

**PROBLEMS
OF
INDIAN STATES**



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A. B. LATTHE.

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V. S. Shastri

PROBLEMS OF
INDIAN STATES

BY

Diwan Bahadur A. B. LATTHE,

M. A. LL. B.

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PREFACE.

These pages are written to help, as far as possible, those who are at present engaged in considering the future relations of our States with the Crown and the rest of India, in arriving at conclusions which should be consistent with the best interests of the States as well as of the Provinces of India and of the country as a whole. It is quite possible that one who seeks to reconcile conflicts, might please none of the parties between whom harmony is desired and desirable. A task involving such risks is more than difficult for a writer who also holds an official position in a State. I think, however, that the interests of the States and of India justify the taking of risks by every one who hopes to serve, however humbly, the great purpose of harmonising the aspirations of the two sections of our country, so as to advance both of them towards their goal.

During some months past, several able writers have contributed their thoughts to the 'problems of the States.' I hope I shall not be unjust to any of them, if I venture to say, that, inspite of these fairly numerous publications on the subject, an attempt is still required to be made to look at the problems from all the stand-points together. The first one of them is the point of view of the Princes themselves. Then comes the view of their people. Thirdly, we have to consider how British Indians will be affected by what we in the States think or say. Last, but not the least important, is the

view-point of the British Empire represented by the Paramount Power. I hope the following pages will be of some use to those who may be desirous of seeking to harmonise the claims of all these sides, though I am pretty sure that some parts of this little book are bound to be disagreeable to some of these four sides. It is easy enough to emphasise one's own demands and rights or to express general sympathy for one's opponent, while one is putting forward a case which must conflict with the requirements of others. That, however, is the straight road to the defeat of both the contestants. It is far more enlightened selfishness to attempt a search for strength in unity and in harmony with what at first sight seems like an opposite view, rather than in a shortsighted insistence on one's own rights and nothing but those rights. I have dealt with this point at length in various parts of the booklet and need not dilate on the point at this place.

Let me make it quite plain that I am individually and exclusively responsible for the views I have expressed in these pages. Indeed I could not have written them, without my master H. H. The Chhatrapati Maharaja Saheb of Kolhapur's kindness, in permitting me time and facilities for doing so. My gratitude is, therefore, due to him in a very large measure. But the views advocated in the book are my own. I trust that what I have done will be of as much use to the State I love and serve, as to all the States in India. But the responsibility of the views is my own.

I am thankful to Mr. R. P. Sawant B.A., LL.B., Barrister-at-Law, for helping me in reading the proofs and to

Mr. A. V. Patawardhan B.A. for printing the book within a very short time.

The index has been entirely due to the labours of my friend Mr. A. G. Bavadekar, B.A., LL. B., Advocate, Bombay, to whom my best thanks are due.

Poona,
26-9-30.

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A. B. LATTHE.

APPENDIX I

How the Paramount Power has encroached upon the rights of the States may be realised from the following extracts from the memorandum of the Kolhapur State submitted to the Butler committee :—

“Most of the Treaties between the States and the Government belong to a period in which economic and financial questions of the present time were not anticipated and therefore could not be considered. But modern conditions have given rise to economic and financial questions which very vitally affect the interests of the States and their people. Until but recently customs duties were not a very large source of revenue and they were not looked upon as protective. The separation of certain revenues in British India described as central from revenues allotted to the Provincial Governments has limited the sources of the revenues of each. Customs duties have therefore assumed a far greater importance now to the Central Government of British India. The financial pressure of the last Great War having necessitated an enhancement of these duties for revenue purposes, the customs revenue had already become more important than before the separation took place. In the meanwhile public opinion in British India, now more powerful than ever before, began to realise the need of protective tariffs as not only bringing more revenue to the coffers of the Government but as calculated to encourage Indian industries and to protect them from unfair foreign com-

petition. Except for a very short time closely following the Mutiny, India followed the policy of Free Trade upto 1914-15 and the Customs Revenue derived from import duties in the year 1913-14 was only 9 crores and 36 lacs while including the export duties the total customs revenue was 10 Crores and 71 Lacs in that year. In 1921-22 owing to the pressure of the late War this revenue was raised to Rs. 32 Crores and 20 Lacs. Under a further pressure of public opinion in favour of protection as well as to secure more revenue, the customs duties are now so raised as to bring in well nigh 45 crores a year. The States did not attach importance to the question as to how these duties affected themselves until they formed comparatively a small burden upon the people of India. But from the moment that these duties became a source of a very large revenue and the Princes began to hold joint deliberations, they have been pressing their claims to a share of this revenue, which the States are contributing with the rest of the country. Except a few States in Kathiawar and Madras, no Indian State has got facilities for importing articles for consumption within its own borders without passing through British Indian ports. The Customs duties are as a matter of fact mere transit duties on goods imported into States for the use of their own populations. The Government has in the case of most of the States prohibited transit duties. It seems to be most unfair that the Government of India should recover and appropriate to itself the revenue derived from duties paid on articles consumed by the States and therefore paid by them. On the basis of population the States are entitled at least to a little over a fourth part of this revenue. If the maritime States import and export goods for themselves, they would have no claim to the duty levied in British India Ports;

