No general rule can be laid down in this respect. It depends upon the tenure, origin, traditions and past history of a feudatory also upon the size and importance of the parent State. Thus for instance, the rights exercised by a first class State like Gwalior over its feudatories cannot certainly be claimed by a fourth class State like Muli in Kathiawar, the feudatories of which are almost equal in size and importance to the parent State.

The problem of mediatised feudatories really speaking forms part of the wider issue referred to the Indian States Inquiry Committee, namely the relations of the Paramount Power with the States and it ought to have been examined side by side with the latter question. When the Government of India were considering the proposal for formation of the Princes' Chamber in 1928, they had invited views of the Feudatory States. Obviously therefore, Government of India must consider the feudatories' point of view when the recommendations of the Committee are laid before them.

Apprehensions.

What makes the feudatories apprehensive is the changed attitude of British Government towards them, and the demand of suzerain States for entire control over their feudatories. Curiously enough, the suzerain States are asking of the British Government what they themselves are denying to their feudatories. If the claims of suzerain States be granted and the feudatories are completely placed under their control, the fate of the latter is sealed once for all. Though circumstances have changed, the same motives

that prompted the British Government in maintaining the status quo and preserving the feudatories in their integrity, ought to guide them now.

It would appear that the guaranteed rights of the feudatories are as solemn and sacred as the treaty rights of the Princes. If the treaty rights of the Princes ought to be respected, if the promise of the permanent settlement given to the Zamindars of Bengal is to be kept, why should the guarantees given to the feudatories not be maintained intact ?

What is asked for.

The feudatories have been enjoying their rights for centuries. They wield the same influence in their domains as their suzerains do in theirs. They have a great stake in the country. They are loyal and devoted to the Crown and Empire. In short, they are a source of strength and stability to the British rule in India and the need for their preservation is as great as ever.

And what do they ask for ? They do not aspire for any new rights. They do not seek any additional privileges. They appeal

to the plighted faith of the British Nation and they only pray that their possessions, rights, and privileges be maintained intact and their suzerains be not permitted to encroach upon them.

Smaller States and the Butler Committee.

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The appointment of the Indian States Inquiry Committee has aroused much public interest both in England and in India about the affairs of the Indian States. But there appears to be a wrong impression about the working of the Committee. It is generally believed that the Committee is examining the relations of all the Indian States with the Paramount Power. But that is not the case. The Committee's inquiry is confined only to 235 States out of about 700 states large and small. The Committee has issued its questionnaire only to those Princes who are members of the Princes' Chamber or who are represented on that body, thus excluding from the inquiry a very large number of the States in India.

For the sake of convenience the Indian States may be divided into three classes; namely, those that have representation on the Chamber of Princes, secondly, those States which have no such representation but which are directly subordinate to the British Government; and lastly the States holding guarantees from the British Government, but primarily subordinate to some other state, which in respect of its subordinate is called the parent or suzerain States like Gwalior, Kashmir, Indore and also comparatively small States like Rewa and Ratlam belong to the first class. The last named is only a feudatory of Gwalior, but owing to its size and importance has been admitted to the Princes' Chamber. Under the second class fall the States of Rajputana, Central India and Simla Hills and lastly come the Princes like the Nawab of Mangrol, Raja of Punja and feudatory chiefs under Kolhapur. In the first class are included Princes who enjoy full internal sovereignty and others who exercise it subject to the control of the British Government. The States of the second and third class enjoyed limited civil and criminal powers and are subject to a greater measure of control of the

British Government. The right of determining succession and granting permission to adopt rests with the British Government, though in some cases the superior state is also consulted, but the final authority always rests with the British Government.

One of the demands of the suzerain States before the Butler Committee is that the right of approaching the British Government possessed by the feudatories is inconsistent with their subordination and Government ought not to interfere on their behalf as they have been doing. Some of the feudatory states have submitted statements to the Committee about this matter, but it is reported that the committee is unable to consider their representations. In view of the terms of reference of the Committee, the request of the guaranteed States for a hearing before the Committee appears to be not unreasonable, though of course, the Committee is the best judge of its limitations. Under the first part of its terms of reference, the Committee is asked to report upon the relationship between the States and the Paramount Power, with special reference to the rights and obligations arising from treaties, engagements

and Sanads etc. The guarantees given to the Feudatories constitute obligations both upon the British Government and the suzerain states, and these guarantees have the same sanctity and are as binding as treaties and engagements, etc. So it will appear that the relations of the Feudatory States with their suzerains, so far at least as their guarantees are concerned, form part of the present inquiry by the Committee. Even under the ordinary civil and criminal law, third parties who are interested in the subject matter of a suit or action are allowed to join as parties or to watch the proceedings on their behalf. It would seem unfair, therefore, if the guaranteed feudatories were altogether excluded from the deliberations of the Committee. If the treaty rights of the princes ought to be preserved, the guarantees of the feudatories ought also to be maintained, and they are anxious that their rights should not be prejudiced by any readjustment of relations between the Paramount Power and suzerain States. In fact their rights stand or fall with such guarantees and if any modification of the guarantees be contemplated, as the Feudatories have reason to fear, it is but fair that they should

be given an opportunity to represent their views before the Committee.

Recently there has been a change in the policy of Government towards the bigger Princes. Government seem to be anxious to preserve, maintain and enhance the rights, dignity and honour of these Princes and non-intervention in their internal affairs is the guiding principle of the Political department. It would, however, be unjust, if Government did not show the same solicitude and consideration towards the humbler order of mediatised States, which more than any other require protection from the Paramount Power. The fact that Government had to interfere on their behalf many times in the past has given rise to fears that the interests of feudatories are not quite safe in the hands of the parent States. In fact it is to the protecting arm of the British Government that the mediatised States owe their present existence as separate entities; otherwise their estates might have long ago been absorbed by their suzerains.