but in the case of a vast number of States this cannot be so, as they are entirely inland. In justice to them and to their people, their share of the revenue must be made available to them for badly needed reforms in their administrations. In the very nature of things, resources for taxation in the States are at present more limited than in British India. Many of them have small areas under their control and have by force of circumstances to maintain all the paraphernalia of a modern administration and all that is necessary to maintain their own dignity as Rulers. It becomes therefore impossible for them to pay as highly for their administration as in British India. If we take the Kolhapur State as an instance, it is just of the same size as a British Indian District and yet it has to maintain a High Court as well as a Secretariat and a Government with four ministers in addition to its having to maintain the Resident and the paraphernalia of a Ruling House which are unavoidable. The Government of India rightly expect efficient administration from the States. They ought therefore to consider the difficulties of the States and at least give justice to them in such financial matters.

" In this connection, it is necessary to note that a few of the States enjoy the facilities afforded by their seaboard. They can develop their harbours and import merchandise, at any rate, for their own benefit. Not that the other States feel any the least jealousy for this advantage enjoyed by some of them : but in the case of a State like Kolhapur which has been deprived of opportunities for maritime connections in disregard of express Treaties and by Orders of Government passed during the minority of the Ruler, the fact that a large burden of customs and salt revenue should have to be paid by

the people of the State becomes a source of very considerable and well justified discontent. The Kolhapur State, for instance, was in possession of the harbour of Malwan and certain other places on the Western sea coast upto 1812. By the Treaty of that year, the harbour of Malwan, "that is to say the fort and island of Sundudoorg or Malwan and the forts of Paddumghar, Rajkote, Sarjacote, with the lands dependent on the said forts" were ceded in perpetual sovereignty. The reason given for this cession was that British trade was hampered by the piratical depredations formerly practised by the Rajah of Kolhapur's subjects. The next Article of the Treaty provided that Kolhapur shall not employ any armed vessels or "permit any armed vessels to be fitted out at or to enter any of the Sea ports which may remain in His Highness' possession after the cession of the places before mentioned." The East India Company further reserved to itself the right to search all vessels sailing into or from the said ports to find out if they carried any arms. Kolhapur also agreed to permit agents of the Company to reside in Kolhapur's ports "for the purpose of ascertaining the state of all vessels lying in such ports." (Article 6 of the Treaty). Article 7 is also based on the fact that the Kolhapur State still was in possession of maritime plots. A reference to the history of Kolhapur shows that the only places which could thus be referred to by Articles 6 and 7 as then remaining with Kolhapur consisted of a large plot of ground on the sea coast which even today continues the property of the Kolhapur State. Apart from the justice or otherwise of Kolhapur being forced to give up the harbour mentioned above for the purpose of securing British trade against the piratical depredations of a former age, under threat of refusing to prevent the Peishwa who was then in power from committing

ravages in the territories of Kolhapur, it is obvious that the Treaty of 1812 contemplated the continuance of Kolhapur as still possessing maritime facilities which she was free to utilise or develop without menacing British trade. As I have said above, the State still possesses a small sea board near Malwan, the sovereignty over which, as would appear from Articles 6 and 7 of the Treaty, was not then ceded and has never been since then ceded by the Rulers of the Kolhapur State. This tract of the sea board was used for manufacturing salt upto 1880. The lands were let out and are let out even today to tenants. The Government has apparently taken advantage of the absence of efficient conduct of administrative affairs in Kolhapur between 1822 and 1844 and the subsequent minorities which almost covered the whole period upto 1880, to assert that the Kolhapur State never possessed any sovereignty rights over this tract and when the Government itself was acting as trustees for the Rulers of Kolhapur during their minority it decided, against the protests of the State Karbhari who was its own nominee, and the protests of their own Political Agent, that the Government was entitled to prohibit the manufacture of salt carried on till then, on the ground that Kolhapur was no more than a private landlord in respect of that area. The injustice of a clear misinterpretation of the Treaty of 1812, of ignoring the fact that the same Treaty left the Sovereignty over this maritime tract to the State, and of deciding the issue against the State at a time when the Ruler of Kolhapur was a minor and the Political Officer himself objected to the action, requires no demonstration. Even if the sovereignty over this tract is not now restored, as the State claims it should be, it is but fair to claim that the State should be compensated for the loss of its right to manufacture salt and for the denial to it of freedom to

develop the place into a harbour for importing and exporting goods into and out of its territories by giving the State its share of the customs revenue and the salt revenue at present appropriated by the Government of India. The claim of the State to this share becomes stronger when based upon this special ground in addition to the general grounds of justice and fairplay urged by the State along with the other inland States of India.

“Another aspect of the customs duties must be urged at this place. It is not only a share of revenues which the States demand; for those duties are not merely revenue duties. They are of the greatest importance as protective of the industries in the country including the Indian States. The States all told form a one third of India in area. Broadly speaking therefore the States have a proportionate interest in the industries and commerce of the country. Whenever questions affecting this commerce and industry are considered by the Government, the States should also in justice be consulted. The proposals before the Government of India and its Legislature may affect the industries and commerce of the States either favourably or adversely. At present they have simply to leave the decision to the Government of India which in part consists of the two Houses of the Legislature with a large representative element in it. It was a slightly different matter as long as these questions were determined from London or by the Government of India acting under the direction of the Secretary of State for India. Now that the situation has considerably changed and the convention has been accepted that in all fiscal matters, the united will of the Legislature with its large elected element and the Governor General in Council with Indian members exercising considerable influence shall prevail. If

therefore the people of British India have a potent voice in the determination of fiscal questions—and the States do not object to it—it is but right that the States should also have an effective voice in their determination to the same extent as those decisions affect the people of the States.

“Until recently, the States were allowed to import some articles for the use of the State free of import duties. But in 1914 this was put a stop to without any reasonable excuse. After the Princes had protested, the Government has conceded this right of duty of free imports of articles meant for the personal use of the Ruler. If the right of the Princes to import articles of personal use free of customs duty is admitted, the States have still more reason in demanding the same right in respect of articles imported for their use. In fact, the distinction made between articles for the use of the Prince and those for the use of the State is itself not a very clear distinction. A Ruler may have 20 motor cars, all of which he or his family or his personal servants may use. But being purchased out of State funds, they may be used some times for State purpose. By what criterion a car is to be described as for the personal use of a Ruler as distinguished from the use of the State, it is not easy to see. Even if a distinction could be made, the State as such has at least equal claims on the concession, if a concession it be. The distinction should therefore be abolished and all articles imported by the State for use and not for commerce should be exempted from import duties.

“It has sometimes been suggested that the demand for a share of the customs and similar revenues collected partly from the people of the Indian States should be assumed to have been met by the fact that the Govern-

ment of India bears the whole burden of the defence of the country, including the States, from foreign aggression. This argument completely ignores the provisions of Treaties with the States and the fact that the States have expressly ceded territories to the Government of India in return for the defence of the States from all kinds of aggression. For example, Article 8 of the Treaty of 1812 with Kolhapur says that "in consideration of the cession of the harbour of Malwan and on condition of the effectual suppression of piracy, the Hon'ble Company engages to guarantee such territories as shall remain in the Raja of Kolhapur's possession against the aggression of all foreign powers and States." This absolves the State of all responsibility for the military expenditure of the Government of India and therefore every advantage, financial as well as economic, to which the remaining territories of the States are entitled must in fairness be conceded.

"How the financial interests of the States have been sacrificed to serve the purposes of the Government of India in other respects also may be illustrated by a few instances. When the manufacture of salt on State land at Malwan was prohibited as stated above, the Government also ordered that the earth salt manufactured in some of the villages of Kolhapur should also be stopped and no compensation was given to the State on the ground that the revenue derived therefrom was small. Whether small or large, it was an industry in the State which possibly could have been developed and which was capable of yielding some revenue. It was however crushed out of existence only to suit the Government's salt policy by Government Resolution No. 6158/96 confl. dated 19th November 1879. It may not have caused much loss of revenue to the State; but

all the same, it shows how, during the minority of the Ruler, the State was made to take action under orders of Government merely to suit the policy of British India in clear violation of Darbar's rights. Strange as this was, stranger was the order by which the manufacture of saltpetre which had nothing to do with human consumption as a substitute for salt was also prohibited under the same orders and in the same circumstances in Kolhapur. This industry had nothing to do with the policy of prohibiting private manufacture of salt in British India and yet because saltpetre has some resemblance of salt, though not in its use, its manufacture was prohibited during the Ruler's minority by an Administration responsible to Government.