What makes the feudatories apprehensive is that there is actually a demand by the bigger states before the Butler Committee for complete and unfettered jurisdiction over the

former. If that is granted behind the back of the feudatories, their fate is sealed. Just as the suzerain States are anxious to have their rights preserved so also the mediatised feudatories earnestly wish that their rights which they have been enjoying long since, and for the preservation of which the solemn word of the British Government is pledged, should be maintained intact in the proposed readjustment of relations between the Princes and the Paramount Power. Just as the Princes feel that the intervention of the British Government in their internal affairs is galling to them, so also the mediatised feudatories, in their own limited sphere, think that their suzerain States ought not to interfere continuously or minutely, as is unfortunately the tendency, in their internal administration. Just as the suzerain States are jealous of any encroachment upon their rights by the Paramount Power, so also, the minor States feel that their rights should not be violated by their suzerains. If the Chamber of Princes complain that the existing system of settling disputes between the Paramount Power and the States is unsatisfactory, the feudatories also think that it is unjust that the suzerains should decide disputes between

themselves and their feudatories. Just as the Princes think that some new machinery must be devised for adjustment of their disputes with the Paramount Power, so also the feudatories, desire that matters of difference between them and the suzerains should be settled by an independent tribunal.

It is clear that the feudatories have a real grievance, and their case deserves sympathetic consideration at the hands of the Committee. If, however, the Committee thinks that it is not justified by its terms of reference to grant them a hearing, it is hoped that the Government of India will consider their case when the Committee's recommendations are sent up to them. When in 1918 Government were considering the proposal for the establishment of the Chamber of Princes, they had invited the views of the Feudatories on the subject. Obviously the present inquiry affects the rights and interests of the feudatories, more than the institution of the Chamber of Princes, and it is hoped that their interests will not be altogether ignored in any new arrangement between the Paramount Power and the States.

—*Near East and India, 25th October 1928.*

The Position of Feudatories Under the Major Native States.

"India" Vol. 1 No. 6 December 1928.

Page 40 (Contributed).

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The question of Indian States which has of late been engaging the attention of the public here and in India is a complicated one. On the one hand the Princes are contending that there has been infraction of their treaty rights by the Paramount Power, and on the other the people of the states urge that the Princes are under certain treaty obligations which they have not fulfilled, and that it is the duty of the Paramount Power to intervene in the affairs of the States to see whether these obligations are properly discharged or not. The points of view of the Princes and the people have been discussed in the press and on the platform, but there is also another aspect of the situation which is hitherto unnoticed. Besides the Princes and the people there is an intermediate class whose interests will have to be considered in the discussions of the questions about the Indian States. It is the class of the feudatory chief under Indian Princes whose rights have been guaran-

ted by the British Government when they settled the country.

These feudatory chiefs do not all enjoy the same powers and privileges. They include chiefs exercising full jurisdictional rights as well as those having very limited civil and criminal powers, which depend upon their past history, tradition, their tenure and the status of the suzerain state. The policy pursued by British Government towards these chiefs was to declare the permanency of their rights existing at the time of British occupancy and to adjust and guarantee the relations of these chiefs with their suzerain states. The British Government also undertook to exercise political control over them in order to see that their rights were not encroached upon by the superior states. But the British Government have recently adopted the policy of non-intervention towards the States, and the tendency is to relax control over the feudatories and to hand them over entirely to the suzerain states. When once the protection and control exercised by the Paramount Power is removed, the parent states feel that the feudatories, being subordinates could be

safely reduced to entire submission, and the result has been that the rights have been whittled down, and even reduced to nullity.

This is well illustrated by the case of the feudatory chiefs under Kolhapur State in the Deccan. These chiefs before the British conquest of the Deccan, exercised independent jurisdiction in their territories in all matters, civil, criminal and revenue. But at the time of settlement made by the British Government a restriction was first imposed on their criminal power. Under these arrangements, the feudatories continued to enjoy all powers except the right to try offences of serious nature, which they had to submit to Political Agent for trial. Subsequently Kolhapur asked for transfer to itself of his residual jurisdiction exercised by British Government, and the proposal was sanctioned. Again, in spite of the protest of the feudatories, appellate powers in civil cases were given to Kolhapur. The feudatories at present manage their own affairs under the general control of the British Government. But Kolhapur, it is understood, has also moved Government to hand over this control over the feudatories to itself. If this be

granted, the feudatories would be reduced from a position of practical independence to that of mere subordinate officers of Kolhapur. This is a typical case of the general tendency on the part of the suzerain states to encroach upon the guarantees of their feudatories. The same sad tale of woes and grievances will be unfolded by a reference to the case of Bumias under Jodhapur, of Bhayyads under Cutch, and of the feudatories of Gwalior and Dewas.

The guarantees given to the feudatories are expressed in general terms, and every day new questions as to the rights of the parent state and its feudatories arise. This leads to disputes in which on account of the policy of non-intervention, it is the feudatory that suffers. The present system permitting the suzerain state to decide disputes between itself and the feudatories is most unsatisfactory, because the interests of the parent state and the feudatories are always conflicting. All this has created a feeling of uneasiness among the feudatories who fear that if this state of affairs continues their rights will be soon extinct.

The grievances of the feudatories are serious, requiring a thorough inquiry, and if

the Indian States Inquiry Committee cannot deal with this question, Government should appoint another committee to inquire into the relations of the suzerain states with the feudatories and to make recommendations for the establishment of more satisfactory machinery for settlement of disputes between the feudatories and the parent states.

Kolhapur and Its Feudatories.
COMPLAINT AGAINST ENCROACHMENT
BY THE DARBAR

Principal Chiefs ask States Committee Not to
Disturb Status Quo

Reference has been made in these columns to the relation between the Kolhapur Darbar and its Feudatories. In a recent issue a correspondent set out his views about the position arising under the treaty of 1862 between the British Government and the Kolhapur Darbar.

It transpires that the terms of this treaty have been the subject in the past of authoritative interpretation by the Govern-

ment of Bombay, who have interfered on behalf of some of the Major Jahgirdars to protect them against encroachments by the Kolhapur Darbar.

In their representation severally made to the Indian States Enquiry Committee, the Major Chiefs of Vishalgadh, Ichalkaranji and the Himat Bahadur have drawn pointed attention to numerous instances of alleged interference by the Kolhapur Government in the affairs of the Feudatories as well as also to the attempts made on various occasions by the Durbar to restrict the power and jurisdiction of the Jahagirdars and snatch away their privileges, and jeopardise their rights.