“Another example of a similar unwarranted interference by Government with the economic and financial rights of this State is its order withdrawing from use the currency of the State in 1868 when again the State was under the management of Government. As in other cases, here too the State had never conceded its right of having its own coinage in the State. In a case of the adoption of a Feudatory Jahagirdar of the Kolhapur Darbar, the Government gave the sanction for adoption on condition that the Jahagirdar prohibited the use of the Darbar's coins in his Jahagir. The right of sanctioning adoptions in such cases admittedly belongs to His Highness. It is curious to see the Government, exercising that power as the guardian of the Maharaja, prohibiting the use of the Maharaja's own coins as a condition precedent to the sanction being given. It is needless to prove that this action of the Government in depriving the Kolhapur State of its right of minting its own coins and legalising their use in the State was an attack on the Darbar's right without the assent, express

or implied, of its Ruler, and was taken at a time when the Ruler was a minor and the Government was in duty bound as the guardian to watch and maintain his rights scrupulously. The financial loss resulting from the prohibition to the State of its own currency is also obvious. The action was further most detrimental to the prestige of His Highness as a Ruler in India, to whom the right of minting coins is an essential ingredient of rulership. And be it remembered that no attempt was made to give to this act violating the Ruler's privileges even a semblance of legality by means of either a Treaty or an Agreement. The only possible remedy would be for the Government to allow the State to share the profits derived by the Government of India from its currency policy, in proportion to the population and importance of the State.

“The same may be said about the introduction of the postal system in the State. As in other cases this was also done by the Government during the Maharaja's minority without the slightest regard to the right of the State to have its own postal system. This privilege of a State to have its own Posts was never conceded to any one by the Darbar. In some States like Gwalior, the right of an independent Postal System has been recognised to exist while in some other cases like that of Baroda, compensation was allowed in the shape of a grant of service stamps free of cost for their use. In a similar way, the telegraph system was also introduced in Kolhapur by the Government of India. It is needless to say that this encroachment on the Darbar's sovereignty rights also took place during the Ruler's minority and at the hands of the guardian himself. The State has been affording every facility to these departments in so far as their working within the limits of the State is concerned. It

has even constructed buildings at its own cost and given them in some cases on a very moderate rent to the Post offices. For over 50 years the outlying treasuries of the Kolhapur State were used for facilitating money order transactions of the Indian Post without charging anything for those services and at much inconvenience to its own treasury accounting. In British India a Post office or Telegraph office would be opened in the discretion of Government even if that office was not self supporting, provided the Government thought it was necessary in the interests of trade or State business to have such an office at a particular place. If the State requested that a post or Telegraph office may be opened at a centre which the State expected to develop or considered important from an administrative point of view, none is opened without exacting from the State a guarantee for the full payment of even the slightest loss resulting from that office. The fact that the posts in the State as a whole may be yielding a net revenue is never considered in such cases.

If the post office belonged to the State, this would not be the case, and this is not the case in British India. Owing therefore to the State being deprived of its own Postal and Telegraph system, is not only put to the loss of a source of revenue but it is subjected sometimes to great inconvenience. In all cases where a State has not surrendered the right, by express Treaty or Agreement, the Department concerned must compensate the State by allowing the State's Postal and Telegraph transaction free of charge or by granting to the State requisite portion of the profit which the Department may yield. The British Posts being introduced during minority, the Darbar moved for free conveyance of the States Tapal through the British Posts in the State as

soon as the State came into the charge of its Ruler, but as appear from Government's letter No. 1906 dated 27th June 1864, that request was refused. Similarly the same facilities must be given by the Post and Telegraph Department to the Government of the State for the detection of crimes or criminal conspiracies as it gives to the officials of the British Government. A denial of this facility to the State Authorities must retard the efficient working of the Police and the Judicial Departments of the concerned. As an illustration of this may be quoted the power which the Government of India has taken to itself to open correspondence of a suspicious character concerning certain important offences, a right which the Governments of the States cannot, but ought to, enjoy."

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ii	15	'insistence'	'insistance'
14	17	'Decrepit'	'decrepid'
15	30	'inadvertently'	'inadvertantly'
16	11	'inquired'	'injured'
22	29	'are' for 'is' and	'contain' for 'contains'
45	27	'necessitated'	'necessiated'
56	29	'Adjacent'	'Adjecent'
59	3	'Statesmanship'	'Statemanship'
62	9	'were'	'was'
67	30 & 31	'distinguished'	'disting uished'
68	9	'Ascendancy'	'Ascendency'
96	10	'integrity'	'intergrity'
112	4	'problem'	'proplem'
125	16	'people'	'peole'
132	23	'intact'	'in tact'
145	22	'hand'	'had'
156	33	'Sarkar'	'Sarkars'
162	11	'predominance'	'predominence'
168	8	'force'	'forcee'
168	24	'it is'	'itis'
176	28	'Compensate'	'Conpensate'