Special reference is made to the Darbar's attempt to interfere in a "delicate matter involving religious feeling and belief by the creation of a Kshatra Jagadguru."

This more delicate question of the creation of a "religious head" in the person of the Kshatra Jagadguru and the selection on that eminent post of a person not belonging to the hereditary religious class, so long respected by all communities in general is stressed as a glaring instance of the Darbar's predi-

lection to lower the Chiefs in the estimation of the general public, and to encroach on their time-honoured political status.

It is stated:

“The creation of the Kshatra Jagadguru has touched the sentimentality of many Jahagirdars and other Sardars and Mankaris of the State and is calculated to give rise to serious disaffection by the precedence given to this Kshatra Jagadguru at the darbars and the all ceremonial functions held by His Highness.”

There is evidence that this matter has virtually touched the sense of honour among the Feudatories and others and has provoked considerable dissatisfaction among all classes. In other directions also, instances of aggression and aggrandisement by the Kolhapur Durbar have been set out to show the undesirability of effecting any change in the status quo secured by the treaty of 1862.

According to the representations which have been submitted to the Butler Committee, the Kolhapur Darbar has attempted again and again to oust the jurisdiction of Chiefs, contrary to the explicit provisions of

custom and usage, "the established political relations, treaty and past custom."

The contention that the residuary criminal jurisdiction had been reserved by the treaty of 1862 to the Durbar is repudiated and the memorialists have urged that any such reservation has been in favour only of the British Government as the Paramount Power, and not of Kolhapur.

The representations teem with quotations from Government resolutions and other sources to show that the British Government have frequently interfered with the Kolhapur Durbar to protect the Feudatories, 'the mediatised' order, against aggression and aggrandisement.

The memorialists seem to have taken alarm from the fact that the Durbar has made representations to the Butler Committee urging a modification of the present position, especially in respect of Criminal and Civil Jurisdiction. Revenue Jurisdiction, and Political Supervision.

Copious extracts are given from various official documents, which have hitherto remained more or less matters of antiquarian

interest to show that the mediatised Chiefs have always enjoyed wide powers and rights and they want to guard themselves against any surprise attack on their long cherished rights. In this connection they put large reliance on an assurance categorically given to the Chiefs by the Government of Bombay as far back as 1919 that—

“No modification of the existing guarantee applicable to you under the agreement of 1862, will be considered without giving you an opportunity of fully representing your case.” This agreement of 1862, otherwise known as the treaty of 1862 between Kolhapur and the British Government is pointedly referred to by the Memorialists to reinforce their claim against any interference by the Kolhapur Darbar, or any restriction of their existing rights as a result of the representation of that Durbar.

Of this agreement which consists of nine clauses, articles 1, 7, and 8 are particularly stressed as being pertinent to the questions at issue.

Article 7 provides that whenever there is an occasion for a civil suit against a Feudatory Jahgirdar it should be before a com-

bined court consisting of the Maharaja and the British Resident.

Article 8 stipulates for special protection from the British Government of the Feudatory Chiefs, This is secured "by the continuance of the supervision of the British Government under which the Feudatory Jahgirdars were placed since the time the British Government conquered the Peshwas and became the Paramount Power in the Deccan."

Article I requires that the Maharaja of Kolhapur shall follow the advice of the British Government in all important matters, and the Feudatories urge that as all matters mentioned in article 8 are important matters involving the Durbar relations with the Feudatories, the Maharaja is bound to act upon the advice of the British Government.

Instances have been given to show that the British Government have never relaxed this valuable and essential right, and on the contrary have frequently exercised it with a view to avoid hardship to the Chiefs and prevent aggression and injustice on the part of the Darbar.

It is not necessary at present to go into details of the frequent causes of misunderstanding and the prolific source of discontent mentioned prominently by the Chiefs concerned. From these representations it is evident that the Chiefs have good cause to apprehend danger to themselves by the actions of the Kolhapur government, and they have been moved to concerted action by the fear that their case may otherwise go by default.

There is a community of grievance among the Feudatories against the Kolhapur Durbar, and it appears from these representations that the Darbar has for over seventy years been struggling to secure its absolute and unqualified supremacy over the Feudatories including those specifically mentioned in the treaties between the Durbar and the British Government—otherwise known as the mediatised Chiefs—but that only a strong sense of fairplay on the part of the British Government and their strict regard for the treaty position have saved the Chiefs from being overwhelmed by the Durbar's frequent attempts at encroachment.

There is also a serious indictment of the Kolhapur Durbar's demand for more jurisdic-

tion for their courts in respect of the Feudatory estates. It is urged that the Darbar must show that justice in the Kolhapur Courts has been of such type and quality as distinguish the courts of justice under the British Government. It is pointed out ;

“The High Court Bench of his Highness which has the proud privilege of being established on the lines of His Majesty’s Privy Council is in the most anomalous position, firstly on account of its being some times presided over by officers of a very junior standing both as regards their service or experience and as regards their salaries ; and secondly on account of the fact that their decisions are at times reversed by the Huzur under the advice of his immediate advisers most of whom have very little pretensions to higher university education, knowledge of law or administrative experience. If the control of such a judiciary system be extended to the Jahgirs of the Feudatories the result will be most intolerable to the Feudatories themselves and their prestige will be completely shattered.”

The Case for the Feudatory Chiefs.

By P. S.

Since the recent publication in India of the Indian States Inquiry Committee's report, public attention has once again been attracted towards the problems of Indian States. Though the Committee's recommendations are not quite to the satisfaction of the States, the Committee affirms that the relations of the Princes are with the Crown in England and they should be continued as such. This is not a small gain from the point of view of the Princes. As for economic and financial relations they refrained from giving any opinion and recommended the appointment of an expert committee. It is to be hoped therefore that an amicable settlement regarding the relations between the Government of India and the States will soon be reached, bringing in a new era of mutual goodwill and understanding.

But the next thought naturally turns to the question: What about the smaller states and mediatised Feudatory states under Indian rulers, whose cases were not considered by the Committee on the ground that they were outside its scope of inquiry? The fact that

the Feudatory States had sent in memoranda to the Committee proves—if any proof was required—that they have grievances of their own. But as both the Butler Committee and the Simon Commission refused to grant them a hearing they stood no chance of redress. This point was raised in the House of Lords in December last and again in March by Lord Lamington—thanks to the intelligent interest shown by His Lordship in the matter—whose question to the Secretary of State elicited the information that the Feudatories would have a right to represent their cases to the Government of India.

But the Government of India have, so far, made no statement regarding the policy they want to adopt towards these States. The smaller states and especially the Feudatories under Indian rulers fear that their rights would be prejudicially affected if they are not given a hearing. And nothing can allay their fears except a clear statement by the Government of India, reassuring the States that their rights will, in no way, be affected.

The Government of India have recently adopted a generous and sympathetic policy

towards the Princes. The valuable services rendered by them during the Great War—a most anxious and trying time for Great Britain and the Empire—have been suitably acknowledged by His Majesty's Government and also by the Government of India. This has stimulated a desire in the Princes for greater freedom from the political control of the Indian Government, and for more absolute and unrestricted power over their internal affairs. The logical out-come of this two-fold demand of the Princes is that they are also aspiring for greater control over their feudatories who are at present under the supervision of the British Government. The wishes of the Gwalior and Dhar Darbars in this respect have already been carried out and their feudatories transferred from the direct control of British Government to that of the Darbars—a transfer which other Major States cite as a precedent and ask for the transfer of their feudatories to their control. But such an action would appear to be most unfair and unjust.

The first and the most important objection to such a transfer of control, is that the general tone of administration in the States is much inferior to that in British India—a fact

to which attention of the rulers has so often been drawn by responsible personages like the Viceroys and Governors. It is true that some of the progressive rulers are moving with the times and are very sincerely trying to improve their administrations; but none with any experience of conditions in the States can seriously question the truth of the above statement. Save in a few States, there is no rule of the law, nor an independent judiciary, which inspires confidence in the subjects. And very often politics in the States is influenced by underhand influences, and court intrigues.

Secondly, the interests of the feudatories and their Suzerains are generally conflicting and opposed; and if the control over the feudatories be transferred, the interests of the feudatories would certainly suffer. It is inconceivable that the feudatories would get perfect justice at the hands of the parent States especially when their own interests are involved as is always the case. It would appear therefore that the demand of the Princes for transfer of control over the feudatories, is entirely opposed to the first principles of justice and equity.

Lastly, the claim of feudatories that they should not be transferred to the control of the parent States is based on the same grounds that are advanced by the Princes for continuance of their relations with the Viceroy. Though the Princes profess full sympathy for the aspirations of the people in British India, one cannot mistake their real attitude towards the rising democracy. They have made no secret of this. In their demand for direct relations with the Crown, one cannot fail to see the real feelings of the Princes. The theory of direct relationship with the Crown, so ingeniously elaborated, indicates how the minds of the Princes are working. It must be conceded that they honestly feel that their interests would be more safe in the hands of a British representative of the Crown, the Viceroy, than in those of a responsible Indian minister; and hence they are so very anxious for continuance of their relations with the Viceroy. It is small wonder then that the feudatories who have their relations with British Government, should be quite unwilling to be transferred to the control of the Indian States whose administration is generally inferior to that of British India, and where there is little in the nature of responsible government.

Whenever the Government of India interferes on behalf of the Feudatories, the Princes raise the cry that the Government of India unnecessarily and unauthorisedly interfere in the States' affairs. The Princes assert that any interference in their internal administration is illegal, being in direct violation of their treaty rights.

Let us now examine what the Princes mean by this oft-quoted but misunderstood doctrine of non-interference. It does not mean that the Princes do not at all want the intervention and protection of the Paramount Power. The Princes seek protection from the Paramount Power against foreign aggression, or in case of internal trouble; and interference of the Paramount Power is also sought in inter-statal disputes,—obligations which have, in fact, been provided for in the treaties with the Princes. It is only so far as the purely internal administration is concerned that the Government of India follow a policy of non-intervention towards the States. The degree of interference in each case depends upon the treaty rights and the political practice. But the Princes are endeavouring to go further and are claiming that their relations

with their Feudatories should be regarded as purely internal matters, thus excluding intervention of the Paramount Power—obviously a dangerous suggestion. It would thus appear that when it suits them, the Princes seek interference of the Paramount Power and they protest against it when inconvenient.

None can deny that the treaty rights of the Princes ought to be respected and that there ought to be no infraction of their rights by the Paramount Power. Is it not also true that the guarantees given to the Feudatories by the British Government and ratified by the Suzerain States themselves deserve to be equally respected? Have the Princes ever considered this? No. They do not seem to have given any thought to what the Feudatories think about them. The Princes rightly complain of the violation and infraction of their treaty rights; but are the Princes aware that the Feudatories also have similar grievances against them? Those who seek justice must themselves do justice. One is tempted therefore to tender a word of advice to the Princes that they should scrupulously maintain the rights of their Feudatories before asking for maintenance of their rights by

the Paramount Power. It is to be hoped therefore, that the Government of India, before reaching a final decision regarding their relations with the Major States, would go into the whole question of the relations of the Feudatories both with the Paramount Power and their immediate superior States.

—*The New Era 1st July 1929.*

Indian Princes And Peoples.

Sir,—The arrival in this country of a deputation representing the subjects of Indian States is very timely. The British public will learn from Dewan Bahadur Ramachandra Rao's interview appearing in to-day's "Manchester Guardian" that the princes' case for their treaty rights and privileges that is now being heard by the Butler Committee cannot be convincing unless the corresponding obligations laid down in the treaties in respect of good government within their territories are definitely accepted and fulfilled by the princes. The British Government as the paramount power

cannot ignore this important aspect of the question.

There is yet a third party—besides the princes and their subjects—whose interests are linked with this question. These are the feudatory chiefs who happen to be under the control of one or the other of the bigger princes, but whose rights and privileges in respect to their overlords have been guaranteed by special treaties with the paramount Power. Almost all the bigger princes have a couple of feudatories under them. The present position is that the rights and privileges of the latter, being specially guaranteed by the Paramount Power, cannot be encroached upon by the bigger princes. The suzerainty of the bigger princes over these feudatories is to-day more or less nominal. The terms of reference defining the scope of the Butler Committee do not perhaps allow the case of the feudatory being heard; but the British public might as well know that the readjustment of relations between the bigger princes and the paramount power is bound to affect the interests of the subjects of the Indian States as well as the interests of the feudatory chiefs—whether

adversely or otherwise must depend largely on the attitude of the British Government towards the present question.—Yours, &c.,

M. S. M.

Manchester Guardian, London, October 26, 1928

Feudatory States In India.

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Sir,—With reference to the news published in your issue of the 10th regarding the position of the feudatory States in relation to the Indian States Inquiry Committee, I may be permitted to make the following remarks.

No doubt his Highness the Maharajah of Patiala expressed his full sympathy for the feudatory States in his speech before the Chamber of Princes in April last, for which the feudatories are very grateful, but his Highness's speech does not amount to anything more than an expression of a mere pious wish. For, although he is the spokesman on behalf of the princes, it does not follow that they are in any way bound by such a pronouncement. Even in their demands before the Butler Committee the princes are not unanimous, and it is not at all likely that

they should be so on a question like this, where prestige and self-interest are involved. As a matter of fact, there is a general tendency in almost all the major States to reduce the feudatories as far as possible to a position of entire subjection. It is often forgotten that the feudatories have certain rights against their suzerain, which have been guaranteed by the British Government.

It is suggested in the report published in your columns that no feudatories except one have sent their representatives here, being satisfied by his Highness's declaration of sympathy and support towards them. But the facts do not seem to warrant such a conclusion. A number of feudatories, it is understood, have submitted their representations to the Committee, detailing their grievances. But the absence of their representatives here cannot be explained away by the fact that they are satisfied with his Highness's expression of sympathy, but is due to the Committee's refusal to deal with the relations between the suzerain States and the feudatories.

There are complaints by the feudatories concerning violation of their guaranteed

rights by the suzerain States. The logic on which the Princes' claim for preservation of their treaty rights is based applies with equal force to the claim of the feudatories for maintenance of their guaranteed rights. If the relations of feudatories with their suzerains are outside the scope of the Butler Committee, is it not the duty of the Government of India to institute a similar inquiry by the appointment of another committee?—
Yours, &c., Feudatory.

Manchester Guardian 28-11-28.

Feudatory Chiefs—Status and powers.

Committee of Inquiry urged.

Rai Sahib Babu Tribeni Sahal Sahib, Diwan of Jagamanur Raj (Bundelkhand) U. P., has sent a representation to H. E. the Viceroy, expressing the urgent necessity of appointing a Committee to inquire into the status and powers of the Feudatory Chiefs and Jagirdars of India. The Feudatory States, he says, are of three types and greatly vary in size and status. In the first class he includes States of the non-saluted ruling chiefs, who possess lesser powers than those

possessed by the saluted ones. In the second class come the Feudatory States under the Provincial Governments and they hold jahagirs by lien. The third class is represented by those who are subordinate to some ruling chief, to whom they owe some sort of allegiance. The powers of the Feudatory Chiefs are regulated by treaty or custom and range downwards to a mere right to collect revenue in a part of a village, without criminal or civil jurisdiction.

"The condition of these petty chiefs is deplorable; they have no representation either in the Chamber of princes or in any other central organisation of their own, official or non-official. The Butler committee did not deal with their case. The status of these States varies with their size and situation. A petty state with an area of less than 19 square miles, in the Central India Agency has a higher status than a State with an area of more than a thousand square miles in the Mahi Kantha Agency. If treaty rights and sanads stand as a basis for this divergence of status, then there should be a revision of the same. It is also necessary to determine their statutory powers."

The Times of India, 18 th July 1929.

Feudatory Chiefs And Indian Reforms.

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LORD LAMINGTON rose to ask the Secretary of State for India whether, following on his undertaking given on the 5th of December, 1928, to consider how the Feudatory Chiefs may make representations during the discussions on Indian reforms, he will now make a statement on the subject; and to move for Papers. The noble Lord said: The Motion which stands in my name is simple in character, and I will briefly state to what it refers. These Feudatories are sub-chiefs of the greater chiefs scattered throughout India, and possess certain privileges. Those privileges vary one from another, and very often difficult questions arise in regard to the interpretation of the privileges. These Feudatories, by reason of their position as sub-chiefs, are not able to make representations before the Simon Commission, just as they were debarred from appearing before the Butler Committee. They do think that in this re-settlement of the Indian Constitution they ought to have the opportunity of appearing before some body so as to secure their own position, otherwise they would be

worse off than the meanest low-cast man. They have no *locus* before the Simon Commission, and could not appear before the Butler Committee, and all they ask is to have some chance of making representations, so that they should not lose their rights through any default of action on their part. That is a very simple proposition. I admit that it may be a rather difficult one for the Government of India to deal with, but I think it is a very simple proposition to put before your Lordships' House. I beg to move.

THE SECRETARY OF STATE FOR INDIA (VISCOUNT PEEL): My Lords, I think I should explain to your Lordships that since I gave an undertaking on December 5 last I have had an opportunity of consulting the Government of India on this rather complicated subject. I should like to make it clear by way of preface that my reply to the noble Lord refers only to those Feudatories with whom I understand his inquiry is concerned—those Jagirdars or feudal tenants of certain Indian States such as the Kolhapur State for example, who by agreement or usage have acquired a special right of intervention on the part of Government in

regard to their position and privileges. I also understand that by "discussions on Indian reforms" the noble Lord does not refer particularly to discussions following the Report of the Statutory Commission under Sir John Simon which is now conducting inquiries in British India, but rather that he has in mind the Report of the Committee under Sir Harcourt Butler, which was charged amongst other things to report on the relationship between the Paramount Power and the Indian States. As your Lordships are aware, the Butler Committee has recently presented its Report, but until a preliminary examination of the Report has been made it is impossible to say whether the recommendations of the Committee will be found to have any bearing upon the relations between the Jagirdars to whom I am referring and their rulers.

I should like, however, to make it clear that this question of the relation of such Feudatories with their suzerains is itself outside the scope of the inquiries conducted by the Committee. If, however, the Government of India had any reason to believe that any change which they might contemplate

as the result of the Report would react upon the position of the Jagirdars they would consult the Darbars specially on the point, and arrangements would be made to enable such Jagirdars to submit representations. It is open to such Jagirdars to make representations to their Darbars with regard to apprehensions which they may entertain with regard to their privileges. I can assure the noble Lord that, if such representations are made, the Government of India's political officers will not remain in ignorance of them, and it would be the duty of these officers to keep the Government of India informed of the progress of such representations. I trust the answer which I have given will commend itself to my noble friend.

LORD LAMINGTON: My Lords, I am afraid that what the noble Viscount has said is no answer at all. I do not think the Jagirdars enter into the question at all. It is extremely unsatisfactory to the section of the Indian people to which I am referring to have no chance of seeing where they stand under any reform system. They want at least some chance of appearing before some tribunal. All they ask is that they should

have some chance of making representations so that they may have some idea of where they stand under any Indian reform scheme. I do not think my noble friend has given me any answer. He refers to the Jagirdars, but I think my noble friend Lord Harris will agree with me that they have no bearing on the case.

LORD HARRIS: My Lords, I do not remember the title Jagirdars being used in Western India at all. They were chiefs or sub-chiefs, and I am bound to say that I agree with my noble friend on the Front Bench that they have ample opportunity of dealing with the Government of India. I should imagine that if no provision has been made for their representations being put before any Committee they would have full right of appeal through the political department of the Province in which they are living, and full opportunity of representing their case to the Government of India directly. I should not have thought it necessary for them to go to a Committee at all.

LORD LAMINGTON: My Lords, I shall not press my Motion but I hope my noble

friend will bear this point in mind. At present I think his answer is extremely unsatisfactory.

Motion, by leave, withdrawn.

20 March 1910.

Feudatories Of Kolhapur.

Their Origin and Status.

BY W. R.

L

In his article in the issue of the "Indian Daily Mail" dated 5th July B. B. L. has made certain remarks regarding the origin and status of Kolhapur Feudatories which are at variance with facts and which call for a detailed reply from the Kolhapur Feudatories. I shall only indicate here some of the inaccuracies in B. B. L.'s statements and confine myself to the case of Ichalkaranji, as he has specially referred to my article on Ichalkaranji in the April issue of the "Asiatic Review"

B. B. L. says that after the release of Shahu from Moghal captivity, the struggle which followed for the Chhatrapati's Gadi ended in a partition of the Maratha Empire into two independent and separate principalities. It

is a misnomer to call the agreement of 1731 between Kolhapur and Satara a treaty of partition dividing the Maratha Kingdom into two separate entities. Really speaking, the agreement of 1731 was only a sort of family arrangement, though the wording of it is apparently like that of any other formal treaty. In 1730, the Kolhapur Raja was utterly defeated, lost his regalia which were captured by the Pant Pratinidhi of Satara who holds them even to this day, and also some of the Raja's family members and Sardars were taken prisoners by Shahu Raja of Satara. It was under these circumstances when the Raja of Kolhapur was completely humbled and was at the mercy of his cousin that the so-called partition treaty of 1731 was concluded.

By his victory Shahu became the master of the whole of the Maratha Empire. However, as a matter of courtesy, territories south of Krishna were assigned to the Raja of Kolhapur by Shahu who represented the Senior branch, i. e. Satara and with whom the supremacy of the Maratha Empire remained.

The most recent statement regarding the scope and effect of this treaty is found in Mr.

Kincaid's History of the Maratha People Vol. II p. 119 Edition (1922) in which he observes :—“ Its wording showed that it was dictated by a superior to an inferior and converted Sambhaji from an independent Sovereign to a Prince in subordinate alliance to Shahu and cut off Sambhaji from the North. He could only extend his dominions southward and even there he bound himself to hand over half his conquest to Shahu ”.

The “ Ashta Pradhan ” Theory,

B. B. L. has stated that the Kolhapur Feudatories correspond to the cabinet of eight Ministers (Ashta Pradhans) established by Shivaji the Great. This is not so. The number of Kolhapur Feudatories is nine at present and it was even ten some time ago ; and although the number comes to eight by taking Kagal (Senior and Junior) as one, it does not at all follow that they represent the Ashta Pradhans of Kolhapur. The Pant Pratinidhi for example, never formed a member of Shivaji's cabinet. However even assuming that he was a cabinet minister, the only other Feudatories that may be said to belong to the cabinet are the Pant Amatya of Bavda and the Senapati of Kapshi. None

of the other Feudatories was and is ever a member of the Kolhapur cabinet. Kagal both Senior and Junior and Walwa (lapsed in 1863) have never performed any of the duties of a cabinet minister. Founders of Torgal, Sar Lashkar and Himmat Bahadur Jahagirs were partisans of Kolhapur and fought on its behalf against Shahu but they too had no seats in the cabinet nor held any administrative port folio.

It may be mentioned here in passing that Kapshi, Kagal (Senior and Junior) and Walwa which belonged to the same stock as Kagal were very powerful families holding large Deshukhi watans under Mohamedan rulers, perhaps even before their time. Subsequently, after the establishment of the Maratha rule in the Deccan, they came under Maratha Supremacy, their influence and estates, varying according to changes of fortune and circumstances.

B. B. L. admits that the desire of the Kolhapur Feudatories to be placed in the same position as that of the S. M. C. Chiefs is quite a legitimate one; but he points out that the position of practical independence enjoyed by the S. M. C. Chiefs is due to their

implicit obedience to Bombay Government whose Feudatories they are, thus indirectly suggesting that the Kolhapur Feudatories will also be raised to the same position if they behave in a spirit of complete subordination to the Darbar. But the analogy mentioned by B. B. L. is not at all applicable to the relations between the Darbar and its Feudatories.

The Darbar and the Feudatories.

That the relations of the Darbar and its Feudatories are not harmonious and happy, none will deny ; but it is most unjust to make such a serious charge as disloyalty against the Feudatories, as has been done by B. B. L., and the Feudatories must hasten to strongly protest against it. It is doubtless true that the Feudatories ought to be respectful and obedient to the Darbar ; but it is equally true that the attitude of the Darbar must be such as to command respect and obedience.

Without meaning any disrespect to the Darbar, I venture to submit that the policy of the Darbar is largely responsible for the unsatisfactory relations now existing between the Darbar and the Feudatories. The Go-

vernment of Bombay has never thought of encroaching upon the rights and privileges of the S. M. C. Chiefs; whereas the Darbar seems to rejoice in curtailing the powers, privileges and revenue of its Feudatories and in trying to raise unnecessary objections to the legitimate exercise of their undisputed rights by the Feudatories, thus creating friction and un-pleasantness. Such instances can be multiplied by the score; but I do not want to tire out the patience of the reader by giving here a long tale of woes of the Kolhapur Feudatories. I will mention here only a few instances of encroachments by the Darbar on the rights of the Feudatories.

Under the Thaili of his investiture the present Jahagirdar of Ichalkaranji has full Revenue powers subject to the general supervision of the Resident at Kolhapur. Yet the Darbar did not hesitate to raise an objection to the introduction of revision survey in Ichalkaranji State in 1896. The matter was referred to the Government of Bombay who decided the question in favour of Ichalkaranji. Notwithstanding all this, the Darbar again objected to the introduction of re-revision survey in Ichalkaranji Taluka by the Jahagirdar in 1926. And yet B. B. L. wants the

Feudatories of Kolhapur to meekly submit to such encroachments on their rights, for a protest on the part of a Feudatory is misconstrued into insubordination and disloyalty. Indeed a very strange notion of loyalty and obedience ! The S.M.C. Chiefs when dissatisfied with the decisions of the Bombay Government often go in appeal to the Government of India and the Secretary of State for India ; but they are never branded as disloyal and insubordinate.

I quote another instance from the same Jahagir. In 1905, the Darbar entered into an agreement with Ichalkaranji and other Jahagirdars by which the latter agreed to stop cultivation of hemp drugs in their States which they had been doing long since, and in return the Darbar undertook to supply the required quantity of hemp drugs to the Jahagirdars and also to give a share in the net profits on the sale of those drugs. In spite of this the Darbar has paid no share of the profits to Ichalkaranji and other Feudatories on the sale of hemp drugs for the last 24 years ; and when a demand was made by Ichalkaranji for the same, the Darbar questioned the right of Ichalkaranji to receive the payment. Moreover the Darbar had unjusti-

fiably stopped the supply of opium and Ganja to the Jahagir in 1927. It was only after strong protest that the supply was renewed.

'Chiefs' and 'Jahagirdars'

In 1906, the Darbar was pleased to order that its Feudatories should be styled as "Jahagirdars" instead of "Chiefs" a designation which they had enjoyed since the advent of the British. One cannot fathom the motives of the Darbar in introducing such a derogatory change in the mode of address of its Feudatories. Really speaking the Maharaja of Kolhapur ought to feel proud of being the suzerain of "Chiefs" rather than of mere "Jahagirdars." The British Government awards fresh titles and salutes to their Feudatories; whereas the Kolhapur Darbar seems to take delight in unnecessarily lowering the position and dignity of its Feudatories; and yet B.B.L. wants the Feudatories of the Darbar not to raise a finger of protest against such actions of the Darbar.

I now give a third instance from the Bavada Jahagir. Some of the important departments of the State such as Forest, Education and Medical were not handed over to the late Chief of Bavda for a considerable

time after his investiture to the Gadi, though he was admitted by the Darbar as the most loyal and devoted Feudatory.

From the instances quoted above it will be abundantly clear that the attitude of the Darbar towards its Feudatories is not the same as that of the Bombay Government towards the S.M.C. Chiefs. The relations of the Darbar and its Feudatories are reciprocal and if the Darbar adopts a policy of trust, confidence and generosity towards its Feudatories, the latter would readily respond. They are at present on the verge of being reduced to a position of mere Inamdars by the policy of the Darbar and are driven to fight for their very existence.

Indian Daily Mail, 13th August 1929.

Feudatories of Kolhapur--Ichalkaranji.

By W. R.

II

As stated in my first article, I do not wish to enter into details of all the questions raised by B.B.L. I shall only confine my remarks to Ichalkaranji of which I happen to have intimate knowledge.

Nothing can be a greater travesty of facts than to assert, as has been done by B. B. L. that of "almost all the grants held by the Ichalkaranji Feudatory at present, the majority of them have been from the Senapati of Kapshi and the Kolhapur Darbar except one or two Inams from the Satara State." No authority has been given by B.B.L. for the statement and beyond his own word there is nothing in his article to show what warrant he has for his assertion. In my article in the April number of the "Asiatic Review," I have shown that except one small village all other possessions of Ichalkaranji are grants from Shahoo Raja of Satara and others. In this connection, I take the liberty to quote an extract from the report No. 470 of 1848 by Captain Graham, Political Superintendent at Kolhapur, in which he has exhaustively dealt with the grants and tenure of Ichalkaranji.

This is the most authoritative document being called for by the Government of Bombay in a dispute between Kolhapur and Ichalkaranji regarding the former's claim of Supremacy over the latter. The relevant paras of the Report run as follows :—

“The entire remaining Estate of Ichalkaranji with the exception of five villages respectively bestowed by the Raja of Kolhapur and the Desais of Sawantwadi, Wantmuri, Gokak and Nipani (the latter parties being moreover in continual fued with Kolhapur) was received either from Shahoo Raja of Satara or from the Ghorpade Senapati.”

“The territories received from Maharaja Shahoo with one exception, were bestowed previously to the treaty of 1730, by which the family disputes between the Raja of Satara and his cousin Sambhaji were terminated.

“The exception alluded to related to the Ajra Mahal, the Sanad for which is dated A.D. 1746 ; but the Wahiwat (enjoyment) of which has been according to all parties, as is also entered into the Sanad, being previously possessed by Venkatrao Ghorpade and the remaining lands were received from the Ghorpade Senapati at various times ; from A. D. 1722 to A. D. 1752.”

It will be seen from the above quotation that out of 108 villages which Ichalkaranji then held, only one small village is a grant of Kolhapur and yet B.B.L. asserts that all the grants held by Ichalkaranji State are from the Kolhapur Raja.

It has been argued that Ichalkaranji owed its origin to the Senapati Ghorpades of Kapshi who are subordinate of Kolhapur and therefore Ichalkaranji must necessarily be a Feudatory of Kolhapur. But it is a fallacious argument. Kurundwad one of the Patwardhan States, holds grants, both from Kapshi and Akalkot besides of course, other grants from Peshwa ; but it has never been contended that it is subordinate to Kapshi and consequently of Kolhapur or of Akalkot. The fact of having received grants does not necessarily create the relationship of a Suzerian and a Feudatory between the Grantor and the Grantee although of course that is one of the tests ; but there are other factors to be considered as well.

The Founder of Ichalkaranji

It is true that the founder of Ichalkaranji, Naro Mahadeo, got a footing under Senapati Ghorpade of Kapshi. But the grants

from Kapshi provided only a small nucleus to the State that was established and developed by his illustrious son Venkatrao and his consort Anubaisaheb, the daughter of Balaji Vishwanath. The year 1713, in which Naro Mahadeo's son Venkatrao was married to Balaji Vishwanath Peshwa's daughter, Anubai, marks an important epoch in the history of Ichalkaranji. Since then, through the Peshwa's influence Ichalkaranji definitely threw in its lot with Shahoo Raja of Satara who made extensive grants to Ichalkaranji in recognition of its services, etc.

Criterion of Subordination

It is also significant to note here that there is absolutely no evidence that Ichalkaranji ever rendered any service to Kolhapur, which is really a true criterion of subordination. On the contrary there is abundant evidence of Ichalkaranji's service under Shahoo of Satara and the Peshwas. It is worth while again to quote the following extract from the Captain Graham's Report mentioned above in which he says—

“There is no doubt that the ancestors of the present Chief were active mercenaries during the troublesome times of the 17th and 18th

centuries, selling their services to various parties, first to the Ghorpade Senapatee, the original patron of the family, then again to Chieftain holding place in Nizam dominions again under the Satara Raja and latterly as the power of the Peshwas expanded, commanding a contingent paid by the Poona Darbar. But in all the conflicts and struggles for dominion and independence there is no mention made of the Ichalkaranjkar fighting under the banners of Kolhapur, though often enough to be found arranged in the opposing ranks."

Long-Standing Dispute

The dispute between Kolhapur and Ichalkaranji is a very long standing one. When the Peshwas and Satara were the paramount power in the Deccan, they used to intervene on behalf of Ichalkaranji in case of Kolhapur aggressions against Ichalkaranji. After the British conquest of the Deccan, they stepped into the shoes of the Peshwas as the paramount power in the Deccan and it was to the British Government that Ichalkaranji looked up for assistance and support.

In the treaty of 1827 between Kolhapur's and the British Government, the former gave an express undertaking not to molest Ichal-

karanji in the enjoyment of its lands and rights according to ancient custom. Being a beneficiary under the above guarantee, Ichalkaranji claims that it is entitled to look up to British Government for protection of its lands and rights. This is the genesis of British intervention in the relations of Kolhapur and Ichalkaranji.

B.B.L. argues that Ichalkaranji is trying to be independent of Kolhapur. But this is nothing but a misrepresentation of facts. No doubt Ichalkaranji claimed to be independent of Kolhapur in the long past and not without justification for even the Bombay Government was convinced of the justice of its claim and it decided the question in favour of Ichalkaranji. However, the decision was subsequently reversed by the Government of Bombay and Ichalkaranji was ordered to remain in subordination of Kolhapur in 1847 under certain conditions which, inter alia, secured to Ichalkaranji full internal autonomy and the right of direct access to the British Government through the Resident at Kolhapur. The arrangement arrived at in 1847 was a sort of compromise because although Kolhapur's claim for supremacy over Ichalkaranji was granted, it was at the same time decided

that its suzerainty was to be only nominal. On the other hand though Ichalkaranji's claim for independence was disallowed its internal autonomy was fully recognised.

Now it will be seen what powers were actually exercised by Ichalkaranji. In this connection I beg to be allowed to give the following quotations which speak for themselves.

"The Right Honourable the Governor in Council is not disposed as you would seem to recommend to limit the power of Civil and Criminal jurisdiction exercised by the Chief of Ichalkaranji, but is pleased to confirm it altogether as long as the Estate is held in Inam (G.R.No.5380 dated 26th December 1848)

"His father used, it appears, to exercise the usual powers of an independent Chief, disposing of cases involving imprisonment for life." (Col. Schuider's Report to the Government of Bombay 1874).

Now the grievance of Ichalkaranji is that even in spite of the solemn promises of Government, its powers have been gradually, curtailed and further curtailment is threatened by the proposal of the Darbar for transfer of supervision which at present vests in the Resident at Kolhapur. As the matter is sub-judice, I refrain from discussing the

merits of the claims of Kolhapur and the Feudatories.

To narrate in detail the history of loss of power, prestige and dignity of Ichalkaranji would be a long and sad tale. I would only mention here that every opportunity has been taken by the Darbar to increase its control over its Feudatories at the time of succession and granting permissions to adopt. Also whenever Kolhapur's powers were increased the Feudatories suffered a corresponding diminution of their rights. The result is that Ichalkaranji does not now possess even a shadow of the rights it enjoyed in the past. The mere fact of suzerainty does not necessarily connote a right to exercise any particular powers. This is a question of fact in each case. It is therefore urged by Ichalkaranji that Kolhapur cannot claim any more rights than what the latter can prove to have exercised over the former in the past. And it is a historical fact that Kolhapur never exercised any rights over Ichalkaranji beyond the mere right to call itself a suzerain. So the grievance of Ichalkaranji at present is that from a position of only slender and nominal subordination of Kolhapur it is being reduced to a state of helpless dependence upon Kolhapur.

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